

BRITISH GUIANA

SECOND LEGISLATIVE COUNCIL

FIRST SESSION

1957 - 1958

MINUTES of the Proceedings of a Meeting of the Legislative Council of the Colony of British Guiana under the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956, held in the Chamber of the Legislature at the Public Buildings, Georgetown, Demerara,

AT 2.00 P.M.

on

THURSDAY, 6TH NOVEMBER, 1958.

PRESENT:

His Honour the Speaker, Sir Donald Jackson.

Ex-Officio Members

The Honourable the Chief Secretary, Mr. F.D. Jakeway, C.M.G., O.B.E.

The Honourable the Attorney-General, Mr. A.M.I. Austin, Q.C.

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

Ministers

The Honourable Dr. C.B. Jagan,
Minister of Trade and Industry.

The Honourable B.H. Benn,
Minister of Community Development and Education.

The Honourable E.B. Beharry,
Minister of Natural Resources.

The Honourable Janet Jagan,
Minister of Labour, Health and Housing.

The Honourable Ram Karran,
Minister of Communications and Works.

Elected Members, Majority Party

Mr. F. Bowman

Mr. S.M. Saffee

Mr. Ajodha Singh

Other Elected Members

Mr. W.O.R. Kendall

Mr. L.F.S. Burnham

Mr. S. Campbell

Mr. A.L. Jackson

Nominated Members

Mr. R.C. Tello

Mr. R.E. Davis

Mr. A.M. Fredericks

Mr. H.J.M. Hubbard

Mr. A.G. Tasker, O.B.E.

Clerk of the Legislature - Mr. E.V. Viapree (Ag.)

Assistant Clerk of the Legislature - F.A. Narain (Ag.)

Absent

Mr. B.S. Rai

Mr. Jai Narine Singh

Mr. R.B. Gajraj - on leave.

The Clerk read prayers.

CONFIRMATION OF MINUTES

The Minutes of the Meeting held on Wednesday, the 5th of November, 1958, as printed and circulated, were taken as read and confirmed.

ORAL ASKING AND ANSWERING OF QUESTIONSQuestion No. 26

Mr. Tello, on behalf of Mr. Gajraj, asked the Minister of Trade and Industry the following questions:

QUESTION 1: Will the Honourable Minister of Trade and Industry disclose what was the total amount of American dollars allocated to this Colo for 1957 for:

- (a) motor vehicles;
 - (b) special items such as agricultural and mining machinery,
 - (c) all other classes of goods,
- and (d) what the corresponding figures are for 1957?

QUESTION 2: Will the Honourable Minister of Trade and Industry state whether the American dollars allocated to this Colony for 1957 were used up in their entirety in all classes of goods, and not, what were the amounts unused?

The Minister of Trade and Industry gave the following replies:

ANSWER 1: It is against the Sterling Area policy to release information regarding the amount of the territory's dollar allocation, but allocations are aimed at ensuring similarity of treatment throughout the sterling area in the light of each territory's need, without regard to the amount of dollars earned or saved by the territory. New proposals are now being examined which should permit dismantling of the dollar allocation system. A certain percentage of the Colony's dollar allocation is stipulated as the maximum amount for the purchase of North American motor vehicles, and the balance, including any savings on the amount allowed for the purchase of motor vehicles is utilised for the purchase of all other classes of goods. These goods are also purchased under the B.W.I. Trade Liberalization Plan with the U.S.A. and Canada which provides the Colony with additional dollar allocations. The Colony's dollar allocation for 1958 is the same as for 1957; but whereas in 1957, the value of goods imported from hard currency sources on a "no funds" basis (i.e. without the need for the Colony to provide dollars from its allocation) was chargeable to the Colony's dollar allocation, it is not so chargeable in 1958. This in effect affords the Colony an increased dollar expenditure for 1958.

ANSWER 2: The Colony's entire dollar allocation was expended in 1957.

PUBLIC BUSINESSORDER OF THE DAY

BILL - Second Reading and Committee.

Item 1 - SHOPS (CONSOLIDATION) BILL, 1958 - Bill No. 30/1958.

Council resumed the debate on the motion for the second reading of the BILL intituled AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW TO REGULATE THE OPENING AND CLOSING HOURS OF CERTAIN SHOPS AND THE HOURS OF WORK OF SHOP ASSISTANTS; TO PROVIDE FOR THE WELFARE OF SHOP ASSISTANTS; AND TO PROVIDE FOR OTHER MATTERS CONNECTED THEREWITH.

Mr. Jackson concluded his speech.

Mr. Burnham spoke to the motion.

After the Minister of Labour, Health and Housing had replied, the motion for the second reading was put and carried.

Council then resolved itself into a Committee to consider the Bill clause by clause.

