

LEGISLATIVE COUNCIL

*(Constituted under the British Guiana
(Constitution) (Temporary Provisions)
Order in Council, 1953.)*

THURSDAY, 27TH JUNE, 1957

The Council met at 2 p.m.

PRESENT:

His Honour the Speaker,

Sir Eustace Gordon Woolford, O.B.E.

Ex-Officio Members:

The Hon. the Chief Secretary,
Mr. M. S. Porcher (Ag.)

The Hon. the Attorney General,
Mr. A. M. I. Austin.

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

*Nominated Members of Executive
Council:*

The Hon. Sir Frank McDavid, C.M.G.,
C.B.E. (Member for Agriculture,
Forests, Lands and Mines).

The Hon. P. A. Cummings (Mem-
ber for Labour, Health and Housing).

The Hon. W. O. R. Kendall (Mem-
ber for Communications and Works).

The Hon. G. A. C. Farnum, O.B.E.,
(Member for Local Government, Social
Welfare and Co-operative Develop-
ment.)

The Hon. R. B. Gajraj

The Hon. R. C. Tello.

Nominated Official:

Mr. J. I. Ramphal

Nominated Unofficials:

Mr. W. A. Phang

Mr. L. A. Luckhoo, Q.C.

Mr. E. F. Correia

Rev. D. C. J. Bobb

Mr. H. Rahaman

Miss Gertie H. Collins

Mrs. Esther E. Dey

Dr. H. A. Fraser

Mr. R. B. Jailal

Mr. Sugrim Singh

Mr. W. T. Lord, I.S.O

Clerk of the Legislature:

Mr. I. Crum Ewing.

Assistant Clerk of the Legislature:

Mr. E. V. Viapree.

Absent:

Mr. T. Lee — on leave.

Mr. C. A. Carter

The Speaker read prayers.

The Minutes of the meeting of
Council held on Tuesday, 25th June,
1957, as printed and circulated, were
taken as read and confirmed.

ANNOUNCEMENTS

Mr. Speaker: I was reported incorrectly in the newspaper again but I am quite used to that. It was stated that I would make an important announcement today. I have no announcement to make.

PAPERS LAID

The Financial Secretary (Mr. Essex): I beg to lay on the table:

Annual Report on the Income Tax Department for the year ended 31st December, 1957

GOVERNMENT NOTICES

MOTION

Mr. Farnum (Member for Local Government, Social Welfare and Co-operative Development): I beg to give notice of the following motion—

“Be it resolved, That this Council agrees to proceed with the Georgetown Town Council (Amendment) Bill, 1957, forthwith.”

INTRODUCTION OF BILLS

Mr. Farnum: I also beg to give notice of the introduction and first reading of the Bill intituled —

“Georgetown Town Council (Amendment) Bill, 1957.”

ORDER OF THE DAY

BILL—FIRST READING

The following Bill was read a first time:

GEORGETOWN TOWN COUNCIL
(AMENDMENT) BILL

A Bill intituled “An Ordinance further to amend the Georgetown Town Council Ordinance.”

MARRIAGE (AMENDMENT) BILL

A Bill intituled:

“An Ordinance further to amend the Marriage Ordinance.”

The Chief Secretary (Mr. Porcher, acting): I beg to move that the Council resolves itself into Committee to resume consideration of the Marriage (Amendment) Bill, 1957.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

COUNCIL IN COMMITTEE

Clause 5—*Notification of ceasing to act as a minister of religion.*

The Chief Secretary: May I ask for the recommittal of clause 5, Sir? I would like to move an amendment that in the second line of section 7 after the words “minister of” the words “the Christian” be inserted.

Question put, and agreed to.

Clause 5 passed as amended.

The Chief Secretary: The next clause we have there is the long title which we have not taken yet. I have decided to delete the word “further” following your advice, Sir.

Question put, and agreed to.

Long title passed as amended.

Council resumed.

The Chief Secretary: I beg to move that the Bill be read a third time and passed.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

PENSIONS (CONSOLIDATION) BILL

The Financial Secretary: I beg to move the second reading of the Bill intitled:

"An Ordinance to amend and consolidate the law relating to the award of pensions, gratuities and other allowances to civil servants in respect of service in the Colony."

As is stated in the Objects and Reasons of this Bill, it is mainly to consolidate the Pensions Ordinance, 1933, Chapter 73, which occurs in the revised volumes of the laws, and the five amending Ordinances which were passed in 1955-56. That is the main purpose of the Bill. Opportunity, however, is being taken to introduce one or two new amending sections in order to bring to the pensions law improvements which are justified and in line with practice elsewhere.

I will mention each of them briefly now, but I do not propose to worry the Council with details of the law which is already in force. A new provision is clause 8, and the purpose of it is to benefit an officer who prematurely retires on the grounds of ill health. The proposal is, that if such an officer has completed 10 years service but not 20 years service at the time of retirement, the pension shall be calculated as if in fact he had completed 20 years service. This obviously is a very reasonable benefit. It is one which had been given in many other territories, and the Government considers it worthy of adoption so as to bring a measure of relief to a deserving class of pensioners who have had to retire prematurely through no fault of their own.

