

LEGISLATIVE COUNCIL

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

THURSDAY, 17TH MAY, 1956.

The Council met at 2 p.m.

PRESENT :

His Honour the Speaker, Sir
Eustace Gordon Woolford, O.B.E., Q.C.

Ex-Officio Members:—

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

The Hon. the Attorney General,
Mr. C. Wylie, Q.C., E.D.

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 Development).

The Hon. R. B. Gajraj.

The Hon. R. C. Tello.

The Hon. L. A. Luckhoo, Q.C.

Deputy Speaker .—

Mr. W. J. Raatgever, C.B.E.

Nominated Officials :—

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

Mr. J. I. Ramphal

Nominated Unofficials

Mr. T. Lee

Mr. W. A. Phang

Mr. W. A. Macnie C.M.G., O.B.E.

Mr. C. A. Carter

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. Sugrim Singh

Clerk of the Legislature
Mr. L. Crum Ewing.

Assistant Clerk of the Legislature
—Mr. E. V. Viapree.

Absent:

Mr. R. B. Jailal — on leave.

The Speaker read prayers.

The Minutes of the meeting of
the Council held on Thursday, 10th
May, 1956, as printed and circulated,
were taken as read and confirmed.

LEAVE TO MEMBERS

Mr. Speaker: I have received an
application from Mr. Lord for six months'
leave with effect from the 1st. of June,

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and I have also received one from Mr. Jailal for leave to be absent from this meeting and from tomorrow's, if any. The applications have been granted, and Mr. Lord will be excused from attendance as from the day he leaves the Colony.

GOVERNMENT NOTICES

INTRODUCTION OF BILL

Mr. Farnum: (Member for Local Government, Social Welfare and Co-operative Development): I beg to give notice of the introduction and first reading of a Bill intituled:

"An Ordinance to amend the Local Government Ordinance."

ORDER OF THE DAY

PATENTS AND DESIGNS (AMENDMENT) BILL

The Attorney General: I beg to move the first reading of the Bill intituled:

"An Ordinance to amend the Patents and Designs Ordinance."

The Chief Secretary: I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

FISHERIES BILL

Mr. Speaker: Items 2 and 3 on the Order Paper will be deferred. I should like to know whether the Member for Agriculture has any request to make with respect to item 4—the Fisheries Bill—and whether he is prepared to proceed with the Bill today.

Sir Frank McDavid: (Member for Agriculture, Forests, Lands and Mines): Yes, Sir; and I shall ask hon. Members

not to oppose because I am prepared to go on with this Bill today, at least to make my opening remarks.

Mr. Speaker: I should like to know whether hon. Members are prepared to allow this Bill to be proceeded with today.

Sir Frank McDavid: Let us make a start this afternoon.

Mr. Speaker: I shall be glad if hon. Members will allow the second reading of the Bill to be taken today. Members are silent, and therefore I take it that they are in agreement with such a course.

Rev. Mr. Bobb: Speaking for myself, I have not come prepared to deal with those Bills that have been "starred" on the Order Paper. I would prefer not to proceed with them now.

Sir Frank McDavid: I think it would be better for me to initiate the discussion of this Bill today. I think it would facilitate examination of the Bill by hon. Members if I do so. We can allow the star to remain.

Mr. Speaker: Will hon. Members accede to that?

Mr. Correia: The Bill is somewhat controversial in its nature. Sir, and having seen it "starred" on the Order Paper I did not study it as much as I would have liked to do.

Sir Frank McDavid: We can make a start and see how far we can get.

Mr. Speaker: Is the hon. Member (Mr. Correia) prepared to listen to the facts relating to the principle of the Bill? I think we can do that.

Sir Frank McDavid: I beg to move the second reading of the Bill intituled: "An Ordinance to regulate fishing in the waters of the Colony."

The purpose of this Bill is to provide statutory powers to protect the fishing industry of the Colony and to safeguard the interests of those engaged in it. I want to assure hon. Members that it is indeed the case, as stated in the Objects and Reasons, that the Bill reflects the result of a comprehensive examination of the needs of the expanding fishing industry of this Colony, and that it has been endorsed by Dr. Hickling, Fisheries Adviser to the Secretary of State for the Colonies.

Now, for even greater assurance of what I have said, I want to tell hon. Members that Dr. Hickling prepared a comprehensive memorandum on fisheries legislation which was circulated by the Colonial Office to Colonial Governments in 1952. I also want to say that in that memorandum Dr. Hickling expressed himself as being strongly opposed to the introduction of unnecessary legal prescriptions which profess to regulate fishing. May I repeat these words? Dr. Hickling expressed himself as being strongly opposed to the introduction of prescriptions in the form of legislation which unnecessarily prescribe or profess to regulate fishing, and more particularly, fishing in off-shore marine waters. Dr. Hickling pointed out that in very clear and forceful language and also gave some very sound advice.

He explained that fisheries legislation, roughly speaking, falls into two categories, the first category dealing with laws designed to regulate the conduct of a fishing industry and those engaged in it, and also the proper care of the products of the industry; and the second category dealing with laws relating to the exploitation and conservation of stocks of fish on which the industry is based. Now, the first category is, of

course, quite common to workers engaged in other industries and is certainly very necessary where the industry is developing and expanding and has assumed a degree of importance to the community as a whole. The second category of legislation is that in which Dr. Hickling rightly urges that the utmost caution and prudence should be taken in its passage. Now, Dr. Hickling summed up his views in his memorandum in these words, which I ask permission to quote:

"Fisheries legislation in so far as it aims at the conservation of fish stocks is not a simple matter but a highly complex one, in which the results of regulations may not only differ from those intended but may even defeat them. Conservation should only be attempted where reliable statistics show, over a period of years, a continued decline in the stocks of fish, which cannot be attributed to changes in the environment or to natural causes inherent in the fish stocks. This is especially important in view of the cost of enforcing legislation, general undesirability of having regulations which cannot be effectively enforced, and the importance of good relations between the Fisheries staff and the fisherman whom it is their function to assist and encourage."

Thus we see how very strongly we are urged to take the greatest possible care before we introduce restrictive prescriptions in the laws about the control of fish and of fishing. Secondly, I want hon. Members to appreciate that that is well in the mind of the Department of Agriculture and Fisheries.

