

LEGISLATIVE COUNCIL

(Constituted under the *British Guiana Constitution*)
(*Temporary Provisions*)
Order in Council, 1953.)

THURSDAY, 17TH FEBRUARY, 1955

The Council met at 2 p.m., His Honour the Speaker, Sir Eustace Gordon Woolford, O.B.E., Q.C., in the Chair.

PRESENT:

His Hon. the Speaker, Sir Eustace Gordon Woolford, O.B.E., Q.C.

Ex-Officio Members:—

The Hon. the Chief Secretary.
Mr. F. D. Jakeway, O.B.E.

The Hon. the Attorney General,
Mr. F. W. Holder, C.M.G., Q.C.

The Hon. the Financial Secretary,
Mr. W. O. Fraser, O.B.E.

Nominated Members of Executive Council:—

The Hon. Sir Frank McDavid, C.M.G., C.B.E. (Member for Agriculture, Forests, Lands and Mines).

The Hon. P. A. Cummings (Member for Labour, Health and Housing).

The Hon. W. O. R. Kendall (Member for Communications and Works).

The Hon. G. A. C. Farnum, O.B.E. (Member for Local Government, Social Welfare and Co-operative Development).

The Hon. G. H. Smellie.

The Hon. R. B. Gajraj.

Deputy Speaker:—

Mr. W. J. Raatgever, C.B.E.

Nominated Officials:—

Mr. W. T. Lord, I.S.O.

Mr. J. I. Ramphal.

Nominated Unofficials:—

Mr. W. A. Phang.

Mr. W. A. Macnie, C.M.G., O.B.E.

Mr. C. A. Carter.

Mr. H. Rahaman.

Miss Gertie H. Collins.

Mrs. Esther E. Dey.

Dr. H. A. Fraser.

Lt. Col. E. J. Haywood, M.B.E., T.D.

Mr. R. B. Jailal.

Mr. Sugrim Singh.

Clerk of the Legislature—

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—

Mr. E. V. Viapree (acting).

Absent:—

The Hon. R. C. Tello.

Mr. T. Lee. —on leave.

Mr. L. A. Luckhoo, Q.C.—on leave

Mr. E. F. Correia—on leave.

Rev. D. C. J. Bobb —on leave.

The Speaker read prayers

MINUTES AMENDED

Mr. Speaker: Before I put the question for the confirmation of the Minutes of the last meeting, I think the Attorney General would like an amendment. On page 9 of the Minutes, under the heading "Customs (Consolidation) (Amendment No. 2)" at Clause 3, at the end of the seventh line which reads "as amended from time to time is being" it is proposed to delete the word "being."

The Attorney General: If you put in the word "hereby", I think it would be better.

Mr. Speaker: Yes, I would also suggest that.

The question is, 'that the Minutes of the meeting of the Council, held on Tuesday, 15th February, 1955 be taken as read and confirmed as amended.'

Agreed to.

Minutes confirmed as amended.

ANNOUNCEMENT

LEAVE OF ABSENCE TO MEMBERS

Mr. Speaker: Leave of absence has been granted to the hon. Members, the Rev. Mr. Bobb and Mr. Luckhoo, from attending today's meeting.

PRESENTATION OF REPORTS AND DOCUMENTS

Mr. Farnum (Member for Local Government, Social Welfare and Co-operative Development): I beg to lay on the table the

Report of the Registrar of Friendly Societies for the year ended 31st December, 1954.

MR. GUTCH AND HIS SUCCESSOR

Mr. Raatgever: Before the Order of the Day is proceeded with, Sir, I would like to state that I regret very

much not having been in my place when you congratulated Mr. Jakeway on his appointment as Chief Secretary of this Colony. I would like to associate myself with your remarks, and to assure him that the same friendship and co-operation extended to his predecessors by Members will also be given him.

I would also like to pay tribute to Mr. Gutch, former Chief Secretary, for the excellent work done by him as Chief Secretary and as the Officer Administering the Government on many occasions. He was a good man —

Mr. Speaker: He still is!

