

BRITISH GUIANA

SECOND LEGISLATIVE COUNCIL

SECOND SESSION

1958 - 1959

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, 11TH JUNE, 1959.

PRESENT:

His Honour the Speaker, Sir Donald Jackson.

Ex-Officio Members

The Honourable the Chief Secretary, Mr. D.M. Hedges.
The Honourable the Attorney-General, Mr. G.M. Farnum (Ag.)
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 Natural Resources.
The Honourable Janet Jagan,
Minister of Labour, Health and Housing.
The Honourable Ram Karran,
Minister of Communications and Works.
The Honourable B.S. Rai,
Minister of Community Development and Education.

Elected Members, Majority Party

Mr. S.M. Saffee

Other Elected Members

Mr. W.O.R. Kendall
Mr. L.F.S. Burnham
Mr. A.L. Jackson
Mr. E.B. Beharry
Mr. F. Bowman

Nominated Members

Mr. R.B. Gajraj
Mr. R.C. Tello
Mr. R.E. Davis
Mr. A.M. Fredericks
Mr. H.J.M. Hubbard
Mr. A.G. Tasker, O.B.E.

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

Absent:

Mr. Ajodha Singh - Indisposed.
Mr. S. Campbell
Mr. Jai Narine Singh - On leave.

The Clerk read prayers.

OATH OF ALLEGIANCE

Mr. D.M. Hedges, Chief Secretary, took and subscribed the Oath of Allegiance, and was welcomed as an ex-officio member of the Council.

WELCOME TO MINISTER OF COMMUNITY DEVELOPMENT AND EDUCATION

The Speaker also extended a welcome to the Honourable B.S. Rai as Minister of Community Development and Education.

CONFIRMATION OF MINUTES

The Minutes of the Meeting held on Thursday, the 14th of May, 1959, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTSLeave

The Speaker announced that Mr. Ajodha Singh had asked to be excused from that meeting, and that Mr. Jai Narine Singh had applied for one month's leave with effect from the 22nd of May, 1959.

PAPERS LAID(i) By the Attorney-General:

Report of the Official Receiver, Public Trustee and Crown Solicitor for the year 1958.
(Cr. S. 33/3)(Circulated).

(ii) By the Financial Secretary:

- (a) The Financial Statements of the Trotman Trust Fund for the years 1954 to 1956, together with the Director of Audit's report thereon.
(F.S.G. 107/53).
- (b) Annual Report of the Licence Revenue Officer for the year 1958.
(F.S.G. 169A/56)(Circulated).
- (c) Statement of Loans from voted expenditure written-off during the year ended 31st December, 1958.
(F.S.T. 9(1)).

(iii) By the Minister of Natural Resources:

Annual Report of the Director of Agriculture for the year 1958.
(AGR. 2/4/10)(Circulated).

(iv) By the Minister of Communications and Works:

Annual Report of the Demerara Electric Company, Limited, for the year ended 31st December, 1958.
(LEG. 25/54).

(v) By the Minister of Community Development and Education:

Annual Report of the Commissioner of Local Government for the year 1958.

(L.G. 30/1 VIII)(Circulated).

ORAL ASKING AND ANSWERING OF QUESTIONS

Question No. 7

Mr. Burnham asked the Chief Secretary the following question:-

QUESTION: Will the Honourable the Chief Secretary state why firemen at Atkinson, who operated the telephone switchboard from the 1st of August, 1949 to the 15th March, 1959, have not been paid for these extra services for which they were promised payment at the inception?

The Chief Secretary gave the following reply:-

ANSWER: The Aerodrome Fire Service personnel were operating the Telephone Switchboard at Atkinson as part of their duties when Government took over control of the service in 1949. According to the records, Government never gave an undertaking to pay the firemen extra for performing these duties and it is therefore incorrect to say that the men were promised any such payment. The firemen ceased to perform these duties when an automatic exchange came into operation on the 15th of March, 1959. Since that date the present Government has been considering whether some special payment should be made to the men and has decided that, notwithstanding the absence of any undertaking by previous Governments, it would be appropriate to pay them an ex gratia honorarium in recognition of the good work they have done in operating the Telephone Switchboard during the last 10 years. The approval of Finance Committee for the provision of the necessary funds will be sought shortly.

