

LEGISLATIVE COUNCIL

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

FRIDAY, 27TH July, 1956

The Council met at 2 p.m.

PRESENT :

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

Ex-Officio Members :—

The Hon. the Chief Secretary,
Mr. M. S. Porcher, (Acting).

The Hon. the Attorney General,
Mr. C. Wylie, Q.C., E.D.

The Hon. the Financial Secretary,
Mr. F. W. Essex.

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. 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. R. B. Gajraj.

The Hon. R. C. Tello.

Nominated Unofficials :—

Mr. T. Lee.

Mr. W. A. Phang.

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

Mr. C. A. Carter.

Mr. E. F. Correia.

Rev. D. C. J. Bobb.

Mr. H. Rahaman

Miss Gertie H. Collins.

Mrs. Esther E. Dey.

Dr. H. A. Fraser.

Mr. R. B. Jaijal.

Clerk of the Legislature—

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—

Mr. E. V. Viapree.

Absent

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

The Hon. L. A. Luckhoo, Q.C.—on
leave.

Mr. W. J. Raatgever, C. B. E.,
Deputy Speaker—on leave.

Mr. W. T. Lord, I.S.O —on leave.

Mr. J. I. Ramphal. —on leave.

Mr. Sugrim Singh

The Speaker read prayers.

The Minutes of the meeting of the
Council, held on Thursday, 26th July,
1956, as printed and circulated, were
taken as read and confirmed.

ANNOUNCEMENTS

Mr. Speaker : The hon. the
Deputy Speaker has asked to be
excused from attendance at this
meeting; so also has Mr. Luckhoo.

DEEDS REGISTRY (AMENDMENT) BILL

The Attorney General (Mr. Wylie): I beg to move the first reading of a Bill intituled :

“An Ordinance to amend the Deeds Registry Ordinance.”

The Chief Secretary (Mr. Porcher, acting): I beg to second the motion.

Question put, and agreed to.

Bill read the first time.

The Attorney General : I hope to proceed with this Bill two weeks from now.

AUCTIONEERS (AMENDMENT) BILL

The Financial Secretary (Mr. Essex): I beg to move the first reading of a Bill intituled :

“An Ordinance to amend the Auctioneers Ordinance.”

Sir Frank McDavid (Member for Agriculture, Forests Lands & Mines): I beg to second the motion.

Question put, and agreed to.

Bill read the first time.

FISHERIES BILL

Sir Frank McDavid : I beg to move that this Council resolves itself into Committee to resume consideration of the Bill intituled :

“An Ordinance to regulate fishing in the waters of the Colony.”

The Attorney General : I beg to second the motion.

Question put, and agreed to.

Council in Committee.

Clause 34,—*Regulations.*

The Chairman : Will the hon. Member, Mr. Carter, proceed with his amendment?

Mr. Carter : I am asking that subclause (3) be amended to read :

“All regulations made under this Ordinance shall be laid before the Legislative Council as soon as may be after they are made, and if not approved by resolution of the Legislative Council within twenty-one days after having been so laid, such regulations shall thenceforth be void. Such regulations however shall not be given effect until they have been approved by the Legislative Council.”

That amendment is already before the Committee.

The Chairman : Does anybody else wish to speak on the amendment?

Sir Frank McDavid : As I see it, the object of the hon. Member's amendment is twofold. The main purpose seems to me to be one to ensure that no regulations could have effect until they are approved by the Legislative Council, and if they are approved within the rather short period of twenty-one days they shall immediately be void. Well, I am not quite sure that one does not conflict with the other, because if they are not operative until they are approved by the Council, I do not see the force of saying they are void within twenty-one days. One only voids something that is in effect.

Be that as it may, I think hon. Members are being unduly cautious about this. It is true that where we give the Governor in Council the power to make regulations, they are made to come into effect on the same day. On the other hand, we may wish confirmation and require that they should be made in a certain period, and the Governor in Council would then have to bring forward a resolution and have

it passed within forty days. All the safeguards are contained in this clause as it is, roughly.

I cannot conceive myself that these regulations will be so obnoxious as to warrant the removal of the power of bringing regulations into effect. May I say that immediately this Bill becomes effective there are to be regulations dealing with numerous things, like the prescribed forms for application or the actual type of licence, and I do not think it is necessary to have it in the law that these regulations cannot be made by the Governor in Council, or cannot become effective until they are approved by this Council. I suggest to hon. Members that they might well leave the clause as it stands.

