
THE

House of Assembly Debates

(OFFICIAL REPORT)

THIRD SESSION OF 1966-71

HOUSE OF ASSEMBLY

Tuesday, 29th June, 1971

Pursuant to the adjournment, the House of Assembly met at 10.15 a.m o'clock.

PRESENT

His Honour Sir J. E. T. BRANCKER, Q.C., F.Z.S.; (Speaker); Mr. L. E. SMITH, J.P.; Hon. C. E. TALMA, (Minister of Health and Social Welfare); Hon. J. C. TUDOR, C.M.G., M.A., (Leader of the House); Mr. J. W. CORBIN J.P.; Hon. G. G. FERGUSON, (Minister of Communications and Works); Mr. R. St.C WEEKES, J.P.; Mr. W. R. LOWE, J.P.; Hon. N. W. BOXILL, (Minister of Labour, National Insurance and Housing); and Mr. W. C. B. HINDS.

Prayers were read.

Mr. BOLDEN entered the Chamber and took his seat.

MINUTES

Mr. SPEAKER: There are no Minutes available for confirmation.

DEFERRING OF PAPERS TO BE LAID

Hon. J. C. TUDOR: Mr. Speaker, I am asking that we defer the giving of Notices and the laying of documents until later in today's sitting.

SUSPENSION OF STANDING ORDERS

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that Standing Orders Nos. 5, 14, 16, 18, 19, 40 and 45 be suspended for the remainder of today's sitting.

This is to enable us to take the luncheon adjournment at an earlier hour and also to sit later if needs be. Question Time and Private Members' Time will fall in their appropriate places.

Hon. C. E. TALMA: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. J. C. TUDOR: Mr. Speaker, if I may,.....

Mr. SMITH: Mr. Speaker, before we proceed with the business of the day, I have a question pending since last Tuesday.

Mr. SPEAKER: I will have that matter investigated so that appropriate action may be taken later today, but my Notice Paper is blank.

Mr. SMITH: I hope you will have it investigated and have it settled right away because this is not fair to me. It should have been asked last Tuesday and it was not asked for some reason or other, and again today it is not on the Notice Paper. It makes me feel that they do not want this particular question to go on the Order Paper.

Mr. SPEAKER: The hon. member need not be unduly perturbed. If everything is in order, I will see that the question is put today.

Mr. SMITH: And let me know the reason.

PAPERS LAID

Hon. J. C. TUDOR: Mr. Speaker, if I may, I should like to lay the documents and give Notices now as they have just arrived.

Mr. SPEAKER: Let the hon. member proceed.

Hon. J. C. TUDOR: On behalf of the Hon. Prime Minister, I am commanded to lay the following:-

The Civil Establishment (Teachers) (Amendment) Order, 1971.

GOVERNMENT NOTICES

Hon. J. C. TUDOR: Mr. Speaker, on behalf of the Rt. Hon. Prime Minister, I beg to give notice of the following:-

A Resolution to approve the Civil Establishment (Teachers) (Amendment) Order, 1971.

A Resolution to amend the Schedule to Resolution 99/1969 relating to salaries of certain Teachers.

A Bill to grant an additional sum of money out of the Consolidated Fund and appropriate the same for the service of the Island for the year ended 31st March, 1971.

I also beg to state that Oral Reply to Parliamentary Question No. 167, asked by the hon. junior member for Bridgetown, and Oral Reply to Parliamentary Question No. 191, asked by the hon. junior member for St. Joseph, are ready.

Rt Hon. E. W. BARROW entered the Chamber and took his seat.

Hon. G. G. FERGUSSON: Mr. Speaker, I beg to give notice of the following:-

A Resolution to approve the Motor Vehicles and Road Traffic (Amendment) Regulations 1971.

I also beg to give notice that Oral Reply to Parliamentary Question No. 154, asked by the hon. senior member for St. Thomas, is ready.

Also Oral Replies to Parliamentary Questions Nos. 183, 184, and 189, asked by the hon. senior member for St. James, are ready.

