

LEGISLATIVE COUNCIL

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

THURSDAY, 20TH SEPTEMBER, 1956

The Council met at 2 p.m.

PRESENT:

The Deputy Speaker,

Mr. W. A. Macnie, C.M.G., O.B.E.
—in the Chair.

Ex-Officio Members:

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

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

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. C. A. Carter

Rev. D. C. J. Bobb

Mr. H. Rahaman

Miss Gertie H. Collins

Mrs. Esther E. Dey

Dr. H. A. Fraser

Mr. R. B. Jailal

Clerk of the Legislature

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature

—Mr. E. V. Viapree.

Absent:

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

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

Mr. W. T. Lord, I.S.O.—on leave.

Mr. J. I. Ramphal—on leave.

Mr. E. F. Correia—on leave.

Mr. Sugrim Singh—on leave.

The Deputy Speaker read prayers.

The Minutes of the meeting of the
Council held on Thursday 13th Sep-
tember, 1956, as printed and circulated,
were taken as read and confirmed.

ANNOUNCEMENTS

LEAVE TO MEMBERS

Mr. Deputy Speaker: I have to announce that leave has been granted to the hon. Member, Mr. Correia, from the 20th to the 21st of this month and to the hon. Member, Mr. Sugrim Singh, from today's meeting.

I have been asked to say that Finance Committee of this Council will meet tomorrow at 2 o'clock to continue and, it is hoped, to complete consideration of the Development Programme, 1956 to 1960.

. PAPER LAID

Mr. Cummings (Member for Labour Health and Housing): I beg to lay on the table,

The Report of the Advisory Committee appointed by His Excellency the Governor in terms of section 6 of the Labour Ordinance (Cap. 103) to inquire into the trade dispute between the Man-Power Citizens' Association and the British Guiana Sugar Producers' Association.

GOVERNMENT NOTICES

REFORMATION OF WEST INDIA
REGIMENT

The Chief Secretary (Mr. Porcher, acting): I beg to give notice of the following motion:

"Whereas Her Majesty's Government has proposed that in the interests of local defence and internal security within the Caribbean area the West India Regiment should be re-formed:

Be it resolved: That this Council agrees—

- (a) that British Guiana should participate in the re-formation of the Regiment;
- (b) that the Secretary of State for the Colonies be asked to request the Secretary of State for War to proceed forthwith to raise the Regiment and control it as the agent of the participating Governments;

- (c) that the legislative basis for the establishment of the Regiment should be provided by an Act of Parliament in the United Kingdom;
- (d) that British Guiana should contribute to the cost of raising and maintaining the Regiment on the basis of a fixed annual payment not exceeding 1% of the territory's yearly revenue at the time of the Regiment's inception, this payment to be subject to review after five years or earlier if the basis of contribution of other participating Governments is changed in consequence of Federation."

Sir, with your permission I would also wish to give notice that I would proceed with this motion next Thursday. I have His Excellency's permission to do so.

NOTICE OF QUESTIONS

DECANTING OF LEGUAN AND WAKENAAM
RESIDENTS

Mr. Phang, on behalf of **Mr. I.ee**, gave notice of the following questions:

To the Member for Labour, Health and Housing:

1. Did Government give an assurance in the Legislative Council that the decanting of residents from the estate ranges at Maryville and Success, Leguan, and Belle Plaine, Wakenaam, would be given priority?
2. Did the Government also send Assessors and Surveyors and the District Commissioners with a view to implementing that assurance?
3. If the answers are in the affirmative, will Government state why the assurance has not been implemented?

ORDER OF THE DAY

DRAINAGE AND IRRIGATION
(AMENDMENT) BILL

Sir Frank McDavid (Member for Agriculture, Forests, Lands and Mines): I beg to move the first reading of a Bill intituled:

"An Ordinance further to amend the Drainage and Irrigation Ordinance."

The Attorney General (Mr. Wylie): I beg to second the motion.

Question put, and agreed to.

Bill read the first time.

LABOUR (AMENDMENT) BILL

Mr. Cummings: I beg to move the first reading of a Bill intituled:

"An Ordinance to amend the Labour Ordinance."

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Bill read the first time.

PHARMACY AND POISONS BILL

Mr. Cummings: I beg to move that Council resolves itself into Committee to resume consideration of the Bill intituled:

"An Ordinance to make provision for the control of the Profession of Pharmacy and the Trade in Drugs and Poisons."

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

COUNCIL IN COMMITTEE

The Chairman: When Council adjourned on the last occasion, clause 19 was still being considered. We will therefore resume at clause 19. Does any other Member wish to speak on that clause?

Mrs. Dey: I see the handwriting on the wall. I am not moving an amendment, but the hon. mover promised he would go into the matter when questions were asked at clause 19. The adjournment hour came and we had to leave. I am not seeking to

be difficult and I am trying not to repeat myself too often; but it seems I was misunderstood as saying that I wanted consideration for people willy-nilly—people selling drugs here, there and everywhere. That was not my intention, because, as I said, I would support the Bill.

In reading the Sixth Schedule of Chapter 328 of the Laws of British Guiana, Volume VI, at page 4456, I see that among accountants and auditors only one gentleman holds a certificate from a Board of Examiners appointed by the Governor, and 15 others were exempted by virtue of their experience. Bearing in mind this precedent I am merely asking that the hon. mover should consider the position of six people who have served as pharmaceutical apprentices, or whatever they are called, and have served in hospitals and drug stores. They have had no other calling in their lives. Let their names be exempted and at no time after this law is passed would anybody else be permitted such exemption. Just give it to those people with 20 or 30 years' experience. That is all I am asking.

The Chairman: Is the hon. Member moving an amendment?

Mrs. Dey: No sir, I think the handwriting is on the wall. I am just leaving it to hon. Members.

Mr. Cummings: I appreciate the vigour with which the hon. lady Member has pleaded, but very careful consideration has been given by the Medical Board and the Pharmaceutical Society to this question, and it is on their advice that I have taken the responsibility for this measure. It is felt that it would be detrimental to the public interest and would also be a retrograde step if these unqualified

[Mr. Cummings]

persons are put on the register as the hon. Member suggests. While I have no doubt that a pharmacist would be able to use his knowledge and discover when a doctor makes a mistake, or anything like that, if any of these unqualified gentlemen makes a mistake somebody might suffer fatally. I cannot see myself supporting an amendment in this matter.

