

SECOND PARLIAMENT OF GUYANA

THIRD SESSION

1971 - 1972

MINUTES of the Proceedings of the 58th Sitting of the National Assembly under the Constitution of Guyana, held in the Parliament Chamber at the Public Buildings, Georgetown, Demerara,

AT 2.00 P.M.

ON

FRIDAY, 21ST JULY, 1972

PRESENT:

His Honour the Speaker, Mr. Sase Narain, J.P.

(a) Members of the Government

(i) Ministers

Dr. the Honourable P.A. Reid, Deputy Prime Minister  
and Minister of Agriculture  
The Honourable M. Kasim, A.A., Minister of Communications  
The Honourable H.D. Hoyte, S.C., Minister of Finance  
The Honourable W.G. Carrington, Minister of Labour and  
Social Security  
The Honourable Miss S.M. Field-Ridley, Minister of Health  
The Honourable B. Ramsaroop, Minister of Housing and  
Reconstruction (Leader of the House)  
The Honourable D.A. Singh, Minister of Trade  
The Honourable D.E. Clarke, Minister of Home Affairs  
The Honourable C.V. Mingo, Minister of Local Government  
The Honourable W. Haynes, Minister of State for  
Co-operatives and Community Development  
The Honourable S.S. Ramphal, S.C., Attorney-General and  
Minister of State  
The Honourable E.B. McDavid, Minister of Information and  
Culture

(ii) Parliamentary Secretaries

Mr. P. Duncan, J.P., Parliamentary Secretary,  
Ministry of Agriculture  
Mr. A. Salim, Parliamentary Secretary,  
Ministry of Agriculture  
Mr. J.R. Thomas, Parliamentary Secretary,  
Office of the Prime Minister  
Mr. C.E. Wrights, J.P., Parliamentary Secretary,  
Ministry of Works, Hydraulics and Supply

(iii) Other Members

Mr. J.N. Aaron,  
 Miss M.M. Ackman, Government Whip  
 Mr. K. Bancroft  
 Mr. N.J. Bissember  
 Mr. J. Budhoo, J.P.  
 Mr. L.I. Chan-A-Sue  
 Mr. E.F. Correia  
 Mr. M. Corrica  
 Mr. E.H.A. Fowler  
 Mr. R.J. Jordan  
 Mr. S.M. Saffee  
 Mr. R.C. Van Sluytman  
 Mr. M. Zaheeruddeen, J.P.  
 Mrs. L.E. Willems

(b) Members of the Opposition

Dr. C.B. Jagan, Leader of the Opposition  
 Mr. Ram Karran  
 Mr. R. Chandisingh  
 Dr. F.H.W. Ramsahoye, S.C.  
 Mr. D.C. Jagan, J.P., Deputy Speaker  
 Mr. E.M.G. Wilson  
 Mr. A.M. Hamid, J.P., Opposition Whip  
 Mr. G.H. Lall, J.P.  
 Mr. M.Y. Ally  
 Mr. Reepu Daman Persaud, J.P.  
 Mr. R. Ally  
 Mr. E.L. Ambrose  
 Mrs. L.M. Branco  
 Mr. Balchand Persaud  
 Mr. Bholu Persaud  
 Mr. I.R. Remington, J.P.  
 Mr. L.A. Durant  
 Mrs. E. DaSilva  
 Mr. M.F. Singh

Clerk of the National Assembly - Mr. F.A. Narain  
 Deputy Clerk of the National Assembly - Mr. M.B. Henry

Absent:

The Honourable L.F.S. Burnham, S.C.,  
 Prime Minister  
 The Honourable H. Green, Minister of Works,  
 Hydraulics and Supply  
 The Honourable H.O. Jack, Minister of  
 Mines and Forests  
 The Honourable Miss C.L. Baird,  
 Minister of Education  
 Mr. J.G. Joaquin, J.P., Parliamentary  
 Secretary, Ministry of Finance - on leave  
 Mr. E.M. Stoby, J.P.  
 Mr. V. Teekah - on leave  
 Mr. J.A. Sutton - on leave  
 Mr. R.E. Cheeks

PRAYERS

The Clerk read Prayers.

PUBLIC BUSINESSBILL - Committee and Third ReadingLAW REVISION BILL 1972 - Bill No. 4/1972 published 10.6.72

Assembly resolved itself into Committee to consider the following Bill clause by clause:

A BILL intituled AN ACT TO PROVIDE FOR THE REVISION OF THE LAWS OF GUYANA, AND FOR MATTERS CONNECTED THEREWITH, INCLUDING MISCELLANEOUS AMENDMENTS, REPEALS AND VALIDATIONS.

