

LEGISLATIVE COUNCIL

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

TUESDAY, 23RD FEBRUARY, 1954.

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

PRESENT :

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

Ex-Officio Members:—

The Hon. the Chief Secretary, Mr. John Gutch, C.M.G., O.B.E.

The Hon. the Attorney-General, Mr. F. W. Holder, 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, and Lands and Mines).

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

The Hon. W. O. R. Kendall.

The Hon. G. A. C. Farnum, O.B.E.

The Hon. G. H. Smellie.

The Hon. R. B. Gajraj.

The Hon. R. C. Tello.

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. L. A. Luckhoo.

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

Mr. C. A. Carter.

Rev. D. C. J. Bobb.

Mr. H. Rahaman.

Miss Gertie H. Collins.

Mrs. Esther E. Dey.

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

Mr. Sugrim Singh.

Clerk of the Legislature—Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—Mr. I. R. King.

Absent:—

Mr. T. Lee.

Mr. E. F. Correia—on leave.

Dr. H. A. Fraser.

Mr. B. Jailal.

The Speaker read prayers.

The minutes of the meeting of the Council held on Monday, the 22nd of February, 1954, as printed and circulated were taken as read and confirmed.

ORDER OF THE DAY

BILLS—FIRST READING

The following Bills were read the first time:

A Bill intituled "An Ordinance to amend the Co-operative Societies Ordinance, 1948, to provide for the minimum number of persons capable of registration and for the compulsory sale of produce through a registered society in certain cases."—**The Chief Secretary.**

A Bill intituled "An Ordinance further to amend the Registration of Births and Deaths Ordinance."

A Bill intituled "An Ordinance to enable Prabhattranjan Dasgupta to be registered in the Colony as a Medical Practitioner under the provisions of the Colonial Medical Service (Consolidation) Ordinance."

A Bill intituled "An Ordinance to continue in force the Medical Practitioners (Temporary Registration) Ordinance, 1947."—**Mr. Cummings (Member for Labour, Health and Housing).**

FRIENDLY SOCIETIES (AMENDMENT)
BILL, 1954.

Council resumed the debate on the second reading of the Bill intituled:

"An Ordinance further to amend the Friendly Societies Ordinance."

The Chief Secretary: There was some suggestion yesterday that we should defer further consideration of this Bill, and perhaps it would be convenient to defer the second reading since the Bill deals with very general principles. Certain Members spoke yesterday and although they raised one or two points of detail, they seemed to be in favour of the matter being postponed—I suppose after the second reading is completed. I have something to say in answer to various points raised by Members. I had a discussion

with the Registrar of Friendly Societies this morning, and when the second reading of this Bill has been taken I propose to ask that its further consideration be deferred and that we do not go into Committee until there has been time for the Bill to be read more closely perhaps, by some of those concerned, and for us to receive representations. The hon. Member, Miss Collins, has told me that she has a number of points which she would like to have considered, and I would suggest that she put them in writing and bring them along with her for discussion with me. The Bill could then be considered in Committee later.

Mr. Speaker: Does any Member wish to speak on the second reading of the Bill?

Mr. Smellie: I was going to defer my remarks on this Bill, because I had no observations of a general nature to make, other than to give my entire approval of the Bill until it came into the Committee stage. However, I wish to make a comment on clause 2 of the amended Bill, as I think the hon. the Chief Secretary is going to deal with certain enquires in the interim—between the passing of the second reading and its going into the Committee stage. Perhaps it would be timely for me to put my question now and ask for certain information in the hope that later on some enlightenment would be given to me. We were provided with certain extracts from the Ordinance itself which it was proposed to amend—the Friendly Societies Ordinance, Chapter 214. Section 3 of that Ordinance reads:—