Mr. Raatgever: He was, and he still is a good man. He was one of the very few good Chief Secretaries — or Colonial Secretaries — this Colony has ever had. His sincerity, honesty of purpose, his unassuming manner, and his devotion to duty earned him the respect, not only of his colleagues who held him in high esteem, but of Members of the previous Legislative Council as well as this one, and also of the majority of our people. Our best wishes go with him and his wife to the new post he is due to take up shortly, which we trust will be a stepping-stone to further advancement. Perhaps, some day he may return here in a higher position.

Mr. Macnie: Like my hon. friend, Mr. Raatgever, I was not present when congratulations were extended, but I would like to associate myself with the remarks he made in congratulating Mr. Jakeway on his appointment as Chief Secretary. I would like to do that very sincerely, and equally sincerely to associate myself with the remarks made in respect of Mr. Gutch.

The Chief Secretary: I should just like to express my appreciation of the kind words of the hon. Member, Mr.

Raatgever, and the hon. Member, Mr. Macnie, and to say that I am quite sure that, if I succeed in living up to the standard of my predecessor, I shall have achieved the best I can achieve.

Mr. Speaker: I think the latter part of the proceedings was somewhat out of order, and I propose to be out of order just to repair an omission and mention a promise which recalls itself to me in relation to a late Colonial Secretary of this Colony. I had just entered public life. The Colonial Secretary was endeavouring to persuade the Combined Court to approve a vote for a road to the Rupununi. The question for Members of the Court was whether they should grant the funds, and he said, "Members, I promise you that you would have a motor drive if this vote is approved. I promise you would drive over that road, but I do not propose to say at what period of time." It was a hope and promise never carried out, but it did not lessen his great popularity nor the way in which he carried out his duties. However, having disposed of that, let us get on with the Order of the Day.

ORDER OF THE DAY

TAX (AMENDMENT) BILL

The Financial Secretary: I beg to move the first reading of a Bill intituled:

"An Ordinance further to amend the Tax Ordinance, 1939.

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Bill read the first time.

APPROPRIATION BILL DEFERRED

The next item on the Order Paper was a motion by the Financial Secre-

tary for the third reading of the Bill intituled:

"An Ordinance to appropriate the supplies granted in the current session of the Legislative Council."

The Financial Secretary: I would ask permission of the Council to defer this item—No. 2 on the Order Paper.

Agreed to.

INCOME TAX (AMENDMENT No. 2) BILL, 1954

Council resolved itself into Committee to resume consideration of the Bill intituled:

"An Ordinance further to amend the Income Tax Ordinance."

COUNCIL IN COMMITTEE

The Financial Secretary: I would ask that clause 1 be recommitted to allow me to move the amendment I have already indicated.

Question put, and agreed to.

Clause 1 recommitted

Clause 1—*Short Title.*

The Financial Secretary: I beg to move that the Short Title be amended to read: "Income Tax (Amendment) Ordinance, 1955."

Amendment put, and agreed to.

Clause 1, as amended, passed.

Clause 2—*Amendment of section 13 of the Principal Ordinance, Order in Council No. 15 of 1954; No. 26 of 1949; No. 7 of 1953.*

The Financial Secretary: I beg to move that clause 2 be deleted, and that the printed clause which has been circulated to Members be substituted

[The Financial Secretary]

therefor. It says exactly the same thing as the original, only that this is a re-phrasing of the clause. The amendment reads:

"2. Section thirteen of the Principal Ordinance as amended by the Order in Council made on the 1st March, 1954, under subsection (2) of section seven A of the Law Revision Ordinance, 1949, as inserted by section six of the Law Revision (Amendment) Ordinance, 1953, is hereby further amended —

- (a) by the substitution for the words "for the next five years in succession" of the words "in the year or years following the year in which such loss was incurred until it is completely recouped";
- (b) by renumbering paragraphs (i) and (ii) of the proviso thereto as paragraphs (ii) and (iii) respectively; and
- (c) by the insertion of the following as paragraph (i) of the proviso thereto:—

"(i) the amount of the loss sustained in the year prior to the year of assessment 1951, 1952, 1953, 1954 or 1955 shall, subject as hereinafter provided, only be carried forward and set off against what would have been chargeable income for the next five years in succession; and"

Amendment put, and agreed to.