In Committee

Clause 1 - Short Title - was passed as printed.

Clause 2 - was passed as printed.

Clause 3 - Subsection (1) - Firs Proviso:

Mr. Tello moved the following amendment:

Deletion of (i) the words "or he may, in the case of a rural area, by Order in Council exempt all shops or any specified shop or class of shops in such area from the operation of this section;" between the words "open," and "and";
and (ii) the words "of exemption" between the words "order" and "is".

After discussion, the amendment was put and Council divided and voted thereon as follows:

<u>FOR</u>	<u>AGAINST</u>
Mr. Davis	Mr. Tasker
Mr. Tello	Mr. Hubbard
Mr. Campbell	Mr. Fredericks
	Mr. Jackson
	Mr. Burnham
	Mr. Kendall
	Mr. Ajodha Singh
	Mr. Saffee
	Mr. Bowman
	Mr. Ram Karran
	Mrs. Jagan
	Mr. Beharry
	Mr. Benn
	Dr. Jagan
	The Financial Secretary
	The Attorney-General
	The Chief Secretary

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Amendment re tived.

Mr. Burnham moved the following amendment:

Substitution of (i) the word "Minister" for the word "Governor" between the words "the" and "may";
and (ii) the words "Order published in the Gazette" for the words "Order in Council" between the words "by" and "prescribe", and ~~between the~~ words "by" and "exempt" respectively.

After discussion, the amendment was put and Council divided and voted thereon as follows:

<u>FOR</u>	<u>AGAINST</u>	<u>DID NOT VOTE</u>
Mr. Davis	Mr. Tasker	Mr. Tello
Mr. Jackson	Mr. Hubbard	
Mr. Burnham	Mr. Fredericks	
Mr. Kendall	Mr. Campbell	
	Mr. Ajodha Singh	
	Mr. Saffee	
	Mr. Bowman	
	Mr. Ram Karran	
	Mrs. Jagan	
	Mr. Beharry	
	Mr. Benn	
	Dr. Jagan	
	The Financial Secretary	
	The Attorney-General	
	The Chief Secretary	
<u>4</u>	<u>15</u>	<u>1</u>

Amendment negatived.

Clause 3 was then passed as printed.

Clause 4 - Subsection (4):

Mr. Tello moved the following amendment:

Substitution of the word "six" for the word "three" between the words "of" and "months".

After discussion, the amendment was put and Council divided and voted thereon as follows:

<u>FOR</u>	<u>AGAINST</u>	<u>DID NOT VOTE</u>
Mr. Tello	Mr. Tasker	Mr. Campbell
Mr. Jackson	Mr. Hubbard	
Mr. Burnham	Mr. Fredericks	
Mr. Kendall	Mr. Davis	
	Mr. Ajodha Singh	
	Mr. Saffee	
	Mr. Bowman	
	Mr. Ram Karran	
	Mrs. Jagan	
	Mr. Beharry	
	Mr. Benn	
	Dr. Jagan	
	The Financial Secretary	
	The Attorney-General	
	The Chief Secretary	
<u>4</u>	<u>15</u>	<u>1</u>

Amendment negatived.

Clause 4 was then passed as printed.

Clauses 5 to 7 - were passed as printed.

Clause 8 - Subsection (3):

Mr. Tello moved the following amendment:

Substitution of the word "one-quarter" for the word "three-quarter" between the words "and" and "hours".

After discussion, the amendment was put and Council divided and voted thereon as follows:

<u>FOR</u>	<u>AGAINST</u>
Mr. Tello	Mr. Tasker
Mr. Jackson	Mr. Hubbard
Mr. Campbell	Mr. Fredericks
Mr. Burnham	Mr. Ajodha Singh
Mr. Kendall	Mr. Saffee
	Mr. Bowman
	Mr. Ram Karran
	Mrs. Jagan
	Mr. Beharry
	Mr. Benn
	Dr. Jagan
	The Financial Secretary
	The Attorney-General
	The Chief Secretary
<u>5</u>	<u>14</u>

Amendment negatived.

Subsection (5):

Mr. Tello moved the following amendment:

Deletion of the proviso to subsection (5).

Mr. Tasker moved the following amendment:

Substitution of the word "a" for the word "the" between the words "in" and "form" in subsection (5).

Mr. Burnham moved the following amendment:

Insertion of the words "in writing" between the words "approved" and "by" in subsection (5).

After discussion, the amendments by Mr. Tello, Mr. Tasker and Mr. Burnham were put and carried.

Clause 8 as amended was then put and carried.

Clause 9 - The Minister of Labour, Health and Housing moved the following amendment:

Substitution of the word "during" for the words "immediately preceding" between the words "hour" and "such".