"3. The following societies may be registered under this Ordinance, namely—

Then follows a list of various societies, and a proviso after paragraph 3 (a) (v) Paragraph (e) of

the proviso refers to "societies (herein called benevolent societies) for any benevolent or charitable purposes;" I understand, rightly or wrongly, that before this amending Bill was introduced a benevolent society need not be registered, but that they still have to supply the Registrar with annual returns in a certain form. So that although they may not have to be registered, at any rate they have to comply with certain conditions. I am speaking entirely about these benevolent societies. The amendment to section 3 of the Principal Ordinance is contained in clause 2 of this Bill which reads:—

"2. Section three of the Principal Ordinance is hereby amended by the substitution for the words "may be registered under this Ordinance, namely,—" of the words "shall be societies to which this Ordinance applies,—"

It is quite clear that there is no change in the societies which are exempted and the societies to which this Ordinance applies. Normally, these benevolent societies would not be societies to which this Ordinance applies. That is the point that I want some information about. There are societies which are run by public-spirited ladies, for example, entirely for the purpose of charity. They have Committees—unpaid Committees—and they are just doing a charitable work. What I should like to know for the benefit of these people, is what effect, if any, this amending Bill would have on them; and if it is possible, what obligations are laid on them with regard to compliance with the Rules which are going to govern friendly societies. For example, I do know of one concern which employs an auditor, and that auditor gives his services quite free. He audits the returns, and those returns are sent in to the Registrar. I should just like to know

whether they are exempt from the provisions of this amending Bill.

The Attorney-General: Section 3 of the Friendly Societies Ordinance deals with the class of societies and the objects of those societies which are registrable, and they include benevolent societies. As the law now stands this section states:—

"3. The following societies may be registered under this Ordinance, namely,—"

I emphasize the word "may" because hon. Members will appreciate that point. It was not obligatory in the same way as in the particular clause to which the hon. Member has referred. Paragraph 3 (e) refers to "societies (herein called benevolent societies) for any benevolent or charitable purposes;" As that section stood it was not obligatory, but it is obligatory for benevolent societies to which this Ordinance applies, to be registered. I should like to refer also to sections 12 and 13 of the Ordinance. Section 12 states:—

"12.—(1) Where any number of persons not less than seven have established or intend to establish a society which may be registered under this Ordinance, and which they desire should be so registered, they shall make application in writing to the registrar for that purpose...."

Section 13 deals with the provisions with regard to registration, and says:—

"(a) no society shall be registered which does not consist of seven persons at least...."

I do not know whether these benevolent societies consist of less than seven persons, but the section goes on to say:—

(c) a society, other than a benevolent society or a working men's club, shall not be disentitled to registration by

[Attorney-General]

reason of any rule for, or practice of, dividing any part of the funds thereof, if the rules thereof contain distinct provision for meeting all claims upon the society existing at the time of division before the division takes place;..."

The point which the hon. Member is seeking to make and which has been appreciated, is that benevolent societies, being in a particular class and concerned with work of a particular nature, should not be subject to any compulsory registration, and that the law should remain with regard to that particular category of societies as it is now. In other words, the question of registration should not be left to the persons who conduct and are responsible for the running of these societies.

Mr. Smellie: I still do not understand, if I may say so, what is the Attorney-General's point. The mere fact that part of section 3 has been altered does not say that these are established societies to which this Ordinance applies. I do not see how that alters the fact that benevolent societies are not included in the proviso.

The Chief Secretary: The proviso relates to item (a). I think the hon. Member has misread the proviso.

Mr. Smellie: I have not got item (a) here.

The Chief Secretary: All are societies which have to be registered, and in future would have to be registered.

Mr. Smellie: Will the hon. the Chief Secretary say whether he intends to make optional their having to register or they are exempt?

Mr. Speaker: You can raise it in Committee: that would be a better

method. However, are there any other observations by hon. Members?

The Chief Secretary: If no other Member wishes to speak—

Lt.Col. Haywood: I did not intend to speak at this stage, but since it appears that further detailed examination of this Ordinance is going to be undertaken by officials of friendly societies. I would like to refer to three points already raised by hon. Members, and the fact that some 20 years ago I was temporary Treasurer in a Friendly Society in England—which has no bearing whatever on the fact that I am now living 4,000 miles away from the headquarters. I only mention this to show that for a few years I was in close touch with the same type of work being done in England.