The second clause which introduces a new principle is clause 13. Members will be aware that an officer on retiring can either take the full pension he has earned or at his option he can take a pension which is equal to $\frac{2}{3}$ of that full pension plus a gratuity of $12\frac{1}{2}$ times the amount of the reduction. The section

at the moment in the Ordinance is extremely confusing, in fact it is almost impossible to interpret, particularly when computing pensions for officers who have served in more than one territory. As the local Ordinance stands, once an officer has opted to take a reduced pension he cannot in any circumstances revoke that option. It may sound unusual, but a comparatively large number of cases arise, in which it would be to the benefit of the officer to be able to change his option. The sort of case is when the officer retires in ill health.

Obviously, if the expectation of life of the officer is short, it is to his advantage to take the reduced pension and lump sum gratuity; but if an officer's expectation of life is long, then he may wish to take his normal pension. But he may want to change and take the reduced pension, so what this Bill seeks to do, again, is something that has been done in other countries — to allow the option to be exercised or revoked or changed any time up to the date of the formal award of pension. It may not sound a very long margin—in practice it may be a month or two.

The next clause that is a new provision is clause 21. This one deals with pensions for dependants of officers who are killed as a result of injury received in the actual course of duty and directly attributable to that duty. In the existing provision a pension can be given to his widow and his children, and, in some circumstances, if there is no widow, it can go to his mother. This clause now proposes to extend the pension in certain circumstances to a dependant father, brother or sister. This, again, is the normal practice elsewhere.

It does not add to the Pensions Bill since the pension is not paid to a dependant father, unless the officer does not leave a widow or mother who is granted a pension. It is not payable to a dependant brother or sister unless the

[The Financial Secretary]

officer does not leave a child or children who are eligible for a pension.

At the Committee stage, I propose to move that the figure of \$72 in clause 21 (1) (i) shall be raised to \$214. Regulation 2 is extended to include an authority as well as a Government in the definition of Scheduled Government.

The reason for this is that it may be desirable to prescribe that certain non-government services under, say, a statutory authority should be scheduled. As regards Regulation 9 Members will recall that a Bill was introduced with the object of preserving the position of an officer who had been promoted but retired, within three years of the 1st February, 1954, when the revision of salaries took effect. The emoluments drawn by such officers are averaged for pension purposes and cases could arise where an officer who had been promoted would not benefit pension wise from his promotion. The previous Bill was withdrawn with leave of the House as it would not have achieved its avowed object. The present proposal is that the emoluments to be averaged should all be based on revised salaries, and if any part of the three years to be averaged falls before 1st February, 1954, it shall be assumed that the officer had drawn the corresponding revised salary during that period.

I would also like to mention the amendments I shall move at the Committee stage of clauses 8 and 10, and Regulation 18 which deal with the position of female officers on marriage.

The present Ordinance is defective, and the original Ordinance made in 1939 was defective. What we are trying to do in the proposed amendments is to carry out the intention of the 1939 Ordinance as regards female officers.

Briefly, the intention of the 1939 Ordinance was to give the benefit which in practice has been given if a female officer has to resign when she gets married—she gets a gratuity. The 1939 Ordinance also intended to preserve the rights of female officers who were appointed before the 1939 Ordinance came into force. There are several categories of officers and, perhaps, it would be better if I dealt with these amendments at the Committee stage in detail.

I do not think I need say anything else. There is nothing particularly new in this Bill; it is mainly the existing law. Such amendments as we propose are for the benefit of officers, but none of them introduces any benefit which is not given by many other Governments. In fact the amendments are in keeping with the law in the majority of other territories. I, therefore, beg to move that the Bill be read a second time.

Sir Frank McDavid (Member for Agriculture, Forests, Lands and Mines): I beg to second the motion.

Mr. Speaker: Does any Member wish to speak?

Question put, and agreed to.

Bill read a second time.

The Financial Secretary: I beg to move that Council resolve itself into a Committee to consider the Bill clause by clause.

Sir Frank McDavid (Member for Agriculture, Forests, Lands and Mines): I beg to second the motion.

Question put, and agreed to.

COUNCIL IN COMMITTEE

Clauses 1—7 passed as printed.

Clause 8.—*Circumstances in which pensions may be granted.*

The Financial Secretary: The second proviso to this Clause has to be deleted. As the proviso stands it means that any female officer who, on account of her marriage, retires later than the 3rd August, 1940, will not get a gratuity. It means that if a female officer joins the Service in 1940 and she retires on account of her marriage at any later date she will not get a gratuity.