Now let me emphasize that this Bill is, for the most part, an enabling Ordinance. It contains a number of Clauses which provide for the registration of fishing boats and for the issue of licences to fish for commercial purposes and licences to export fish, all with the necessary related powers and sanctions. But perhaps its most important provision is the enabling clause which seeks to accord power to the Governor in

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Council to make regulations for the proper carrying out of the provisions of the Ordinance and for a variety of matters affecting the preservation and conduct of the industry. But it is important to note that this power which the Bill seeks to grant to the Governor in Council is strictly limited in as much as all regulations made have to be submitted to the Legislature, and if not approved these regulations will cease to be effective from the date of rejection by the Legislature; thus the full authority rests, and continues to rest in the Legislature in regard to the matters covered by the regulations and enabling powers contained in the Bill.

As one hon. Member hinted before I began to speak, this Bill has been the subject of gross and somewhat grotesque misrepresentation in certain quarters, and a few unfortunate people have been wickedly misled about the intentions of the Government in bringing forward this measure. I myself regard much of this as a rather stupid political publicity stunt which should be disregarded. No one I am sure really believes that the Government proposes to prevent people from catching fish in the rural canals and trenches and to limit the number of *hassars*, *patuas* and other fish he may wish to take. That is sheer nonsense. What is more, I do want hon. Members to appreciate that before the first draft of this Bill even reached the Ministry of Agriculture the Fisheries Officers went to a great deal of trouble to discuss and explain to the fishermen what was proposed, and after such discussions the fishermen generally agreed that what was being done was right and proper.

Indeed, more recently I myself and the Director of Agriculture had an opportunity to meet a few fishermen and to discuss with them some aspects of this Bill which had been causing them some

concern in view of what they had been told. We found these fishermen highly intelligent and fully alive to their own interests, and I am glad to say that after that discussion they were completely satisfied, except for one thing. Like most taxpayers, they made it clear to us in no uncertain terms that they would protest most vigorously if the fees — any fees — prescribed in the regulations were higher than what they thought they ought to pay. This is understandable, and I expect that if the fees are raised to a point beyond what they think they ought to pay they would make vigorous protest.

Well, after this brief introduction may I ask hon. Members to examine in some detail the Clauses of the Bill. I am not going to be very long-winded about it, but it is desirable that we should look at these Clauses in some detail. The first important point to note about the Bill is that although it contains enabling powers devoted to the consideration of fish generally, it is concerned mainly with the regulation of fishing for "commercial purposes"; those words are defined to mean "selling, exposing for sale, exchanging, bartering or consigning fish, whether fresh or preserved in any manner." The Bill is therefore concerned primarily with fishing for gain—fishing as a livelihood; it does not seek to control fishing as a sport or casual fishing: it certainly does not affect me when I get a rod and go to the Lama and catch a *lukumani* or any other fish. It does not affect the numerous residents of our rural areas who engage in and enjoy the art of fishing for themselves in the many canals and trenches, and it does not even affect those people when they catch a lot of fish — more than they need for themselves and dispose of some to their neighbours. That is not fishing for commercial purposes — not fishing for gain. Therefore, that defini-

tion "commercial purposes" — coupled with the definition of "fish", is rather important in deciding what the Bill really embraces. It seeks to regulate commercial fishing, that is, fishing for gain, in fishing boats designed and used for commercial fishing, and, of course, vicinity fishing in the sea. There is some fishing in rivers for commercial purposes but not as much as fishing in the seas.

Having made that clear, let us pass to Clause 3, which covers the introduction of a register of fishing boats to be kept by the Department of Agriculture, and to Clause 4 which deals with the procedure for application for registration of fishing boats. Here again, may I make it quite clear that this is not an attempt to impose an exercise for no reason at all. Registration of fishing boats is something which is intended to be of advantage to owners of these boats, because when a fishing boat is registered as a fishing boat it can claim certain privileges when at sea and certain privileges when ashore—for example, the Department's Fish Centre will provide for the cleaning and repairing of registered fishing boats on its premises at reduced fees.

The most important thing is that the registered fishing boat has certain fundamental international rights, and in all progressive countries in which fishing has developed there is a system in which all fishing boats are registered.

Next we pass on to Clause 5. Perhaps before I deal with Clause 5 I should refer to the fact that the Director of Agriculture as the head of the Department is given power to decide whether a fishing boat shall or shall not be registered. The criterion by which the Director will exercise that power is

obviously whether the fishing boat is suitable for fishing. First of all, it will have to be a proper boat suitable to go on to the water and safe for those employed in it, and the fishing gear will have to be in order. That is the criterion he will use. I know there has been some complaint that the Director should not in his own right exercise this power, but if hon. Members will look at subclause (4) of Clause 4 they will see that there is a right of appeal to the Governor in Council if there is a refusal and the person, refused feels aggrieved. Now the Executive Council is, of course, the highest executive body in the land and if a right of appeal to that body is given I think that should be acceptable.

Clause 5 deals with the procedure in cases of change of possession of a fishing boat, either by death, by sale or otherwise, and Clause 6, the procedure for cancellation of registration of a fishing boat. Clause 7 is a sanction for using an unregistered fishing boat. The Clause constitutes such use without sanction as an offence. Clause 8 provides for the correction of the register for various reasons. Clause 9 specifies that the registration number of a fishing boat must be painted on the boat in a certain position, and Clause 10 provides for the inspection of fishing boats from time to time or annually as may be required by the departmental officers. Clause 11 is the second form of licence — a licence for anyone who wishes to engage in fishing for commercial purposes. I have already endeavoured to explain that the term "commercial purposes" means what it says. It does not mean casual fishing in a trench and disposal of the catch. Anyone who engages in fishing for commercial purposes has to obtain a licence for doing so. There again, I hope hon. Members will realize that these provisions are for

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the protection of those who are already engaged in this industry. People should not be able to engage in competitive fishing unless we know who they are.

Clause 13 relates to a third form of licence — a licence to export fish. There again, Council will, I am sure agree that in these days we must take care of our own food supplies and must not deprive ourselves of our right to control exports if we find it necessary to do so. At the moment all commodities can be controlled in that way because there are certain emergency powers still in force. I do not think that we are exporting fish at present, but it may be that we may find ourselves capable of doing so, and in that event we must be able to regulate it so that the supplies we require for our own purposes must not be allowed to go out when we are in need of them.