I feel that this Bill is long overdue, but legislation in this respect, coming into effect at any time of the year, is liable to cause some inconvenience even in the established societies. I feel it should be strongly urged that the provision of at least five per cent. to be put into a reserve fund should be observed. I refer to Clause 7, 26B on page 3 of the Bill. I think it should be readily accepted by every Friendly Society, and I give it as my view that the smaller the society and the smaller funds, the more necessary it is for that reserve fund to be established and built up.

I am not in close touch, or, I should say, not in touch at all with the friendly societies here, but I think the better societies will accept this legislation, and indeed welcome it. Although clauses on page 5 of the Bill deprive office-holders from holding too many offices, yet I feel that a few people who are giving good service in more than one society will still be

able to do so, because, at the same time, persons who have limited incomes and whose savings are put in these societies against sickness and funerals will be protected against persons who from time to time endeavour to make gains for themselves.

Mrs. Dey: Not wanting to be called a "guest" Member of this Council and having listened to all what my hon. friend on my right (Lt.-Col. Haywood) has said, I feel I should say something in support of a principle involved. Since I left here yesterday afternoon I made it my duty to see the leaders of one of our friendly societies and I shall try to see more of them. These people are on the right side of the fence. They are not afraid of the Bill; they welcome it. They feel it would strengthen them, and at the same time give others who they claim to be out of line, an opportunity to make improvement. There would be only about 10 societies which would be amiss in their attitude as to the objects of this Bill. If a census were to be taken about this Bill it would be seen that it is felt that it is long overdue, and from it good will come for all, especially the small man who pays his pennies and bits into the societies.

The Chief Secretary: I think I would like to make one or two remarks in reply to points raised by hon. Members during the debate, although, of course, we shall be dealing with these points in detail later. First of all, as regards the question whether friendly societies had adequate opportunity of knowing the contents of this Bill and discussing them.

I asked the Registrar of Co-operative Societies—who is now, of course also the Registrar of Friendly Societies—about this, and he said that he had considerable discussion with friendly societies and their leaders on

certain points. One of the Registrar's difficulties is that although there is a Council of Friendly Societies it is not in his opinion fully representative of the general run of friendly societies. That is one of the things which, when the Ordinance proposed is passed, we will be able to secure some improvement on. It would assist the Registrar if the Council were fully representative. Curiously enough the Registrar confirmed the very point made by the hon. Member, Mrs. Dey, that so far as the well run society is concerned there is nothing more welcome than this Bill. The societies which fall below standard are the exception, but something must be done about them.

The Registrar has also made the point that he regarded as the primary function of his department the giving of advice to these societies and as a consequence he sees representatives of the societies on Saturday mornings, when they come to him and submit their problems and he puts them on the right lines both as regards their accounts and other matters. I think one other Member said he felt inspectors of friendly societies should not confine themselves to "barging in" to see people's accounts but should give proper advice and help friendly societies out of their difficulties. That is what they are doing now. There is no intention of being drastic with them. The one idea is to bring them up to a suitable standard in the interest of their members.

I asked the Registrar about model rules and he said he already had rules in an advanced stage of preparation. The Secretary of State has recommended that he should take the rules now current in Trinidad and which are now up to date, as a model for British Guiana. The same applies to forms, returns and so on.

[The Chief Secretary]

The Registrar feels very strongly—and I cannot say I do not agree with him—about this question of officials holding one post in one society and another post in another society. That is really a fundamental issue and I would suggest to hon. Members that there should be no weakening or retraction on that point. There may be very good persons holding those posts. But if the treasurer of one society is also treasurer of another society, quite obviously it provides him with an opportunity of producing funds of one society to balance accounts, during the inspection of another society; one sees what would happen. I do not think this is so in all cases by any means, and I do not want it to look as if I am condemning all these people, but I think it is important that that opportunity should be ruled out.