The intention in 1939 was that a female officer who was appointed before the 28th August, 1930, could not in any circumstances be made to retire on marriage. The significance of that date in 1930 was that on that particular date a circular was issued warning all female officers in the Service that it was Government's intention to bring in a provision that they should retire on marriage, but that they would get a gratuity. However, it was only in 1939 that the law was passed, and any female officer appointed after 2nd August, 1939, could be retired on marriage and could also be eligible for a gratuity.

A female officer who was appointed before the 1939 Ordinance came into effect and was actually married at that date would be given a year within which she could opt for retirement with a gratuity. If she did so before the 2nd August, 1940, she would get a gratuity. If she did not do that she would have to work until she was 55 years in order to qualify for a pension in the same way as a male officer.

There is a further refinement in the intention of the Ordinance; it is that female officers who were appointed before the date of the 1930 Administrative Circular, but who were not married before the 1939 Ordinance came into force, should not be liable to resign on marriage, but if they elected to re-

sign they should be eligible for a gratuity. She cannot be made to retire, but she can opt if she wants to marry and get a gratuity. If she does not want to retire she can continue to work.

The three amendments to the Bill which have been circulated to hon. Members all stem from the intention I have referred to. I now move that the second proviso to Clause 8 be deleted, and the following substituted therefor:

“Provided further that a gratuity may be granted in accordance with the provisions of regulations 18 and 27 of the regulations set out in the schedule hereto to a female officer who retires for the reason that she has married or is about to marry notwithstanding that she is not otherwise eligible under this section for the grant of any pension, gratuity or other allowance.”

The Chairman: Does any member wish to speak on Clause 8? I think that some indication of the time should have been inserted in the typewritten amendments circulated to members. It is very difficult for members to follow the amendments because they do not have the principal Ordinance before them.

The Financial Secretary: I agree with you, Sir. It is most complicated.

Question put, and agreed to.

Clause 8, as amended, passed.

Clause 9 passed as printed.

Clause 10—*Age for compulsory retirement.*

The Financial Secretary: I beg to move that the first proviso in the printed Bill be deleted, and that the following be substituted therefor:

“Provided that the words printed in italics shall apply only to a female

[The Financial Secretary]

officer appointed to the public service on or after the 28th August, 1930, who marries after the 2nd August, 1939."

Question put, and agreed to.

Clause 10, as amended, passed.

Clauses 11 to 20 passed as printed.

Clause 21—*Pensions to dependents when an officer is killed on duty.*

The Financial Secretary: The figure of \$72 a year which appears in clause 21(1) with respect to a widow—"while unmarried and of good character"—is not a very generous one, and we think it should be increased. It is largely a matter of academic interest, but we thought the amount should be increased to \$216. The reason for this is that a Government pensioner who had been awarded a pension of \$72 at the time from which this provision of the Ordinance dates, is now getting a cost-of-living allowance of \$144 (a year), therefore we thought it would be logical to convert \$72 to \$216. Even that is somewhat academic, because ten-sixtieths of the officer's salary will almost always be higher than \$216 and the pension is the higher of ten-sixtieths of the annual amount of the officer's pensionable emoluments or the fixed sum. I therefore move that the words "seventy-two dollars" mentioned in clause 21(1) should be replaced by the words "two hundred and sixteen dollars."

Question put, and agreed to.

Clause 21, as amended, passed.

Clauses 22 to 26 passed as printed.

The Chairman: The Schedule including the Regulations will now be considered.

Regulation 18—*Gratuities to female officers on marriage.*

The Financial Secretary: I move that regulation 18 as printed be amended by deleting paragraph (2) and substituting the following therefor.

"(2) The provisions of this regulation shall not apply —

- (i) to a female officer appointed to the public service before the 2nd August, 1939, who was already married on that date and who did not resign before the 3rd August, 1940; or
- (ii) to a female officer who was appointed to the public service before the 28th August, 1930, and who does not resign on account of marriage within six months after the date of her marriage, or in any case where the officer's retirement is postponed at the request of the Governor of the territory in which she is employed at the time of her marriage, within such further period as the Governor may for that reason allow."

Question put, and agreed to.

Regulation 18, amended, passed.

Regulation 27—*Retirement of transferred officers on account of marriage.*

The Financial Secretary: I beg to move that paragraph (2) be deleted and the following substituted therefor—

"(2) The provisions of this regulation shall not apply —

- (i) to a female officer appointed to the public service before the 2nd August, 1939, who was already married on that date and who did not resign before the 3rd August, 1940; or
- (ii) to a female officer who was appointed to the public service before the 28th August, 1930, and who does not resign on account of marriage within six months after the date of her marriage, or in any case where the officer's

retirement is postponed at the request of the Governor of the territory in which she is employed at the time of her marriage, within such further period as the Governor may for that reason allow."

Question put, and agreed to.

Regulation 27, as amended passed.

The Financial Secretary: I beg to move that the word "Ghana" be inserted between the words "Gambia" and "Gibraltar".

Question put, and agreed to.

Schedule, as amended, passed.

Council resumed.

The Financial Secretary: I beg to move that this Bill be now read a third time and passed.

The Attorney General: I beg to second the motion.

