

LEGISLATIVE COUNCIL

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

THURSDAY, 10TH MAY, 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. P. A. Cummings (Mem-
ber for Labour, Health and Housing).

The Hon. W. O. R. Kendall (Mem-
ber for Communications and Works).

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

The Hon. R. B. Gajraj.

The Hon. R. C. Tello.

The Hon. L. A. Luckhoo, Q.C.

Deputy Speaker:—

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

Nominated Officials:—

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

Mr. J. I. Ramphal.

Nominated Unofficials:—

Mr. W. A. Phang.

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

Mr. C. A. Carter.

Mr. E. F. Correia

Mr. H. Rahaman.

Miss Gertie H. Collins.

Mrs. Esther E. Dey.

Dr. H. A. Fraser.

Mr. R. B. Jailal.

Mr. Sugrim Singh.

Clerk of the Legislature—

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—

Mr. E. V. Viapree (acting).

Absent:—

Mr. T. Lee. —on leave

Rev. D. C. J. Bobb. —on leave

The Speaker read prayers.

The Minutes of the meeting of the
Council held on Thursday, 3rd May
1956, as printed and circulated, were
taken as read and confirmed.

LEAVE TO MEMBERS

Mr. Speaker: I have to announce that the Rev. Mr. Bobb, who is indisposed, has been granted leave for today and also for tomorrow, while Mr. Lee has been granted leave of absence from this meeting.

PRESENTATION OF REPORTS AND DOCUMENTS

The Chief Secretary: I beg to lay on the table the following documents:

Sessional Paper No. 5/1956—Address by His Excellency the Governor, Sir Patrick Muir Renison, K.C.M.G., on the occasion of the opening of the Third Session of the Legislative Council under the British Guiana (Constitution) (Temporary Provisions) Order in Council, 1953, in the Council Chamber, on Wednesday, 25th April, 1956.

In terms of section 4 (1) of the Diplomatic Privileges (Extension) Ordinance, Chapter 350:

Order in Council No. 30 of 1956 made under sections 2 and 3 of the Diplomatic Privileges (Extension) Ordinance, Chapter 350, on the 1st day of May, 1956.

(To be published in the Gazette on 12th May, 1956).

The Attorney-General: I beg to lay on the table:

The Report of the Administrators of the Patoir Trust Fund for the year 1955 together with the Director of Audit's certificate thereon.

The Financial Secretary: I beg to lay on the table:

The Report of the British Guiana Rice Marketing Board for the period 1st October, 1954, to 30th September, 1955.

GOVERNMENT NOTICES

PATENTS AND DESIGNS (AMDT) BILL

The Attorney General: I beg to give notice of the introduction and first reading of a Bill intitled:

"An Ordinance to amend the Patents and Designs Ordinance."

SALARIES STRUCTURE FOR PRIMARY SCHOOL TEACHERS

The Chief Secretary: I beg to give notice of the following motion:

"Be it Resolved:

"That this Council directs that Sessional Paper No. 4 of 1956, Salaries Structure for Primary School Teachers, be referred to Finance Committee for consideration and report."

At the same time I give notice of my intention, at a later stage, to move the suspension of the relevant Standing Orders so that this motion may be taken today. I have His Excellency's permission to do so.

ORDER OF THE DAY

PENSIONS (AMENDMENT) BILL, 1956

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

"An Ordinance to amend the Pensions Ordinance, 1933 to make provision for the pensions of Officers whose service has been combined with service in certain health services or with service in the New Amsterdam Fire Brigade."

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

CRIMINAL LAW (PROCEDURE) (AMENDMENT) BILL, 1956

The Attorney General: I beg to move the first reading of a Bill intitled:

"An Ordinance further to amend the Criminal Law (Procedure) Ordinance."

The Financial Secretary: I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

INCOME TAX (AMENDMENT) BILL, 1956

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

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

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

GOVERNMENT CURRENCY NOTES (REPEAL) BILL, 1956

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

"An Ordinance to repeal the Government Currency Notes Ordinance, and to make provision for the winding up of the Note Security Fund established thereunder."

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

RICE FARMERS (SECURITY OF TENURE) BILL, 1956

Sir Frank McDavid: I beg to move the first reading of a Bill intituled:

"An Ordinance to provide better security of tenure for tenant rice farmers; to limit the rent payable for the letting of rice lands; and for purposes connected with the matters aforesaid."

