

SECOND PARLIAMENT OF GUYANA

THIRD SESSION

1971

MINUTES of the Proceedings of the 14th 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

THURSDAY, 1ST JULY, 1971

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 B. Ramsaroop, Minister of Trade (Leader
of the House)
The Honourable D.A. Singh, Minister of Housing and
Reconstruction
The Honourable O.E. Clarke, Minister of Home Affairs
The Honourable C.V. Mingo, Minister of Local Government
Dr. the Honourable Sylvia Talbot, Minister of Health

(ii) Parliamentary Secretaries

Mr. J.G. Joaquin, J.P., Parliamentary Secretary,
Ministry of Finance
Mr. P. Duncan, J.P., Parliamentary Secretary,
Ministry of Agriculture
Mr. W. Haynes, Parliamentary Secretary,
Office of the Prime Minister
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
 Mrs. L.E. Willems

(b) Members 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. A.M. Hamid, J.P., Opposition Whip
 Mr. G.H. Lall, J.P.
 Mr. M.Y. Ally
 Mr. R.D. Persaud, J.P.
 Mr. R. Ally
 Mr. E.L. Ambrose
 Mr. Balchand Persaud
 Mr. Bholu Persaud
 Mr. I.R. Remington, J.P.
 Mrs. E. DaSilva
 Mr. J.A. Sutton
 Mr. R.E. Cheeks

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 Miss S.M. Field-Ridley,
 Minister of Education
 The Honourable S.S. Ramphal, S.C.,
 Attorney-General and Minister of State
 The Honourable H. Green, Minister of Works,
 Hydraulics and Supply
 The Honourable H.O. Jack, Minister of
 Mines and Forests
 Mr. M. Zaheeruddeen, J.P. - on leave
 Dr. C.B. Jagan, Leader of the Opposition
 Mr. E.M.G. Wilson
 Mr. E.M. Stoby, J.P. - on leave
 Mrs. L.M. Branco - on leave
 Mrs. R.P. Sahoye - on leave
 Mr. V. Teekah - on leave
 Mr. M.F. Singh

PRAYERS.

The Clerk read Prayers.

ANNOUNCEMENTS BY THE SPEAKERLeave

His Honour the Speaker announced that leave had been granted to -

- (a) Mr. Zaheeruddeen for 1st and 2nd July, 1971; and
- (b) Mrs. Branco for that day's sitting.

PUBLIC BUSINESSSUSPENSION OF STANDING ORDER NO. 23(3)

On a motion by the Minister of Trade (Leader of the House), Standing Order No. 23(3) was suspended to enable him to move a motion of condolence on the death of Lord Constantine and to speak on the death of the three Russian Cosmonauts.

ITEM 1 - MOTION OF CONDOLENCE ON THE DEATH OF LORD CONSTANTINE

The Minister of Trade (Leader of the House), moved and Mr. Ram Karran seconded the following motion, and also expressed regret at the death of the three Russian cosmonauts:

BE IT RESOLVED:

That this National Assembly records its deep regret at the death of Lord Learie Constantine and pays tribute to him for his distinguished public service, and directs that an expression of its sympathy be conveyed to his sorrowing widow and relatives and to the Government and People of Trinidad and Tobago.

Mr. Sutton and Mr. Bissember spoke.

Thereafter, the motion was put and carried with Members standing.

BILL - Second and Third ReadingsITEM 2 - FOOD AND DRUGS BILL, 1971 - Bill No. 11/1971 published 5.6.71

The Minister of Health moved the second reading of the following Bill:

A BILL intituled AN ACT RELATING TO FOODS,
DRUGS, COSMETICS AND THERAPEUTIC DEVICES.

Mr. Chandisingh and Mr. M.Y. Ally spoke to the motion.

SUSPENSION OF SITTING

At 3.57 p.m. the sitting was suspended for tea.

RESUMPTION OF SITTING

At 4.27 p.m. the sitting was resumed.

Mrs. Da Silva and Mr. D.C. Jagan spoke to the motion.

Thereafter the Minister of Health replied.

The motion was then put and carried.

The Bill was read a second time.

Assembly resolved itself into Committee to consider the Bill clause by clause.

In Committee

Clauses 1 to 3 were passed as printed.