Rev. Mr. Bobb: Before the motion for the third reading is put, I would like to take the opportunity to make this observation. While I express appreciation of the benefits which will accrue to Government Officers under clause 8 of this Bill, I am just wondering whether it is the intention of Government to extend that same benefit to teachers.

I know that they are not on the same footing as Civil Servants, but I think it is right to say that they are on the same footing in this sense that after ten years' service they can retire on pension. Now that the pension benefit for that period is moved up to 20 years for Civil Servants, in the case of the teachers the same consideration should apply.

The Chairman: The teachers come under another Ordinance. Are you making any suggestions? Your remarks relate to another Ordinance.

Rev. Mr. Bobb: I don't think I could make a definite proposal yet because I don't think any Bill applies to the teachers generally but there ought to be some relation between—

The Chairman: The whole trouble is that the Government has not the right to dismiss or appoint teachers. This has been going on for years. One of the problems between the Government and the teachers was that the Government has not the right to appoint or dismiss them. That is the basis of the whole trouble. You know that, don't you?

Rev. Mr. Bobb: Yes, Sir.

The Chairman: That question affects pensions, and so on.

Rev. Mr. Bobb: I still think they are entitled to pensions after 10 years' service, as outlined in section B.

The Chairman: That provision is for a special class of people.

The Chief Secretary: If the hon. Member wants to follow this up he can address me in writing as this is a different matter. The conditions of service of Civil Servants and teachers vary considerably. The teachers can break their service for five years or so without losing their rights to superannuation benefits which is a valuable concession. If the Member would like to write he can do so.

Rev. Mr. Bobb: Thank you very much.

Question put, and agreed to.

[Rev. Mr. Bobb]

Bill read a third time and passed.

FISHERIES REGULATIONS, 1957

Sir Frank McDavid (Member for Agriculture, Forests, Lands and Mines: I beg to move the motion that stands as item 3 on the Order Paper—

“Be it resolved: That this Council approves of the Fisheries Regulations, 1957, (No. 13), which were published in the Gazette of the 24th June, 1957 and laid on the table on the 25th June, 1957.”

By subsection 3 of section 33 of the Fisheries Ordinance it is obligatory that all regulations made by the Governor in Council under this Ordinance shall be submitted for the approval of this Council. Hence this motion. Before I move the resolution I would like to invite the attention of Members to an Order in Council which was published on the 24th June in the same Gazette as these Regulations. The Ordinance was made on the 19th June and it was cited as the “Fisheries (Exemption from Registration) Order, 1957”.

This Order defines “interior” appropriately and “Interior” under that Order means all that part of British Guiana not less than twenty miles from the sea coast between the Corentyne River on the east and the Pomeroon River on the west, and includes the North West District; and “North West District” means the North West Judicial District as defined by the Judicial Districts (Boundaries) Order.

Then, the Order goes on in paragraph 3 to exempt all fishing boats except those which exceed 35 feet in length from the obligation to register. That is to say, by virtue of this Order only sea-going fishing boats which are over 35 feet in length are called upon to register under this Ordinance. Furthermore, the North West District is entirely exempted, but sea going boats of 35

feet although exempted from the North West District, if they come and bring catches into Georgetown, have to be registered that is, if they go to sea and come in to Georgetown.

Mr. Speaker: Supposing they come and unload their fishes. Let them have some time to register.

Sir Frank McDavid: I have no doubt they will be given time. I want to draw floor Members attention to that particular Order in Council before dealing with the Regulation. The easiest method of explaining the Regulations to the Council is for me just to run through them briefly. They are extremely simple. There are only 18 clauses apart from the definitions which are in clause 2. Clauses 3 and 4 merely prescribe forms of applications which are to be used where the owners of fishing boats apply for registration or a form of application for a licence to fish and a certificate to be given for a licence to fish.

Clause 5 is an important clause. It also contains a very comprehensive exemption. It exempts every person from the obligation of getting a fishing licence unless if he uses a net exceeding 20 feet in length and I am sure that would exclude most persons who fish in inland waters. Another class of fishermen who are dealt with in clause 6 are those who use what are called “fish pens” which are nets or structures erected in tidal waters of the Colony, and who must, of course, take out a licence.

Clause 7 is another clause which prescribes a form of licence. That is the export licence. I think myself that is one of the most important provisions in the Fisheries Ordinance. It obliges a licence to be taken out for export of fish out of the Colony. From clause 8

onwards, the Regulations are merely provisions for controlling and regulating the new Fish Marketing Centre.

Clause 8 is an important clause in that it seeks to restrict the sale of fish in Georgetown to fish which has been obtained from the Fish Marketing Centre. May I say, Sir, that is nothing new. It has been going on now for quite a time. The old procedure by which fish was landed at one or two municipal wharfs has long gone into disuse and all the fish which now comes in to Georgetown is landed at the Fish Marketing Centre which Government has set up in Lombard Street in Georgetown.