Clause 2, as amended, passed.

Clause 3—*Amendment of section 18 (1) of the Principal Ordinance No. 18 of 1951.*

The Financial Secretary: I beg to move that clause 3 be deleted and that the following be substituted therefor:

3. Subsection (1) of section eighteen of the Principal Ordinance, as substituted by section thirteen of the Income Tax (Amendment No. 2) Ordinance, 1951, is hereby amended —

- (a) by the insertion between the words "paid by him" and the words "for such insurance" in the twenty-first line, of the words "out of such chargeable income";

(b) by the deletion of paragraph (b) of the proviso; and

(c) by the insertion after paragraph (a) of the proviso of the following new paragraphs thereto —

"(b) where such insurance or contract was effected or made prior to the 17th December, 1954, no such deduction shall be allowed in respect of any such annual amount of premium or contribution beyond an amount equal to one-sixth part of the chargeable income of such person estimated in accordance with the provisions of this Ordinance before making the deductions specified in this section and in sections fourteen, fifteen, sixteen and seventeen hereof; and

(c) where any such insurance or contract was effected or made on or after the 17th December, 1954, no such deduction shall be allowed in respect of any such annual amount of premium or contribution beyond an amount equal to one-sixth part of the chargeable income of such person estimated in accordance with the provisions of this Ordinance before making the deductions specified in this section and in sections fourteen, fifteen, sixteen and seventeen hereof or the sum of fifteen hundred dollars, whichever is the less."

Amendment put, and agreed to.

Clause 3, as amended, passed.

Council resumed.

The Financial Secretary: With the consent of Council, I beg to move that this Bill be now read a third time and passed.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

TAX (AMENDMENT NO. 3) BILL, 1954

Council resolved itself into Committee to resume consideration of the Bill intitled:

“An Ordinance further to amend the Tax Ordinance, 1939.”

COUNCIL IN COMMITTEE

Clause 1—*Short Title.*

The Financial Secretary: I beg to move that clause 1 be recommitted.

Question put, and agreed to.

Clause 1—*recommitted.*

The Financial Secretary: I beg to move that the Short Title be amended to read:

“Tax (Amendment) Ordinance, 1955.”

Question put, and agreed to.

Clause 4—*Repeal and re-enactment of section 50 of the Principal Ordinance No. 45 of 1951.*

The Financial Secretary: On the last occasion we were considering clause 4 of the Bill when, on the suggestion of the hon. Mr. Macnie, further consideration of the clause was deferred in order to ascertain whether it was necessary to insert a new clause to indicate when clause 4 should come into operation. In the interim I have consulted the Law Officers and their advice is that no such clause is necessary. The matter is dealt with under the British Guiana (Constitution) (Temporary Provisions) Order in Council, 1953, section 50 (3) of which states:

“(3) A law assented to by the Governor shall come into operation on the date of its publication in the Gazette, or if it shall be enacted either in such law or in some other law (including any law in force when this Part of this Order comes into operation) that it shall come into operation on some other date, on that date.”

That was the advice I gave at the time—that on being assented to by the

Governor it became law—but there was some doubt in the matter, and I agreed to the Bill being deferred.

The Chairman: I do not think the hon. Mr. Macnie had any doubt about the matter. What he directed attention to was that people did not know those things. He wanted to know whether the public should be made to know when it came into operation.

The Financial Secretary: It does not concern the general public, but the cinema people who will pay the tax.