Mrs. Dey : I am sorry that my appeal has fallen on barren ground. I have here "A Guide to the Pharmacy and Poisons Act, 1933, and the Poisons Rules and the Pharmacy and Medicines Act, 1941, and with your permission, sir, I should like to read a quotation from it under the heading: "Restriction of sale of Medicines by unauthorised Persons." It reads :-

"With specific exceptions, the Pharmacy and Medicines Act, 1941, prohibits the sale by retail of any article recommended as a medicine except by an authorised person. Authorised persons consist of the following three classes :

- (1) Registered medical practitioners or registered dentists; or
- (2) Authorised sellers of poisons (from premises where the business is controlled by a pharmacist) or
- (3) Persons who (1) have served a regular apprenticeship to pharmacy and (2) who, at the date of the passing of the Act, are carrying on their own account a business which comprises the retail sale of drugs."

I am asking that careful consideration be given to this extract in the interest of those persons who desire to obtain some form of relief.

The Chairman : Perhaps the hon.

mover would like to refer to it in the course of his reply.

Mr. Cummings : I venture to express the view that in England these gentlemen would have been removed from the register since the passing of the 1941 Act, so that this law is in England at the moment. I cannot express an expert opinion, but I remember considering this provision with the Pharmaceutical Society, and my recollection is that the registration of unqualified persons was not favoured, and what is more, there is no other Act under which it could be done in England. That is not the sort of thing we are contemplating at the moment, except that we are going to limit the sale of drugs to patent and proprietary medicines so that persons who have been carrying on that sort of business for a number of years might continue. That would be on a personal basis. All that has been considered, sir, and the decision is that we should proceed with the Bill as it now stands before the Council. There is nothing, however, to prevent any hon. Member from moving an amendment.

Mr. Carter : There seems to be an alteration in the procedure relating to this Council. I see no reason why a Member should get up and read *Hansard* and bring books and so on to the notice of Members in order to move an amendment of an ordinary nature. I think that if hon. Members have read this Bill and do not like certain things in it they should simply move an amendment.

Mrs. Dey : To a point of correction: I never read from *Hansard*, sir.

Mr. Jailal: I recall that the hon. Mover said he was going to consider the question of signs on drug stores and therefore I was looking forward to some amendment.

The Chairman: I think that was with reference to clause—

Mr. Jailal: That was stated during consideration of this clause.

The Chairman: Yes; I think it was at clause 19 (2).

Mr. Cummings: I think the hon. Member (Mr. Jailal) is referring to clause 19 (1). It deals with that point very clearly, and it states:

"19. (1) No person other than a person duly registered as a pharmacist under the provisions of this Ordinance shall assume or use the title of Pharmacist, Chemist and Druggist, Druggist or Dispensing Chemist or any name, title, or sign implying that he is registered under this Ordinance:

"Provided that the use of any of these titles or signs on any premises kept in conformity with sections 20 and 21 of this Ordinance, or the use of the title Analytical Chemist or Consulting Chemist by any person holding a diploma of the Royal Institute of Chemistry of Great Britain and Ireland, or by any person at the commencement of this Ordinance practising in that character in the Colony, if in either case he is not engaged in the trade of retailing and dispensing drugs and poisons, shall not be deemed a breach of this section."

I have had information that in Jamaica where there is a similar Bill—and in Trinidad also—they use the words "First Aid" instead of "Drug

Store". One can very well see that a person impelled by some dishonesty might stand to lose if he uses the words "drug store". I think the Pharmaceutical Society mentioned this to me, and they said there is no difficulty in adopting the change. In those places they change the words "Drug Store" to "First Aid Centre" or "First Aid Store", and I think that is quite reasonable. As a matter of fact it is even more apt, since a person who needs a little aid quickly would think of going there rather than to a drug store.

Rev. Mr. Bobb: I must confess a certain degree of vagueness with respect to the description given. The suggestion is that these stores should be called "First Aid Centres." I do not think we should introduce that name here and now. Perhaps if the matter is investigated it might be discovered that there is another reason for using that name. I should like to have some more reliable information on the point before we proceed any further. The change in name might have had something to do with their efficiency.

Mr. Cummings: I do not know what the hon. Member means by "efficiency" here. I said I was informed by the members of the Pharmaceutical Society that in Trinidad and Jamaica no hardship had arisen because of the use of another name. I have not ventured to suggest what the name should be here, nor have we recommended in the legislation what the pharmacists should call themselves. It is for them to decide what designation they can use in the interest of the public.

Rev. Mr. Bobb : The expression "efficiency" may even consist in their ability to decide on what name they should use.

The Chairman : I gather that the hon. Member suggested that the name "First Aid Store" should be used. I think the hon. Member suggested that, or said he did not see any objection to that name.

Mr. Cummings : It was suggested that a hardship would be created by changing the name, but it was agreed that the name as used elsewhere should be adopted. However, the pharmacists can use another name; they have the whole dictionary at their disposal. Government has put forward suggestions whereby they may now use certain names, and we did not want to create any hardship on them when they heard the name they should use. The onus is on Government to suggest what name they should call themselves.

Miss Collins : I crave permission, sir, to quote from "A Textbook on Forensic Pharmacy" (by Thomas Dewar) first printed in 1946—second edition, 1950—in which the author states the following (on page 162) under the heading "Retail Distribution of Medicines" :-

"No person may sell by retail any article consisting of or comprising a substance recommended as a medicine (see p.p. 155-157)) unless he is included in one or other of the following classes, and observes the conditions, if any, applicable to sales by persons included in that class, (see classes 3 and 4):

"Medical Practitioners,

2. Dentists, including bodies corporate entitled to carry on the business of dentistry.

3. Authorised sellers of poisons,

The sale must be effected at registered premises (excluding those having no pharmacist in control—see p. 33).