Question No. 8

Mr. Burnham asked the Chief Secretary the following question:-

QUESTION: Will the Honourable the Chief Secretary say whether in view of the good relations between Venezuela and British Guiana, the traditional claims of the former of certain portions of territory have been abandoned or settled?

The Chief Secretary gave the following reply:-

ANSWER: As far as this Government is aware, there is no outstanding dispute about the boundary between British Guiana and Venezuela which Her Majesty's Government and the Government of British Guiana regard as a chose jugée.

Question No. 9

Mr. Burnham asked the Chief Secretary the following question:-

QUESTION: Will the Honourable the Chief Secretary state why Government considered it necessary to appoint a Postmaster General from abroad when there were Guianese eligible for the post?

The Chief Secretary gave the following reply:-

ANSWER: As the Honourable Member is no doubt aware, under the provisions of the present Constitution, Heads of Departments such as the Postmaster General are selected for appointment by the Secretary of State. The question of filling the vacancy for Postmaster General was not considered by the Government, that is to say, by Executive Council before the Secretary of State made his selection. I should mention, however, that in accordance with the accepted policy of Guianization of the Civil Service, the claims of Guianese and West Indian officers who might be eligible for appointment as Postmaster General were forwarded to the Secretary of State by the Governor and were fully considered before a decision was taken to appoint an overseas officer to the post on contract for three years.

Question No. 10

Mr. Burnham asked the Minister of Communications and Works the following question:-

QUESTION: Will the Honourable the Minister of Communications and Works say whether the Sheat Report on the Atkinson Fire Services has been published, and if so, what Government proposes to do with respect to the recommendations of the said report?

The Minister of Communications and Works gave the following reply:-

ANSWER: The Report has not been published. The recommendations in the Report are under consideration.

Mr. Burnham also asked supplementary questions in respect of Questions Nos. 8, 9 and 10.

INTRODUCTION OF BILLS

(a) The Financial Secretary gave notice of the introduction and first reading of the following Bill:

CUSTOMS (AMENDMENT NO. 2) BILL, 1959.
(Bill No. 16/1959 published 30.5.59).

(b) The Minister of Natural Resources gave notice of the introduction and first reading of the following Bill:

DRAINAGE AND IRRIGATION (DECLARATION OF AREA)
BILL, 1959.
(Bill No. 17/1959 published 6.6.59).

(c) The Minister of Communications and Works gave notice of the introduction and first reading of the following Bill:

GEORGETOWN ELECTRIC SUPPLY (CONTROL) BILL, 1959.
(Bill No. 18/1959 published 3.6.59).

The Minister of Communications and Works intimated that he had received His Excellency's consent to seek a suspension of the Standing Orders to enable the Georgetown Electric Supply (Control) Bill, 1959, to be taken through all its stages at that meeting.

PUBLIC BUSINESS

ORDER OF THE DAY

BILLS - First Reading.

Item 1 - (a) CUSTOMS (AMENDMENT NO. 2) BILL, 1959 -
Bill No. 16/1959.

The BILL intituled AN ORDINANCE TO AMEND THE CUSTOMS ORDINANCE was read the first time.

(b) DRAINAGE AND IRRIGATION (DECLARATION OF AREA) BILL, 1959 - Bill No. 17/1959.

The BILL intituled AN ORDINANCE TO PROVIDE FOR THE DECLARATION OF THE MANARABISI CATTLE PASTURE DRAINAGE AND IRRIGATION AREA, THE VALIDATION OF THE CONSTRUCTION OF CERTAIN WORKS, THE VESTING OF CERTAIN LANDS IN THE DRAINAGE AND IRRIGATION BOARD, AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID was read the first time.

(c) GEORGETOWN ELECTRIC SUPPLY (CONTROL) BILL,
1959 - Bill No. 18/1959.