Mr. Cummings: I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

Mr. Speaker: Is the hon. Member likely to proceed with the Bill this week?

Sir Frank McDavid: No, Sir. I would like not to give a date because, naturally, I wish further time to study it. As announced in the Press, I have invited the Rice Producers' Association to meet me tomorrow so as to have this Bill explained.

PRIVATE MEMBERS' BUSINESS

B.G. SEVASHRAM SANGHA (INCORPORATION OF TRUSTEES) BILL, 1956

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

"An Ordinance to incorporate certain persons as trustees of the Body known as the British Guiana Sevashram Sangha; to vest in such persons certain property; and for purposes connected with the matters aforesaid."

Dr. Fraser: I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

GOVERNMENT BUSINESS

SALARIES STRUCTURE FOR PRIMARY SCHOOL TEACHERS

The Chief Secretary: I beg to move the suspension of the relevant Standing Orders so as to enable me to take the motion of which I gave notice earlier.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Relevant Standing Orders suspended.

The Chief Secretary: I beg to move the following motion:

“Resolved, That this Council directs that Sessional Paper No. 4 of 1956 — Salaries Structure for Primary School Teachers—be referred to Finance Committee for consideration and report.”

I do not think that hon. Members would wish me to comment on the question of salaries for primary school teachers with which this Sessional Paper deals. This motion is a formal one to enable this Sessional Paper to be discussed in Finance Committee and reported on. Opportunity will be given later to hon. Members to speak on the Sessional Paper and to make comments on the report of the Finance Committee if they so wish. That is the usual practice of this Council in such matters.

The Attorney General: I beg to second the motion.

PROMISSORY OATHS (AMENDMENTS)
BILL

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

“An Ordinance to amend the Promissory Oaths Ordinance.”

The present form of oath which is prescribed for Members of the Executive Council is somewhat limited in its terms. It merely requires that Members of the Executive Council shall keep secret matters which are debated in Executive Council and which are committed to the secrecy of the Council. In actual fact the obligation on Members of Executive Council as regards secrecy are very much wider. Recently the Secretary of State for the Colonies called the attention of all Governments with whom he is concerned, to the inadequacy of this oath, and suggested

that it would be more appropriate if it were expanded to make it quite clear what the obligation on Members of Executive Council really was.

The purpose of this Bill is to introduce that expanded oath. I would wish to make it quite clear that the fact that this Bill is before the Council today is not at all significant. The only reason I am introducing it today is because the Secretary of State, who initiated the idea, suggested that his proposal should be implemented at the first opportunity which was convenient, and this is the first opportunity which is convenient.

The terms of the proposed new oath are set out in the Bill, and the Objects and Reasons explain the wider matters which are committed to the secrecy of Members of Executive Council. I do not think I need say anything more in explanation of the Bill. I formally move that it be read a second time.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

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

Council resumed.

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

The Attorney-General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

ESTATE DUTY (AMENDMENT) BILL 1956

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

“An Ordinance further to amend the Estate Duty Ordinance to transfer the functions of the Registrar thereunder to the Commissioners of Inland Revenue.”

As long ago as 1944 Mr. Howie, of the Inland Revenue Department of the United Kingdom, came here and recommended that the collection of Estate Duty should be brought under the Inland Revenue Department instead of under the Registrar. This view was endorsed by Mr. Eric Mills in his Report on the Public Service, and I think it might be worth my while to quote his comments on the subject. With your permission, Sir, he said :

“I consider it desirable to adopt as soon as possible the recommendation made in 1944 by Mr. H. R. Howie, O.B.E., of the United Kingdom Inland Revenue Department, that the administration of death duties in British Guiana should be transferred from the Deeds Registry to the Income Tax Department. The latter department is in a far better position than the former to assess death duties.”

As hon. Members are well aware, the burden on the Registrar has increased very greatly during the last few years. Proposals are under consideration for relieving that burden so that the work of the Registrar can be carried out more expeditiously. This is one particular way in which the burden can be relieved, by which the business of Government can be carried out more efficiently and members of the public can get better service. Two of the succeeding Bills are related to this matter. I formally move that the Bill be read a second time.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

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

Council resumed.

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

The Attorney-General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

DECEASED PERSONS ESTATES' ADMINISTRATION (AMENDMENT) BILL, 1956

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

“An Ordinance further to amend the Deceased Persons Estates' Administration Ordinance.”