4. Persons who have served regular apprenticeships,

The person concerned must have served a regular apprenticeship to a pharmacist or to a body corporate which is an authorised seller of poisons, and must have been on 7th August, 1941, carrying on his own account, a business which comprised the retail sale of drugs. The sale of the medicine must be effected at a shop (see p. 164) and the business carried on at that shop must, so far as it concerns the retail sale of drugs, be under the personal control of the person concerned. As bodies corporate are incapable of serving apprenticeships, none are included in this class."

I quote this passage to show that it would be an offence for persons who are not entitled to sell certain drugs or medicines through not being qualified or authorised to attempt to do so by the addition of other words on their signboards or business places.

Mr. Jailal : I would like to know what would be the position if a signboard, for instance, carries the name "John Jones" and does not show who is the pharmacist at that business. I think that provision should be made for the name of the pharmacist to be printed plainly, so that everyone would see it. Many persons have built up businesses on trade names, and people in this Colony are accustomed to looking for the names of their favourite drug stores. It is therefore important to my mind that the name of the pharmacist should be printed on every drug store. It would be a form of business protection and I feel that an amendment to that effect should be made.

Rev. Mr. Bobb : I would like Mr. Jailal to explain whether the implication of his argument is that because there is no sign indicating that Mr. "So and So" is the pharmacist, the particular business is not a drug store within the provisions of this Bill?

Mr. Jailal : I cannot see why the name of the proprietor of a drug store cannot remain on the sign. I would like to know what names drug stores like Bookers, for instance, will have to carry.

The Chairman : I think the hon. Member will find reference to corporate bodies in clause 21.

Mr. Jailal : It seems to me that in order to be able to continue to use their trade names the small proprietors of drug stores will be forced to spend hundreds of dollars to become corporate bodies.

Mrs. Dey : I would not support this Bill if bakers, butchers and the like would be able to sell drugs merely by putting up a sign "First Aid". I am only fighting for those who have experience in the handling of drugs.

Mr. Cummings : May I assist the hon. Member? The compromise which Government is trying to effect is to permit certain people who have been carrying on this trade in drugs over a number of years, but who are unfortunately not qualified, to continue to do so on a personal basis. No new people will be allowed to do so. So that any butcher who puts up a sign would not be allowed to sell drugs, because he is not mainly concerned with drugs in his business.

Mrs. Dey : Thank you, sir, but I have here the Poisons Guide of 1953. The previous one was said to be too

old; I hope this one is new enough. Under the heading "Titles" it says :

- "The "personal" use of the following titles restricted to registered pharmacists:-
- (i) Pharmaceutical chemist
 - (ii) Pharmaceutist.
 - (iii) Pharmacist.
 - (iv) Chemist and Druggist.
 - (v) Chemist (in connection with the sale of goods by retail).
 - (vi) Druggist.

Mr. Cummings : That is exactly what we are doing. The Bill is modelled on the English Act. We seem to be making heavy weather of certain things which have been accepted elsewhere and have worked.

The Chairman : I would suggest to hon. Members that we have had a very full discussion — in fact rather fuller than it might have been. It is unfortunate that no Member, in support of his or her argument, has seen fit to move an amendment. That is the only way these matters can be dealt with in Committee. I therefore propose to put the question "That clause 19, as printed, stand part of the Bill."

The Committee divided and voted

<i>For</i>	<i>Against</i>
Dr. Fraser	Mr. Jailal
Miss Collins	Mrs. Dey
Rev. Mr. Bobb	Mr. Rahaman
Mr. Carter	Mr. Phang.—4.
Mr. Tello	
Mr. Gajraj	
Mr. Farnum	
Mr. Kendall	
Sir Frank McDavid	
Mr. Cummings	
The Financial Secretary	
The Attorney General	
The Chief Secretary.—13.	

Did Not Vote—

Mr. Lee.—1.

Clause 19 passed as printed.

Clause 20 passed as printed.

The Chairman : I understand that the hon. Member has an amendment to clause 20 which was circulated.

Mr. Cummings : Yes, sir. I did not realize that Your Honour had actually put the clause. I therefore move that it be recommitted.

Mr. Carter : I think hon. Members are familiar with the amendment, and as the clause has been passed as printed I do not think it should be recommitted.

The Chairman : The question is "That clause 20 be recommitted." Those in favour will say "Aye" and those against "No". The "Ayes" have it.

Mr. Carter : Division, please.

The Committee divided and voted:

<i>For</i>	<i>Against</i>
Dr. Fraser	Miss Collins
Mrs. Dey	Mr. Rahaman
Rev. Mr. Bobb	Mr. Carter.—3.
Mr. Phang	
Mr. Tello	
Mr. Gajraj	
Mr. Farnum	
Mr. Kendall	
Mr. Cummings	
Sir Frank McDavid	
The Financial Secretary	
The Attorney General	
The Financial Secretary.—13.	

Did Not Vote—

Mr. Jallal
Mr. Lee—2.

Motion carried.

Clause 20—*Conditions to be fulfilled by pharmacist in order to become authorised seller of poisons.*

Mr. Cummings : I propose the amendment which appears as item 2 on the list of amendments which was

circulated. The proposal is to renumber clause 20 as clause 20(1) and to add the following as subclause (2) :

"(2) Where a person qualified under paragraph (a) of sub-section (1) of section 9 of this Ordinance for registration as a pharmacist was, on the 30th of June, 1956, carrying on a business which comprises the retail sale of drugs in more than one set of premises the conditions set out in paragraphs (a), (c) and (d) of subsection (1) of this section shall not apply to such person prior to the 1st of July, 1961."

Hon. Members will remember that this is the compromise we sought to effect with regard to the five-year period in respect of that type of hybrid store.

Mr. Carter : There seems to be some slight confusion as to the clause to which the hon. Member has referred. I would like to know to which clause he refers—9 or 10?

Mr. Cummings : I think the amendment is quite clear. It says: "... paragraphs (a), (c) and (d) of subsection (1) of this section", which is section 20. If the hon. Member would read them he would see it is the logical sequence.

Clause 20, as amended, put.

Mr. Carter : Division, please.