The BILL intituled AN ORDINANCE TO PROVIDE FOR THE CONTROL AND EQUITABLE DISTRIBUTION OF SUPPLY OF ELECTRICITY IN THE CITY OF GEORGETOWN AND ITS ENVIRONS was read the first time.

MOTION

Item 2 - MR. JACKSON'S MOTION RE PAYMENT OF SUPERANNUATION
BENEFITS TO MR. VINCENT PARRIS.

Mr. Jackson agreed to defer this motion to allow the Georgetown Electric Supply (Control) Bill to be taken.

BILL - Second and Third Readings.

GEORGETOWN ELECTRIC SUPPLY (CONTROL) BILL, 1959 -
Bill No. 18/1959.

The Minister of Communications and Works laid over His Excellency's consent in terms of section 48(2) of the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956, to move the suspension of the

../ Standing

Standing Orders to enable him to proceed on that day with the remaining stages of the BILL intituled AN ORDINANCE TO PROVIDE FOR THE CONTROL AND EQUITABLE DISTRIBUTION OF SUPPLY OF ELECTRICITY IN THE CITY OF GEORGETOWN AND ITS ENVIRONS.

Accordingly, on a motion by the Minister of Communications and Works seconded by the Minister of Natural Resources, the relevant Standing Order was suspended.

Thereafter, on a motion by the Minister of Communications and Works seconded by the Minister of Natural Resources, the Bill was read a second time.

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

In Committee

Clauses 1 and 2 - were passed as printed.

Clause 3 - (i) Mr. Bowman moved the following amendment:-

Deletion of clause 3 and substitution of the following therefor:-

"3. The Governor shall appoint an Electricity Control Board with a fit and proper person as Electricity Controlling Officer responsible to the Board for the purposes of this Ordinance and may from time to time revoke such appointments."

After discussion, the amendment was put and negatived on the following division:-

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

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(ii) Mr. Tello moved the following amendment:

The re-numbering of clause 3 as subsection (1) and the insertion of the following as subsection (2):

"(2) The Governor shall appoint a Committee of not more than five and less than three persons to advise the Controller of Electricity. The Committee shall be presided over by the Controller."

After discussion, the amendment was put and negatived.

Clause 3 was then passed as printed.

Clause 4 - was passed as printed.

Clause 5 - A motion by Mr. Burnham for the substitution of the word "five" for the word "two" in the second line of subsection (2) was carried.

Mr. Burnham suggested that subsection (4) be amended as follows:-

Insertion of the following at the end of the subsection:-

"Any notice shall be proper if addressed to the registered address of the Company."

The Attorney-General suggested the following amendment to subsection (4):-

Deletion of the words "on the Company" in the second and third lines and insertion of the words "addressed to the registered office of the Company" after the word "notice" in the second line.

After discussion, it was agreed to defer consideration of Clause 5.

Clause 6 - Mr. Burnham moved the following amendments:-

- (i) Substitution of the word "paragraph" for the word "sub-paragraph" and of the word "subsection" for the word "paragraph" in the first line.
- (ii) Insertion of the following after the word "Government" at the end of the clause:-

"and to any local authority within the area prescribed in the first schedule to the Georgetown Electric Supply Order".

After discussion, the amendments were put and carried.

Clause 6 was then passed as amended.

Clause 7 - Mr. Burnham was speaking on this clause when the hour of adjournment was reached.

On a motion by the Minister of Communications and Works, Council resumed.

The Minister of Trade and Industry moved that the sitting be continued for half an hour.

The Speaker stated that in terms of the proviso to Standing Order 5(1), he would permit the sitting to be continued to 5.30 p.m.

Thereupon the Minister of Trade and Industry withdrew his motion.

On a motion by the Minister of Communications and Works, Council resolved itself into a Committee to resume consideration of the BILL intituled AN ORDINANCE TO PROVIDE FOR THE CONTROL AND EQUITABLE DISTRIBUTION OF SUPPLY OF ELECTRICITY IN THE CITY OF GEORGETOWN AND ITS ENVIRONS.