BILLS READ A FIRST TIME

On the motion of the Rt. Hon. E. W. BARROW, seconded by Hon. C. E. TALMA, a Bill to grant an additional sum of money out of the Consolidated Fund and appropriate the same for the service of the Island for the year ended 31st March, 1971 was read a first time.

GOVERNMENT BUSINESS

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that Government Business be now taken.

Hon. C. E. TALMA: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that Order No. 3 be the first Order of the Day.

Hon. C. E. TALMA: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. J. C. TUDOR: Mr. Speaker, I am asking leave for the Rt. Hon. Prime Minister to take charge of this Bill.

Mr. SPEAKER: The Hon. Leader of the House is asking leave for the Rt. Hon. Prime Minister to take charge of this Bill, and unless there is any objection leave will be granted.

There being no objection, leave is granted.

THE CONDOMINIUM ACT, 1971

Mr. SPEAKER: Order No. 3 is the instant Order of the Day and it is to move the second reading

of a Bill to facilitate the division of properties into parts that are to be owned individually and parts that are to be owned in common and to provide for the use and management of such properties.
10.25 a.m.

Rt. Hon. E. W. BARROW: Mr. Speaker, as is stated in the Objects and Reasons of the Bill, the Bill provides for the division of properties into parts that are to be owned individually and parts that are to be owned in common and for the use and management of such properties. There are other objects and reasons set out which I hope hon. members have read by now, because they have had enough time to read them, but if I may give some background to the Condominium Bill which as Your Honour would know means ownership together. Under the existing law in Barbados there is no provision whereby a building can be sub-divided into apartments, legal entities or units. In other words, we are now operating under a 19th century real property legislation which recognises freehold tenure of land and buildings, under which law a person is entitled to hold an unlimited estate which we describe as a fee simple absolute in possession, and then there are other kinds of legal estates which are recognised and which have been transported from the United Kingdom 19th and pre-19th century legislation into Barbados which admits of a limitation both in time and in estate being set upon holdings of real property, so that leasehold tenure, under which the fee simple absolute in possession does not pass to the grantee, is a legal estate or legal holding which is recognised by the law of this land and under leasehold tenure, land is transferred from the freehold owner, the person who has the legal estate as a freehold, to a person who then holds a lesser estate for a limited period of time for consideration which is normally stated in the lease so that from time to time Government and other people who have leased land for 10, 15 and maybe for 25 years, and in some instances for 99 years - I think the University of the West Indies is land held by the University of the West Indies for a period of either 99 or 199 years - in the United Kingdom land was subinfeudated in this way. The greater part of London, some of the estates of Westminster are now falling into reversion after leases of some 999 years, but one of the incidents of a leasehold tenure, which is a lesser estate than a fee simple absolute in possession, is that the person who holds that estate holds it only for a limited period of time.

It is not possible to own part of an estate unless it has been subdivided for a fee simple absolute in possession whereby the person, who has purchased that estate, can pass on his title to another person, because the concept is that a person who owns land owns everything that is constructed on the land from the middle portion of the earth, if that is possible it would take some 4,000 miles if the earth is 8,000 miles in diameter - to the uppermost point of the heavens, and when we come to the extent to which a fee simple owner is entitled it is merely of academic interest, because any minerals found underneath the land which a person owns, that person,

subject to our mining legislation whereby the rights are vested in the Crown, that person is entitled if not to the absolute rights, to the royalties for any minerals discovered under his soil. Similarly no one can build over let us say these Public Buildings by erecting structures on either side and bridging them across, because the estate up the highest point of the heavens resides in the person who owns the land below. You can see what a chaotic state of affairs it would be if I can build public offices on this side and one or some of the firms next door can come and build over by merely bridging across my building therefore limiting my estate in so far as going higher into the sky is concerned.