Mr. Speaker: That is inland ?

Sir Frank McDavid: It is restricted to the municipal limits of Georgetown. Quite a lot of fish is caught on the foreshore and is not brought into the ambit of this city. If and when the Greater Georgetown plan is brought into effect and the suburbs of Georgetown become absorbed into Georgetown, then some amendment to this particular regulation will have to be devised. There is an exception to that inasmuch as in the Second Schedule there are enumerated various classes of local fish which do not come within the restrictions, that is to say fish caught in inland waters. Members will recognise these various types of fish which I name—

hassar
houri
palwa
sunfish
lukanani
yarau
crabs,

Those fish are not caught at sea but come possibly from inland. They are not within the restriction that they can only be sold if obtained from the Fish Marketing Centre.

Mr. Speaker: What about the *bungo mary*?

Sir Frank McDavid: *Bungo mary* comes from the sea.

Mrs. Dey: What about crabs coming down from the North West District?

Sir Frank McDavid: If the hon. Member will look at the Second Schedule she will see that the crab has been put in.

Clause 9 is an exemption from this regulation and provides for the class of Company which goes in for fishing on a large scale. If this particular organization wishes it may apply for exemption to sell fish on its own premises and need not obtain the fish from the Fish Marketing Centre.

Clause 10 deals with various restrictions for the sale of fish at the Fish Marketing Centre. It is laid down that fish shall be discharged from fishing boats only at the fish dock and in the order in which each vessel or craft arrives. Subclause 2 declares that such sales at the Fish Marketing Centre shall be by wholesale and shall be subject to a service charge of six per cent. commission. As I said this procedure is already in force administratively. The idea is that these regulations should give it the force of law.

Clause 11 is the clause which deals with the amenities provided at the Fish Marketing Centre for fishermen. Members will see that they are limited to fishermen, that is, people who have licences to fish—they have paid 25 cents for it. They are entitled to use the rest room and other facilities. Members of the crew of registered vessels are also entitled.

Clause 12 deals with the procedure for mooring at the dock and clause 13 deals with landing fish and so on. Clause

[Sir Frank McDavid]

14 provides that a watchman shall be employed Clause 15 provides for reimbursement of damages done to the fish dock by any craft. Clause 16 deals with the ramp and grid and clause 17 provides the various fees which are charged under this Ordinance.

I have taken particular care about these fees. I made a promise that we would see that the fees were entirely reasonable and I must say to my mind they are. Members will see them in the Third Schedule—I am not going to go through them. What has struck me as being very reasonable is that the price of a licence to a fisherman is only 25 cents. No fisherman who wishes to make use of the Fish Marketing Centre will be put off because of the cost of a licence.

As I said, Sir, these regulations are subject to the approval of this Council. They are the very necessary machinery for carrying out those provisions of the Ordinance which the Government intends to apply at the present time. The Fisheries Ordinance will shortly be proclaimed and these regulations set out all the obligations that are going to be put into force under the Fisheries Ordinance.

Mr. Speaker: There is another fish that should be exempted.

Mr. Ramphal: You are referring to the *morocut*, Sir. That comes from the North West District.

Mr. Speaker: I am speaking of a very large fish.

Mr. Ramphal: The *cuffum*.

Mr. Speaker: There is another one. What about the *butterfish*?

Mrs. Dey: It is a sea fish, Sir.

Mr. Ramphal: Before you put the motion a Member is allowed to say a word or two about it. May I ask for clarification? I want to congratulate the Member for being very reasonable with the fishermen. I think there are a couple of points I would like to raise with the hon. Member because it would clarify a little difficulty. One is in clause 5. Exemption is allowed a person who uses a net or structure not exceeding 20 feet, but the net proper itself, as far as I know nets, would hardly be 20 feet. I am referring to cast nets. I wonder if that would mean the line and the net. If that is so it is quite likely to be beyond 20 feet.

The clause states that a person is exempted who uses a line with not more than three hooks. So if you throw out a line with four hooks you are still within the scope of the Ordinance. You can also use three lines with three hooks.

I want to suggest to the hon. Mover that rather than having to come back to consider whether the onus is put on the Director of Agriculture to sign these forms, we should now consider whether it should not be left with the Superintendent of Fisheries.

The last point I want to make concerns the fish *tilapia*. This wholesome fish is finding itself on the market now, and I wonder if we cannot find a place for it among those exempted. I have already referred to the *morocut*.

Mr. Speaker: They come in salted form.

Mr. Phang: They also come in cold storage.

Mr. Speaker: There is still another fish—the *himara*.

Mr. Correia: I have the *himara* on my list, along with the *catabac* and the *paku*. Those are common fish in our rivers. I would suggest, "all fish caught in the rivers."

Mr. Speaker: I think we had better take them one by one. Members can recommend them and try to get them included in the Schedule by agreement with the Mover.

Mr. Correia: Well, I can get my list out.

Mr. Speaker: Yes, and you can send it to the Member for Agriculture. Does any Member have anything more to suggest?