In CommitteeCorrection of Printing Errors

His Honour the Speaker informed the Assembly that the printing errors in the Bill would be corrected by the Office.

Clauses 1 to 26 were passed as printed.

First Schedule was passed as printed.

Second ScheduleSummary Jurisdiction (Magistrates) Ordinance (Cap. 12):

- (i) The following amendment by Dr. Ramsahoye to the amendments was put and negatived:

Deletion of the words "or for any other sufficient reason" in the fourth and fifth lines of section 12.

- (ii) The following amendment by the Attorney-General and Minister of State was put and carried:

Deletion of the amendment to section 42(6) and substitution of the following amendment therefor:

"Substitute in paragraph (b) of the proviso the words "thirty dollars" for the words "fifteen dollars".

Summary Jurisdiction (Appeals) Ordinance (Cap. 17):

- (i) The following amendment by Mr. Reepu Daman Persaud was put and negatived:

Deletion of the amendment to section 5(3).

- (ii) The following amendment by Dr. Ramsahoye was put and negatived:

Deletion of the amendment to section 5(6).

Evidence Ordinance (Cap. 25):

The following amendment by the Attorney-General and Minister of State was put and carried:

Substitution of the following subsection for amendment to subsection (5) of section 43:

"(5) In this section the expression "Analyst" means a government analyst, an assistant government analyst, a radiologist, a government bacteriologist and pathologist, a scientific officer of the Analyst Department of the Government or any other person of like qualifications prescribed for the purposes of this section by order made by the body authorised to make rules of Court under the High Court Ordinance."

Dr. Ramsahoye moved the following amendment:

Insertion of the following as subsection (6) to section 90:

"(6) Notwithstanding the preceding provisions of this section a statement in writing tending to establish a fact relating to any matter concerning the affairs or interests of the public service, a public corporation or any other person, may by leave of a judge be given in evidence in civil proceedings if purporting to be signed or authenticated by a public officer or an officer of such corporation or by such other person or in the case of a corporation by an officer thereof:

Provided that a statement made by or on behalf of a private person or corporation shall not be admitted if the party against whom the statement is tendered objects thereto."

After discussion, the amendment was withdrawn.

Consideration of the following amendment moved by Dr. Ramsahoye was deferred:

Insertion of the following:

" Section 96: Substitute the words "one dollar" for the words "fifty cents" appearing in subsection (4). "

Juvenile Offenders Ordinance (Cap. 41):

The following amendment by the Attorney-General and Minister of State was put and carried:

Substitution of the words "one or more of the following orders, not inconsistent with each other, subject to such conditions as the court may deem necessary to ensure compliance with the order or orders made" for the words "an order" in the fourth line of the amendment to section 18.

Deceased Persons Estates' Administration Ordinance (Cap. 46):

The following amendment by Dr. Ramsahoye was put and carried:

Substitution of the words "one thousand" for the words "five hundred" in the amendment to section 19.

The Second Schedule was still under consideration when the time for the suspension of the sitting was reached.

Assembly resumed.

SUSPENSION OF SITTING

At 4.00 p.m. the sitting was suspended for refreshments.

RESUMPTION OF SITTING

At 4.30 p.m. the sitting was resumed.

Assembly resolved itself into Committee to continue consideration of the Law Revision Bill 1972.

In CommitteeSecond ScheduleEssequibo Boys' School Ordinance (Cap. 93):

The following amendments by the Attorney-General and Minister of State were put and carried:

- (i) Insertion of the words "and to be there detained in the case where the person is over sixteen years until he attains the age of eighteen years and in other cases" immediately after the words "sent to a school" in the fourth line of the amendment to section 11.
- (ii) Insertion of the words "in the case where the person is over sixteen years until he attains the age of eighteen years and in other cases" immediately after the words "be there detained" in the sixth line of the amendment to section 18.
- (iii) Substitution of the words "person in charge of it with the approval of the Supervisor" for all the words beginning with the words "school master" and ending with the words "in charge" in the second and third lines of the proviso to section 22.
- (iv) Substitution of the word "Supervisor" for the word "headmaster" in subsection (2) of the amendment to section 22.

