

LEGISLATIVE COUNCIL

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

THURSDAY, 8TH APRIL, 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. 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. C. Tello.

Deputy Speaker:—

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

Nominated Officials:—

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

Nominated Unofficials:—

Mr. T. Lee.

Mr. W. A. Phang.

Mr. L. A. Luckhoo, Q.C.

Mr. C. A. Carter.

Mr. E. F. Correia.

Rev. D. C. J. Bobb.

Mr. H. Rahaman.

Miss Gertrude H. Collins.

Mrs. Esther E. Dey.

Dr. H. A. Fraser.

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

Clerk of the Legislature—

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—

Mr. I. R. King.

Absent:—

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

The Hon. R. B. Gajraj—on leave.

Mr. J. I. Ramphal.

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

Mr. R. B. Jailal—on leave.

Mr. Sugrim Singh—on leave.

The Speaker read prayers.

The Minutes of the meeting of the Council held on Thursday, the 1st of April, 1954, as printed and circulated, were taken as read and confirmed.

MR. GAJRAJ IN TRINIDAD

Mr. Speaker: I have to announce that the hon. Mr. Gajraj is absent on leave, on public business in Trinidad.

SIR FRANK MCDAVID RETURNS

I have also to state that Sir Frank McDavid has returned to the Colony (from Trinidad) but arrived too late to be present at today's meeting.

CREDIT CORPORATION BILL

The Attorney-General: With Your Honour's permission I would like to inform the Council that advanced copies of the Credit Corporation Bill are being circulated to Members, in order to give them the fullest possible opportunity to study the provisions contained in it. The Bill has been forwarded to the Secretary of State for the Colonies and it would be necessary to await his comments before consideration and approval is given to it by this Council. It is hoped to bring the draft Bill as soon as possible into the Council so as to enable Members to give consideration to its provisions. I may mention that the Bill is not for publication but only for the private and confidential information of Members. The Bill, with the Memorandum of Objects and Reasons, will be presented in this Council shortly. I may also mention that the hon. Member for Agriculture, Forests, Lands and Mines is not present here today, otherwise he would have made the announcement I have made on his behalf.

Mr. Speaker: I think I ought to ask the representatives of the Press here not to publish the Bill in draft. It is not available for public discussion.

The Attorney-General : There is no objection, however, to publishing what I have just said to the Council.

Mr. Speaker : I mean that the text of the draft Bill itself should not be published, and I hope that the Press will respect the wishes of the Council in this matter.

DEVELOPMENT ESTIMATES

The Financial Secretary: Arising out of the Development Programme which was passed by this Council on March 26, I should like to announce that I have now prepared an interim Schedule of the Development Estimates. I have shown in these Estimates the approved schemes that will be placed before this Council, amounting to \$44 million. I hope to place the Estimates before the Finance Committee tomorrow, and I hope hon. Members will study the interim Schedule so that we would be able to put the items through as expeditiously as possible in Finance Committee.

COMPLAINT AGAINST R.M.B. PAYMENTS

Mr. Lee: Before the Order of the Day is taken, I would like to draw this Council's attention to the fact that there are several persons who have supplied the Rice Marketing Board with rice but cannot get payment for it. I desire that Government's attention be drawn to the matter.

Mr. Speaker: There should be no argument on that. I think it should have been quite possible for the persons concerned to get the hon. Member to communicate with the Board himself and deal with the matter.

Mr. Rahaman : I should like to give the reason why these payments were not made.

Mr. Speaker : The hon. Member cannot deal with that at present.

CONSTABULARY (AMENDMENT) BILL

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

"An Ordinance to amend the Constabulary Ordinance to provide for the extension of the date on which certain non-Commissioned Officers and Constables may exercise the option with regard to pensions."

The Attorney-General seconded.

Question put, and agreed to.

Bill read the first time.

The Chief Secretary : I see we have quite a small agenda and I should like to say I am ready to take item 7 through all its stages today.

Mr. Speaker : Is there any objection to Bill No. 16 of 1954 being proceeded with today?

There being no objection raised, the Council proceeded with the Bill.

The Chief Secretary : I am afraid this is rather a sad story. The Constabulary (Amendment) Ordinance, No. 28 of 1951 was enacted enabling Non-Commissioned Officers and constables serving in the Police Force to secure the same superannuation benefits as those granted to pensionable civil servants. These Non-Commissioned Officers and constables were required under the Ordinance to notify the Commissioner of Police in writing on or before 31st August, 1951, but not later, whether they desired the provisions of the amendment to apply to them or not. Notification of this was made in the Police Force Weekly Orders, but there appears to have been some confusion in the minds of Non-Commissioned Officers and constables in some police stations as to what steps were proper to take in the matter. In other cases members

of the Police Force exercised their right of option and the documents in this respect were kept in the stations and were not forwarded to Police Headquarters before the closing date in 1951. There was no excuse for that: it was just a departmental lapse.

It therefore became necessary to enact the Constabulary (Amendment) Ordinance, 1952 (No. 40) giving an extension of time until 31st December, 1952, for them to exercise their option. I am afraid the same thing has now happened again. Notification of the extension was published in November, 1952, but unfortunately in the case of one Lance Corporal, No. 3481 there was again failure to act within the specified time, although the fault was not his. Now, this Lance Corporal was admitted into the Public Hospital, Berbice, on 26th November, 1952, two days before the publication of the notice in the Police Force Orders. He was discharged on 16th December, 1952, and sent on one month's sick leave. On 15th January, on his return to duty, he approached the Superintendent with a view to the exercise of his option and he was told it was too late for anything to be done about it.