Clause 14 provides for a register of these licences to be kept by the Director, and Clause 15 for licences to be inspected on demand by the proper people. Now, Clause 16 provides for the duration of the licences to export fish, but the most important part of that clause is sub-paragraph (3) which again emphasizes that any person aggrieved by the refusal of the Director to issue a licence under this Ordinance or any regulations made under this Ordinance may within 21 days of the date of the refusal appeal to the Governor in Council whose decision shall be final. So that wherever in this Ordinance there is a departmental power given to the Director of Agriculture there also is a supplementary right of any person aggrieved to appeal to the Governor in Council and have his case reviewed. I submit that the safeguards against departmental arbitrariness or capriciousness are quite ample and right.

Clauses 17, 18, 19 and 20 I need not bother about too much. They pro-

vide for the registration and number of licences necessary and the unlawful use of the licences. Clause 21 deals with the procedure if a licence is lost, and Clause 22 sets out a series of offences in regard to mis-dealings with certificates of registration or licences, forgeries and falsifications—all those are offences declared punishable by fine. Clause 23 deals with the appointment of Fishery Officers, and there it is set out that the Governor in Council shall appoint these officers and fix their remuneration. This applies only to those fishery officers who will not be public officers holding their posts by virtue of the provisions shown in the estimates, and I assume that it applies to persons who will be appointed outside of the normal provisions of the Public Service. Clause 24 deals with the powers of fishery officers. There are a series of powers of fishery officers to enable the officers to see that the provisions as aforesaid are duly carried out. They can stop and search vessels and vehicles and so on. All these powers are quite normal where you have inspecting officers assigned certain duties, but let us hope that they will be very rarely used.

Clause 25 gives them the power to enter lands and do various things, one of which is to stock waters with fish. Of course, they can always enter lands in order to determine whether any offence is being committed. Clause 26 deals with the obstruction or assaulting of fishery officers.

Clause 27 is a clause which I have heard being criticized, so I shall deal with it at some length. It states —

“Every person who knowingly buys, sells or has in his possession fish taken killed or injured in contravention of the provisions of this Ordinance or of any regulations made thereunder shall be guilty of an offence against this Ordinance and shall, on summary conviction thereof, be liable to a fine not exceeding ten dollars for each fish in respect of which the offence is committed.”

Now, the vital word there is "knowingly", as the lawyers will agree. It is quite obvious that people who deal with others thereby committing an offence, and knowingly so, are themselves equally guilty of the offence. We often refer to the receiver as being worse than the thief, and things of that sort. So this clause is put in in order to make it an offence for a person to aid and abet another person by knowingly buying something which has been wrongly acquired — although not committing the offence himself. This is the clause about which I heard this criticism—"You are trying to make a person who buys a fish an offender merely because that fish turns out afterward to have been improperly obtained." I will not deal further with this as I am sure the hon. the Attorney General can deal with it in a much more legal manner than I can. I submit that this is a clause which should be put in the Bill, and here again I believe that this is a clause which will rarely need to be put into effective use at all.

Clause 28 is also somewhat new. It states that:

"Where the holder of a licence under this Ordinance has reason to suspect that an offence against the provisions of this Ordinance or any regulations made thereunder has been committed or is about to be committed by any other person, he may require that other person to give his name, description and place of abode, and in case that person does not give his true name, description and place of abode, or refuses so to do, he shall in addition to any penalty to which he may be liable under this Ordinance, be liable to a fine not exceeding twenty-four dollars."

If he does not give his name and address, that in itself constitutes an offence. That, to my mind, is a necessary provision. Let me illustrate: some fishermen who go in for pin seine fishing have among themselves areas in which they lay their seines down. Let us assume that some fishermen have a certain spot and somebody else comes

along and tries to cash in by putting down a net in a place in which he should not put it. Now the holder of a licence under this Ordinance can call attention to that, and by virtue of this section can demand to know the name and address of the suspected offender. That is the reason for this provision: to give the licensee some right of calling attention to the person who is suspected to be doing something wrong. If the licensee gets his name and address he can go to the police or some other authorized officer and register his protest.

Clause 29 deals with the penalties for assaulting fishery officers and members of the police force. Clause 30 is the usual provision where a member of the public is called upon to assist justices of the peace to carry out their duties. Clause 31 provides for the forfeiture of fish where there has been a contravention of the Ordinance, and Clause 32 deals with offences at sea. Clause 33 refers to expenses incurred under the Ordinance, such expenses to be defrayed out of moneys provided by the Legislature.

Clause 34, as I said, is perhaps the most important clause in the whole Bill because there is set out in it a whole series of matters on which the Governor in Council, subject to the approval of the Legislature, is entitled to make regulations. They cover a wide field and I do not think I need to go through all of them, but what I intend to do is to call the attention of Members to three of the sub paragraphs which, it seems to me, have attracted the most attention and the most concern, if not fear, in the minds of some persons. These sub paragraphs are (h), (o) and (p): (h) seeks to give power to the Governor in Council by regulation to limit the number of fish which may be taken by any one person on any one day or in any other period; (o) with given powers to prescribe the kinds or the minimum weights and sizes of any

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species of fish which may be caught for the purposes of sale or consignment, and (p) describes areas and periods of time within which fish or any particular species or size of fish may not be caught, or within which any particular method of fishing is prohibited.

These are the three paragraphs which, as I said, have caused the most concern. I do not know if all Members are aware that in most fishing centres of the world provisions have to be made taking into account things of this sort with the sole purpose of conserving the products of the sea. This applies more particularly to temperate waters and other waters where there is a gigantic production of fish of certain kinds. I think Mr. Macnie will agree with me. He, like myself, has had the good fortune of seeing something of the salmon fishing industry in Canada where the regulations are most precise: the hour and time the fishing fleets are allowed to set out, the exact hour at which the fishing season closes (after which no further fishing can take place) and the size of fish to be caught.

This sort of provision is very necessary in cases where there are likely to be takings by fishermen which would only result in the destruction of their own living. We in British Guiana are very far indeed from that stage—if we ever reach it. I cannot imagine any circumstances within our lifetime which would require the limitation of catches per man of kinds of fish in our inshore waters, the sizes or weights of the fish and things of that sort. We just do not have that kind of fishing here — at least I have not heard of it.

I have heard that the trawl-boat, *Oro Lobo*, which recently came out here, ran into great shoals of what is called sea trout, but I do not know of any similar circumstances. However, these are all generalities of powers

which should appear in a fishing law. I said just now that I did not happen to know of any kind of fish here which would require that kind of protection in this Bill, but I may mention one interior fish which, perhaps, all Members are familiar with, and that is the *Arapaima*. Now, it is an extraordinary circumstance that there is a controversy about the *Arapaima*. Some of the papers written by experts demand forcibly that Government should make regulations of this nature in order to keep the *Arapaima* alive, and that if we do not do so the *Arapaima* as a species will die out in British Guiana. Other papers by other people equally competent say the reverse. Let me refer again to Dr. Hickling. He tells us that we must exert the utmost caution and have complete biological statistics before we venture to restrict fishing in the way these particular powers are designed to do.