We all remember, I think, the fears which were expressed that there would be added expenses of auditing and that this might put some societies out of business altogether. One hon. Member suggested that the work should be done by Government auditors. I should like to say straight away that there is no question—so the Registrar tells me—of additional expenses being placed on the societies through the provisions of this Bill. In fact he assures me that societies would find it much cheaper providing that they had been in the practice of employing an auditor who had reasonable accounting knowledge. Obviously one must insist on an auditor going into a society's accounts having some reasonable standard of knowledge to enable him to examine the accounts. The basis on which contributions will be made by the societies toward the cost has, of course, to be worked out.

There is a similar provision in the Co-operative Societies Ordinance, and the Registrar assures me it works very well and there have been no complaints on the subject. He thinks that the services of an auditor should not be entirely free of charge to the societies, because if they have to contribute funds, even in some small measure toward the cost of auditing it would be a measure of self-help, and would give them greater sense of responsibility in the running of their societies.

The hon. Member, Mr. Tello, I think, raised the point that he did not think the Registrar should have the power to enter and inspect premises and accounts of his own volition. He felt that that should be left to members; and that on the invitation of three members, the Registrar should be able to inspect accounts, but the Registrar had submitted that the trouble in such a system is that although one or two or three members of a society may be suspicious that everything is not going right, they do not like to come out into the open about it and call for an inspection for fear that it would make them unpopular with other sections in the society; and so it is desirable that the Registrar should have these powers of entry and inspection, although, of course, he would use them with restraint. He will not be going around and prying into societies unless he has reason to suspect that all is not well with them.

I think I have covered all the points that have been raised. One hon. Member did say that legislation would create great inconvenience if introduced so suddenly when plans for the year have already been made, but the opinion of the Registrar is that it will not disrupt their plans or anything of that kind, but will help and assist them in such a way that there will be a general advance in standards.

Question put, and agreed to.

The Attorney-General seconded.

Bill read a second time.

Question put, and agreed to.

Further consideration of the Bill deferred.

Relevant Standing Orders suspended.

**CUSTOMS (CONSOLIDATION)
(AMENDMENT) BILL, 1954**

The Financial Secretary: Sir, I am asking that the second reading of this Bill intituled: "An Ordinance to amend the Customs (Consolidation) Ordinance, 1952 (No. 69 of 1952)" in my name be deferred as I have another amendment to introduce, and I think all can be taken at the same time. With the permission of the Council I ask that this Bill be not proceeded with today.

Mr. Carter: There is one observation I would like to make. One finds quite a number of Bills coming before the Council for amendments to Ordinances, and that is all. I am asking that the suggestion be accepted that in future when Ordinances are coming up for amendment, at least Members should be treated with the courtesy of being provided with the one under discussion or even the clause to be amended, because we are actually working in the dark. The Friendly Societies (Amendment) Bill was a case in point. If one tries to get the proper Ordinance, he is told there is none.

Question put and agreed to.

Second reading of the Bill deferred.

The Attorney-General: I sympathise with what the hon. Member has said. Matters are very difficult with regard to the relative Ordinance — in fact in regard to the laws of the Colony in general. The revision of the laws is being carried out and it is extremely difficult to get copies for the Commissioner to work on. The difficulty which the hon. Member finds is fully appreciated and if I can do something to help him get over it—

**DRAINAGE AND IRRIGATION (BOERASIRIE
EXTENSION PROJECT) (SPECIAL
PROVISION) BILL, 1954**

The Chief Secretary: Mr. Speaker, I have the permission of the Governor to move the suspension of the relevant Standing Orders in order to take through its remaining stages today the Bill intituled:

Mr. Speaker: It happens to be a short Bill. But I quite agree with your suggestion.

"An Ordinance to make special provisions with respect to the declaration of certain areas as Drainage and Irrigation Areas."

Mr. Carter: I am not taking particular objection to this one. I know the importance of these amendments.

Machines which would otherwise be working on the Boerasirie Extension Project have been held up, and the Public Works Department cannot get ahead with the work. I therefore beg to move that the relevant Standing Orders be suspended to allow this Bill to be taken through its remaining stages.