The Condominium law does not seek to change this, what the Condominium law seeks to do is to give a person a freehold interest in any part of a building so that that interest may be hypothecated. The interest can be mortgaged or used as collateral in case the owner wishes to raise any money for any purpose whatsoever, then he can hypothecate his freehold interest to someone else. The Condominium law therefore does not seek to give anyone rights over and above in the physical sense the rights which a freehold owner now enjoys; there is a slight complication, because if you purchase an apartment in a multi-storey building, one then has to ask the question, in whom are these rights vested, that is, to build, construct or to bring actions against anyone who interferes with the traditional rights of the owner of the soil in enjoying exercise over his domain up to the highest point of the heavens. In other words, in law there is nothing to prevent you from building as high as 3,000 storeys subject to Town Planning approval as to plot density and ratio of motor cars to the amount of parking space and that kind of thing, but these are statutory restrictions and theoretically the owner of an apartment enjoys jointly with the other owners of apartments in the same building those same ancient rights, the right to extend with the consent of his co-owners or other tenants in common, the right to enjoy all those incidents of his estate that he would enjoy if he owned the land itself. In other words, the Condominium Bill makes it possible for persons to own absolutely a certain physical space in a building and enjoy jointly with other persons the other rights which are attached to the freehold ownership of land or of fee simple absolute in possession, and the reason why we have introduced a Condominium law into Barbados is basically because there is no such provision in the law, but when we look at the physical facts we will find out that we are an island which is already densely populated, that there are other persons who in these modern days are not inclined and are not disposed to owning large curtilages of land which call for maintenance in the way of gardens and repairs and so on, and who are quite prepared to live in apartment buildings in which they would pay a liquidated sum for perpetual maintenance to the curtilage of the building which would be written into the purchase price of the apartment and they would have no further liability in respect of maintaining the curtilages of the properties which surround them.

Condominium legislation of course now exists in the Caribbean, in Jamaica and in Puerto Rico, it certainly started out in places like the United States and the Dominion of Canada, and as a matter of fact at a very early stage some four or five years ago when we started investigation on this legislation I had very active and able assistance from the Attorney General's Department of the province of Ontario itself.
10.35 a.m.

As a matter of fact, Mr. Speaker, I was able to send people up there at my personal expense to have discussions with the Attorney General of that Province himself, so that we would not have to go through all the embryonic stages and the labour pains of having to think out condominium legislation for ourselves. We also had the benefit of the Jamaica legislation but, basically, condominiums have come into vogue for two main reasons: First, the overcrowding which is attendant upon the large numbers of people desiring to live in particular areas of the world because of the congenial nature of the climate and other reasons, the stability of the Government being a very important one. There is no point in having condominium legislation with irresponsible Governments, because you will be defeating the whole object of the exercise. We have had several demands from all over the place and from local Barbadians. As a matter of fact, the first condominium that is likely to go up in Barbados is going to be a Barbados condominium because their plans are well advanced. There are many other concerns which are waiting for the enactment of this legislation, and it will broaden, not in the physical sense, but certainly in the financial sense, the tax base upon which our property tax is based.

If you have a multi-storeyed building with many expensive or relatively inexpensive apartment buildings, it is going to yield more taxes than a bungalow or a traditional three or four-bedroom house put on the same site, because every individual apartment owner now becomes a taxpayer, and the value of the tax under the new system that we are going to be introducing shortly as soon as the valuation and cadastral surveys are completed will be based on the total value of the structure and not on the acreage or square foot measurement of the property on which the apartment is built.

Whereas before you would find on a 3-acre lot one large house paying a tax in the vicinity of, let us say, \$300 or \$400 under the system which we have inherited from the Local Government Authority property rates, one large building in which some commercial mogul may be residing and paying \$300 or \$400, when you put up a ten-storey condominium on the same site, the tax base will be broadened almost disproportionately and not necessarily in proportion to the number of storeys and apartments which are on that site.

Whereas before you may get \$300 from a single house owner, if you had 10 apartments on each floor,

which would give you 100 apartments in a 10-storey building, then the amount of taxes you are likely to collect is not necessarily going to be \$30,000, that is 300 by 100, but because of the nature of the project the assessable value is likely to be much higher per unit than if there were a single house occupying the same area of land. I have only used those as comparative figures; I do not vouch for their accuracy in respect of saying that a 3/4 of an acre lot will pay \$300 in taxes. Some of them will pay a lot less, but this is surely one direct advantage in which the Treasury will derive from the construction of condominiums.