I would like to make it clear that these powers which are being put into this fishing Bill are very necessary, but their exercise is a very different thing altogether. Since, of course, all these powers are regulation-making powers, and since each regulation has to be approved by the Legislature, I feel sure that no one should have any fear that powers of this sort are going to be wrongly and improperly used. That certainly is not the intention.

The only other clause to which I want to draw attention is Clause 36, which lays down that no prosecution under the Ordinance shall be instituted except by previous sanction of the Director. That is to say that no officer can proceed unless the matter comes before the departmental head. Clause 37 exempts the Government itself from these provisions, the reason, of course, being that the Government intends to run its own fishing vessels for technical reasons and

to carry out certain technical duties, so that it is quite unnecessary that Government vessels or the Department itself should come within the provisions of this Bill.

I have in my remarks given background to the introduction of this Bill. I have been through the clauses of the Bill, and I do wish to say again and again that the whole purpose of the Bill is to protect this growing industry and to safeguard all those who are engaged in it. There is no intention whatever to restrict anybody from doing what he wants to do in the field of fishing. It is a very desirable Bill and I have every reason to believe that the fishermen themselves, the majority of them, are rather pleased that this measure is coming forward. Taken in conjunction with other measures which are being pursued I am sure the Council will accept the Bill.

As Members know, we have now taken Fisheries under our wing. We are spending a great deal of money on fishery development. We have two fine and competent local officers: one is versed in marine fishery and the other in inland fishery. I hesitate to call names, but Members who have listened to lectures and seen photographs taken by Mr. Allsopp all over the world will appreciate that particularly in Mr. Allsopp we have an officer of the highest reputation. We have been spending a great deal of money on fish-Centre in Georgetown where provision is being made for amenities for fishermen. I am sorry I am not able to say at this moment when the centre will be opened. There are some more electrical fittings to be installed and other things to be done, but I feel sure that it will be possible to declare it open at an early date and through it provide a great amount of help for the fishermen in Georgetown.

Again I say this Bill has been brought forward in the interest of those engaged in the industry and I have great pleasure in commending this Bill to the Council.

Mr. Raatgever : I am asking that further consideration of this Bill be deferred.

Sir Frank McDavid: I think we have already agreed on that.

Mr. Speaker: I have invited Members to express their opinion as to whether any debate should take place on the Bill today. I think it was definitely understood that the hon. Member (Sir Frank McDavid) should be allowed to move the second reading of the Bill and to supply information on the details which would enable Members to study the principle of the Bill or assist them in doing so. The hon. Member was allowed to move the second reading of the Bill by common consent, and there is no necessity for any application for a postponement for further consideration. There is no necessity for anyone to continue the debate today, and if any member is unprepared to do so, he need not. I was just about to ask whether any hon. Member would like to speak on the motion for the second reading, but as I have already said, he need not do so today.

The Attorney General: I beg to second the motion.

Mr. Correia: I am not prepared to speak on the Bill today, but I would like to make a suggestion because the hon. Member for Agriculture has referred to Dr. Hickling's Report. I want to suggest that Members of the Legislative Council should be circulated with Dr. Hickling's Report.

Mr. Speaker: Would the hon. Member for Agriculture say whether that Report has been printed?

Sir Frank McDavid: I have no objection to the hon. Member (Mr. Correia) seeing the Report, but it merely covers the point I was telling members about, and that is, going too far with restrictions in fisheries legislation. I do not think it would disclose more than what I have already said.

Mr. Correia: I do not see why the hon. Member should have any objection to allowing Members of the Council to see the Report and express their opinion on it.

Mr. Speaker: The hon. Member for Agriculture is not objecting to that being done. He is only saying that it would contain nothing more than what he has said. Does anybody else wish to say anything?

Mr. Raatgever: I appreciate very much your explanation, Sir, but I was not in my seat when the hon. Member for Agriculture began to speak. I did not come here prepared to speak on the Bill because I saw an asterisk near to the item on the Order Paper indicating that it would not be proceeded with at this meeting. I think it is a most unusual procedure that although an asterisk has been placed on a Bill it has been allowed to be discussed. This was my reason for rising, but I would also like to make it clear that representations have been made to Members of this Council, including me personally, and that I propose at the proper time to oppose certain clauses in the Bill.

Sir Frank McDavid: Sir, if the hon. Member is not making a speech, he should sit down.

Mr. Speaker: There is no necessity for any representation to be made about procedure, because there is not going to be any further consideration of the Bill today.

As no other Member wishes to speak the debate on the second reading will be postponed *sine die*.

PENSIONS (AMENDMENT) BILL,

The Chief Secretary: I rise to move the second reading of the Bill intitled :

"An Ordinance to amend the Pensions Ordinance, 1933, to make provision for the pensions of officers whose service has been combined with service in certain Health Services or with service in the New Amsterdam Fire Brigade."

This is a short Bill to amend and, I think, to improve the Pensions Ordinance so that the service of certain persons who have served with Government and also with certain other bodies, would count in full as service qualified for Government pension. The first two categories are those persons who have had service with Government, combined with service in the Society for the Prevention and Treatment of Tuberculosis, and with the Infant Welfare and Maternity League. The intention of the existing law was that the whole service of those persons should qualify for pension but, in fact, under the existing law Government can only pay pension in respect of the period of service with the Government. As neither the Society nor the League has any power to pay the pension at the moment, these persons cannot get a pension in respect of their full service. The intention of the Bill before this Council is to provide that the full service given by such persons would count for pension, so that these

persons would receive Government pension for the whole of their combined service.

There is a third category of persons dealt with in the Bill, and they are the members of the New Amsterdam Fire Brigade. They are eligible for pension from Government at Government rates with effect from the 1st January, 1953, which is the date on which Government took over the Brigade from the New Amsterdam Town Council. When Government took the Brigade over it was the intention to provide that members of the Brigade when they came to retire, would be eligible for Government pensions in respect of their full service. In practice, however, under the provisions of the existing law Government found that it was only able to pay pensions at Government rates in respect of service from January 1, 1953 onwards. Serving members of the Brigade were eligible for superannuation benefits from the Town Council in respect of service before January 1, 1953.