Mr. Jailal: I have no suggestion to make in regard to the kind of fish to be included in the Schedule. I would like to point out some of the difficulties which would arise affecting fishing craft. I know of a number of craft operating between the Western Berbice area and Clonbrook and as far as Buxton, but they do not come to Georgetown. However, fish caught in them find their way to Georgetown via the train in the early morning or via buses and cars. This is particularly the case with the *queriman* and other fish.

I feel it would be unfair to allow this supply of fish to be loaded off in Georgetown without the payment of fees of any sort. This fish goes to the market, and it is sold in competition with the fisher people whose wholesalers, in the first place, have had to pay such fees. I know this is the custom, and it is still going on.

Sir Frank McDavid: I am very glad Members have named other fish

which might be included in the Schedule. I have made a note of the fish they have suggested and I suppose more suggestions may come in at another time. I am certainly going to submit the suggestions to the Department and invite them to approach the Governor in Council at some convenient time to amend the Schedule by the addition of a number of other kinds of fish.

As regards my friend, Mr. Ramphal's query, I do not myself understand why the specialists are so strongly against a line with more than three hooks; mark you, three hooks. Apparently some fishing is done with very long lines, carrying sets of three hooks. Anyone fishing by this method must have a licence. When it comes to the size of the net, this clause means just what it says: a person fishing with a net measuring more than twenty feet would have to take out a licence.

In respect of the signing of the form, I agree the Director of Agriculture has the duty to do it, but I am sure it was not intended that the Director himself should affix his signature to the forms. It is a departmental practice for a head to authorize some proper officer to sign forms, and I am sure this will be done. I do not think there is anything irregular in that.

Mr. Jailal has certainly touched a very important point. Indeed, he mentioned it during the course of the debate on the Ordinance. I am guilty of having overlooked his point when the Regulations were sent to me. I have not been aware of the fact that there was any influx of fish brought into Georgetown either by bus or train. If there is, I am afraid that the Department concerned will have to find some means of controlling this matter. The Regulations as they stand do not provide for it.

Sir, I had my eyes on the fish caught at Kitty. I live at Kitty, and I

[Sir Frank McDavid]

know that the fish caught in that vicinity is disposed of outside of Georgetown properly.

Mr. Speaker: The people up there usually buy all of the fish caught. When some of them came up before the Commission they gave evidence to that effect, and it was felt that very little fish reached Georgetown.

Mrs. Dey: I can verify that, Sir.

Mr. Jailal: In point of fact there is a bus with a licence to carry fish and a few passengers at the same time.

Sir Frank McDavid: I am grateful to Mr. Jailal for having drawn my attention to that, but I will join issue with him on the point that it would be unfair to fishermen down here if people were allowed to bring fish to Georgetown to sell. Fishermen down here have the benefit of cold storage and the other amenities and facilities provided at the fish market. However, at some convenient time some amending Regulation will have to be made in connection with the matter.

Mr. Speaker: The question is, "That the Fisheries Regulations, 1957" be approved.

Question put, and agreed to.

Motion affirmed.

BRITISH GUIANA SOCIETY FOR THE
BLIND

Mr. Jailal: Sir, under section 9 (33) of the Tax Ordinance (Cap. 298), the promoters of Private Bills are required to pay stamp duty of one hun-

dred dollars, except where the Legislative Council may be pleased to remit payment thereof. It is the custom for the Legislative Council to approve by Resolution of the refund of the stamp duty on a Private Bill if the Organization concerned is a charitable, philanthropic or religious one.

The Legislative Council passed the "Society for the Blind, (Incorporation) Bill, 1955, on the 9th of September, 1955, for which stamp duty of one hundred dollars was paid by the promoters.

I, on behalf of the Organization, am endeavouring to secure a refund of the stamp duty paid on that Bill.

In 1956, the British Guiana Society for the Blind acquired its own building known as the Blind Institute at a cost of \$25,000. An Arcon prefabricated structure, 80 ft. long and 30 ft. wide, and fitted with all modern conveniences, it is capable of accommodating between forty to fifty students.

The Society also carries on an Industrial School where 25 men, 8 women and 1 youth received instructions in 1956. Students of the Institute are also sent to the Trinidad and Tobago Blind Welfare Association at Santa Cruz, Trinidad, where they receive tuition.

In 1956, one of the blind teachers was sent to the Trinidad and Tobago Blind Welfare Association to take a course in basket-making with a view to teaching the craft to other blind persons of the Institute on his return to the Colony.

It appears that the Organization, as a philanthropic one, qualifies for a refund of the stamp duty of \$100 paid under the provisions of the Tax Ordinance.

I have great pleasure, on behalf of the Organization, in moving the following motion:

"Be it resolved that this Council recommends to Government the refund to the British Guiana Society for the Blind of the sum of one hundred dollars paid in terms of the Tax Ordinance, Cap. 288, for the Private Bill intitled An Ordinance to incorporate the British Guiana Society for the Blind, to vest therein certain property and for purposes connected therewith, which was passed by the Legislative Council on the 9th of September, 1955."