Trade Unions Ordinance (Cap. 113)

The following amendment by the Attorney-General and Minister of State was put and carried:

Insertion of, in the left hand column immediately before the figure "29", the figure "27" and in the right hand column the words -

"Substitute for subsections (6) and (7) the following subsection -

' (6) Anything to the contrary herein notwithstanding, until the expiration of the time allowed for the filing of an appeal pursuant to subsection (5) or where such an appeal has been filed until the determination thereof, subsections (3) and (4) shall not apply to the withdrawal or cancellation in question.' "

Newspaper Ordinance (Cap. 130):

- (i) The following amendments by Dr. Ramsahoye were put and negatived:

Deletion of the insertion of section 1A, and

Deletion of the amendments to section 12(1).

- (ii) Dr. Ramsahoye moved the following amendment:

Deletion of the amendment to section 16 and the proposed insertion of section 17.

At this stage the proceedings were interrupted to enable the Minister of Housing and Reconstruction (Leader of the House), to move the suspension of Standing Order No. 9(1).

SUSPENSION OF STANDING ORDER NO. 9(1)

On a motion by the Minister of Housing and Reconstruction (Leader of the House), Standing Order No. 9(1) was suspended to enable the sitting to continue beyond 6.30 p.m.

RESUMPTION OF THE CONSIDERATION OF THE SECOND SCHEDULENewspaper Ordinance (Cap. 130):

The amendment moved by Dr. Ramsahoye was put and negatived on the following division:

FOR

Mr. M.F. Singh  
 Mr. Durant  
 Mr. Balchand Persaud  
 Mr. Ambrose  
 Mr. R. Ally  
 Mr. M.Y. Ally  
 Mr. Hamid  
 Mr. Wilson  
 Mr. D. Jagan  
 Mr. Ram Karan  
 Dr. Jagan

AGAINST

Mrs. Willems  
 Mr. Zaheeruddeen  
 Mr. Van Sluytman  
 Mr. Saffee  
 Mr. Jordan  
 Mr. Fowler  
 Mr. Corrica  
 Mr. Chan-A-Sue  
 Mr. Budhoo  
 Mr. Bissember  
 Mr. Bancroft  
 Miss Ackman  
 Mr. Aaron  
 Mr. Wrights  
 Mr. Thomas  
 Mr. Salim  
 Mr. Duncan  
 Mr. Mingo  
 Mr. Clarke  
 Mr. D.A. Singh  
 Mr. Ramsaroop  
 Miss Field-Ridley  
 Mr. Hoyte  
 Mr. Kasim  
 Dr. Reid

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The following amendment by the Attorney-General and Minister of State was put and carried:

Insertion of the following subsection as subsection (3) of section 12 -

" (3) The President may by order exempt any newspaper, pamphlet or paper or any class of newspaper, pamphlet or paper from the provisions of this section. "

Public Free Library Ordinance (Cap. 160)

The following amendments by the Attorney-General and Minister of State were put and carried:

- (i) Deletion of the word "public" wherever it appears in the amendment to section 3.
- (ii) Substitution of the words "the principal branch" for the words "a branch" in the proposed section 3A.
- (iii) Insertion of the words "and shall be known as the Central Library of the National Library" immediately after the words "section 3(2)" in the sixth line of the proposed section 3A.

- (iv) Insertion of the words "perform such of the functions of a national library agreed upon by the Committee with the approval of the Minister, and" immediately after the words "and the committee shall" in paragraph (a) of the amendment to section 9(1).
- (v) Deletion of paragraph (b) of the amendment to section 9(1) and substitution of the following therefor:

"(b) Insert immediately after the word "philosophical" the words ", musical" and substitute for the words "and apparatus" the words ", apparatus and equipment". "

Public Free Library (Management and Control) Regulations  
(.ج. IX p 1899):

The following amendments by the Attorney-General and Minister of State were put and carried:

- (i) Substitution of the word "Central" for the words "Georgetown Branch" in paragraph (a) of the amendment to Regulation 6(3).
- (ii) Deletion of the word "other" in paragraph (b) of the amendment to Regulation 6(3).
- (iii) Substitution of the words "CENTRAL BRANCH" for the sub-heading "GEORGETOWN BRANCH" in paragraph (a) of the amendment to the Schedule.
- (iv) Deletion of paragraph (b) of the amendment to the Schedule and substitution of the following therefor:

" (b) Under the abovementioned heading, delete the words " "Public Reading Room" and the hours thereto;" and immediately after the item "Juvenile Lending Department" insert the following item -

(i) in the first column, the words "Gramophone Record Library...";

(ii) in the second column, the words -  
" 9.00 a.m. - 12 noon  
1.30 p.m. - 6.00 p.m. ";

(iii) in the third column, the words  
" 9.00 a.m. - 12 noon ". "



New Building Society Ordinance (Cap. 201):

The following amendment by the Attorney-General and Minister of State was put and carried:

Deletion of the amendment to section 1.