To go back to the amendment: one part seems to be inconsistent with another. However, it is a matter for the Attorney General. I feel myself that it should not be accepted in that form.

Mr. Macnie : I am inclined to agree with the hon. Member, Sir Frank McDavid, on the point of not making them effective before approval, because they have no effect until a resolution has been placed before this Council for their acceptance and this Council has accepted them. On the other hand—and I think most of us know this—this is quite an unusual procedure in regard to regulations. I am not quite sure it is usual to have a 40-day period, and I am inclined to support the hon. Member Mr. Carter, in his request for a shorter time. I think there are requirements in regard to different laws for a period of less than 40 days, but I am speaking without being able to refer to any specific case.

The Attorney General : There is a tendency to standardize in connection with this procedure, and all the material with which I myself am familiar requires 40 days. The period required in England is 40 days, and in other territories it is 40 days. Wherever a different procedure is found it is to suit a different case. I am not so conversant with similar provisions here. This Council is probably aware that the British Guiana Act required 21 days and the Statutory Instruments Act has the effect of connecting that period to 40 days. So there is at present a trend to decide what is a proper period and standardize that period.

Mr. Carter : My reason for arguing in favour of 21 days is simply to ensure that whatever regulations are made, they would be expedited. As I said yesterday, my amendment is not very different in substance from the original clause. The main thing about this amendment is that it gives a period within which the regulations shall be approved or otherwise become void. What is passing through my mind is this: suppose that a man sinks \$1,000 into this type of industry. Regulations are made by the Governor in Council, the Fishery Officer, for some reason or other feels that this man should not be in the field, some regulation is enforced in regard to this man, and he is thrown out of business, thereby losing his \$1,000. His consignees are disappointed, no appeal can bring back his money and his goodwill, therefore he has to start in his business all over again. These regulations come before the Legislative Council. As we know, if they become void, it will be "without prejudice to the validity of anything previously done thereunder" and this man would not be

[Mr. Carter]
entitled to consideration. I feel that is unfair, and I have said so already

We must enable the Governor in Council to make regulations which are, in effect, laws. Why should these not come back here for approval? We represent the people whom the laws will affect. It is we who must pass them even if they are regulations. Hon. Members will see what I am trying to get at.

The Attorney General: On this question of amendments, I should like to draw attention to the fact that the hon. Member in charge of the Bill has moved an amendment which, in effect, provides that the Regulations must receive the approval of the Members of this Council. It goes further; in the normal provision, the Regulations will be made and will come into operation and will have effect in law, but a member of the Legislative Council may subsequently move a motion disapproving of the Regulations. But in the form in which the hon. Member has moved the amendment, the Regulations will have to be approved by this Council before they become law.

I should also point out that 14 days will have to elapse before a motion could be passed approving of the Regulations. This is the first time I have seen such a provision in legislation of this kind. I do not know whether hon. Members have accepted the idea that in view of the sweeping nature of this legislation the Regulations should be previously approved by this Council. Quite obviously, Government is not going to bring in Regulations of the type the hon. Mr. Carter has referred to and enforce them immediately, unless there is some very good ground for doing so. It is because there may be such cases that Government wished

to have the Regulations in actual force when they are approved.

The period of 40 days does not include any time that the Legislative Council is prorogued or adjourned for more than seven days. I suggest that it would be dangerous to have a provision that any of these Regulations must be laid for a period before they become law. Obviously, there is no need in most cases for them to come into force in a hurry, so that in most cases the Legislative Council would have a chance to consider them before they actually come into force. But, it would be dangerous to remove entirely the provision that these Regulations should come into force immediately. With regard to the amendment suggested by the hon. Member, Mr. Carter, I think we should all agree that if it is adopted, that man, the petitioner, would be grateful for *ex gratia* compensation. I do suggest to the hon. Member that he should leave it to the wisdom of Government.

If we delete these words, an officer going on the land would be liable to an action for damages for what he has done. That would be an undesirable state of affairs, and I think we have debated that problem once before. It would be quite unfair to expect a public officer to carry out his duties under the Regulations if he is going to be liable to prosecution for what he has done. It would be totally unfair. The grouse expressed by the hon. Member (Mr. Carter) would be covered by *ex gratia* compensation. If the amendment was asking for the very thing that Government is trying to stop then, of course, it would be a different matter.