Mr. Singh: I beg to second the motion.

Question put, and agreed to.

Motion affirmed.

THE CUSTOMS ORDINANCE, CHAPTER 309

The Financial Secretary: I beg to move the following motion:

"Be it Resolved: that this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 30 of 1957 which was made on the 19th day of June, 1957, and published in the Gazette on the 22nd of June, 1957."

This Order seeks to amend item 11 of Part III of the First Schedule to the Customs Ordinance. As it stands at the moment item 11 states that the ingredients which are used in the manufacture of spirituous compounds manufactured in any bonded premises should be exempted. The original intention was to exempt things imported for local manufacture of toilet compounds and medicine medicine with an alcohol basis and toilet water. As time went on other things have been brought in to be used in the manufacture of spirituous compounds manufactured in any bonded premises. That is, things to be used in the

manufacturers, for instance, of rum. Although it was not the original intention that things like calomel should be duty-free, it is an integral small part of the finished product.

Now that it has been ruled that rum and gin are spirituous compounds manufactured in a bonded premises, there is a tremendous loophole for someone who makes rum, gin or other spirituous compounds to bring in rum, mix it with local rum and pay no import duty on the imported rum. That is certainly inimical and unfair to the people who have to purchase imported rum and pay excise duty on it.

The amendment is not saying that rum should not be regarded as a spirituous compound, but that the things which are mixed in the spirituous compound should not include alcohol. If you bring in rum you should pay import duty on it.

The Attorney General: I beg to second the motion.

Question put, and agreed to.

Motion affirmed.

ORDER IN COUNCIL NO. 31 OF 1937

The Financial Secretary: I beg to move the following motion:

"Be it resolved: That this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 31 of 1937, which was made on the 19th day of June, 1957, and published in the Gazette on the 22nd of June, 1957."

The object of this amendment is to regularize as far as we can the position of refrigerators as regards import duty. There is one group in the tariff called domestic refrigerators, and there is another group which is

[The Financial Secretary]

called refrigerating equipment for non-domestic purposes. Domestic refrigerators pay duty at the normal rates of 20% and 36%, and so do the commercial types. The intention is to amend our tariff, to align our classification of refrigerators with that in the Standard International Trade Classification which only distinguishes between two main groups, first of all the domestic group and, secondly, other refrigerating equipment including the commercial group.

We want to encourage the better distribution of products which require refrigeration, and I would refer particularly to milk, and we feel that the rates of 20% and 36% are too high for such equipment as refrigerated display cabinets used in shops. The result of the new classification will be to bring the rates for non-domestic refrigerators down to 3% and 8%. We are making a tax concession to the users of commercial refrigerators, but the reduction in the rate of duty should only be something like \$5,000 or \$6,000 a year.

There is a problem which will arise and it is to decide what is a domestic refrigerator. It is a cardinal principle in customs law that the law takes no notice of the ultimate use of any article which is being taxed. In other words, if you import something which is regarded as a domestic refrigerator, that is how it is taxed no matter what its end use. It should be possible to distinguish between the domestic class and the commercial and industrial classes such as those used in an ice cream factory.

Mr. Jailal: I am particularly gratified this afternoon to see this motion before the Council because of the fact that I, personally, have suffered severely in this matter. However, I do want to

ask a question of the hon. Mover as to whether it is envisaged that the component parts of commercial refrigerators would be able to get this same concession. There is some difficulty in deciding what is to become of these parts because we are going to have people applying for a refund or a reduction of duty on things like motors. I think there is going to be some difficulty as to how one is going to deal with motors that would ultimately find themselves in things like working cabinets. I also foresee a considerable amount of difficulty arising with regard to things like copper tubing and so on.

I do not know what Government's intention is in this particular case—whether there would be a drawback system after the articles have been imported, and how they are going to enable persons who have imported these articles to get back any excess duty. These are some of the questions that are going to arise as a result of this motion. There is also another point that I wish to clear up and it is this: At present certain commercial firms are forced to carry large air-conditioning units and I feel that such a unit should be given some consideration as regards duty concession; therefore, I would like to know whether it is proposed to do so.

An air-conditioning unit is a big thing, and it would be found that if a man buys one for his house he has also to buy a battery for that type of equipment.

There are other people who just have to use this type of equipment and I feel that Government ought to be able to give thought to allowing these things at the reduced rate of duty. Again, I wish to say, if nothing else in my time, this particular motion pleases me immensely because it is a thing that should have been righted seven years ago.

Mr. Lord: Mr. Speaker, I cannot say that I agree with this motion at all. Actually, the people who use this equipment cater for a luxury trade and the customers are those who are able to pay for it. On the other hand there are people who live outside of Georgetown where refrigeration is a necessity and not a luxury and the units are operated not by electricity but by kerosene lamps; those are the units that should get a reduced duty so that persons in rural areas could obtain a cheaper article.