The Committee **divided** and voted:

<i>For</i>	<i>Against</i>
Mr. Jallal	Dr. Fraser
Mrs. Dey	Miss Collins
Mr. Rahaman	Rev. Mr. Bobb
Mr. Phang	Mr. Carter,
Mr. Tello	Mr. Lee.—5.
Mr. Gajraj	
Mr. Farnum	
Mr. Kendall	
Mr. Cummings	
Sir Frank McDavid	
The Financial Secretary	
The Attorney General	
The Chief Secretary—13	

Motion carried.

Clause 20, as amended, passed.

Clause 21 passed as printed.

Clause 22—*Continuation of business of pharmacist by representative in case of death, etc.*

Mr. Lee : I would like an explanation by the hon. Member in charge of the Bill as to what is meant by "representatives". Unless a person is a qualified pharmacist I do not think he should be permitted to sell drugs and poisons. If such representatives are qualified pharmacists it would be quite all right. Now, as I said previously, although the definition of "representative" is given here and it takes into consideration the continuation of a business in case of death, etc., I do not think it is right to have any other than a qualified person to do the job otherwise we might have deaths around the clock. If this cannot be so, then I will ask for the deletion of this whole provision.

The Attorney General : The whole arrangement is subject to the conditions set out in subclause (2). This subclause, at (a), states that in each set of premises where the business is carried on, the business, so far as concerns the retail sale of drugs, poisons, patent or proprietary medicines must be under the personal control of a registered pharmacist. In other words, the representative must be a registered pharmacist to take control of that part of the business.

Miss Collins : I would like the hon. Member, Mr. Lee, to say what is to be done when a chemist and druggist goes into the country. Some chemists and druggists have two or three signs in Georgetown and others on the East Coast. There is one sign at the Dharm Shala.

Mr. Lee : If the business is to be continued according to the provisions of subclause (2) (a), then we do not need subclause (4) at all. Let us assume that my good friend (Mr. Phang) has a business called "Phang's Drug Store". Under the law he is entitled to sell drugs and poisons if there is a qualified pharmacist in the business. He, the qualified pharmacist, dies. His representative, also a qualified pharmacist, comes into the business. All he has to do is to attach his name and leave the name of the business as it is, if it carries goodwill. He does not have any option to remain for five years "from the date hereafter, etc." It says at (a) that conditions must be under the personal control of a registered pharmacist, so that we do not require (4). We are saying one thing on one hand and condemning it on the other.

Mr. Cummings : I think the hon. Member has missed the point there. What this clause seeks to provide for is the continuance of a business name as an authorized seller of poisons. I think if he looks at it again he will see what I mean. The Public Trustee or the Official Receiver takes over in the case of insolvency let us say, "Bacchus Drug Store". They have changed their identity, so to speak, but the business name can continue subject to the conditions set out. This clause is necessary if we want to have that continuation.

Mr. Lee : I am not saying the clause does not provide for continuity. While that is the purpose under subclause (4), it means that although "Phang's Drug Store" has established itself and carries goodwill, after the death of Mr. Phang his representative cannot carry on under "Phang's Drug Store" after five years.

Mr. Cummings : I again say, with all due respect, that the hon. Member has missed the point. At least, I think his is a different interpretation. There is nothing to prevent him from carrying on that name. What we are dealing with is the privilege if he is an authorized seller of poisons to carry on for a period of five years, provided, of course he is a registered pharmacist. The Governing factor is having an authorized seller of poisons. We are also seeking to have identity continued, but not for a long period. My learned and hon. friend knows what steps can be taken to carry it on in perpetuity. We do not want the name hanging in the air as an authorized seller when the person is not there.

Miss Collins: The whole amendment is defeating its object. Twenty-six years ago they were not permitted to have these signs on the various drug stores. I am surprised to see Government passing a Bill to mislead the public.

Mr. Lee: Mr. Chairman, I am sorry to get up again. I realize what is the hon. Member's attitude and policy towards this particular subclause, (4), but it is not correct for the public. If a man by his ability was able to build up a name for his business, why should we say that it must be registered as the name of a company. Many of my friends are pharmacists, they carry their names on their drug stores and I know many of them have it in their minds that their sons should pass the examination and carry on the business. Let us assume that a son did not pass it, must the goodwill of the business be thrown away after five years?

The Attorney General: I rise on a point of order. I wonder if the hon. Member can point to the provision

which says that he cannot carry on his father's drug store. Where is the provision in this clause which says that the name of the business has to be changed to suit, whenever the father is not running it?

Mr Lee: It is referred to in subclause (4) (a):

"in the case of the death of a pharmacist, a period of five years from the date thereof;"

That means to say that if Mr. Phang is a registered pharmacist who has built up his business and would like his son to carry it on under the name, "Phang's Drug Store," his qualified son cannot carry on after five years. Unless my good friend (Mr. Cummings) who calls me learned (I thank him for the compliment) can show me I am wrong, why should we put the persons concerned to the expense of registering as would a limited liability company.

The Attorney General: All that subclause (4) does is to fix the period referred to in subclause (1), and that is the period in which a person can be taken as an authorized seller of poisons. The main object of the subclause, of course is to avoid hardship on beneficiaries, dependents and other people when the pharmacist dies and to give them a reasonable period for carrying on the business or, as happens in some cases, for disposing of it. If it is disposed of the name of the drug store need not be changed. It can continue for ever as "Phang's Drug Store," even if Mr. Smith runs it.

Now, a seller of poisons may continue for a longer period. If we read subclause (4), we would see that it also reads:

or such longer period as, on the application of the representatives the Board may, having regard to all the circumstances of the case, think fit to direct*.

This is quite clearly directed to the type of case the hon. Member was referring to. The hon. Member has described one case and there are cases we cannot think of today. That is why it is there. If it is reasonable to allow a son one or two years to qualify, obviously the Board will do so. These persons can carry on as authorized sellers of poisons for ever. This clause is for where they are being permitted to carry on for a period.

The Chairman: Does the hon. Member Mr. Lee, wish to pursue it?

Mr. Lee: I am not pursuing it.

The Chairman: Does the hon. Member propose to move the deletion of the clause?