After discussion, the amendment was put and carried.

Clause 9 as amended was then put and carried.

Clauses 10 to 12 - were passed as printed.

Clause 13 - Subsections (5), (6) and (7):

Mr. Tello moved the following amendments:

Deletion of (i) the words "not being a shop exempted from the provisions of this subsection," between the words "shop," and "there" in subsection (5);
and (ii) subsection (6) and the proviso thereto.

Substitution of the words "less than" for the word "exceeding" between the words "not" and "fifty", and between the words "not" and "one" respectively in subsection (7).

After discussion, the amendments were put and negatived.

Mr. Tello moved the following amendment:

Substitution of the word "seventy-five" for the word "fifty" between the words "exceeding" and "dollars" in subsection (7).

After discussion, the amendment was put and carried.

Mr. Burnham moved the following amendment:

Insertion of the words "or three months imprisonment or to both such fine and imprisonment" after the word "dollars" in the eleventh line of subsection (7).

After discussion, the amendment was put and Council divided and voted the reon as follows:

FOR

Mr. Fredericks
Mr. Tello
Mr. Jackson
Mr. Campbell
Mr. Burnham
Mr. Kendall

AGAINST

Mr. Tasker
Mr. Hubbard
Mr. Saffee
Mr. Bowman
Mr. Ram Karran
Mrs. Jagan
Mr. Benn
Dr. Jagan
The Financial Secretary
The Attorney-General
The Chief Secretary

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Amendment negatived.

Clause 13 as amended was then put and carried.

Clause 14 - was passed as printed.

Clause 15 - Subsection (3):

Mr. Tello moved the following amendment:

Insertion of the following proviso to subsection (3):

"Provided any aggrieved shop assistant or shop assistants or their representative shall be free to seek redress in the magistrate court in the district, by way of normal procedure."

After discussion, the amendment was put and negatived.

The Minister of Labour, Health and Housing moved the following amendment:

Insertion of the following proviso to subsection (3):

"Provided that a prosecution in respect of the matters referred to in this subsection may be instituted by any person with the previous sanction of the Commissioner of Labour."

After discussion, the amendment was put and carried.

Clause 15 as amended was then put and carried.

Clause 16 - was passed as printed.

Clause 17 - Paragraph (h):

The Minister of Labour, Health and Housing moved the following amendment:

Substitution of a semi-colon for the colon after the word "access" in paragraph (h); and

Insertion of the following:

"or (i) the delivery of goods:".

After discussion, the amendment was put and carried.

Clause 17 as amended was then put and carried.

Clause 18 - was passed as printed.

Clause 19 - Subsection (1)(a):

Mr. Tello moved the following amendment:

Substitution of the word "fifty" for the word "twenty" between the words "than" and "dollars".

After discussion, the amendment was put and carried.

Clause 19 as amended was then put and carried.

Clauses 20 to 22 - were passed as printed.

Clause 23 - Subsection (1):

Mr. Tello moved the following amendment:

Substitution of the word "fifty" for the word "twenty-five" between the words "than" and "dollars" and of the word "seventy-five" for the word "fifty" between the words "exceeding" and "dollars" and between the words "than" and "dollars" respectively in subsection (1).

After discussion, the amendment was put and carried.

Mr. Tello moved the following amendment:

Insertion of the following after the word "dollars" at the end of subsection (1):

"or to a term of imprisonment not exceeding 6 months or to the cancellation of his licence or to a fine and imprisonment and the cancellation of his licence".

After discussion, the amendment was put and negatived.

Clause 23 as amended was then put and carried.

Clauses 24 and 25 - were passed as printed.

FIRST SCHEDULE - The Minister of Labour, Health and Housing moved the following amendment:

Substitution of the following for the second proviso:

"Provided further that where the preceding proviso does not apply, shops (other than restaurants, parlours and cookshops, barbers' or hairdressers' establishments) may with the approval in writing of the Commissioner of Police be opened and kept open on Fridays only between the hours of 9.30 a.m. and 6.15 p.m. and in any such case the occupier of a shop shall allow to each shop assistant an interval from work of one-quarter of an hour between the hours of 4 p.m. and 5 p.m."

After discussion, the amendment was put and carried.

The First Schedule as amended was then put and carried.

SECOND to FOURTH SCHEDULES - were passed as printed.

TITLE - was passed as printed.

Council resumed.

At the request of the Minister of Labour, Health and Housing further consideration of the Bill was deferred.

ADJOURNMENT

At 6.45 p.m. Council was adjourned to 2.00 p.m. on Friday, the 28th of November, 1958.

Confirmed,

Donald Tuckson

Speaker.

PUBLIC BUILDINGS,
Georgetown.

28th November, 1958.