Mr. Macnie: I am old and experienced enough, I hope, to know that a law comes into effect on the day it is assented to and published, unless the contrary is stated. My suggestion was that, in regard to clause 4 of the Bill, the contrary should be stated. I do not know whether I made myself clear at the time, so I will put it in a different way this time. The Bill will be published on some Saturday morning in the *Official Gazette*. It is true that the Administration may inform its officers, from Skeldon to Suddie, that this is going to be done, and that from the moment the Ordinance is published they must enforce the law. What I am pointing out is that there are cinemas and other places of entertainment along the coastline liable to this tax, and that the owners of such places would not receive their *Gazettes* at the same time, and would have no knowledge of it unless a circular letter was sent to them. But I have never known Government to do that. My suggestion was that, to assist not only the cinema proprietors but the officers responsible for the collection of the tax, it should be stated in the Ordinance that the tax would become effective on a certain date.

The Attorney General: I think the hon. Member is dealing with the question from the point of view of publicity rather than from a legal point of view.

Mr. Macnie: To a point of correction!

The Attorney General: That is my interpretation of the hon. Member's point—that people on the East Coast, the Corentyne, or wherever they may be, should have some advance notice of the date on which the tax would come into operation. I think it can be done either in the way the hon. Member suggests—by a provision that it shall come into effect on a certain date—or by some advance publicity of the date of operation.

Mr. Macnie: I endeavoured to rise to a point of correction while the hon. the Attorney General was speaking, but I did not have an opportunity to say what I wanted to. I am not out for publicity, and I hope it will not be suggested that I am becoming a publicity agent.

The Attorney General: I was thinking about the dissemination of the information.

Mr. Macnie: I am most grateful that at last the point I was making is understood, and I would be quite happy if it is done by either of the methods suggested by the hon. the Attorney General.

The Financial Secretary: I am sorry I misunderstood the hon. Member, but I would like to explain that the amendment which is being made in the law is being made at the request of the cinema proprietors, both in Georgetown and in the country districts, otherwise I would never have made such a proposal. It is merely a question of the form of taxation, and the people concerned are fully aware of what is being done.

CLAUSE 4 RECOMMITED

I would ask that clause 4 be recommitted in order to make two amendments in proviso (ii)—the substitution of the words "Governor in Council" for the

words "Licence Revenue Officer" in the first line, and the insertion of the word and comma "religious," between the comma and the word "charitable" in the eighth line.

Clause 4 recommitted and passed with amendments.

Title and enacting clause agreed to.

Council resumed.

Mr. Speaker: Let me add something to the discussion regarding the publication of Ordinances. Everybody is supposed to know the law but a copy of the *Official Gazette* costs 16 cents and the average man in the street does not buy it. Another thing is that there is never—and I do not suppose there ever will be—a sufficient number of copies of the *Official Gazette* to reach everybody, yet one is supposed to know the law. That, of course, must be quite wrong, and something will have to be done about it. For example, advertisements of transports and mortgages appear in the *Gazette*, but when copies reach districts like Morawhanna, those advertisements are a week old or more. One may commit an offence without knowing it. I suppose these things will all be remedied in the near future.

The Financial Secretary: I move that the Bill be now read a third time, and passed.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

1955 APPROPRIATION BILL

The Financial Secretary: I would like to take the final reading of the Appropriation Bill now.

Question put, and agreed to.

The Financial Secretary: Before moving the third reading of this Bill I

would like to report to this Council what is the final outcome of the Budget as the result of our deliberation in Finance Committee, and of the laws which we have just passed. First of all, I want to say what the position is as regards 1954. In my Budget Statement on page 14 I gave an estimated position which showed that there may have been a deficit at the end of the year of \$1,788,000. But I went on to say in that Statement:

"It may be the case, however, that actual receipts of revenue by the end of the year may be somewhat better than the revised estimate shows, and that the expenditure figure may not in fact be reached. The deficit, if any, will be met from the accumulated revenue surplus which on the 1st January, this year, stood at \$8,610,000."