The Chief Secretary: I fully sympathise with the hon. Member in his complaints about the lack of ordinances, and therefore his inability to refer to the provisions of the Drainage and Irrigation Ordinance, 1940,

[The Chief Secretary]

which this Bill is designed to get around.

The position is that there is urgent work to be done at the Boerasirie Scheme, and in order to enable such work to be carried out, on private land, as distinct from Crown land, it is necessary that these particular areas be declared drainage and Irrigation Areas; and the procedure which has to be gone through in order to enable them to be brought under the provisions of the Drainage and Irrigation Ordinance of 1940—that is, the Principal Ordinance—is extremely complicated and lengthy. There are good reasons, no doubt, to ensure that there are opportunities for lodging objections and complaints before such a step is taken, but it had been estimated that in order to comply with these requirements, it would take a minimum of seven months in the case of these small areas which form part of the Boerasirie Scheme.

Perhaps I should run through the provisions of the law. First of all, it is necessary for the Governor in Council to order the Drainage and Irrigation Board to ascertain whether the area would be benefited by being drained and irrigated; and for the order to be put in the *Gazette* and the newspapers. After the expiration of a fortnight from the last publication of the notice the Board causes a survey of the area to be made, and the Board, if it is of the opinion that the area is suitable and will be benefited then causes to be marked or delineated on the plans, the works necessary to provide adequate drainage and irrigation facilities and gives an estimate of the cost. Then section 12, requires that the plans, specifica-

tions and estimates be submitted to the Governor in Council together with a recommendation regarding the proportion of the capital cost of the works which shall be, in the opinion of the Board, borne by the proprietors of estates within the proposed drainage and irrigation area.

Section 13 requires that the Governor in Council, having considered the documents and recommendations submitted by the Board, should prescribe the proportion, if any, of the capital costs of the proposed works which shall, subject to the area subsequently being declared a drainage and irrigation area, be borne by the proprietors of estates within that area. Section 14 requires that after the Order in Council has been made, the Board shall summon a meeting of the proprietors and local authorities within the areas comprised in the plans, and within not less than 21 days before the meeting, the Board shall carry out the other provisions of the section. Prior to the meeting, the Board shall cause a copy of the notice to be re-published once at least in the *Gazette* and in the daily newspapers, the first re-publication to be within ten days after the first publication, and the Board shall appoint some person to lay before the meeting the plans, specifications, estimate and a copy of the Order in Council and to explain them fully to the persons attending the meeting.

Section 15 contains provisions to the effect that after the meeting all the plans, specifications and estimates and the Order in Council shall be deposited at various places where they would be open to inspection by the public during office hours, without payment of fee, for a period of one month from the date of such deposit. Then there is provision that any proprietor of an estate within or adjoining, any pro-

posed drainage and irrigation area and any local authority having administrative control over any portion of such area may, within the said period of one month, address a letter of protest to the Board and such letter shall state the grounds on which the objection is based. Section 16 states that—

“As soon as conveniently possible after the expiration of the period of one month the Board shall submit to the Governor in Council a copy of each letter of protest received by the Board...and such comments as the Board may desire to offer on any such letter of protest.”

Section 17 provides that the Governor in Council, after consideration of the letters of protest, may direct the plans to be amended as may be deemed necessary, and order that the plans, as amended, together with revised specifications and estimate, be submitted for consideration. Then, section 18 provides that—

“(1) If and when the Legislative Council approves the expenditure necessary for the execution of the works in any proposed drainage and irrigation area, the Governor in Council may by Order declare the area to be a drainage and irrigation area . . .”

As will be seen, these provisions are very detailed and intricate. As I have said, they are intended not for the carrying out of all our drainage and irrigation projects now in progress, but rather for the carrying out of drainage and irrigation projects in particular areas where complications are likely to arise if the interests of proprietors and local authorities are affected. The provisions of the Bill now before hon. Members will enable certain scheduled areas, as specified, to be declared drainage and irrigation areas as if such areas had been declared drainage and irrigation areas by an Order made under section 16 of the Principal Ordinance, and the

various stages, as I have detailed them, had been carried out.