Clause 4 - The following amendments by Mr. D.C. Jagan were put and negatived:

(i) Insertion of subsection (3) as follows:

"(3) In proceedings under this Act for an offence consisting of the advertisement for sale of any food, drug, cosmetic or device, it shall be a defence for the person charged to prove that being a person whose business it is to publish, or arrange for the publication of, advertisements, received the advertisement for publication in the ordinary course of business.";

(ii) Insertion of subsection (4) as follows:

"(4)(a) Any person who -

(i) knowingly offers or exposes for sale or has in his possession for the purpose of sale or of preparation for sale; or

(ii) deposits with or consigns to, any person for the purpose of sale or of preparation for sale,

any food, drug, cosmetic or device intended for but unfit for human consumption or use shall be guilty of an offence.

(b) Subject as aforesaid where food, drug, cosmetic or device in respect of which an offence under paragraph (a)(i) of the foregoing has been committed was sold to the offender by some other person, that person shall also be guilty of an offence.

(c) Where a person is charged with an offence under paragraph (a)(ii) of this subsection, or under the last foregoing paragraph, it shall be a defence for him to prove either -

- (i) that he gave notice to the person with whom he deposited, or to whom he consigned or sold, the food, drug, cosmetic or device in question that it was not intended for human consumption or use, or
- (ii) that, at the time when he delivered or dispatched it to that person, either it was fit for human consumption or use or he did not know and could not with reasonable diligence have ascertained, that it was unfit for human consumption or use."

Clause 4 was then passed as printed.

Clause 5- The following amendment by Mr. D.C. Jagan was put and negatived:

Insertion of the word "knowingly" between the words "who" and "sells".

Clause 5 was then passed as printed.

Clause 6 - The following amendment by Mr. D.C. Jagan was put and negatived:

Insertion of the word "knowingly" between the words "who" and "labels".

Clause 6 was then passed as printed.

Clause 7 - The following amendment by Mr. D.C. Jagan was put and negatived:

Insertion of the word "knowingly" between the words "who" and "labels".

Clause 7 was then passed as printed.

Clause 8 was passed as printed.

Clause 9 - The following amendment by Mr. D.C. Jagan was put and negatived:

Insertion of the word "knowingly" between the words "who" and "sells".

Clause 9 was then passed as printed.

Clause 10 - The following amendment by Mr. D.C. Jagan was put and negatived:

Insertion of the word "knowingly" between the words "who" and "labels" in subsection (1).

Clause 10 was then passed as printed.

Clauses 11 and 12 were passed as printed.

Clause 13 - The following amendment by the Minister of Health was put and carried:

Insertion of the words "or to an entomologist" after the word "Pharmacist" in subsection (2).

Clause 13 was then passed as amended.

Clause 14 - The following amendment by Mr. D.C. Jagan was put and negatived:

Insertion of the word "knowingly" between the words "who" and "sells".

Clause 14 was then passed as printed.

Clause 15 - The following amendment by Mr. D.C. Jagan was put and negatived:

Insertion of the word "knowingly" between the words "who" and "labels".

Clause 15 was then passed as printed.

Clause 16 was passed as printed.

Clause 17 - The following amendment by Mr. D.C. Jagan was put and negatived:

Insertion of the word "knowingly" between the words "who" and "sells".

Clause 17 was then passed as printed.

Clause 18 - The following amendment by Mr. D.C. Jagan was put and negatived:

Insertion of the word "knowingly" between the words "who" and "labels" in subsection (1).

Clause 18 was then passed as printed.

Clauses 19 and 20 were passed as printed.

Clause 21 - The following amendments by Mr. D.C. Jagan were put and negatived:

- (i) Deletion of the word "place" in the first line of paragraph (a) of subsection (1) and substitution of the words "ship, aircraft, vehicle, stall or place";

- (ii) Insertion of the following proviso at the end of paragraph (a) of subsection (1):

"Provided that any sample so taken shall forthwith be divided into two parts to be marked and sealed or fastened up in such manner as its nature shall permit and one part shall be given to the person who was in possession of the food, drug, cosmetic or device.";

- (iii) Insertion of the following proviso at the end of subsection (4):

"Provided that nothing in this subsection shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him.";

- (iv) Deletion of the words "either verbally or" from paragraph (c) of subsection (5),

- (v) Insertion of the following proviso at the end of subsection (6):

"Provided that the inspector so removing an article shall give to the person in possession of the article a written statement of the amount so seized.";

- (vi) Insertion of the words "or articles" between the words "sample" and "if" in the sixth line of subsection (7).