Mr. Macnie: I am in agreement with what the Attorney General has

said about this part of the amendment proposed by Mr. Carter, but I am not in agreement with the Attorney General about two other things. The Attorney General has said that no Government would do such a thing, but I would not subscribe to that, with due respect to him, in the light of experience gained in this country and in other places. With respect to the period of 40 days, I have found that 21 days is the usual period in this Colony and I agree with what the Attorney General has said about the practice in the United Kingdom. In the Factories Ordinance which is to be found in Volume III of the local Ordinances, page 1663, the period is one of 21 days. I am not opposed to Mr. Carter's amendment which provides that the Regulations should come before this Council before they are put into effect. I recognise, however, the need for their coming into effect immediately after they have been passed by the Governor in Council. I am, however, not against 40 days being amended to read "21 days", and in the event of any other amendment being put I shall vote against it. I shall move myself that "40 days" be amended to read "21 days".

Mr. Carter: I agree with what the hon. Mr. Macnie has stated. I may say that there has been a reason for my moving this amendment. If the Regulations are to come into force before they have been approved by the Legislative Council, then the Council is going to agree that that part of the clause should stand. As it is, I will ask that the words "*bona fide*" be deleted. The Attorney General feels that it would be *infra dig* for an officer to be carried before a Court for something that may have happened to

cause loss or damage. He said yesterday that what is good for Government should be good for the individual, and if Regulations are made which could cause one to suffer loss or damage, then the officer responsible for putting the Regulations into effect should be subjected to loss himself. If that cannot be done, then the part of the clause which speaks of "the breach of any regulation made under this Ordinance" (in subclause (2)), should be deleted. There is still good reason for the amendment.

Sir Frank McDavid: I am grateful to the hon. Mr. Macnie for the way in which he has put the points he has raised, and also for discovering the particular Regulations relating to the question of 21 days. I must join issue however, over his pessimism with regard to the propriety of Government and other public officers in visiting lands under this particular law. I have just discovered a minute of my own in which I was dealing with the point Mr. Carter made—about the hypothetical cost of fish not exported by someone experienced under the law. The substance of what I have written is that I would like to see practical instructions inserted in the Ordinance as to what should be done beforehand.

I do not want to go into a ceaseless argument, but there would be no secret about any change in the new Regulations. For instance, there was no secret about the change as regards the arapaima (fish) when it was decided that that fish should be preserved and Regulations made to that effect. I am quite sure—speaking for myself and for the Department of Agriculture—that the Director made no secret of it. I am not giving an assurance about that sort of publication, but it can be taken for granted that that is what would happen.

[Sir Frank McDavid]

Having said all that, I feel myself that Government should be able to get through the necessary work of preparing Regulations and submitting them to this Council within 21 days. In fact I would prefer that that should be done. Forty days is the usual time in England, and it may be a very desirable period, but I do not think we would be running too much risk if we changed it to 21 days, and I am sure the hon. the Attorney General would not disagree if I said that either Mr. Macnie should move an amendment of my amendment, or if he permits me to do it I am quite ready to amend my amendment by substituting 21 days for 40 days in sub-clause (3) and also in sub-clause (4). That would easily meet Mr. Carter's point and reduce the time between the making of Regulations and their coming before the Council for approval. I suggest that he accept my semi-assurance that he would know well in advance of any change which would have a vital effect on the industry.

Mr. Macnie: I have no desire to move an amendment if the hon. Member would accept the suggestion and substitute 21 days for 40 days in his amendment. I support entirely the clause as drafted, as regards its being positive, but I am sorry that the hon. member has accused me of pessimism. I was not referring to Government officers. It was more a case of apprehension of Government rather than Government officers.

Sir Frank McDavid: With a capital G. I ask that the word "forty" in sub-clauses (3) and (4) of my amendment be altered to "twenty-one."

Mr. Carter: There is another point which I am still pressing.

Sir Frank McDavid: What the hon. Member is trying to say is that

he is almost persuaded to accept my amendment, but he would like the words "without prejudice to the validity of anything previously done thereunder," removed. As the hon. the Attorney General has already explained, it is unfair, unethical and in every way wrong that Government officers who may act under Regulations should be exposed to claims for damages. That is a matter which was argued in the Legislature at great length on a previous occasion, and those words were put in as a safeguard for public officers. I do not see that their removal is going to make any difference whatever to the general situation which would ensue in the passing of those Regulations.