Another reason is that beach land in Barbados is becoming very, very expensive. It is becoming almost impossible for a person, who wants to put up a good building, to purchase land by the seaside in Barbados because the ratio of land to building cost then becomes uneconomic. In the trade it is urged that one should never expend more than 15 per cent of the total project costs on the acquisition of land. We know from experience that frequently it is 40 per cent, 45 per cent or even 50 per cent, dependant upon the nature of the building which you want to construct on that particular site.

The average local Barbadian entrepreneur who wants to develop a site and who does not want to develop a hotel, is faced with a tremendous difficulty in acquiring land close to the sea in this Island. It is not suggested here that the physical requirements or the increasing population at this moment demand that we should have condominium legislation, say, for low-income housing. We have been constructing multi-storey housing for people who come under the protection of the Housing Authority Act, but I should like to make it clear that the main purpose of this Bill is not to provide low-income housing, because high-rise housing is very infrequently, in any way, attached to low-income housing. High-rise housing tends to be of the higher cost category than building in one or two storeys.

There is a requirement for apartments for people in certain brackets who do not want to be involved in the exercises of housekeeping and that kind of thing; they will require services; it is true, from people, but they have no inclination to gardening, landscaping or anything like that, and all of this will be done by the condominium itself for and on behalf of all the units in the particular condominium. A condominium is not going to be created automatically as a result of the passing of this Bill. A condominium will be created when a declaration in terms of Clause 4 of the Bill is lodged with the Registrar who is required to keep a register of condominiums under the Bill. The contents of the declaration, Mr. Speaker, are clearly set out in the Clause, and it is intended to give the clearest description of the building, the number of storeys, basements, cellars, units or apartments, materials of which it is constructed and identification of the area; the name of the body corporate owning the condominium, and any bye-laws which may have been devised for its management.

Now, when the declaration is made, the individual unit owners become constituted as a body corporate. The effect of this, Mr. Speaker, is to provide for a legal entity which will look after the common property which includes such things as basements, cellars, gardens, grounds, parking places, swimming pools and such other functions which are common to the unit and which are not included in each or every unit. The units can vary in size; they do not necessarily have to be homogeneous in size or interior appearance.

10.45 a.m.

A person can own of course more than one unit or you can have offices or restaurants or ordinary domestic apartments in the same building. You can have mixed development. Then the other clauses of the Bill deal with things such as voting rights of the owners in the body corporate, how the accounts should be kept and how they should be audited, the recovery of contributions by unit owners made for maintenance of the common property and the liability of the unit owners for common expenses. These are all set out in Clauses 16 and 19. Then there is provision in the Bill of course quite unlike the old Federation for the termination of the declaration declaring the units as a condominium, as well as the execution of the conveyance on such termination, and then there are also provisions in clause 22 for arbitration in the event that a percentage of the unit owners do not agree with the decision of the majority to sell the condominium.

In clause 24 the condominium which is the body corporate is required to insure the building, and the unit owners have to make a contribution to such insurance. There is also provision in the Bill, Mr. Speaker, for the repair and reconstruction of the building should it be damaged, and how the applications of the proceeds of insurance should be disbursed. This is in Clause 26. There are also provisions for the settlement of claims and for the making of orders under Clause 31 by the Minister in respect of the fees to be payable for registering declarations and matters of that kind.

To sum it all up, Mr. Speaker, the total benefit of this Bill, apart from the tax base considerations which are secondary to the owners but of primary importance to the Ministry of Finance, will be to permit an individual to own a unit in a condominium in the same manner as if he owned his own home, and the unit as I said before is capable of being sold or mortgaged with the only burden being the requirement of partnership in a body corporate and a contribution towards the upkeep and maintenance of the body. The Bill was circulated and I do not think there is any controversial matter in it. We have spent a long time, I will go so far as to say too long, in bringing this Bill before the Legislature, but all the areas of diverse opinion have been canvassed, it has been seen by the legal profession, or both sides of it, and all parties likely to be affected by the passage of this Bill.

I therefore beg to move that this Bill be now read a second time.