Clause 3 of this Bill provides that the Governor in Council shall prescribe by Order published in the *Gazette* the proportion, if any, of the capital costs of the proposed works in the areas specified in the schedule to the Ordinance which shall be borne by the proprietors of estates in, and by all local authorities having administrative control over, any part of such areas. That corresponds to the provisions in the Principal Ordinance where the Governor in Council is required to do likewise.

Clause 4 enables the Governor in Council to add other areas to the Schedule to this Bill and it also provides that any such order as the Governor in Council makes must be laid before the Legislative Council to enable anyone to move the annulment of such an Order or its amendment if they so desire. I think that really covers all the objects of the Bill. In brief, the object of the Bill is to enable us to get round the lengthy and complex procedure, and to get on with the important job of completing the Boerasirie scheme in the shortest time possible.

The Attorney-General seconded.

The Chief Secretary: I understand that the position is that quite a large portion of the land belongs to the Crown, but there is quite a large area—I do not know whether the Commissioner of Lands and Mines would confirm that—including some pocket of private land on which the works cannot proceed until they have been declared drainage and irrigation areas. There is quite a large portion of Crown lands, however, on which the works can proceed.

Mr. Macnie: I happened to know this area pretty well during past years. I have served in it, and I still maintain some connection with it. The Boerasirie Scheme to which it relates is very clearly described on pages 179—99 of the very excellent report of the World Bank Mission, and that description has been reproduced in the report by Mr. Lacey—the expert on drainage and irrigation who visited the Colony a few months ago. A portion of the area involved lies between Vergenoegen and the mouth of the Bonasika, where it enters the Esse- quibo, slightly above a place called Larimacabra, where the public road ends. At present, the greater portion of the area affected by the scheme is, as the hon. the Chief Secretary has said, comprised of Crown lands. Much of this land is served by drainage and irrigation areas or by drainage alone.

According to the report of the World Bank Mission, I think we can look forward to enormous development in the area which has, undoubtedly, suffered badly in the past from flooding of the backlands, especially in the vicinity of Parika and Hyde Park. The result was that the lands, even the freehold portions, could not be utilized. I support the Bill completely, and I hope the Council will pass it through all its stages today. It is my intention, however, to ask possibly one question with regard to clause 4 to which the hon. the Chief Secretary has referred. The clause, as worded, reads:—

“4. (1) The Governor in Council may, from time to time, by Order published in the *Gazette*, amend the Schedule to this Ordinance—

- (a) by adding thereto any area of land not described in the Schedule; or
- (b) by altering the description of any area of land in the Schedule or in the Schedule as amended...”

I take it, Sir, that any such amendment— addition or alteration—would only relate to the Boerasirie Scheme. The Ordinance, as cited in clause 1, is the Drainage and Irrigation (Boerasirie Extension Project) (Special Provisions) Ordinance, 1954, and I do not think it is the intention of the Administration to use this Ordinance as a means of going around the provisions of the Principal Ordinance, or in respect of areas other than those related to the Boerasirie Extension Project. I think that to do otherwise would not be right and proper.

Mr. Speaker: The boundaries of the areas are fixed in the Schedule.

Mr. Macnie: But power is being given to the Governor in Council to add any area of land not included in the Schedule.

The Attorney-General: I have no desire to interrupt the hon. Member, but it should be noted that every Order made in this respect will have to come before the Legislative Council. The inclusion of clause 2, as the hon. the Chief Secretary has said, is for the purpose of expediting this particular project.

Mr. Macnie: With all due respect to the hon. the Attorney-General, I have read clause 2. I think I have got the assurance I want, and will disregard entirely the provision which says that every Order made for the amendment of the Schedule will be laid before the Legislative Council within a certain time. All I wish to be assured about is that the Ordinance will not be applied to any other but the Boerasirie area. I do not think any such request would be unreasonable.