The intention of the Bill before this Council is to enable the full service of any officer who retired after January 1, 1953, to count as public service and therefore to qualify him for a pension at Government rates in respect of that service. I should mention that the Town Council of New Amsterdam has agreed to pay to Government the amounts which are due to any such officers for the period they served with the Town Council, that is up to the 31st December, 1952, when the Brigade was still the responsibility of the Council. These amounts will be in accordance with the superannuation rates normally paid by the Town Council. That is the intention of this Bill—to enable the full period of mixed service of these three cate-

gories of officers to be counted for pension at Government rates.

The Attorney General: I beg to second the motion.

Mr. Macnie: If I understand the Chief Secretary correctly, I wish to congratulate Government for bringing forward this measure, especially because it will assist the former employees of the New Amsterdam Town Council. I hope I am not wrong in saying that these men are going to get a pension at Government rates, and not at the New Amsterdam Town Council rates. I understand the Chief Secretary to say that the New Amsterdam Town Council will pay to this Government their portion of the pension payable to the employees of the New Amsterdam Fire Brigade, from the Town Council rates. Apart from the fact that I have had the privilege of serving with some of these men, I wish to say that some of them have been serving with the Fire Brigade since 1927, and a Committee of which I was a member made a recommendation to the effect that the Brigade should be taken over by the Government. We also felt that the employees should be looked after as if they were employees of Government. Some of these men have had a very uncertain past and, in fact, have had things that way up to this time. I am sure they would be very grateful for what Government does for them.

The Chief Secretary: I should like to confirm that the hon. Member, Mr. Macnie, understood me correctly. These men will get pension at Government rates in respect of their full service, and the New Amsterdam Town Council will pay their portion at the normal superannuation rates for the period in which these persons served—up to January 1, 1953.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

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

Title.

The Chief Secretary: I beg to move that the figures and comma "1932," be inserted after the words and comma "The Pensions Ordinance," as printed.

Agreed to.

Clauses 1 and 2 passed, as printed.

Council resumed.

The Chief Secretary: I beg to move that this Bill, as amended, be now 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.

CRIMINAL LAW (PROCEDURE) (AMENDMENT) BILL,

The Attorney General I beg to move the second reading of the Bill intitled:

"An Ordinance further to amend the Criminal Law (Procedure) Ordinance."

The position with regard to the criminal sittings of the Supreme Court in Georgetown has been causing the hon. the Chief Justice and others concerned with these sittings a great deal of concern. For the whole of 1954 and 1955, and so far in 1956, there have been continuous criminal sittings in Georgetown. I am not certain whether it started before then or not, but it has certainly been going on for some period of time. Besides that, there have been

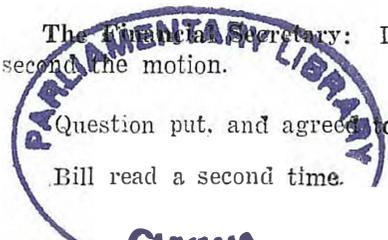
many cases which had to be held over until the next criminal sittings. That position has arisen with two judges normally sitting—that is to say, two criminal Courts normally sitting. The hon. the Chief Justice hopes in the near future so to arrange the work of the Courts that there will be three Courts available for the criminal sittings, and in that way get back to the normal method of getting through the criminal sittings in a shorter period of time and trying all the cases set down during that short period.

Section 30 of the Criminal Law (Procedure) Ordinance provides, in effect; that only two jury panels may be selected. The object of this amendment is to enable the Registrar to summon as big a panel of jurors as he considers necessary, but not less than thirty. The law provides that every panel of jurors shall be not less than thirty, and the object of this Bill is to remove the restriction on the number of panels, so that, instead of having three panels of not less than thirty jurors each there could be one panel for all the Courts. There would be, in fact, a substantial saving in that case, because 12 jurors are empanelled to try a case in each Court and if there are three panels of thirty jurors each—for the three Courts — there would be 51 jurors waiting over after the Courts have started. In theory at least, the three Courts could be run on a panel of 30 jurors for one Court, with twelve for each additional Court. Under the provisions of the Bill the Registrar will be able to summon one panel with sufficient jurors to provide for all the Courts that may be sitting.

The Chief Secretary: I beg to second the motion.

Question put, and agreed to

Bill read a second time.



Council resolved itself into Committee and approved the Bill as printed.

Council resumed.

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

The Financial Secretary: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

Income Tax (Amendment) Bill

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

“An Ordinance to amend the Income Tax Ordinance.”

It is somewhat difficult to explain this Bill as it consists of a number of variations without a central theme and it seeks to achieve a number of objects of varying importance. Perhaps the most significant amendment proposed is that which affects the procedure for hearing appeals against Income Tax assessments, and that concerns clauses 11 to 13. The practice under the existing law is for the Commissioner of Income Tax to make the assessment and for any aggrieved taxpayer to make an appeal to be heard by two Commissioners. In practice, one of these Commissioners is invariably the executive Commissioner who made the assessment and the taxpayer must have the feeling, therefore, that he is appealing from Caesar to Caesar, however fairly the appeal is dealt with. Any person still aggrieved after the review of the Commissioner has a right of appeal to a Judge in Chambers but, of course, that is an expensive step to take.

The Bill we are now considering proposes to amend the system so that the first step by an aggrieved taxpayer would be to object to one Commissioner sitting alone. If, however, the taxpayer is unable to get satisfaction from the Commissioner, he can then appeal to a completely independent Board of Review comprised of three or five persons appointed by the Governor, or the aggrieved taxpayer can appeal to a Judge direct. If an assessed person appeals to a Board of Review and is dissatisfied with the decision of the Board, he can still appeal to a Judge in Chambers—as indeed can the Commissioner of Income Tax.

I am sure hon. Members will agree that this will be a big improvement. It is still considered necessary to have the Executive Commissioner of Income Tax as the first appeal body, for in many cases he will be able to satisfy the person assessed in cases of arrears and omission where, for example, deductions have not been made to which the taxpayer is entitled, but it would be a great advantage from the taxpayer's point of view to have a Board of Review to provide a relatively inexpensive procedure for a completely independent review of a disputed assessment.

As I have said, the creation of a Board of Review will not take away from an aggrieved taxpayer the right he now has of direct appeal to a Judge when he can get no satisfaction from the Commissioner. The new procedure will be covered by clauses 12 and 13 in the Bill, and the effect of clause 3 is to enable the first appeal to be heard by one Commissioner instead of two as at present.