Hon. C. E. TALMA: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. J. C. TUDOR: Mr. Speaker, the Leader of the Opposition intimated last week that there was no objection to the passing of this Bill.

Mr. ELLIOTT MOTTLEY: Mr. Speaker, I was under the impression that the Leader of the Opposition had spoken to the Leader of the House about sending this Bill to a Select Committee, and I therefore move that it be sent to Select Committee.

Rt. Hon. E. W. BARROW: Mr. Speaker, I beg to second the motion that the Bill be sent to a Select Committee, but I should like to add "and that the Select Committee report to this House within one week".

Speaking on my amendment now, I want to say that I see no difficulties in the Bill at all. It is not political, but we have a plethora of what Mr. George Lamming calls lawyer boys in Barbados and since some of them are members of the House, it is their prerogative to try and show off their knowledge. My prediction is that it is going to come back here without a single amendment, not even a comma; but we have to go through these democratic procedures. I will second the motion with that amendment.

The question that the Bill be now sent to a Select Committee and that it be an instruction to the Committee to report within one week of this day's date, was put and resolved in the affirmative without division.

APPOINTMENT OF SELECT COMMITTEE

Hon. J. C. TUDOR: Mr. Speaker, we are suggesting for the Select Committee the following:-

The hon. senior member for St. John; the hon. junior member for Christ Church; the hon. senior member for St. Michael; the Hon. Leader of the Opposition; the hon. junior member for Bridgetown; the hon. junior member for St. Joseph and Mr. Speaker as Chairman.

Mr. SPEAKER: Am I assured that each of those hon. members, who are in their places, is willing to serve?

Those hon. members will be duly invited to a meeting of this Select Committee which is to take place before today week.

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that Order No. 7 be the next Order of the Day.

Hon. C. E. TALMA: I beg to second that.

The question was put and resolved in the affirmative without division.

THE PRISONS (AMENDMENT) ACT, 1971

Mr. SPEAKER: Order No. 7 stands in the name of the Hon. Leader of the House and it is to move the second reading of a Bill to amend the Prisons Act, 1961.

10.55 a.m.

Hon. J. C. TUDOR: Mr. Speaker, from time to time in some Parliaments bits of legislation are put on the Statute Books which cannot be justified either by commonsense or by the needs of the society, and the Prisons Act 1961 is one such bit of legislation. At the time of its enactment, the reasons for so enacting it were not clearly stated by the Government of the day - and I pause here to remind the House that it was not this Government - but it was certainly stated by the Minister who moved the second reading of the Bill that the purpose of creating more prisons in the Island was not so much to imprison the population, but in the event of large epidemics and widespread sickness, if the hospital services had broken down it would be necessary to have convenient places to house the numbers.

It is interesting to note Mr. Speaker, that none of the debates of that period are available, and Your Honour knows that the debates Committee recently directed that an enquiry should be held to find out why the debates for that part of 1961 are not available either for hon. members or for the general public, and in fact why they have not been printed. It is interesting therefore to note that this item of legislation and the justification for its enactment is only conjectural and in memory and cannot be seen in black and white. The Bill as then enacted gave power to the Government to declare any house, building, enclosure or place or any part thereof to be a prison. We took objection to the Bill both in its intent and purposes then, we divided the House on that occasion on the second reading, we divided the House also on all its clauses and made it clear then, as we have done since, that we would repeal it.

The purpose of this Bill is to repeal this Act and to fulfil the pledges which we gave as recently as two years ago in the speech from the Throne, that it was this Government's intention, to be more concerned with the provision of schools, housing, clinics and general facilities than the provision of more prison space for the population and consequently we would in due course offer the repeal of the Bill. It is a short Bill and in this Bill which the House is now being asked to pass, the term "prison" has a circumscribed meaning; it means Glendairy Prison and any part of a Police Station used for the imprisonment or detention of persons in custody, so when this amendment passes the Legislature only Glendairy Prison and Police Stations and their environs and premises will again meet the definition "prison" as we knew it before. I may tell you this, that since this Bill was on the Statute Book we have ascertained by persons who have never held the office of Minister of Home Affairs in this Government that they would resolutely refuse to assume these powers, and the Government or Governor-General has never been ad-

vised to give effect to the provisions of this Bill as it stands now on the Statute Book, and true to our conviction that schools, hospitals, clinics and day nurseries are more appropriate to this developing society of ours than more prisons, we offer this amendment, and I beg to move that this Bill be now read a second time.