The Chairman: Mr. Carter, do you wish to abandon your amendment? If you withdraw it you have the right to move an amendment of the hon. Member's amendment. Do you wish to withdraw your amendment?

Mr. Carter: No, Sir. There is a part of my amendment which I am prepared to withdraw — the part which says:

"Such regulations however shall not be given effect until they have been approved by the Legislative Council."

With due respect to the right of the Governor in Council to make those Regulations I am prepared to withdraw that part of my amendment, provided that the words "but without prejudice to the validity of anything previously done thereunder" are deleted from the hon. Member's amendment. Why should a member of the public be put to the inconvenience and expense of going to the Supreme Court to get compensation for damages suffered through Regulations which are carried out by a Government officer?

The Chairman: I am sorry I do not understand your position. You have proposed an amendment which is

on the Order Paper, but unless I am mistaken, it seems to me that you desire your amendment to remain as it is while you are attacking the amendment moved by the hon. Member in charge of the Bill. In fact you want to have two amendments—your own to remain and an amendment of the hon. Member's amendment. If I regard what you propose as two amendments, the Rules provide the manner in which I should put the matter to the Committee. I would have to put what is called the original amendment, in which case you take the risk of that amendment being carried and your own amendment being lost.

Mr. Carter : I am quite aware of the procedure, Sir.

The Chairman : You must let me know if you have two amendments.

Mr. Carter : I would prefer to have my amendment put as it is.

The Chairman : The question is that the amendment moved by Mr. Carter be approved.

Mr. Carter : Will you please read it, Sir?

The Chairman (having read Mr. Carter's amendment): Those in favour of Mr. Carter's amendment will say "Aye" and those against, "No". I think the "Noes" have it.

Mr. Carter : Division, please.

The Chairman : I would ask hon. Members to be good enough to get into the habit of making the correct replies to the question by the Clerk when he is inviting them to declare their attitude or opinion when a division is being taken. Those in favour of a motion or amendment should say "Aye" and those against "No." Please do not go back to

"Yes" or "For" and "Against". I must ask the Clerk not to take any other reply than "Aye" or "No". In the House of Commons the Members go into the lobbies during a division.

The Committee divided and voted:

FOR

AGAINST

Mr. Carter.—1.

Mr. Jaiial
Dr. Fraser
Mrs. Dey
Miss Collins
Mr. Rahaman
Rev. Mr. Bobb
Mr. Correia
Mr. Macnie
Mr. Phang
Mr. Lee
Mr. Tello
Mr. Gajraj
Mr. Farnum
Mr. Kendall
Sir Frank McDavid
The Financial
Secretary
The Attorney
General
The Chief Secretary
—18.

Amendment negatived.

Sir Frank McDavid : Sir, reading from the typed sheet, the word "forty" should be replaced by the words "twenty-one" in sub-clause (3) and in sub-clause (4).

Question put, and agreed to.

Clause 34 renumbered as clause 33, and passed as amended.

Clauses 35, 36, 37 and 38 renumbered as clause 34, 35, 36 and 37, and passed as printed.

Mr. Lee : Sir, before we proceed to clause 38, I beg to move that clause 2 be recommitted. I gave notice yesterday.

The Chairman : Does it affect clause 38?

Mr. Lee : No, Sir.

Question put, and agreed to.

Clause 2 (*Interpretation*) re-committed.

Mr. Lee : I beg to move that the definition of the word "waters" in this clause be amended by the addition of the words "other than ponds, trenches and canals not owned by the Crown or the Colony" at the end of the definition. If someone is the owner of a fish pond and he does not think that the Ordinance should apply to him, it would prevent him from breeding fish although it might not be for his own gain. The substituted Clause 11 states, at sub-clause (3):

"No person shall engage in fishing for gain as his sole or principal occupation unless he is the holder of a valid licence issued under this Section":

We are trying to introduce into this Colony the idea of breeding fish in ponds and trenches owned by private people and I am not of the opinion that this Ordinance should apply to those people, for the simple reason that they should be free to breed and sell their own fish, and there is a possibility of people developing old plantations into fishery estates. The Essequibo Coast is one place where this is likely. Also, let us take Vergenoegen, where people go to the trenches, cast their nets, catch fish and sell it. They should not be restricted in the kind of fish they should catch, the way they should catch it and how they should market it. I am thinking solely of the people who intend to carry on fishing as an industry.