The next significant part of the Bill is covered by clauses 15 to 18, and these have been designed to tighten up the law to prevent tax evasion when a person who has drawn a taxable income

[The Financial Secretary] leaves the country before paying tax on it. It is true that even now the Commissioner who is empowered to speed up the processes of the Ordinance in cases where he believes that a person who has been assessed is going to get out of the country before paying his dues. He can demand that the assessment be paid forthwith, and he can also speed up the assessment of such a person by calling upon him to make a return of income before the statutory period for doing so has expired. There is known no power under the Ordinance at present by which a person who has been assessed can be prevented from leaving the country before he has paid his tax or provided security for it, and clause 18 of the Bill seeks to provide that power. Considerable thought has been given to alternative ways of achieving the clear object in view, and I hope hon. Members will agree that the clause, as drafted, will control the situation in such a way as to be least inconvenient to the general public. I hope they will also agree that it ought not to result in interference with *bona fide* travellers.

I hasten to assure Members that if these provisions become law they will be exercised with great discretion by the Commissioner of Income Tax. It will be noted that the issuing of a certificate by the Commissioner is not mandatory but permissive. He may issue a "certificate and direction", but it is hoped that this power will never have to be used. It is designed to prevent the evasion of tax by people who, there is reason to suspect, will depart from these shores without paying their just taxes, and not to inconvenience the righteous.

The next large object of this Bill is to exempt from income tax the income of such non-profit-making sporting organisations as the Governor-in-

Council may prescribe. This power is contained partly in the new definitions (in clause 2) and partly in clause 5. The list in the Schedule is extraordinarily comprehensive, and hon. Members will note that the Governor-in-Council can add to or detract from the list. I feel sure that such a provision to exempt sporting organisations will be welcome in such a sport-loving country as this. The loss in revenue, I can assure hon. Members, will be comparatively small. It was something like \$450 in 1952 and \$1,120 in 1953. The essential factors before exemption is given would be that the members of the organisation should not take any share of the profits. The profits, if any, should be ploughed back into developing sporting activities, or supporting charitable or educational institutions.

The other proposals in the Bill are of a more technical nature, but I think they are non-controversial and follow standard practice in many other countries. The first part of clause 4 is designed to make clear what profits are taxable in British Guiana where a non-resident person carries on certain business activities here but effects contracts of sale of products of British Guiana outside British Guiana. It is only right that profits clearly derived from products of this territory should be taxed here. The present law has provided for this, and the way such profits are calculated should be clearly defined. The idea behind clause 4 is to provide that any expenses allowed as deductions under Section 12 (i) of the Ordinance which are subsequently recovered, remitted or found unnecessary, shall be brought in as income in the year they are recovered or, at the discretion of the Commissioner, spread over previous years of assessment, not exceeding six. The main purpose of this clause is to ensure that where debts have been incurred for say the purchase of stock

and allowed as an expense but are later forgiven by the creditor, the amount which is no longer payable should be brought to account for income tax purposes.

Clause 7 is the same as the existing Section 15, except that as from the year of assessment, 1955, losses would only be offset against profits derived from the same trade or business in which the loss was incurred. I am sure hon. Members will agree that there is no justification for allowing a trader who has made heavy losses in one unsuccessful business venture to get tax relief for an unspecified number of years from his total income from other sources. Hon. Members will remember that the Ordinance was amended in 1955 to remove the previous limit of five years during which losses could be offset against other income, and this makes the present law whereby losses can be offset against other income for an unspecified number of years, even more unjustifiable.

Clause 8 is really a refinement to make the obvious more obvious, and I must apologize for bothering the Council with it. It is just to tidy up the Ordinance. Section 20 talks about life insurance premiums paid out as "such chargeable income being deductible to ascertain chargeable income." But, chargeable income is income less insurance premiums amongst other things, and so the Section as drafted is rather metaphysical, and the clause is meant to put the position beyond doubt.

Clause 10 seeks to provide that non-resident British subjects and companies should have the same liability to British Guiana Tax as other non-residents for the purposes of Section 33 (3) of the Ordinance. This section, as hon. Members will notice, is really designed to

prevent a taxpayer or a Company from evading income tax which should be paid here because some non-resident persons live in a country where income tax is not payable. This discrimination against taxpayers follows a similar provision in the corresponding U.K. legislation enacted during the 1914—1918 war, but it is not considered justified to discriminate any longer against foreigners as far as this section is concerned, and the Secretary of State himself has recommended that the alteration should be made.

The rest of this rather omnibus Bill is concerned with, in general, substituting the term "Commonwealth" for "Empire", as has been done in the legislation of many Commonwealth countries, and it means no effective change in the operation of the law. I trust that the Bill as a whole will commend itself to hon. Members. I know that Members of this Council feel that sterner provisions should be designed to strengthen methods against tax evasion and that they should be prosecuted with all vigour. I know also that there are some technical points which could be raised on the Bill, and perhaps they will be raised in the Committee stage.

Discrimination against foreigners in this respect follows similar provisions made in United Kingdom legislation passed between 1914-1918. It is not considered justifiable to discriminate against foreigners any longer, and the Secretary of State for the Colonies has recommended that this discrimination be removed. The rest of this rather lengthy Bill deals with the substitution of the term "Commonwealth" for "Empire" as is being done in legislation introduced in other Commonwealth countries and it makes no effective change in the operation of the law.

I trust that the Bill will commend itself to hon. Members. The main pro-

[The Financial Secretary] provisions are designed for the good and against the bad taxpayer, and I know that Members of this Council feel strongly that action against tax evasion should be vigorously prosecuted. If there are any points arising from the Bill, I will try to answer them in Committee. I now beg to move that this Bill be read a second time.

The Attorney General I beg to second the motion.

Mr. Raatgever: I rise not to speak on the Bill proper, but to call attention to the fact that for several years Members of this Council have been asking that personal allowances be increased. On account of the drop in the value of money and the fact that Government is receiving more money from increased profits, I would have thought that the Financial Secretary would have taken the opportunity to include in this Bill some provision to that effect. I am therefore asking that consideration be given now to the making of some provision of that sort.

Mr. Speaker: The hon. Member may move an amendment in Committee. For the moment, is there any other Member who wishes to speak on the Bill?