The position now is this: Revenue has exceeded what was anticipated. Instead of the figure being \$35,139,000, it is actually \$35,900,000, which appears to be a firm figure. The expenditure figure which I gave as \$36,927,000 appears to be now \$33,900,000, but that is subject to what may be further disclosed when the accounts are finally closed. Until accounts are finally closed, there may be one or two payments coming through the Crown Agents which may affect the final results. However, the final result, as these figures disclose, appears to be a surplus of \$2,360,000 which will be taken to the Surplus Revenue Balances.

Coming to 1955, the position is that I estimated that the revenue for the year would be \$36,946,000. The proposals, which I have made and which have been approved by this Council amount to \$967,000, increasing the forecast to \$37,913,808 on the revenue side and on the expenditure side the figure is \$37,583,412, but Finance Committee in its deliberations reduced that figure by \$145,630, thus reducing the Estimates to \$37,437,882, or a net anticipated surplus for 1955 of \$476,026. That is the final outcome of the labours of

Finance Committee and of this Council. The margin is smaller than I had estimated and, therefore, the point which the hon. Member Mr. Macnie, has made in the course of the debate becomes all the more important and that is, strict endeavour should be made to keep within the provisions which this Council has voted for the respective Departments of Government. With this explanation I now move that this Bill be now read a third time and passed.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

SUPPLEMENTARY ESTIMATES, 1953

The Financial Secretary: I beg to move—

"That this Council approves of the Statement of Supplementary Expenditure totalling \$515,505.32, which has occurred during the year 1953 and has not been included in any previous schedule and is to be admitted as a charge to Public Funds under Colonial Regulation 223 (2) (c) and which has been laid on the table."

This is a mere formality. I omitted when I came into Council to ask Council to approve formally of this expenditure which had been approved by Finance Committee. Instead of doing that I proceeded to ask Council to pass the Appropriation Bill, which has just been passed and is now Ordinance No. 38 of 1954. In order to put the matter right I am asking Council to approve of this Statement of Supplementary Expenditure for 1953, which should have taken place before the Appropriation Bill was passed. Unless I do this the Treasury may get queries from the Audit Department. I move that the resolution be adopted.

Mr. Gajraj: I beg to second that.

Question put, and agreed to.

Motion adopted unanimously.

SUPPLEMENTARY ESTIMATES, 1954

The Financial Secretary: I beg to move —

“That this Council approves of the Supplementary Estimates for the months of October, November and December, 1954, totalling \$2,696,494.33, which have been laid on the table.”

This schedule of additional expenditure has been considered in Finance Committee and, as far as I am aware, there is nothing controversial about it. I am asking this Council to approve formally of this expenditure.

Mr. Gajraj: I beg to second that. Question put, and agreed to.

Motion adopted unanimously.

SUPPLEMENTARY DEVELOPMENT ESTIMATES, 1954

The Financial Secretary: I beg to move —

“That this Council approves of the Supplementary Development Estimates for the months of October, November and December, 1954, totalling \$319,085.60, \$33,478 and \$177,028.80 respectively, which have been laid on the table.”

These Development Estimates have also been similarly considered and approved by Finance Committee, and I am asking for formal approval by this Council.

Mr. Gajraj: I beg to second that. Question put, and agreed to.

Motion adopted unanimously.

CREDIT CORPORATION (AMENDMENT) BILL

The Financial Secretary: I ask that the second reading of the Credit Corporation (Amendment) Bill be deferred until tomorrow, as I am not in a position to go ahead with it right now.

Question put, and agreed to.

Consideration of Bill deferred.

ADOPTION OF CHILDREN BILL

Second reading of a Bill intituled—

“An Ordinance to make provision for the adoption of children.”

Mr. Farnum (Member for Local Government, Social Welfare and Co-operative Development): I am not in a position to proceed with this Bill today and I ask that its second reading be deferred.