Mr. Lee: No, sir. The responsibility falls to the hon. Member in charge of the Bill; I was drawing attention to the fact that in spite of making laws which will give people who are qualified their rights, they are making it harsh on those people.

Question put, and agreed to.

Clause 22 passed as printed.

Clauses 23, 24, 25, 26, 27, 28, and 29 passed as printed.

Second Schedule.

Mr. Lee: May I inquire whether the Pharmaceutical Society has been consulted in respect of this Schedule; whether they have approved of it?

Mr. Cummings: The answer is yes
Question put, and agreed to.

Second Schedule passed as printed.

Clause 30 passed as printed.

Clause 31—*Medicines supplied by duly registered medical practitioners and others.*

Mr. Lee: This clause says:

"31. (1) Nothing in sections 27, 28 and 29 of this Ordinance shall apply—

- (a) to a medicine which is supplied by a duly qualified medical practitioner, for the purpose of medical treatment, by a duly registered dentist for the purpose of dental treatment or by a duly registered veterinary surgeon for the purpose of animal treatment; or . . .

I am asking the hon. Member whether he is satisfied that any person might dispense a prescription issued by a doctor. I am thinking of the public and would like to know whether it is right to have an unqualified person dispensing medicine. I know that prescriptions are sometimes dispensed on doctors' premises by unqualified persons.

Mr. Cummings: The answer is yes. how the hon. Member expects me to answer that. If the tradition he mentions does exist, then it is wrong. In other words, if a doctor is going to keep himself within the provisions of the clause and has supplied the medicine he would see that the prescription is checked. If he does not, then he is wrong. I am not aware of any doctors who dispense medicine on their own premises and do not employ qualified persons to do so. There may be an odd case, but even then the doctor would be committing an offence, and the person who dispenses would be committing an offence also.

Clause 31 passed as printed.

Clause 32—*Drugs and poisons sold by sicknurses and dispensers.*

Mr. Cummings: I have proposed an amendment to clause 32 and it appears as item 3 on the list of circulated amendments. The proposal is that the clause be amended as follows:

(i) by the insertion of the following as sub-clause (2)—

"The Board may grant any duly registered sicknurse and dispenser so registered at the commencement of this Ordinance permission to sell in specified premises drugs and poisons other than those set out in Part I of the Poisons List."

This amendment, I think, meets the approval of the hon. lady Member (Mrs. Dey).

Mrs. Dey: It does, sir.

The Chairman: Is there any further amendment?

Mr. Cummings: Yes, sir; sub-clause (2) should be renumbered as sub-clause (3) and the word "any" should be inserted between the words "grant" and "duly" in the first line thereof.

Amendment agreed to.

Clause 32, as amended, passed.

Clause 33—*Special provision in the case of certain transactions. Third Schedule. Fourth Schedule.*

Mr. Cummings: I have another amendment here, but the hon. the Attorney General is just adding a few words so as to make it clear that the Bill is intended to cover people who were selling drugs and poisons mainly, and not just an odd pharmacy with a little salts in it, and so on. I think we might proceed with the other clauses and consider this one later.

The Chairman: Unless any Member has an objection, we will leave clause 33 and go on with clause 34.

Clause 33 deferred.

Clause 34 and Sixth Schedule passed as printed.

Clauses 35 to 49 passed as printed.

The Chairman: Is the hon. Mover ready to go back to clause 33 now?

Mr. Cummings: No, Sir I would ask, that if it does not violate any procedure, that Council resumes, and if there is any other Bill to be considered we can take it and then come back to this one.

The Chairman: We have the Schedule to put.

Mr. Cummings: I would like that to be taken together with this clause.

The Chairman: Since the hon. Mover is not in a position to proceed at the moment—

Mr. Cummings: The Attorney General who was absent for a few minutes from his seat is coming now, and I might be ready to proceed in a moment.

The Chairman: Is the hon. the Attorney General ready? I gather that there is some further amendment proposed to clause 33. Since the hon. Mover and the Attorney General are not quite ready, I am willing to adjourn Council for five minutes. As we might finish this afternoon, I think hon. Members will agree that it is desirable that the Committee adjourn for five minutes.

Agreed to.

The Committee adjourned at 3.35 p.m. and resumed at 3.50 p.m.

The Attorney General: I must apologise for holding up the Committee. I was engaged in making the alterations required in clause 33 in regard to amendment No. 5 on the list of amendments. There have been just a few changes, so that the proposed amendment will read much the same. The provisos will now read:

"Provided that the conditions set out in subparagraphs (i) and (ii) hereof shall not apply to a person who, on the 30th of June, 1956, was within the municipal boundaries of the City of Georgetown or of the town of New Amsterdam carrying on a business which consists principally of selling any such drugs or patent or proprietary medicines so long as such patent or proprietary medicines are sold in the unbroken containers in which such drugs or patent or proprietary medicines have been put up by the manufacturers thereof:

Provided further that the condition set out in subparagraph (iii) hereof shall not apply:—

- (i) to any such person other than a company incorporated under the provisions of the Companies Ordinance who on the 30th of June, 1956, was, within the municipal boundaries of the City of Georgetown or the town of New Amsterdam, carrying on such business.
- (ii) prior to the 1st of July, 1961, to any such company which was on the 30th of June, 1956, carrying on such business within the municipal boundaries aforesaid."

The effect of the amendments which have been made today is to limit the exemption of persons whose business consists principally of selling certain drugs or patent or proprietary medicines. In other words, a grocer or storekeeper who sells a packet of aspirins is not exempted. I move the amendment on behalf of the hon. Member for Health who gave the explanation in his speech.

Clause 33, as amended, agreed to.

The Third, Fourth and Fifth Schedules were passed as printed.

Clause 46 recommitted.

The Attorney General: I ask for the recommitment of clause 46 in which there is a printer's error. The penalty of \$26 should be made \$96. I therefore move that the word "ninety-six" be substituted for the word "twenty-six" before the word "dollars".

Clause 46 recommitted and amended accordingly.

Title and enacting clause agreed to.
Council resumed.