Mr. Correia : I am supporting the hon. Member in what he said. I have heard of the experience of the owner of a fish pond for gain who was told by the Fishery Officer to take out a licence to fish.

Sir Frank McDavid : It seems that we have started on the second reading all over again. I am sure the hon. Member, Mr. Lee, was not here when I spoke. The criteria for taking out a licence to fish is so deep that it matters not whether or not the individual is undertaking or indulging in fisheries as his sole occupation. As to the illustration Mr. Correia made: of course, he would not have to take out a licence. Mr. Correia is an eminent legislator and not a fisherman.

As to the merit of taking certain waters out of the definition of waters in this Bill, let me say at once that all waters should be controlled in so far as certain aspects of fish life are concerned; aspects like pollution and all those things which are set out in this clause. Nevertheless, there is a provision in clause 11 by which the Governor in Council may exempt from the application of subsection (3) fishing in respect of any particular waters or areas of the Colony if it is fit for him to do so. I can assure the hon. Member that if the hon. Member becomes a fisherman *in toto* he would find an exempting order by which he does not have to take out a licence.

I think the hon. Member is worrying himself unnecessarily and is perhaps confused. I confess to some confusion over the old wording and the new, but the term "commercial purposes" is no longer there, and therefore we have to take as a fisherman a man engaged in fishing as his principal form of occupation, and, again I repeat, in doing that he is bringing himself into the ambit of certain provisions and is protecting himself, but he will find that certain regulations are made so that only real fishermen will be able to do certain things, like putting down a pin seine. So I would ask Mr. Lee not to press this point.

Mr. Lee : My point seems to have been misunderstood. I feel this Bill should not control people other than those who carry on fishing for a living. From the present definition of "waters," if I breed fish in my yard for gain I would have to take out a licence.

Sir Frank McDavid : It is not so. I have said so already.

Mr. Lee : I am a barrister, and if I carry on fishing on my estate, do I not have to take out a licence?

The Chairman : No. The hon. Member was told that by the mover.

Mr. Macnie : I am supporting the amendment, and in doing so I am thinking of a man who is neither a barrister nor a businessman, nor a Member of the Legislature, but who owns a bit of land and goes in for fish farming on his land—and I am sure he is the fellow who my friend on my right (Mr. Lee) meant. I do not mean a freehold estate. It may be just a piece of swamp—and there are people looking for bits of swamp land to carry out fish farming.

The Chairman : Well, he comes within the law.

Mr. Macnie : Well, Sir, that man owns the land and he uses it for fishing. The amendment proposes to exempt him from the law because he is not engaged in fishing in rivers or in bays or creeks or such like; he is engaged in fishing on something he owns. For that matter he may have excavated the land to have it compoldered and so on. Why should he come within the purview of the Ordinance?

If the amendment is accepted as moved by the hon. Member (Mr. Lee),

I do not see how a person fishing in "waters" as defined (in the Interpretation clause) could come within the law.

The Chairman : The hon. Member is saying, in effect, that the amendment raises a vexed question—that such a person would not have to take out a licence.

Mr. Macnie : That is the effect of the amendment.

Sir Frank McDavid : I do not think the hon. Mr. Macnie has studied the point sufficiently. I do not see what is the objection or what would be wrong if one fisherman goes in for fish-farming as his sole or principal occupation, in requiring him to take out a licence. His licence fee would be only 25c. What is wrong in having him submit to some sort of hypothetical rule or authority?

Mr. Lee : Let us assume for the sake of argument that I have a fish pond or trench on my premises and I have stocked it with—say sunfish. Is anyone going to tell me that if I sell that sunfish to the public I am not to take out a licence? The penalty of the Ordinance would fall on my shoulders and I would have to be controlled and to give details as to the size of the lines, nets, or other equipment I am using; and that is what I do not want.

The Chairman : The hon. Member (Mr. Lee) has spoken about owning land and rearing fish thereon and selling it, but the question is whether one is fishing as his principal or sole occupation. Those are the only points.

Mr. Carter : Before the question is put, Sir, I would like to say that ponds, under this Bill, do not appear to have a right to have anything to do with the fishing industry. That is

[Mr. Carter]

the real evil in it, and I mentioned it for the benefit of the hon. Mover on Thursday last when I spoke on the Bill.