Mr. Ramphal: I take a middle course in this matter. I feel that refrigeration in a tropical country is an absolute necessity. I did catch in the statement by the hon. the Financial Secretary a few words which gave me a hope or idea that he felt that 20 per cent. for domestic refrigeration was the highest rate of duty. I want to appeal to him because in places like ours, refrigeration is no longer a luxury but an absolute necessity. Many years ago we could have treated it as a luxury. But today more people want refrigeration. I think there is an easy solution. If all refrigeration is treated in the same way as a necessity and placed on the lower rate of duty, there would be no problem. I suggest to the hon. the Financial Secretary to look at it from this particular point of view. I am not opposing the resolution now but am asking him to consider that for future years.

The Financial Secretary: On the question of spares, I do not see any difficulty. If an electric motor which can be used as an electric motor is imported, it would be classified as an electric motor, but if it is exclusively designed for use with a specific refrigerator then it would come in as a spare part for refrigerators.

Mr. Jailal: This is actually what I am suggesting. It can be most embar-

assing to one who expects the lower rate of duty.

The Financial Secretary: I think I might first answer that point. If it can be dealt with exclusively, then it is, but if it can be classified in more than one way under the law, then the higher rate is charged. If it cannot be directed to any specific category, then it will fall into the general one. But generally I think we are making move of this difficulty than we need. Though one is faced with the prime difficulty which is this—one cannot take into account what the machinery is going to be used for: one can only take into account what it does and what it is—I feel that in practice the Comptroller will be able to decide fairly clearly.

Mr. Speaker: The hon. Member has heard the explanation of the Financial Secretary.

Mr. Jailal: Yes, but there should be some bar.

The Financial Secretary: I do not see why there should be a bar. Surely in considering something proposed to improve conditions under which food is sold, it is not relevant to consider whether the domestic refrigerator duty should be reduced or not.

On the question of domestic refrigerators I should like to say that customs duties are not tax on things—they are essentially taxes on people. Anyone who can afford to buy an expensive refrigerator can afford to pay the 20 per cent. duty. Whether there is a case for reducing the duty on low-priced refrigerators as we have done in the case of low-priced radio sets, I do not know.

I really cannot agree with Mr. Lord's argument that we should not

[The Financial Secretary]

reduce the commercial refrigerator rates. I do hope the majority anyway will accept this legislation now and we as a Government will consider the position of domestic refrigerators. I am not giving secrets away when I say we we did think of the rate attached to domestic refrigerators; the important point was, if we gave the same rate as now proposed for commercial types the loss of revenue would be something like \$108,000 a year and that takes a lot of making up. We have to raise revenue from somewhere, if not on refrigerators, on something else.

Question put, and agreed to.

Motion affirmed.

SUPPLEMENTARY ESTIMATES FOR MAY, 1957

The Financial Secretary: I beg to move that it be

“Resolved, that this Council approves of the Supplementary Estimates for the month of May, 1957, totalling \$295,742.63, which have been laid on the table.”

This has been discussed before in Finance Committee and accepted. The main items are, \$110,000 for Government's one-third of the cost of clearing the Sussex Street canal and \$110,000 to provide for the loan to the Georgetown Town Council for their share. There is also \$12,000 to assist Boy Scouts and Girl Guides to send contingents to the Golden Jubilee Jamboree; \$27,000 for the maintenance of Interior airfields, and \$13,750 to write off money which mysteriously disappeared from the G. P. O. two years ago. Of the total of \$295,742.63, \$3,406 comprises of revotes and \$292,336.63 of new provisions.

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Motion affirmed.

SUPPLEMENTARY ESTIMATES (DEVELOPMENT) FOR MAY, 1957

The Financial Secretary: I beg to move that it be

“Resolved, that this Council approves of the Supplementary Estimates (Development) for the month of May, 1957, totalling \$758,212 which have been laid on the table.”

Of this amount, \$703,873 is comprised of revotes and \$54,339 of new provisions. The principal item is a revote of unspent funds of \$641,221 on Transport Services Rehabilitation. Others are \$60,000 for bonds for storing pure line seed padi at Anna Regina, Cane Grove and Mara; \$20,565 for safety facilities for Interior airfields; \$29,387 for preliminary plans for the reconstruction of the Georgetown Hospital; \$2,400 for experiments in papain production, and a revote of \$2,652 for the Wapisiana fencing scheme. There is nothing revolutionary among the items and I ask that these estimates be endorsed by the full Council.

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Motion affirmed.

ADJOURNMENT AND NEXT MEETING

The Chief Secretary: I move that the Council be adjourned until tomorrow at 2 p.m.

Mr. Speaker: Tomorrow's will be the last meeting of this Council, and I have to announce that I expect to receive from His Excellency the Officer Administering the Government a Mes-

sage of some importance. As far as you are able to do so, you should be here at two o'clock.

Council adjourned until the following day at 2 p.m.