Mr. Lee: I am very grateful to the Government and the Financial Secretary for bringing forward this Bill. I think that all those who have some experience in this respect will agree with me that it is a most expensive procedure to have to go by way of the Judge's Chambers to deal with cases in which taxpayers have been dictatorially assessed—just because they were a little careless in not keeping strict accounts. I hope that the law will be made flexible in regard to the examination of tax-

payers' accounts. I will tell hon. Members why. There are many people in this Colony who can be taxed, I am sure, if the income tax collectors get behind them; and then there are others who, not that they do not keep proper books, but they do not earn the money that the Commissioner is taxing them on. I also want to ask that care be taken in regard to the appointments to the Board of Review.

I want to raise another point which, perhaps I will deal with in Committee stage. Not that I am personally implicated, but I think that an allowance of at least \$1,000 should be granted for children of taxpayers who are studying abroad in England, the United States and Canada and elsewhere because on the completion of their studies those children, most of them, return to this Colony and give it the benefit of what they have learnt.

Mr. Speaker: What does the hon. Member mean by "most"?

Mr. Lee: Fifty per cent. of the people who go abroad to study return to this Colony. I join with the hon. Member, Mr. Raatgever in his remarks about the low value of money. Perhaps he will in the Committee stage suggest what amount the allowance for children should be, as it is too small. Can \$20 a month support a child?

Mr. Macnie: I would like strongly to support the remarks made by the Deputy Speaker (Mr. Raatgever) and to say that in regard to both family and educational allowances if my memory serves me right, Mr. Nicholas, an expert who visited this country to review the taxation system, and to make recommendations did recommend some improvements in regard to them. I remem-

ber in this Council, I think it was the former Financial Secretary, Mr. Fraser in his budget speech pointed out that the Government was taking up one part of the proposals and not the other. Included in the part omitted was this question of educational and family allowances. I therefore strongly support what has been said and I would like to add this: in this Council we have often been told that in certain things we must compare ourselves with Trinidad, especially when it comes to the creation of that special section of the community known as the civil service.

In this case our income tax allowances bear no comparison whatsoever with those of Trinidad. Trinidad is a place where the inhabitants put their roots down and make the country theirs. They send their sons and daughters to be trained in the professions but they return to settle after training. That does not always happen here—it certainly is not happening in the professions for which we have the greatest need, and I am referring to science, engineering and others like those. I believe that the reason is that to train one's children for professions like those costs more money and takes a longer time. Having qualified, these professionals seek out opportunities which this country cannot offer them. There is a financial problem involved, and I believe that if Government assists by providing some income tax relief this country would benefit from it in the long run. At any rate, I think it is high time that Government pay some attention to the pleadings of Members of this Council and to the recommendations of Mr. Nicholas on these allowances.

Mr. Ramphal: I would like to join my voice with the others on the question of increasing the tax allowance for education and family. I speak with a great deal

of feeling in regard to the matter of education. Those of us who have had to educate our children know how costly it is. We have raised this question for the last three years—since we have been here—and on this occasion I do not want to make a long speech, but merely to commend the question to Government and ask that something be done. For higher education it sometimes costs \$180 to \$200 a month for a child, and a paltry allowance of \$20 a month is not enough.

I want to join issue with the hon. Member, Mr. Macnie on one or two points. It was not in the creation of a special section of the Civil Service that we placed ourselves side by side with Trinidad. It was merely that, in order to maintain certain standards we have to see what is being done outside.

Mr. Macnie: My friend was mistaken—I meant the creation of a special section of the community, not a special section of the Civil Service.

Mr. Ramphal: That was created a long time ago. The other point is just for the purposes of the record. A lot of people did not send their children to be trained in science not only because of the question of the cost, but mainly because of the fact that the doors were not being made open to them in their own country after training. There is on record the case of the young man trained in science and who, although there was a high position vacant in his native country, could not get a job in his own country and had to accept a position with a mining concern outside.

Mr. Sugrim Singh: Personal allowances here are out of date and are not consonant with Caribbean standards, and I wish to ask the Government to do

[Mr. Sugrim Singh] something about it as early as possible. In many cases where necessity demanded it allowances in Ordinances have been jacked up. In the Bastardy Ordinance allowances for bastard children have been increased. But allowances relating to the family in our Income Tax Ordinance have remained static, why, I do not know; and I have heard it expressed in many instances that it is causing great hardship.

Like Mr. Ramphal, I speak with great feeling—as a father of nine children—because I know what it means to support a family on the present allowances. I trust that Government will adjust this matter. If we are seeking to set our standards to fit in with the rest of the Caribbean we should not be lagging behind in this respect.

The Financial Secretary: I think I had better say here that I am quite sure the Speaker will rule that a motion cannot be brought forward now.

Mr. Speaker: This matter should have been considered long ago. A recommendation should be placed before the Government before it can consider an increase in such allowances. I do not know if anyone is suggesting that an amendment be moved in Committee. It must be moved at a convenient time; it must not be done in a sudden way or I am not going to accept it. Especially as it related to a financial matter, notice should be given in writing.

Mr. Correia: I would ask that the Financial Secretary be given sometime to consider the debate on this Bill.

Mr. Speaker: We will hear what the Financial Secretary has to say about the matter: whether he wishes to reply favourably or unfavourably — with re-

gard to the suggestions that have been made. I am sure members will appreciate that there must be something reduced to writing before these amendments can be considered.

Sir Frank McDavid: Sir, I do submit with all due respect that the questions which have been raised by the various speakers relate to the scale of taxation and the rates of allowances. They deal with items of charge on the revenue and I do not think therefore that subject, of course, to your ruling, such an amendment is possible at all. Whether or not there is some foundation for it in the Bill, it would, of course, mean that Members of the Council would be introducing something that would have the effect of interfering vitally with taxation measures. I would assume that if Members have made this recommendation from time to time and wish to do so now they should introduce a separate motion asking that the matter be urgently considered by the Financial Secretary for inclusion in his next budget.

Mr. Raatgever: It was never my intention to move an amendment which would be unconstitutional, so to speak. I wanted to draw the matter to the attention of the Financial Secretary who is a newcomer to this Colony. It had been raised in this Council before and nothing was done about it. I am asking that future consideration be given to it.

Mr. Speaker: The Principal Ordinance will not come up for discussion now, and any recommendation affecting that Ordinance, of the nature suggested by hon. Members, will not have any effect at this meeting.

Mr. Raatgever: Is that your suggestion, Sir? That we deal with it next year, even if a recommendation is made

now? I want your guidance on that particular point.

Mr. Speaker: You must give me some idea of what the recommendation is, first.