Mr. Speaker: This Bill is an endorsement of the proposal of the hon. Member, Miss Collins. Does the hon. Member understand that?

Miss Collins: Yes, Your Honour, and I have no objection to it. I thank the hon. Member for bringing it forward.

Mr. Speaker: This Bill is in effect an adoption of the hon. Member's own proposal. I would like to know if the hon. Member is satisfied that it agrees with her idea. If that is so, she can then withdraw her motion. I will give her the liberty to do so, at the appropriate time, and her motion will then be taken off the Order Paper.

Miss Collins: Yes, Sir.

Consideration of Bill deferred.

PENSIONS (AMENDMENT) BILL

The Chief Secretary: With your permission, Sir, I would like to take item 11 on the Order Paper before item 10.

Permission granted.

The Chief Secretary: I beg to move the second reading of a Bill intituled

“An Ordinance further to amend the Pensions Ordinance, 1933, with respect to the gratuities payable to Officers on retirement.”

Officers in the Public Service are permitted under the existing 1933 Pensions Ordinance to commute a portion

of their pension into a capital sum which is calculated by multiplying the figure so commuted by ten. That figure of 10 was introduced as the result of actual advice given to the Secretary of State for the Colonies about 30 years ago. The Secretary of State has now written to all Colonial Governments pointing out that the actuarial figures shown on the basis of expectation of life now give 12½ as the appropriate figure, and inviting all Governments to consider whether they should not amend their pension legislation to permit officers to commute on the more favourable basis of 12½. This Government has considered the suggestion and considers it should be implemented. That is the object of this Bill.

The opportunity is taken to give officers, who have the choice of coming under the previous Pension Ordinances, the opportunity of changing their mind, if they so wish, and coming under the 1953 Ordinance because the multiplying factor for calculating gratuity is more favourable under this Ordinance than the previous Ordinances. I beg to move that the Bill be now read a second time.

The Attorney General : I beg to second the motion.

Mr. Ramphal: Although this Bill only affects pensioners, I want to ask the hon. the Chief Secretary if he would be good enough to consider the point, that when this Bill goes into operation its provisions be extended back to the time when the Actuary recommended it. I have been approached by some people, and I know that whatever line you draw there would be a hard case. It does appear to me that there is a case for the people who were on the 'brink' at the time that it was actually recommended it should come into operation.

Mr. Macnie: As the only pensioner present, I am sorry I cannot associate myself with the remarks of the hon. Member, Mr. Ramphal. When a man decides to retire, or it so happens that

he retires, he does so with the knowledge of what pension he would get. Another point: I assume it would be greater, but when an officer comes to take the lump sum and he is given 12½ per cent., there would be a proportionate reduction in the pension.

The Chief Secretary: There would be no proportionate reduction in pension. It merely means that the capital sum will be larger. The point should be made that a person who takes a capital sum at the moment, loses out if he lives beyond a certain time, because in taking his full pension he would get more money from the Government than by capitalising on a fraction.

Mr. Macnie: Well, if there is to be no proportionate reduction in pension, what is the increased cost of this estimate?

The Chief Secretary : May I answer on that point a little later on, Sir?

Mr. Speaker: Does any other Member wish to speak on the second reading? The hon. the Chief Secretary will deal with the hon. Member's point later on. It has been moved and seconded that this Bill be read a second time

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

Council resolved itself into committee to consider the Bill clause by clause.

Clause 1 — *Short Title* — passed as printed.

Clause 2—*Amendment of section 12 (1) of the Principal Ordinance No. 12 of 1934.*

Mr. Macnie: May I repeat my request for the information?

Mr. Raatgever: I would like to associate myself with Mr. Macnie. I want to know what is the extent of the cost to the taxpayer. I may not agree with it.