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

The Financial Secretary: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

PENSIONS (SPECIAL PROVISIONS) BILL WITHDRAWN.

Item 4—Second reading of the Bill intitled:

"An Ordinance to make special provisions with respect to the computation of the pensions of certain persons."

The Financial Secretary: This Bill has been read the first time, but the second reading was deferred, with the consent of the Council, because I was not convinced that it did in fact cover what it was intended to cover. Hon. Members will remember that the main intention was to ensure that officers whose average pensionable emoluments were based partly on pre-revision and partly on post-revision salaries should not be in a worse position than those officers who had been promoted in that period and therefore had their pensions based entirely on their revised salaries.

[The Financial Secretary]

The second reading was deferred because it appeared that the Bill did not do what it set out to do, and it has been confirmed that that is the case. There is therefore no point in proceeding with the Bill, and I would ask leave that it should be withdrawn. In a very short time it is hoped to put before the Council a Bill which would have the effect which this Bill was intended to have.

Bill withdrawn.

FACTORIES REGULATIONS (VALIDATION)
(AMENDMENT NO. 2) BILL

Mr. Cummings (Member for Labour, Health and Housing): I beg to move the second reading of the Bill intituled:

"An Ordinance further to amend the Factories Regulations (Validation) Ordinance, 1956."

This is a very simple step to rectify an oversight. As the Objects and Reasons clearly set out, the Factories Regulations (Validation) Ordinance, 955 (No. 31) validated the Regulations set out in the Schedule to that Ordinance. That was necessary as the provisions of section 30 (1) of the Factories Ordinance had not been complied with. Those provisions provide for the laying of the Regulations in the Legislative Council within a certain period, but those Regulations — the Factories (Safety) Regulations were inadvertently omitted from the Schedule referred to. This Bill seeks to regularize the position.

The Financial Secretary: I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee to consider the Bill clause by clause and passed it as printed.

Council resumed.

Mr. Cummings: I beg to move that the Bill be read a third time and passed.

The Financial Secretary: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

PUBLIC TRUSTEE (AMENDMENT)
RULES

The Attorney General to move the following motion:

"Be it resolved: That this Council, in pursuance of the powers vested in it under section 18 of the Public Trustee Ordinance (Chapter 48), hereby makes the following rules:—

1. These Rules may be cited as the Public Trustee (Amendment) Rules, 1956, and shall be construed and read as one with the Rules made under the Public Trustee Ordinance, 1910, on the 12th July, 1911, hereinafter referred to as the Principal Rules.

2. The Principal Rules are hereby amended by the revocation of Rules 9 and 10."

The Attorney General: In moving the motion standing in my name on the Order Paper, I would like to explain to hon. Members that this proposed amendment is being put forward at the request of the Director of Audit under the following circumstances. The Public Trustee Ordinance was enacted in 1910 and immediately thereafter certain rules were made. Rule 9 provided that all moneys received by the Public Trustee on behalf of any trust or estate shall be paid in by him to the Financial Secretary as soon as was practicable, and Rule 10 provided that all payments made on behalf of any such trust or estate shall, unless in case of emergency, be

by orders of the Financial Secretary. These were the Rules of 1911.

In 1918 section 14 of the Public Trustee Ordinance was amended so that the relevant part read:

"(1) All moneys received by the Public Trustee or Official Receiver on behalf of any trusts or estates administered by him, or received from an assignee in insolvency, shall, as soon after the receipt thereof as is practicable, be paid into the bank or banks from time to time directed by the Governor.

(2) All payments by the Public Trustee or Official Receiver of those moneys shall be made in the manner from time to time directed by the Governor in general instructions or regulations."

Since 1918, however, the Public Trustee has been receiving money for making payments — which is the normal procedure for making payments — but while I expect that during that time this procedure presented no difficulty, it has become a burden on the Treasury as it is not Government money. The Director of Audit has pointed out that it is somewhat incongruous and puts him in an awkward position, and he has asked that these rules be repealed.

The Financial Secretary: I beg to second the motion.

Mr. Deputy Speaker: Does any Member wish to speak on the motion?

Question put, and agreed to.

Motion carried.

Amendment Of Gambling Prevention Ordinance

Mr. Lee: The motion in my name before the Council reads:

"Whereas the proviso to paragraph (a) of section 20 of the Gambling Prevention Ordinance, as inserted by section 2 of Ordinance No. 19 of 1955, is operating adversely to certain reputable religious, charitable and philanthropic organizations:

Be it resolved: That this Council recommends to Government that the Gambling Prevention Ordinance, Cap. 21, be amended to empower the Governor in Council to exempt reputable religious, charitable and philanthropic organizations from the conditions of the proviso to paragraph (a) of section 20 of the Gambling Prevention Ordinance, Cap. 21."

Section 20 of the Gambling Prevention Ordinance reads:

"Nothing in this Ordinance contained shall apply—

(a) to any lottery organized with the permission of the Governor in Council and controlled by a committee of three responsible citizens approved by the Governor in Council for the purpose of raising funds—

(i) for the building or repair of any church or school;

(ii) In aid of any institution or organization of a philanthropic, charitable, religious, medical or public character approved by the Governor in Council:

(b) to the sale by raffle or lottery of articles exposed for sale at any bazaar or fair held for raising funds in aid of any institution of a philanthropic, charitable or religious character;

(c) to any sweepstake organized and controlled by any horse racing club or association at, and on the day of, any race meeting held in the Colony under the auspices of that club or association."

On the passing of Ordinance No. 19 of 1955 a proviso was added to paragraph (a) of section 20 requiring that:

"(i) the total value of the lottery tickets issued in respect of such lottery shall not exceed the sum of five thousand dollars;

(ii) the expenses of administering the lottery which may be deducted from the gross receipts from the lottery shall only be the cost of stationery used and of printing and advertising done in respect of the lottery; and

(iii) within thirty days after the date on which such lottery is drawn, the committee of three responsible persons approved by the Governor

[Mr. Lee]

in Council who controlled the lottery shall submit to the Governor in Council a statement of account in connection therewith duly verified by such committee."

