



importance, namely the extensive flooding currently being experienced on the coast. I am very pleased with your hint, Sir, that you might be kindly disposed to entertaining this Motion. If that is so, I would not try to elaborate on my request, but just read the letter I sent to you, if that is required.

**The Speaker (Hari N. Ramkarran):** No, I do not think that is required.

**Mr. Corbin:** To say that I think it is a matter of extreme importance, what I have heard so far has given me no hope to withdraw this Motion.

**The Speaker:** You can incorporate the letter in your presentation.

**Mr. Corbin:** Thank you.

**The Speaker:** Hon. Members, I have considered the claim by Hon. Member Mr. Robert Corbin and I am satisfied that the matter qualifies as one which may properly be raised on a Motion for the adjournment of the Assembly. However, a leave of the Assembly is required. I will also now seek such leave.

*Question put, and agreed to.*

*Motion carried.*

The Motion will, therefore, in accordance with our Standing Orders, stand over for a short period.

## **Announcements by the Speaker**

**70<sup>th</sup> Sitting dated January 8, 2009**

### **OBJECTION TO SECOND READING OF THE TRADE UNION RECOGNITION (AMENDMENT) BILL NO. 25/2008**

Preamble

*Hon. Robert Corbin objected to the Second Reading on a Point of Order, relying on Standing Order No. 54 (2) and other documents which speak to the duration between First and Second*



*Readings of bills. Hon. Anil Nandlall posited arguments that the Standing Orders were not written laws and the Speaker addressed that point by stating that they are.*

*However, the Speaker did not agree with the Point of Order advanced by Mr. Corbin and ruled that the Bill was properly before the National Assembly on December 29, 2008.*

#### Verbatim

The Speaker (Hari N. Ramkarran): Hon. Members, I will now give my ruling on the Trades Union Recognition (Amendment) Bill No. 25/2008. This Bill came up for its Second Reading on 29th December, 2008. Hon. Member Mr. Robert Corbin objected to the Second Reading on a Point of Order, relying on Standing Order No. 54 (2), which states:

“No Bill shall be read a second time before the expiration of six days from the date of its publication in the Gazette, and until it has been printed and circulated to Members.”

Mr. Corbin argued that the Bill was first circulated to Members on December 22, 2008, six clear days from December 29, 2008; but since there were two public holidays and one Sunday, on December 25th, 26th, and 28th, there were only three working days, since the Bill was first circulated. He relied on section 40 of the Interpretation and General Clauses Act, Ch. 2:01 which states:

“In computing time for the purpose of any written law, unless the context otherwise requires, the following provisions shall apply:

- (d) when an Act or proceeding is directed or allowed to be done or taken,
  - within any time not exceeding six days, public holidays shall
  - (i) not be reckoned in the computation of the time;
  - within any time exceeding six days, public holidays shall not
  - (ii) be reckoned so as to reduce the time to less than six days, not being public holidays.”

Mr. Corbin, in his arguments, supplemented and supported by those advanced by Hon. Member Mr. Winston Murray, advanced the proposition that since there were two public holidays since the circulation of the Bill at its First Reading, there were less than six days between the first and second Readings; and on an interpretation of section 40, Standing Order No. 54 (2) was violated, and the Bill ought to be deferred.



Upon my invitation for comments on Mr. Corbin's Point of Order, there were several contributions. I shall deal only with that made by Hon. Member Anil Nandlall, who said that Section 40 of the Interpretation and General Clauses Act relates only to written laws, and that the Standing Orders are not written laws. Consequently, Mr. Corbin's arguments, which are based on Section 40 of the Interpretation and General Clauses Act, are not applicable to the Standing Orders.

I shall deal first with Mr. Nandlall's arguments.

In section 5(1) of the Interpretation and General Clauses Act, written law is defined as:

*The Constitutional Instruments...*

*Acts of Parliament...*

*Subsidiary Legislation and...*

*Applied Laws...*

Subsidiary Legislation, in the same section, is defined as:

*Any proclamation, regulation, rule, order, bylaw, resolution, rule, notice, notification, direction or other instrument made under or by virtue of any Act, and having legislative effect.*

Standing Orders can only be given effect by a Motion in the National Assembly, of which the Standing Orders are a part; and when such Motions are passed, they become Resolutions. Having been passed in the National Assembly, it has legislative effect. These Standing Orders were given effect to by this procedure; that is to say, a Resolution in May 2006. I, therefore, disagree with Mr. Nandlall, and rule that the Standing Orders fall within the definition of written laws.

Now for Mr. Corbin's arguments: Standing Order No. 54 (2) states that no Bill shall be read a second time before the expiration of six days. This means that the Bill is required to be read in not less than six days. This places the issue within section 40 (d) (2) of the Act which provides for an Act to be done within any time exceeding six days; and so it is inapplicable to this situation. Section 40 refers to an Act



which must be done within a time not exceeding six days, and so is inapplicable to this situation. I do not agree that because the Government chose to have the Second Reading in six days, section 40 (d) (2) is inapplicable.

Section 40 (d) (2) establishes that where an Act is required to be done in a time exceeding six days, then public holidays shall not be taken into account, where the effect would be to reduce the time to less than six days which are not public holidays.

If December 25 and 26 are taken into account, the effect would be to reduce the time to four days, which are not public holidays, the same effect prohibited by the subsection. In the circumstances, I do not agree with the point of order advanced by Mr. Corbin, and rule that the Bill was properly before the National Assembly on December 29, 2008.

Thank you.

## **Request for Leave to Move the Adjournment of the Assembly on Definite Matters of Urgent Public Importance**

**82<sup>nd</sup> Sitting dated February 26, 2009**

### **THE FINANCIAL CRISIS IN GUYANA**

#### **Preamble**

*A request by Mr. Robert Corbin, Leader of the Opposition, to seek leave to move the adjournment of the Assembly on a matter of urgent public importance, to wit, the financial crisis in Guyana caused by the distress of Colonial Life Insurance Company, the Hand-in-Hand Trust and other entities, was disallowed by the Speaker because it did not fall within the rules of the House.*

#### **Verbatim**

**Mr. Robert H. O. Corbin:** Mr. Speaker, I wrote you not too long ago, notwithstanding the eleven o'clock hour had slipped by a few minutes, indicating that I wanted to move a Motion in accordance with Standing Order No. 12 to have the Assembly adjourned to discuss a matter of urgent public importance to wit the financial crisis in Guyana caused by the distress of Colonial Life Insurance Company, the Hand-in-Hand Trust and other entities.