The Police Force Order setting out this amendment was fully brought to the notice of all the ranks and fully understood, but owing to an oversight a copy of the Order was not sent to this Lance Corporal who was in hospital, and who was subsequently on sick leave. So, to remedy this, it is now necessary to enact yet another amending Ordinance further to extend the time within which non-commissioned officers and constables may exercise their option.

It is further proposed in clause 2 of the Bill that in order to obviate the necessity of coming back with an amending Ordinance each time an administrative difficulty of this sort

[The Chief Secretary] occurs, and which is no fault of the individual concerned, the Governor in Council should be able to extend the time within which a non-commissioned officer or constable may exercise the option under the Principal Ordinance. I beg to move that this Bill be read a second time.

The Attorney-General seconded.

Mr. Luckhoo : May I inquire if this seeks to remedy an individual case or whether it will be applied in general? In other words, if the Governor in Council decides to extend the time to period "X", will this only be for specified individuals? Because if an extension of time is permitted, then it will be assumed that others will be given the opportunity to make full use of this opportunity in its present form. If I understand the Chief Secretary correctly, it is only intended for a few hard cases where no notices were received. If notices are to be given, will they be by way of publication in the *Gazette*, and if a date is not fixed, will those who fail to avail themselves of the opportunity be afforded another opportunity?

The Chief Secretary: I should like to say that this relates to a particular case in which there was no omission or default on the part of the particular policeman. There might not be any other specific case, but if there is, I am quite sure the Governor in Council would extend the time. But all others have had the opportunity of opting.

Mr. Speaker : Does that answer the hon. Member's questions?

Mr. Luckhoo : Yes.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into committee and considered the Bill clause by clause without amendment.

Council resumed.

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

The Attorney-General seconded.

Question put, and agreed to.

Bill read a third time and passed.

TAX (AMENDMENT NO. 2) BILL,
1954

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

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

The Attorney-General seconded.

Question put, and agreed to.

Bill read the first time.

The Financial Secretary: This is a rather simple Bill. At present, under the Customs Duties Ordinance, all goods imported into the Colony for the use of H.M. Armed Forces are admitted free of duty, and they include spirituous liquors. This Bill seeks to exempt from the payment of excise duty all rum and other spirituous liquors manufactured locally, so that the Forces may have the benefit of rum and other spirits free of excise duty. I do not think anyone would wish to deprive H.M. Forces of this concession. I formally move that the Bill be read a second time.

The Attorney-General seconded.

Mr. Lee : I sincerely hope that members of the Forces will not ex-

change locally manufactured rum for imported liquor.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee and considered the Bill clause by clause without discussion.

Council resumed.

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

The Attorney-General seconded.

Question put, and agreed to.

Bill read a third time and passed.

CUSTOMS (CONSOLIDATION)
(AMENDMENT) BILL, 1954

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

"An Ordinance further to amend the Customs (Consolidation) Ordinance, 1952."

The Financial Secretary: This Bill was deferred for further consideration on the suggestion of the hon. the Attorney-General who was somewhat unhappy about the wording of clause 4. I have seen the terms used in the Bill also used in other Bills. To use other terms might be a variation of the draft instructions. I am sorry that the amendment which I circulated to hon. Members omitted a comma after the words "Magistrate's Court", which caused the difficulty. The amendment should read:

"(b) by the insertion after subsection (1) of the following subsection—

"(1A) The provisions of the Summary Jurisdiction (Appeals) Ordinance shall *mutatis mutandis* regulate appeals under this section:

Provided that the term 'Tribunal' shall be read for the term 'magistrate' and the expression 'magistrate's court', and the expression 'Secretary to the Tribunal' shall be read for the term 'clerk' in the said Ordinance."

I think that makes it quite clear. I move formally that this amendment be substituted for the amendment printed in the Bill, with a comma inserted after the word "court" in the third and fourth lines of the proviso.

Clause 4, as amended, put and agreed to.

Council resumed.

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

The Attorney-General seconded.

Question put, and agreed to.

Bill read a third time and passed.

TAX (AMENDMENT) BILL, 1954

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

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

It was not possible for me to amalgamate this Bill with the previous Tax Bill. There seems to be some technical difficulty, and for that reason I have to take them separately. This Bill is non-controversial, and seeks to provide that for any person not resident in the Colony who is employed in the loading and discharging of ships a duty of \$50 shall be paid. The relevant section of the Ordinance does not say to whom the payment of duty should be made. This amendment now seeks to require that person, or the company employing such person, to make the payment to the

[The Financial Secretary]
Comptroller of Customs and Excise. I may explain that the object of the section is to prevent ships bringing people into the Colony and employing them in the loading or discharging of vessels. It is really a protection for local labour.

Clause 3 of the Bill seeks to provide that spirituous preparations made locally shall pay a specific rather than an *ad valorem* duty, as it has been found very difficult to arrive at what is the value of rum so as to levy the rate of duty on it. A specific duty simplifies the matter.

Clause 4 seeks to provide that licences for the sale of goods by a master or supercargo of a vessel, now collected by District Commissioners, shall be collected by the Comptroller of Customs. That is all the Bill seeks to do, so that in its over-all effect it is merely administrative, and I do not think it should pose any difficulty to Members approving of it. I formally move that the Bill be read a second time.

The Attorney-General seconded.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee and considered the Bill clause by clause without discussion.

Council resumed.

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

The Attorney-General seconded.

Question put, and agreed to.

Bill read a third time and passed.

Mr. Speaker: I understand there will be a meeting of Finance Committee tomorrow, and that the hon. the Financial Secretary will arrange when we will have another meeting of this Council.

The Financial Secretary: It is very difficult to say, Sir.

Mr. Speaker: I propose to adjourn Council *sine die*, and I will ask hon. Members to accept shorter notice of the next meeting than the usual seven days.

Council was adjourned *sine die*.