Now, why I am asking that this motion be accepted is, because I have found that certain charitable institutions — and the public is satisfied that they are reputable charitable institutions— would like to run a lottery; they can raise a greater amount than \$5,000 (the limit placed by the proviso) in that lottery. Before this provision was brought in, to give an example, there was a charitable organization which gave as a prize a motor car. The money collected from tickets sold to the public in that lottery exceeded \$5,000, and as far as I am told, it made over \$7,000 or \$8,000 profit.

The proviso does not take into consideration expenditure for sellers' prizes or travelling expenses incurred in the advertisement of the lottery: in point of fact, the proviso does not give the committee the right to pay for these expenses, but limits the amount to be made. How can charitable or philanthropic institutions carry on unless they get a sufficient amount of money through a lottery?

Although the Governor in Council is granting permission to reputable institutions to run lotteries, and approves of a committee of three responsible persons to run it, a hardship is being created in that the audited account has to be sent in within 30 days to the Governor in Council. Expenses for advertisements and so on are not taken into account, and only recently I was informed by a certain charitable organisation that this is creating a hardship. I have therefore thought it advisable to ask this Council to approve the facility I have men-

tioned. We should allow the Governor in Council to exercise its discretion and grant permission to any organisation that might apply to run such a lottery

It is only fair that if these organisations endeavour to raise funds for the purpose of carrying on their work these very harsh terms should not be imposed on them. Some of these organisations run raffles, but it has been pointed out that as much money could be raised by one lottery as could be raised by four or five raffles. Apart from that, in the case of lotteries the organisations would have the right to pay commission to the sellers of tickets, and it has been brought to my notice that the need for charitable work is increasing, and that it is necessary for certain organisations to get more money in order to carry on their work.

Prior to the passing of the present law, clubs had to provide sureties to the satisfaction of the Governor and the Magistrates concerned before permission was granted to run a lottery, but since it was learnt that certain sport clubs only carry on sport as a business and do not divide the profits among their members, Government introduced a proviso exempting them from the bond they had to sign. I am asking that a similar proviso be now introduced for the benefit of these charitable institutions, and I therefore recommend that the motion be accepted by this Council.

Mr. Rahaman: I beg to second the motion.

Miss Collins: I rise to oppose the motion. I regret very much that I cannot support it because it is asking us to recommend to Government the ex-

emption of "reputable religious, charitable and philanthropic organisations from the conditions of the proviso to paragraph (a) of section 20 of the Gambling Prevention Ordinance, Cap. 21," and if it is accepted it would provide fuel for Government to be accused of discrimination. I should like to ask the hon. Mover of the motion who is going to decide which organisation is deserving of the concession and which is not? The motion is, to my mind, impracticable, and I regret very much that I cannot support it.

Mr. Farnum: I am sorry to say that I must oppose the motion. The preamble states:

"Whereas the proviso to paragraph (a) of section 20 of the Gambling Prevention Ordinance, as inserted by section 2 of Ordinance No. 19 of 1955, is operating adversely to certain reputable religious, charitable and philanthropic organisations . . ."

I am not aware that this amendment is operating adversely against any religious or charitable organisation. In point of fact, the number of applications for permission to operate lotteries in 1955 was 17, and all were granted after careful investigation by Government. For this year up to June, 25 applications were granted, so I do not see how the amendment is operating adversely against any organisation. The hon. Member was in Council when this amendment was moved and fully discussed, and he knows quite well that Government considered it absolutely necessary to have some control over these sweepstakes. He also knows that permission was given in years gone by to operate sweepstakes, and that although there were three sponsors to each sweepstake, it was the view that

those sponsors did not give the supervision they should, but left the operation of the sweepstakes to "promoters", with the result that no control whatever was exercised over the number and value of tickets issued, and other factors.

With your permission, sir, I will read the Attorney General's remarks at the time the amendment to the Ordinance was debated. They are to be found in *Hansard* of May 13, 1955, column 108, and I quote:

"The hon. Member knows full well the difficulty under the Gambling Prevention Ordinance. As Members are aware, the Turf Club has the exclusive monopoly, if I may use that term, and this is only to assist other desirable charities to help themselves. This amount that is being fixed here is a ceiling amount which, if exceeded, might cause things to get out of hand, so far as the basic principle is concerned. The other point is this: you have promoters in many cases taking a very important slice of the returns, if we seek to avoid that, the object of the charity should be realized."

I am opposed to the motion, as I have already stated. I would add that the Demerara Turf Club has protested against the granting of permissions to run these sweepstakes, on the ground that such sweepstakes affect the sales of their sweepstakes. The Turf Club also pointed out that they have to pay over to Government 10% of the gross proceeds of their sweepstakes for distribution to Charity, and that they have paid an average of \$20,000 per annum. The hon. Member by his motion is seeking to exempt certain organisations which he deems reputable, from the proviso to section 20 of Chapter 19, of 1955, but I would state that all the applications granted by the Executive Council were to reputable charitable organisations. To accept the hon. Member's motion would be to create discrimination.

Mr. Tello: I should like to add a few words to this discussion. I think Government has taken the right step in deciding that only reputable organisations should be granted permission to run lotteries. I think myself—and remind hon. Members—that the principle underlying the Ordinance is to prevent and not to encourage gambling. At one time Government realised that through the sale of lottery tickets a certain amount of gambling was encouraged, and that certain organisations that were supposed to be reputable had deteriorated into gambling organisations, rather than charitable ones. I think that the concession granted by Government at present is sufficient to permit any organisation to operate successfully. There is no hardship being created, and I think it would be a regrettable thing if the day arrived when charitable organisations would have to look to lotteries only for their support.

Mr. Rahaman: My reason for seconding this motion was due more or less to section 21 of the Ordinance. I have noticed that for years the Demerara Turf Club has been enjoying a monopoly in the running of sweepstakes, while there are similar clubs outside Georgetown — at Port Mourant and at Springlands. In Trinidad such a right is not confined to one club—the Trinidad Turf Club—since other clubs in the island enjoy the privilege of running sweepstakes. I do not see why a similar system should not be adopted in British Guiana.

Mr. Deputy Speaker: There is a lot of difference between horse racing and charity.