Mr. Ramphal: I gathered that if a unanimous recommendation was made to the hon. the Financial Secretary he may consider the postponement of further consideration of the Bill now and take the matter to the Executive Council with a view to making an amendment.

Mr. Speaker: Does the hon. the Financial Secretary wish to reply?

The Financial Secretary: I wish to say that I will note the remarks of Members, but I see no reason why this Bill should not be proceeded with now.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

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

Clause 1 passed as printed.

Clause 2—*Amendment of section 2 of the Principal Ordinance.*

The Financial Secretary: I beg to move the deletion of the word "entitled" in the fourth line of the definition of "sports organisation". There should also be a comma after the word "persons" in the same line, and the word "or" in the third line of the proviso to the definition should be deleted.

Amendments put, and agreed to.

Clause 2, as amended, passed.

Clause 3 passed as printed.

Clause 4—*Insertion of new sections 7A and 7B.*

Mr. Raatgever: I would appreciate some further explanation by the Financial Secretary of the statement in the Objects and Reasons that the Bill "also seeks to provide that expenses allowed for income tax purposes which are later forgiven by the creditor, and also that reserves previously allowed out no longer required or necessary shall be brought into account as a gain or profit.

The Financial Secretary: I said that the idea was that where a debt has been incurred by a taxpayer to pay for stock as part of his expenses and he pays the money, then the debt would be allowed as expenses. But if the debt is forgiven, the amount would come in as chargeable income in the following year's assessment. The same thing would happen if provision for reserves was found subsequently to be necessary.

Mr. Raatgever: I follow that, but what expenses would he be allowed? I must confess that I cannot follow that at all. How could that expense be forgiven? It is not an expenditure in connection with parties. He must pay if he buys, and if he goes on a trip is he going to be "forgiven" hotel expenses and so on?

The Financial Secretary: The point is that under the present law if provision is made for a bad debt and it has been allowed as an expense and is subsequently received, it must come in as assessable income in the following year. There is nothing in the law to say what happens there except when other allowed expenses are received. I am sorry that the term "forgiven" has come in, but there is no natural reason why a debt should not be forgiven.

Mr. Raatgever: I will allow it to pass, but I must confess that I do not really understand what it means, and I have been in business all my life.

Clauses 3 to 11 passed as printed.

Clause 12 :—*Insertion of new sections in the Principal Ordinance.*

The Financial Secretary: I beg to move that the word "member" be substituted for the word "commissioner" at the end of the new section 56E, paragraph (1).

Amendment put, and agreed to.

Clause 12, as amended, passed.

Clause 13 -- *Repeal and re-enactment of subsection (1) of section 57 of the Principal Ordinance.*

The Financial Secretary : I beg to move that clause 13 be renumbered as clause 13 (1), and that the word "thirty" be substituted for the word "fifteen" wherever it appears in clause 13 (1). I also move that the following be inserted as clause 13 (2):

"Subsection (5) of section 57 of the Principal Ordinance is hereby amended by the substitution for the word "appellant" appearing therein of the words "person assessed."

Mr. Lee: As regards the first amendment, 15 days is a very short period within which to give notice of appeal from an assessment. I know of a case in which the assessment was made in Essequibo and there was some delay before the appeal could have been brought. I am therefore supporting this amendment for an extension to 30 days.

Mr. Raatgever: I will support that, Sir.

Amendments put, and agreed to.

Clause 13, as amended, passed.

Clauses 14 to 21 passed as printed.

Clause 22 — *Commencement.*

The Financial Secretary: I beg to move that "Paragraph (ii)" be substituted for "Subsection (2)" in sub-clause (1) as printed, and that "Paragraph (1)" be substituted for "Subsection (1)" in sub-clause (3).

Amendments put, and agreed to.

Clause 22, as amended, passed.

Title and enacting clause passed.

Council resumed.

The Financial Secretary: The Bill having been considered in Committee and various amendments having been made, I beg to move that the Bill be now read a third time and passed.

Mr. Cummings: I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

GOVERNMENT CURRENCY NOTES (REPEAL) BILL

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

"An Ordinance to repeal the Government Currency Notes Ordinance, and to make provision for the winding up of the Note Security Fund established thereunder."

This, Sir, is an extremely formal Bill. It merely seeks to tidy up our laws and to give effect to a decision made in this Council some time ago. Hon. Members will remember that the Currency Ordinance made the Currency Board, as from 1st August, 1951, liable for notes issued by the British Guiana Government and which were then in circulation. In accordance with the Currency Ordinance, this Government had to transfer to the Board an amount of sterling or securities from its Notes Security Fund equal to this note liability. This was done and the surplus in the former Notes Security Fund over the liability was transferred to the general revenue of British Guiana.

This Bill seeks to repeal the local Currency Notes Ordinance which is no longer necessary, to validate the transfer of the surplus on the Currency Notes Fund and general revenue, and to ensure that any claim which might arise in future because the amount transferred to cover the liability for outstanding British Guiana notes was insufficient, would be met from local revenues. The last contingency is very remote; it is much more likely that the B.G. note issue will have to be 100 per cent reduced and that the amount transferred to the Currency Board to cover the liability will be more than enough.

Sir Frank McDavid: I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee and considered the Bill clause by clause, without amendment.

Council resumed.

The Financial Secretary: The Bill having passed through Committee without any amendment, I beg to move that it be now read a third time and passed.

Sir Frank McDavid: I beg to second the motion.

Question put and agreed to.

Bill read a third time and passed

PRIVATE MEMBERS' BUSINESS

B.G. SEVASHRAM SANGHA (INCORPORATION OF TRUSTEES) BILL,

Mr. Sugrim Singh: I beg to move the second reading of the Bill intituled;

"An Ordinance to incorporate certain persons as trustees of the Body known as the British Guiana Sevashram Sangha; to vest in such persons certain property; and for purposes connected with the matters aforesaid."

Dr. Fraser: I beg to second the motion.

Question put, and agreed to.

Bill read a second time.

Council resolved itself into Committee and considered the Bill clause by clause.

Mr. Sugrim Singh: I should just like to remind the Members that the word "Sevastram" appearing in the Bill should be spelt "Sevashram" wherever it occurs, and I should like to have that amendment made.

Agreed to.

Council resumed.

Mr. Sugrim Singh: I beg to move that this Bill be now read a third time and passed.

Dr. Fraser: I beg to second the motion.

Question put and agreed to.

Bill read a third time and passed.

Mr. Speaker: Council will now adjourn and meet again on the 25th of May, at 2 p.m.