The Chairman: I am afraid I must ask the hon. Member to address himself to the amendment proposed by Mr. Lee, — for the addition of the words “other than ponds, trenches and canals not owned by the Crown or the Colony” at the end of the definition of “waters”, I will now put the question that the definition clause be extended to include those words.

Amendment put, the Committee dividing and voting as follows:

For :	Against :
Mr. Jaisal	Rev. Bobb
Dr. Fraser	Sir Frank McDavid
Miss Collins	Mr. Tello
Mr. Rahaman	Mr. Gajraj
Mr. Correia	Mr. Farnum
Mr. Carter	Mr. Kendall
Mr. Macnie	The Financial Secretary
Mr. Phang	The Attorney General
Mr. Lee—9.	The Chief Secretary—9.

Amendment negatived.

Title and Enacting Clause:

The Chairman: Would the hon. Member, Mr. Carter, mind saying what is his proposal with regard to amending the Long Title of the Bill?

Mr. Carter: I would like it to read:

A Bill intituled “An Ordinance to regulate fishing in the coastal waters of the Colony.”

I would also like to have the definition of “waters” in clause 2 amended.

The Chairman: If the hon. Member wishes to make an amendment to

clause 2, he will have to ask that the clause be recommitted. I cannot allow the hon. Member to speak on the Long Title. Clause 2 is the one affected by his proposal—for an amendment of the definition of “waters”.

Mr. Carter: Very well, Sir. I am asking that clause 2 be recommitted in order that I might move the amendment.

Sir Frank McDavid: I must protest about that for this reason: The hon. Member wishes to recommit clause 2 at this time in order to try and include a definition for “coastal waters”. He wants really to exclude all waters except the sea, but I can assure hon. Members that such an amendment would upset the whole principle of the Bill.

The Chairman: I cannot have a debate on that.

The Attorney General: In view of the fact that the clause has already gone through the Council twice and passed by the whole Council, it seems to be questionable whether it should be recommitted.

The Chairman: I am going to put the question that the clause be recommitted in order that there should be an amendment, as stated, to clause 2.

Amendment put, and negatived.

Title and Enacting Clause passed as printed.

Council resumed.

Sir Frank McDavid: I do not propose to take the third reading of the Bill now, sir, because I wish to allow the Law Officers time for care in putting together the various amendments.

CONFIRMATION OF ORDER IN COUNCIL
No. 45 OF 1956

The Financial Secretary: I beg to move the following motion standing in my name at item 4 on the Order Paper:

"RESOLVED, That this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 45 of 1956 which was made on the 3rd day of July, 1956, and published in the Gazette on 14th July, 1956."

The object of this Order is to allow the remission of Customs duty on polystyrene which is imported for the manufacture of plastic goods in British Guiana. There is the possibility that a factory will be established here for making plastic articles for local use and also for export, and it is considered that the main raw material which is imported should be admitted duty free. At present a similar concession is granted under the law in the case of certain other industries such as match and margarine manufacturing.

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to

RICE FARMERS (SECURITY OF TENURE)
BILL, 1956

Mr. Speaker: The next item on the Order Paper is the second reading of the Rice Farmers (Security of Tenure) Bill, to be moved by the hon. Member for Agriculture.

Sir Frank McDavid: I would like, if I may, to take this Bill as the first business on Thursday next.

Mr. Lee: Would the hon. Member make it the following week instead? I shall be engaged next week,

but I would like to say something on this Bill.

Sir Frank McDavid: I can assure the hon. Member that he will have the opportunity of saying something. I shall move the second reading of the Bill next week and the hon. Member will have an opportunity to make his contribution later.

Mr. Speaker: The item is therefore deferred until Thursday next (2nd August).

CURRENCY (AMENDMENT) BILL,
1956

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

"An Ordinance to amend the Currency Ordinance."

I may assure you, Sir, that this Bill is a very important one despite its unpretentious appearance. Its purpose is, in effect, to make it possible for part of the backing of our currency to be invested in British Guiana Securities. Members will be aware of the fact that currency notes can only be issued by the Currency Board when sterling of equivalent value is deposited with the Crown Agents. This sterling is at present invested in sterling securities in territories outside the Eastern Caribbean region. The Bill now before the Council is similar to those which have been already presented to the Legislatures of the other participating Governments in the Eastern Caribbean Currency Board. The idea is that it should be made possible to permit not more than £2,500,000 of the currency backing to be invested in local securities issued by the Governments of Barbados, Trinidad, the Leeward and Windward islands, and British Guiana, as part of the mobilisation

[Financial Secretary]

of financial resources to finance development programmes. It is considered that the investment of this amount of about 20 per cent. would not in any way impair the security or the liquidity of the Fund's investments. In fact, it is a conservative amount but that is only right and proper when dealing with currency backing, especially when 100 per cent. backing is being reduced for the first time.