Motor Vehicles and Road Traffic Ordinance (Cap. 280):

The following amendment by the Attorney-General and Minister of State was put and carried:

Addition of the following amendment to section 47 -

"Substitute a full stop for the semicolon after the word "occasions" in subsection (2) and delete the proviso thereto."

Spirits Ordinance (Cap. 319):

The following amendment by the Attorney-General and Minister of State was put and carried:

Deletion of the amendment to section 2 and substitution of the following therefor -

"Substitute for the definition of the expression "the Government Analyst" the following definition -

' "the Government Analyst" has the meaning assigned to the expression "Analyst" in section 43(5) of the Evidence Ordinance; '."

The following amendments by the Attorney-General and Minister of State were put and carried:

(i) Insertion of the following after the amendment to the Auctioneer Ordinance (Cap. 349):

'United States Bases (Agreement) Ordinance (Cap. 353)

Delete sections 2 to 52 (both sections inclusive) and insert the following section as section 2 -

"Cancellation of leases.

2. The leases, that is to say, No. 34 of 1941 executed and registered in the Deeds Registry, Georgetown on 27th May, 1941, No. 57 of 1945 executed and registered in the said Registry on 29th August, 1945, and No. A 4524 executed and recorded in the Department of Lands and Mines, Georgetown,

on 29th August, 1945, shall with effect from 26th May, 1966, be deemed to have been cancelled, and the Registrar of Deeds shall take due notice hereof and shall make all due annotations on the records as may be necessary." '

(ii) Insertion of the following after the amendment to the Licence Revenue Ordinance, 1956 (No. 7 of 1956):

' Local Government (Local Authorities Guarantee Fund) Ordinance, 1956 (56 of 1956))	Substitute for the word "Board" the word "Minister" wherever it appears in the Ordinance except in sections 2, 3(2) and 13, and in section 5(1) immediately after the words "control of the Board" delete the comma and all the words. '
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(iii) Insertion of the following after the amendment to the Bill of Entry (In Aid of Defence) Levy Act 1969 (No. 4 of 1969):

' Valuation for Rating Purposes Act 1969 (11 of 1969)	The first schedule shall, with effect from 1st June, 1972, be deemed to have been amended by the substitution of the word "fifty" for the word "hundred" in paragraph 5 thereof. '
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Interpretation and General Clauses Act (8 of 1970):

The following amendments by the Attorney-General and Minister of State were put and carried:

(i) Deletion of the paragraph before paragraph (c) of the amendment to the Miscellaneous Sections, and substitution of the following therefor -

" (b) Delete the words "it is otherwise expressly provided or" in sections 7(1), 15(1) and 50. "

(ii) Substitution of the figure "(1)" in the amendment at paragraph (d)(vii) to the Miscellaneous Sections for the figure "(2)".

The following amendment moved by the Attorney-General and Minister of State was deferred for consideration of a point of order:

Insertion of the following after the amendments to the Interpretation and General Clauses Act 1970 (8 of 1970):

'Livestock (Loans  
for Development  
Act, 1971  
(18 of 1971)

First Schedule

In clause 1(a)(vi) insert the words "or save as permitted by the Act, by the conditions of the charge" immediately after the word "Act".

Miscellaneous  
(Fiscal Enact-  
ments)(Amend-  
ment) Act, 1971  
(25 of 1971)

Schedule

Substitute for the reference to section 2 of the Property Tax Ordinance, 1962, a reference to section 3 thereof.

Private  
Hospitals Act  
1972  
(2 of 1972)

Section 2(1)

- (a) In the definition of the word "treatment" insert the word "accommodation;" immediately before the word "maintenance";
- (b) Delete the words "medical or surgical";

The provisos to  
sections 5(1)  
and 7(4)

Insert the words "provided or" immediately after the word "care".

High Court Ordinance (Cap. 7) (Recommitted)

The following amendments by Dr. Ramsahoye were put and negatived:

(i) Addition of the following subsection to section 26:

' (4) For the purposes of this section the expression "single judge" shall be deemed to include the Chancellor or a Justice of Appeal. '

(ii) Insertion of the following subsection (4) to section 34:

" (4) The Court shall deliver judgment within six weeks of the conclusion of the hearing of a cause or matter."