The Chief Secretary: It is a difficult figure to give, and it is a misleading figure in a sense because, if a person does not capitalise the cost to the taxpayer will be just as big. If a person does not capitalise on the present basis, he will get more in terms of money, according to his period of life, than he does from three quarters of his individual payment and one quarter of his capital sum. The object of this proposal is to preserve a correct balance between the person who takes an unreduced pension and a person who takes a reduced pension and a capital sum. For what the figures are worth (they are estimated in terms of disbursements for a year) on the 1954 salaries they would cost another \$56,000.

The Financial Secretary: What it means is, if on the present tables on which expectation of life is based the officers took an unreduced pension, it would cost the Colony \$56,000 — or whatever the figure is—per annum. It is merely capitalising something that would be paid in, say, ten years. It is a fact that Government is gaining with the multiplying factor being 10 instead of 12½. In other places it has been suggested that it should be higher, but 12½ had been suggested for enactment in all the Pensions Ordinances in the Colonial Empire.

Mr. Raatgever: I have no intention of depriving anybody of his pension but it seems to me to depend on the life of the pensioner. If he lives longer than ten years the Colony will lose a lot of money.

The Chief Secretary: The expectation of life is considerably more than ten years now.

Mr. Raatgever: I am sorry, I thought the hon. the Financial Secretary said it was ten.

The Financial Secretary: It means that if an officer lives ten years, the Colony would stand to gain and the officer to lose.

Mr. Raatgever: I want to make an observation which has been made in this Legislative Council from time to time. That is, that when an officer has retired from the Civil Service he should not be re-employed in other Government Departments, because it does not seem fair to the people of this country. When an officer reaches 50, 55 or 60 years and he is allowed to retire, he gets his lump sum and his handsome pension which are contributed to by the taxpayer. He is then re-employed in another department and sometimes gets more than double the salary he was getting in the prime of his life. Members have raised this question from time to time, and still the practice is going on. I maintain that when a man reaches retirement age at 50, 55 or 60 he should remain in the same post if Government thinks he is fit enough rather than to be allowed to retire and take his lump sum and pension, and then be appointed somewhere else. It is not strictly correct.

Mr. Macnie: I hope my friend, the hon. Member (Mr. Raatgever), is not serious in suggesting that one's faculties are impaired immediately on reaching retirement age, because Government's retirement age is either 50, 55 or 60, and in the West Indies persons retire sometimes at 50. I do not want to make comparisons, but there are many hon. Members around this table, who are over 50 and 55 and who are still in possession of their faculties.

Mr. Raatgever: I am not a Government Officer. I was speaking of Government Officers. If Government Officers want to be re-employed after

retiring, then they can be so employed in Commerce and Industry. Their drawing a lump sum and remaining within the Service and receiving a new salary causes a disadvantage to younger people who cannot get work.

The Chairman: As the hon. Member knows, it happens in the case of a newly-created department.

Mr. Macnie: As regards the remarks of the hon. the Chief Secretary and the hon. the Financial Secretary, I appreciate their difficulty in really saying whether it is going to cost more or less, because it depends on the age at retirement and the expectation of life. A man may retire before he reaches retirement age. One can retire at 50 with permission or, at 55 one can be called upon to retire. Then there is the difference—how long a man will live. I appreciate the difficulty of calculation and, therefore, I will not pursue the question because, as I understand it, it is either the figure named or something approaching it. My understanding is, also, that other Colonies have something like this, if not better. If this is the case, then it is desirable that as many Colonial territories as possible should have similar pensions legislation so that unattractive pension laws in one Colony should not be there to prevent or detract an officer from accepting transfer there, even if there might be promotion for him in that Colony. So I accept the estimate.

Mr. Ramphal: As I see it, we are doing justice to those people who by natural causes expect to live long, and we must give Government credit in being honest with its officers.

The Chief Secretary: I think we are at Clause 2. On the point made by the hon. Member, Mr. Ramphal, regarding retrospective payment, I am sure he will appreciate that with all the will in the world this would be a very difficult thing to do in pensions legislation. He has himself said that it does not

matter however one draws the line, somebody will fall on one side and somebody on the other. Whether a man opts to take a capital sum or not is a decision which cannot be altered retrospectively; it is extremely difficult to do it that way. We must do it the easier way—no more unjust than in any other way—through the date of publication in the *Gazette*.