Mr. Rahaman: I think it is the same gambling, however.

Mr. Lee: I should like to reply to the remarks made by the Hon. Mr. Farnum; perhaps he has not seen the point I was trying to impress upon this Council. He tries to make out that the proviso referred to is not operating adversely against certain reputable organisations because the ceiling granted by Government is \$5,000; but there is no right on the part of the organisers to pay agents for the selling of tickets. Unless there is that right it would be difficult to get the tickets sold, because no one would be willing to do so without some reward. The control is in the hands of Government, of which the hon. Member is a part, and he should be aware of the fact that three persons (nominated by the organisers) have to sign the application for permission to run the lottery, otherwise it would not be granted.

As regards the statement that the D.T.C. donates 10 per cent of its proceeds to charity, if my hon. friend (Mr. Farnum) makes enquiries he would find that the Club also has \$19,000 of unclaimed money in its hands. The club also deducts its expenses before donating anything to charity, therefore it keeps 90 per cent of the proceeds for itself, and so it would be found that the Club is being paid to earn money. It has been suggested that the Club should give more than 10 per cent to charity and it is reported that it is willing to give more if it makes more. It does not require much knowledge to run a charitable organisation and Government does not subsidise any of these organisations in British Guiana except the Dharm Shala.

Mr. Farnum: May I ask the hon. Member (Mr. Lee) to look at the Estimates? I am sure that if he does so he would get a surprise to see the number of organisations which receive Government grants.

Mr. Lee : I am not asking that the exemption be granted to every Tom, Dick and Harry but only to reputable organisations. In that way they would be grateful to Government and many people would spend more money in the Colony. If that is the policy of Government perhaps it might be necessary for Government to subsidize those organizations, which they would not like, as Government would then have to take some interest in their management. I am appealing to the Governor in Council to use its discretion and permit lotteries over the ceiling of \$5,000.

The hon. Mr. Tello has referred to the fact that the main object of the existing legislation is the prevention of gambling, but I would point out that the Governor in Council has granted 25 permissions for the year for lotteries or sweepstakes. I am suggesting that rather than have charitable organizations asking for permission two or three times a year to run lotteries it would be better if the ceiling of \$5,000 were removed and they could run one lottery. In spite of the existence of the Gambling Prevention Ordinance sweepstake and lottery tickets of racing clubs in the West Indies are being sold freely in the streets here.

The Council divided on the motion and voted :

<i>For :</i>	<i>Against</i>
Mr. Rahaman	Mrs. Dey
	Miss Collins
Mr. Phang	Rev. Mr. Bobb
	Mr. Tello
Mr. Lee. — 3.	Mr. Gajraj
	Mr. Farnum
	Mr. Kendall
	The Financial Secretary
	The Attorney General
	The Chief Secretary.—10.

Motion lost.

Mr. Deputy Speaker : The next item on the Order Paper is a motion by the hon. Member, Mr. Correia, for the adoption of the Report of the Select Committee with regard to the possibilities of establishing a plywood industry.

Mr. Lee : I would ask, on behalf of Mr. Correia, that the item be deferred.

Mr. Deputy Speaker : Mr. Correia applied for leave from today's meeting. I have no doubt he thought we would not reach his motion today.

ATTORNEY GENERAL'S PROMOTION

The Chief Secretary : Before you adjourn, sir, I would like to say that since we last met there has been the portentous news that our honourable and learned friend, the Attorney General, has been appointed to be Federal Attorney General. I think all Members of the Council would wish to join in recording our sincere congratulations to our honourable and learned friend on his promotion, our good wishes and our appreciation of the outstanding service which he has rendered to this Council since he has been here.

Mr. Lee : On behalf of the "floor" Members I would like to join in the congratulations to the hon. and learned Attorney General. Our association with him has been very cordial, and he has been very helpful to us in many ways. We had hoped that he would have been with us for some time to help us in our difficult times, because there are difficult times still ahead, but his promotion is the Federal Government's gain and our loss. But he will still be in the West Indies and we may meet again in, I hope, hap-

[Mr. Lee]

pier circumstances. We wish him and Mrs. Wylie the best they wish for themselves.

Mr. Cummings: I rose almost simultaneously with the hon. Member, Mr. Lee, and I think he has said everything I intended to say, and perhaps very much better than I could say it. I do heartily congratulate the hon. the Attorney General on his promotion and wish him every success in his new sphere.

Mr. Deputy Speaker: Possibly the Council will allow me to say something. I would like to join in everything that has been said by those Members who have spoken. I feel sure we are all sorry that the hon. the Attorney General will be leaving us in due course, but at the same time we would not wish our regret to stand in the way of his promotion to a higher post. The hon. the Attorney General's advice and assistance to the Council since he has joined us have been very considerable, and those who were members of the Select Committee which dealt with the new Standing Orders are particularly aware of it. Those who have had contact with him in regard to land laws are also well aware of his very considerable knowledge and experience in such matters. I would like to join with those hon. Members who have expressed their appreciation of his services to this Council and to the country.

The Attorney General: I wish to thank Your Honour, the hon. the Chief Secretary, the hon. Mr. Lee and the hon. Mr. Cummings for their kind remarks, and all the Members of this Council for the kindly way in which they have received them. It is true to say that I cannot but be pleased about promotion, but it is equally true to say that I go away from British Guiana with great regrets—especially because of the personal contacts, more especially with the Members of this Council. Our relations have been most cordial, and I can assure hon. Members that I shall cherish happiest memories of the time I have spent in British Guiana. I hope I will not be very far away; I cannot be further than—perhaps I had better not say. At any rate I cannot be beyond the limits of the Federation, which are not very far. I hope that we will all see one another from time to time.

With regard to the matter which Your Honour was good enough to mention, I also regret having to leave British Guiana because I have been very interested in the land problems. There are other matters, of which my learned friend Mr. Lee knows, which are very close to my heart.

In the Civil Service I am afraid that when the call comes one has to answer it. I thank hon. Members very much for their kindly words and the kindly way they have treated me. (Applause).

Mr. Deputy Speaker: Council will now adjourn until Thursday next (27th September) at 2 p.m.