- (iii) Substitution of the following for subsection 2 of section 46:

" (2) Claims against the Government of Guyana may be made in the same manner as claims against private persons in a suit instituted by the claimant as plaintiff against the Attorney General as defendant or any other officer authorised by law, or from time to time designated for that purpose by the President."

The following amendment by Dr. Ramsahoye was put and carried:

Insertion of the following immediately after the amendments to section 75:

- ' 82. Insert the following as section 82A:

"Restriction on institution of vexatious actions.

82A(1) If, on an application made by the Attorney-General under this section, the Court is satisfied that any person had habitually and persistently and without any reasonable ground instituted vexatious legal proceedings, whether in the Court or in any inferior court, and whether against the same person or against different persons, the Court may, after hearing that person or giving him an opportunity of being heard, order that no legal proceedings shall without the leave of the Court be instituted by him in the Court or in any inferior court, and such leave shall not be given unless the Court is satisfied that the proceedings are not an abuse of the process of the Court or any inferior court and that there is prima facie ground for the proceedings.

(2) If the person against whom an order is sought under subsection (1) satisfied the Court that for good and sufficient cause he is unable to retain counsel, the Court shall assign counsel to him.

(3) A copy of any order made under subsection (1) shall be published in the Gazette."

Summary Jurisdiction (Magistrates) Ordinance (Cap. 12)  
(Recommitted)

The following amendment by Dr. Ramsahoye was put and carried:

Insertion of the following amendment to item 10 of the Schedule:

- (a) Insert the words "or the value of the property in dispute" between the words "claimant" and "or".
- (b) Insert the words "or the value of the property in dispute" between the words "claimed" and "in".
- (c) Substitute the words "\$50" for the words "\$25".

Traders (Breach of Contract) Ordinance (Cap. 24)  
(Recommitted)

The following amendment by Mr. D.C. Jagan was put and carried:

Substitution of the words "two hundred and fifty dollars" for the words "one hundred dollars" in the amendment to sections 3, 4, 5, 6 and 7.

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A ruling on the point of order raised earlier by Mr. D.C. Jagan having been given, the following amendment by the Attorney-General and Minister of State which was deferred was put and carried:

Insertion of the following after the amendments to the Interpretation and General Clauses Act 1970 (8 of 1970):

'Livestock  
Loans for  
Develop-  
ment) Act,  
1971  
(8B of 1971)

First Schedule

In clause 1(a)(vi) insert the words "or save as permitted by the Act, by the conditions of the charge" immediately after the word "Act".

Miscellaneous  
(Fiscal Enact-  
ments)(Amend-  
ment) Act 1971  
(25 of 1971)

Schedule

Substitute for the reference to section 2 of the Property Tax Ordinance, 1962, a reference to section 3 thereof.

Private  
Hospitals  
Act 1972  
(2 of 1972)

- Section 2(1)
- (a) In the definition of the word "treatment" insert the word "accommodation," immediately before the word "maintenance";
  - (b) Delete the words "medical or surgical";

The provisos  
to sections 5(1)  
and 7(1)

Insert the words "provided or"  
immediately after the word  
"care".

The Second Schedule was then passed as amended.

### Third Schedule

The following amendments by the Attorney-General and Minister of State were put and carried:

- (i) Deletion of the reference to Cap. 154 Georgetown (Valuation and Rating) Ordinance.
- (ii) Insertion of the following immediately after the reference to Cap. 323 Importation of Textiles Quotas Ordinance:

"Cap. 352 Acquisition of Land (U.S.A.  
Air and Naval Bases) Ordinance."

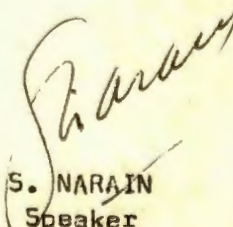
The Third Schedule was then passed as amended.

### Assembly resumed.

On a motion by the Attorney-General and Minister of State the Bill was read a third time and passed as amended in Committee.

### ADJOURNMENT

At 8.17 p.m., on a motion by the Minister of Housing and Reconstruction (Leader of the House), the Assembly was adjourned to 2.00 p.m. on Monday, the 24th of July, 1972.

  
S. NARAIN  
Speaker

PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown.  
24th July, 1972.