Clause 21 was then passed as printed.

Clause 22 - The following amendments by Mr. D.C. Jagan were put and negatived:

- (i) Deletion of the full stop at the end of subsection (1) and insertion of the following:

"who shall give his report on the samples within seventy-two hours after the samples were taken.";

- (ii) Insertion of the following proviso at the end of paragraph (b) of subsection (3):

"Provided that the inspector shall compensate the owner of the food, drug, cosmetic or device for any depreciation in its value resulting in the delay of its delivery."

Clause 22 was then passed as printed.

Clauses 23 to 28 were passed as printed.

Clause 29 - The following amendment by Mr. D.C. Jagan was put and negatived:

Deletion of the Clause and substitution of the following therefor:

"Defences. 29.(1) A person against whom proceedings are brought under this Act, shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings; and if, after the contravention has been proved, the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of the foregoing subsection the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence.

(3) Where it appears to the authority concerned that an offence has been committed in respect of which proceedings might be taken under this Act against some person and the authority are reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (1) of this section, they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.

In any such proceedings the defendant may be charged with, and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged."

Clause 29 was then passed as printed.

Clauses 30 to 32 were passed as printed.

Clause 33 - The following amendment by the Minister of Health was put and carried:

Substitution of the following clause for clause 33:

"Penalties. 33. Save as otherwise provided by regulations made pursuant to section 25, every person who commits an offence against this Act shall be liable -

- (a) on summary conviction for a first offence to a fine of not less than one hundred dollars nor more than five hundred dollars and to imprisonment for not less than one month nor more than three months, and for a subsequent offence to a fine of not less than five hundred dollars nor more than one thousand dollars and to imprisonment for not less than three months nor more than six months;
- (b) on conviction upon indictment to a fine of not less than one thousand dollars nor more than five thousand dollars and to imprisonment for not less than one year nor more than three years."

3 Clause 33 was then passed as amended.

Clause 34 was passed as printed.

Interruption of Proceedings

At 6.30 p.m. the proceedings on the Bill were interrupted to permit the Minister of Trade (Leader of the House) to move the suspension of Standing Order No. 9(2).

SUSPENSION OF STANDING ORDER NO. 9(2)

On a motion by the Minister of Trade (Leader of the House), Standing Order No. 9(2) was suspended to enable the sitting to continue beyond 6.30 p.m.

Resumption of Proceedings

The Proceedings on the Food and Drugs Bill were resumed.

Clauses 35 to 38 were passed as printed.

First Schedule - The following amendment by the Minister of Health was put and carried:

- (i) Substitution of "Alopecia" for "Aloptcia";
- (ii) Deletion of "Influenza".

The First Schedule was then passed as amended.

Second Schedule was passed as printed.

Third Schedule - The following amendments by the Minister of Health were put and carried:

- (i) Deletion of "Appetite suppressant agents (anoretics), excluding amphetamine, its derivatives and their salts, except those specifically exempted by the regulations." and substitution of the following therefor:

"Appetite suppressant agents (anoretics) except those specifically exempted by the regulations, amphetamine, its derivatives and their salts";

(ii) Insertion of the following substances in their correct alphabetical order:

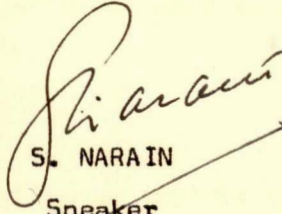
"Barbituric acid, any derivative thereof, and any salt thereof
Lysergide
Mescaline and its salts
Methamphetamine, its derivatives and salts
Methysergide".

Assembly resumed.

On a motion by the Minister of Health, the Bill was read the third time and passed as amended in Committee.

ADJOURNMENT

At 6.35 p.m., on a motion by the Minister of Trade (Leader of the House), the Assembly was adjourned to a date to be fixed.


S. NARAIN
Speaker

PARLIAMENT OFFICE,
Public Buildings,
Georgetown.
7th July, 1971.