In Committee

Clause 7 - (i) Mr. Burnham moved the following amendment:-

Deletion of the words "without the consent of the Attorney-General" between the words "Company" and "or" in subsection (1).

After discussion, the amendment was put and negatived on the following division:-

<u>FOR</u>	<u>AGAINST</u>
Mr. Jackson	Mr. Tasker
Mr. Burnham	Mr. Hubbard
Mr. Kendall	Mr. Fredericks
	Mr. Davis
	Mr. Gajraj
	Mr. Bowman
	Mr. Beharry
	Mr. Saffee
	Mr. Rai
	Mr. Ram Karan
	Mrs. Jagan
	Mr. Benn
	Dr. Jagan
	The Financial Secretary
	The Attorney-General
	The Chief Secretary

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(ii) Mr. Jackson moved the following amendment:-

Deletion of the words "against the Company" and of the words "or against any other person without the consent of the Controller" in subsection (1).

After discussion, the amendment was put and carried.

(iii) A motion by Mr. Burnham for the deletion of subsection (2) was negatived.

Clause 7 was then passed as amended.

Clause 8 - The Minister of Communications and Works moved the following amendment:-

Deletion of clause 8 and substitution of the following therefor:-

"8. (1) The Controller may -

(a) at any time enter any premises, or otherwise gain access to any installations, belonging to or under the control of the Company for the purpose of examining any electrical lines, wiring, works or other equipment of the Company;

(b) require the Company to furnish him with any information regarding its undertaking to enable or facilitate the exercise or performance of any powers or duties under this Ordinance or the regulations; and

(c) exercise any power exercisable, with or without his authority, by an Inspector under this Ordinance or the regulations.

(2) If upon being required in writing in pursuance of subsection (1) of this section to furnish the Controller with any information in its possession, the Company fails to furnish the Controller with the information, the Company and every officer or servant thereof who authorised the default shall be liable on summary conviction to a fine not exceeding five hundred dollars.

(3) Where in any proceedings under subsection (2) of this section it is proved that the Controller required the Company in writing to furnish him with any information in pursuance of subsection (1) of this section, such information shall be deemed to have been in the possession of the Company when required as aforesaid unless the contrary is proved."

Mr. Burnham moved the following amendment to the proposed new clause 8:-

Insertion of the words "authorised in writing by the Controller" between the words "Inspector" and "under" in paragraph (c) of subsection (1).

After discussion, Mr. Burnham withdrew his amendment.

The amendment by the Minister of Communications and Works was then put and carried.

Clause 8 was then passed as amended.

Clauses 9 and 10 - were passed as printed.

New Clause 11 - Mr. Tasker moved the insertion of the following new clause 11:-

"Duration of Ordinance. 11. This Ordinance shall have effect for a period of not more than one year from the date of its coming into force, and may be extended by resolution of the Legislative Council."

After discussion, the motion was put and carried.

Clause 5 - Committee resumed consideration of this clause.

Mr. Burnham and the Attorney-General withdrew their suggestions for amendments to subsection (4).

Clause 5 was passed as amended.

Council resumed.

Thereafter, on a motion by the Minister of Communications and Works, the Bill was read the third time and passed as amended in Committee.

ADJOURNMENT

A motion by the Chief Secretary for the adjournment of Council to 2.00 p.m. on Friday, the 12th of June, 1959, was carried on the following division:-

<u>FOR</u>	<u>AGAINST</u>
Mr. Tasker	Mr. Hubbard
Mr. Gajraj	Mr. Fredericks
Mr. Bowman	Mr. Davis
Mr. Saffee	Mr. Beharry
Mr. Rai	Mr. Jackson
Mr. Ram Karran	Mr. Burnham
Mrs. Jagan	Mr. Kendall
Mr. Penn	
Dr. Jagan	
The Financial Secretary	
The Attorney-General	
The Chief Secretary	

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At 5.35 p.m. Council was adjourned to 2.00 p.m. on Friday, the 12th of June, 1959.

Confirmed,

Donald Jackson
Speaker.