Council resumed.

The Chief Secretary : With the consent of Council, I beg to move that this Bill be now read a third time and passed.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

TEACHERS PENSIONS (AMENDMENT) BILL

The Chief Secretary : I beg to move the second reading of a Bill intitled:

“An Ordinance further to amend the Teachers Pensions Ordinance with respect to the rate of pension.”

This Bill purports to do exactly the same thing for teachers as we have done in the case of public officers. I do not think it is necessary for me to make any further statement in the circumstances.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee and approved of the Bill clause by clause as printed.

Council resumed.

The Chief Secretary : I beg to move that this Bill be now read a third time and passed.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

PRIVATE MEMBERS' BUSINESS

Mr. Speaker: I think we have to consider what business relating to private Members will come before us shortly.

The Chief Secretary: There are, on the Order Paper—some motions by private Members, and there is also another motion by a private Member—the hon. Mr. Carter—which will go on the Order Paper tomorrow.

Mr. Raatgever: I thought we would have had a holiday until next week. There is nothing more on the Order Paper at the moment, and we have had a strenuous month in January.

Mr. Speaker: We must get through certain motions, and after that I will go into the question of having a recess.

Mr. Raatgever: Very well, Sir.

The Attorney General: There is a Bill dealing with the Credit Corporation and, I think, it could be considered tomorrow.

Mr. Ramphal: Before we take the adjournment I should like to ask what are we going to deal with tomorrow?

Mr. Speaker: There will be a meeting tomorrow.

Mr. Ramphal: But I am asking, Sir, what will we be dealing with tomorrow?

Mr Speaker: Item 8 on this Order Paper—the Credit Corporation Bill—is

likely to be taken tomorrow and, so far as I can see, item 9—the Bill to make provision for the adoption of children—will also be taken. Then, there is a private motion by Mr. Carter relating to plywood, another by the Rev. Mr. Bobb—who is not here at present—for the establishment of a paint factory and another by Mr. Luckhoo for the abolition of capital punishment. If Members are not interested in debating any of these motions at present, they should say so.

Mr. Macnie: To a point of order! It is not a question of interest, Sir, but there are some hon. Members who have come from the country and are anxious to get back. There are others who have to go to the country and, speaking for myself, we share the view that when we come here—and we are willing to come and serve as best we can—we are to be occupied for two or three hours a day until 5 p.m.; but this causes a considerable amount of interruption of our other work, and we would not like to have to set aside two afternoons in order to do what should have been done in one.

Mr. Speaker: I always invite Members to say whether they would like to meet on this or any other day. I must pay respect to the feeling of the Council. I think that private Members are in a different position to Members of the Executive Council, but both Mr. Luckhoo and Mr. Bobb are not here today. If private Members have tabled motions I cannot say that they should be here. If the motions by those two Members are not dealt with today, they would be dealt with some other day. I am asking whether it would suit the convenience of Members to meet tomorrow. If Members have private engagements and it is the general feeling that we should not meet tomorrow, let them say so.

Mr. Rahaman: I am asking to be excused, Sir, as I have other public duties to perform.

Dr. Fraser: I am also asking to be excused, Sir, as I have other business engagements to fill.

Mr. Jailal : I would like to be here when a private Bill or any other Bill is being considered. I am suggesting that we adjourn until next week. I do not like to miss a meeting.

Lt. Col. Haywood: One or two of us have a meeting of the Chamber of Commerce tomorrow.

The Financial Secretary: I am quite prepared to go ahead now if hon. Members would guarantee not to ask awkward questions about the form of statutory charge which the Bill creates, as no official of the Corporation is available today to supply answers to such questions.

Mr. Speaker: Council will be adjourned until Tuesday next, 22nd February, at 2 p.m.