The Bill speaks of 20 per cent being put into local loans. It says nothing about how that 20 per cent. (£2.5 million) shall be divided between the various territories which participated in the Unified Currency System, but the obvious way to divide the 20 per cent. would be on the basis of the currency in circulation in the different territories. Our percentage is 25, which would mean that approximately \$3 million of the currency backing could be invested in British Guiana securities if this method of sharing, which is a reasonable one, and which will probably go into effect, is undertaken.

The mechanics for the operation are rather complicated and have not yet been settled, but that does not affect the principle of the Bill, which I think is quite clear. If there are any difficulties or technical points in the Bill as it stands, perhaps I can explain them in the Committee stage. I formally move that the Bill be read a second time.

Sir Frank McDavid: I beg to second the motion.

Question put. and agreed to.

Bill read a second time.

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

Council resumed.

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

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

Local Government (Amendment No. 2) Bill 1956

Mr. Farnum: (Member for Local Government, Social Welfare and Co-operative Development): I beg to move the second reading of the Bill intituled:

"An Ordinance to amend the Local Government Ordinance with respect to the charging of fees by a Local Authority for burials in a cemetery or burial ground under its control and for a copy of an entry in a register of burials."

Under section 148 of the Local Government Ordinance (Chapter 150) provision is made for the making of by-laws by the Local Government Board prescribing fees to be paid for graves, and in respect of burials in a cemetery or burial ground in a village, country or rural district, and also for any copy of an entry in a register of burials.

Section 216 of the same Ordinance makes provision for the submission to and approval of the Governor in Council of all by-laws made by the Board under the Ordinance.

It is considered desirable that Local Authorities should be permitted to fix and vary the fees mentioned in

section 148 of the Local Government Ordinance without the necessity of securing the approval of the Governor in Council, provided, however, that the approval of the Board has been obtained. The Bill seeks to achieve this object by repealing and re-enacting section 148 of Chapter 150. I move that the Bill be read a second time.

Mr. Speaker: You need not have elaborated; all you need have done was to say that the objects of the Bill are set out in the memorandum appended to the Bill.

Mr. Farnum: Very well, Sir; I will do so in future.

Mr. Gajraj: I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

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

Council resumed.

Mr. Farnum: I move that the Bill be read a third time and passed.

Mr. Gajraj: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

FIRE BRIGADE BILL

Item 8. — Second reading of the Bill intituled:

“An Ordinance to provide for the establishment of the British Guiana Fire Brigade and for purposes connected therewith.

The Chief Secretary: I am not ready to proceed with this Bill today.

Bill deferred.

ORDER IN COUNCIL—IMPORT DUTY ON MATCHES

The Financial Secretary: I beg to move:

‘Be it resolved:

That this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council, No. 46 of 1956, which was made on the 3rd day of July, 1956, and published in the Gazette on 21st July, 1956.”

The need for this Order arises because of a mistake in the present Tariff which also has existed since 1953. Before the revised Tariff of 1953 there was an item which applied to gross boxes containing not more than 60 matches, but in the new Tariff it was referred to as “gross boxes of 60 matches,” which means that if a box contains 50 matches, only a proportionate amount of duty is payable. That is obviously not the intention. The intention of the Order in Council is to restore the position to what it was since 1920.

Opportunity has also been taken to insert an item which would cover what may be described as fancy matches, and the rate of duty proposed is roughly what applies to a box of matches.

The Chief Secretary: I beg to second the motion.

Mr. Speaker: I recall a former Financial Representative in the Combined Court calling attention to the fact that matches were then being imported into the Colony that could not be made to pay duty because of the manner in which they were put up. No notice was taken of his remarks and the Colony lost a considerable amount of revenue. It is the same item and the same question arose some years ago.

Motion carried.

Mr. Speaker: I adjourn Council until Thursday next, 2nd August, at 2 p.m.