Hon. C. E. TALMA: I beg to second that.

The question was put and resolved in the affirmative without division.

APPOINTMENT OF TEMPORARY CHAIRMAN

Hon. J. C. TUDOR: Mr. Speaker, subject to his willingness to serve, I beg to move that the hon. senior member for St. Joseph be appointed temporary Chairman of Committees during the absence of the Chairman.

Hon. C. E. TALMA: I beg to second that.

The question was put and resolved in the affirmative without division.

On the motion of Hon. J. C. TUDOR, seconded by Hon. C. E. TALMA, Mr. SPEAKER left the Chair and the House went into Committee, Mr. SMITH in the Chair.

Clauses 1 to 3 inclusive were passed.

On the motion of Hon. J. C. TUDOR, seconded by Hon. C. E. TALMA, the CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

11.05 a.m.

On the separate motions of Hon. J. C. TUDOR, seconded by Hon. C. E. TALMA, the Bill was read a third time and passed and its title read and agreed to.

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that Item No. 1 be the next Order of the Day.

Hon. C. E. TALMA: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. J. C. TUDOR: Mr. Speaker, I am asking that leave be granted to the Hon. Minister of Health to take charge of this Resolution.

Mr. SPEAKER: The Hon. Leader of the House is asking leave for the Hon. Minister of Health to move the passing of a Resolution to approve the compulsory acquisition of land at River Bay, St. Lucy, for the provision of a Beach Facility, which stands in his name. If there is no objection, leave will be granted. There being no objection leave is granted.

COMPULSORY ACQUISITION OF LAND AT RIVER BAY

Hon. C. E. TALMA: Mr. Speaker, this Resolution is to empower the Crown to acquire compulsorily all

that parcel of land described in the Schedule hereto for the following purpose, namely, for the provision of a Beach Facility. This is to comply with the general policy of the Government in the establishment of Beach Facilities on an Island-wide basis. The Schedule states:

"ALL THAT certain piece or parcel of land (being part of a larger area the property of Joan Hynam) situate at River Bay in the parish of Saint Lucy in this Island containing by admeasurement 3 Acres 2 Roods 39 Perches or thereabouts Abutting and Bounding on River Bay, on the Atlantic Ocean on lands of Joan Hynam being the remainder of the larger area abovementioned and on the public road or however else the same may abut and bound."

The Addendum sets out:

"In accordance with the provisions of Section 5 of the Land Acquisition Act, 1949, the approval of Parliament is sought for the compulsory acquisition of the parcel of land described in the Schedule in order that the purpose set out in the Resolution may be effected and that the Crown may acquire an indefeasible title to the parcel of land."

This, Mr. Speaker, as Your Honour would know, is in keeping with an old promise, probably, made by yourself 30 years ago, and, probably, you will feel very happy to know that this promise is being kept. Perhaps hon. members in that constituency as well as people in the Northern area will be happy, because River Bay has been a beauty site from time immemorial, and is really one of the landmarks of this country. I do not think there will be much opposition to this matter. The price has been properly gone into; it is a matter that has been pending for a number of months and, now that negotiations have been completed price-wise - the Government always gives a fair and reasonable price and sees that advantage is taken of no one, so far as price is concerned.

It is the policy of the Government to establish these Beach Facilities on an Island-wide basis. It has done so in St. John; it has done so in Christ Church; it has done so in St. Michael, and it will continue to see that these Beach Facilities are established on an Island-wide basis. Probably next Sunday I may have the opportunity of witnessing and probably participating in the opening of a Beach Facility at Silver Sands in the parish of Christ Church, which has been completed and will be handed over. The Minister of Communications and Works will be performing that function and handing it over to the Ministry of Home Affairs. I do not think that this Resolution calls for much debate.