This Bill is related to the one which the Council has just passed. The object of this Bill is that when the Registrar ceases to be the proper authority for the collection of estate duty and that function is transferred to the Commissioners of Inland Revenue it will be necessary for inventories of property belonging to deceased persons to be lodged in the Supreme Court registry, so that members of the public who are interested in the administration of the estate of a deceased person will be able to have access to those documents. I move that the Bill be read a second time.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

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

Council resumed.

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

The Attorney-General: I beg to second the motion.

Question put and agreed to.

Bill read a third time and passed.

TAX (AMENDMENT) BILL

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

"An Ordinance further to amend the Tax Ordinance."

This Bill is also related to the two Bills which have just been passed. Clause 2 of this Bill seeks to transfer to the Commissioners of Inland Revenue the functions of the Registrar of Deeds in relation to collection of estate duty required to be levied and paid on the net value of the property of deceased persons.

The Attorney General: 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 approved of the Bill as printed.

Council resumed.

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

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

Mr. Speaker: Items 12, 13, and 14 will not be proceeded with at this meeting.

PHARMACY AND POISONS BILL, OPTICIANS BILL

Mr. Cummings (Member for Labour, Health and Housing): Sir, with regard to Item 15 (the second reading of the Pharmacy and Poisons Bill), I am sorry I was not able to confirm with you that certain representations were made which I would like to consider again with the Executive Council.

OPTICIANS BILL

In regard to Item 16 (the second reading of the Opticians Bill), the Secretary of State has asked that it be deferred for further consideration.

I therefore ask that with Council's permission these two items be deferred.

Agreed to.

Items 15 and 16 deferred.

PUBLIC HEALTH (AMENDMENT) BILL

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

"An Ordinance further to amend the Public Health Ordinance with respect to the constitution of the Central Board of Health."

It is not always practicable for the Mayor of Georgetown and/or New Amsterdam in these exciting days (*laughter*) to attend meetings of the Central Board of Health regularly, in one case, at all; and in the absence from the Colony of a Mayor, the Deputy Mayor is not authorized under the provisions of the Principal Ordinance to sit on the Board.

It is considered desirable that representation of the Town Councils of Georgetown and New Amsterdam on the Board should be continuous, and so we seek by way of this Bill to provide for the appointment of nominees of those Councils to the Board. Just around this time last year this Council passed a Bill of a similar nature pertaining to the Central Housing and Planning Authority.

Mr. Gajraj: I beg to second the motion.

Mr. Luckhoo: I would like to support this Bill and to point out that by virtue of my holding the office of Mayor of Georgetown I was, until recently, a member of 21 committees. With the passing of the law amending the constitution of the Central Housing and Planning Authority the number was reduced to 20, and this Bill probably will reduce it further to 19. I think it is an excellent move because one wishes to have continuity of representation on behalf of the municipal bodies, and furthermore there are many events and matters which are inter-related between the municipal bodies and Government Departments and committees. I rather welcome the Bill and I have no doubt that it will be similarly welcomed by the municipality of New Amsterdam.

Mr. Speaker: Does any other Member wish to speak?

Question put, and agreed to.

Bill read a second time.

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

Council resumed.

Mr. Cummings: I beg to move that the Bill be now 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.

FACTORIES REGULATIONS (VALIDATION) (AMENDMENT) BILL

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

"An Ordinance to amend the Factories Regulations (Validation) Ordinance, 1955."

As stated in the Objects and Reasons this Bill is merely an attempt to correct a typographical error which appears in section 2 of the Principal Ordinance. Section 2 of that Ordinance reads —

"Notwithstanding the provisions of section 31 of the Factories Ordinance, 1947, the Regulations set out in the Schedule to this Ordinance shall be deemed to be valid for all purposes as if they had been laid before the Legislative Council in accordance with the provisions of subsection (1) of section 31 of the Factories Ordinance 1947, and had not, within the period of twenty-one days after they had been so laid, been annulled in the manner provided by subsection (2) of section 32 of the aforesaid Ordinance."

The "section 32" in the last line should have been "section 31", and we now seek to put that right.

The Attorney General: 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 without amendment.

Council resumed.

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

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

Mr. Speaker: Can we meet tomorrow?

The Chief Secretary: I would suggest next Thursday, if it is the wish of hon. Members.

Agreed to.

Mr. Speaker: I adjourn the Council until Thursday next, 17th May, at 2 o'clock.