Mr. CRAIG: Mr. Speaker, if the hon. member will give way, I wonder whether he will be able to state how many Beach Facilities have been provided in the entire Island over the past five years by this Government and where they have been established. I am sorry to have interrupted him.

Hon. C. E. TALMA: Mr. Speaker, I think I have already covered that point very accurately. I said

that the policy of this Government is to establish Beach Facilities on an Island-wide basis, and it is doing so. I will repeat it. The Government has done it in St. John on a very big basis. It is one of the best that can be observed in any part of the Caribbean; it has done it in Christ Church, which will be opened on Sunday; it has done it in St. Michael at Graves End where people from all over the world go. It is very convenient, and people can have a hot bath and soon. The Government has done it in St. James, and it is now doing it in St. Lucy. During the 9 1/2 years this Government has been in office, it has done about five, but the hon. member's Government has never done any. How many have you done? That should have been the question.

Mr. CRAIG: Mr. Speaker, if the hon. member will give way. I could not ask that question. He was the Minister in the then Government, and I think he was the Minister of Social Services.

Mr. SPEAKER: No point of order! Of course, it was not even alleged so to be.

Hon. C. E. TALMA: Mr. Speaker, I was a Minister in that Government for three years, but I did not occupy that portfolio and could not get very much off the ground. I think that I have said enough. The public at large is anxious to receive these facilities; the tourist trade is anxious to receive them and so on. Of course, the hon. junior member for St. Peter will say that St. Peter must also have it. If the time runs long enough, probably St. Peter will be considered.

I beg to move that this Resolution do now pass.

Mr. HINDS: Give us the price of the land, before I get up.
11.15 a.m.

Hon. C. E. TALMA: Mr. Speaker, the hon. junior member for St. Peter would like to hear something about the price. As hon. members do know, the question of price is negotiated by the Crown Solicitor. The price which was originally asked for this parcel of land which is two acres, three roods and thirty-six perches was \$25,000, but the Standing Valuation Committee which investigates matters of this nature valued the land at \$1,000 an acre. There was a great disparity and after going into the matter properly and seeking advice, they moved to \$9,000 an acre. The matter is still being negotiated. The owner is asking \$25,000 for this parcel of land which is almost three acres, but the Crown Solicitor, although he has to be guided to some extent by the Valuation Committee, is a trained Solicitor with a lot of experience, and he is the one who finally decides what the price should be. The matter is only now brought here because the Crown Solicitor sees that it is possible to come to some set figure, but I am not in a position to give a final figure.

Mr. HINDS: Mr. Speaker,.....

Mr. SPEAKER: Is the hon. member seconding the motion?

Hon. G. G. FERGUSSON: I beg to second that.

Mr. HINDS: Mr. Speaker, there is an area of considerable amusement arising from the information, which the Hon. Minister, who has just sat down has given. Now we are not objecting in any respect to the purchasing of this land, but what we are objecting to is that the 3 acres, 2 roods, 39 perches form part of a larger area of land, River Bay, I believe, is very well known to each and every hon. member here, and as we see it, this is a golden opportunity for Government, if it is a Government that is to be relied upon, to do something for the workers, and that something is the same thing which was promised ever since 1961 in the manifesto of the Democratic Labour Party. In that manifesto the workers were promised resort houses, and one of the parishes stipulated for the building of such facilities happens to be the parish of St. Lucy.

We appreciate the fact that there is a scarcity of beach land in this Island, but we find ourselves at this time with a golden opportunity, if Government really means to do something for the workers, to acquire enough land at least to make a start in this direction to provide these resort houses. The land is 3 acres, 2 roods, 39 perches, and the price the vendors are asking is \$25,000. The Standing Valuation Committee gave a first valuation of \$1,000 per acre, but after getting better advice, the same Committee has recommended acquiring the land at \$9,000 per acre. Now if the vendors are asking \$25,000 for 3 acres, 2 roods, 39 perches,.....

Hon. G. G. FERGUSSON: On a point of order, it is 2 acres, and not 3 acres.

Mr. HINDS: If it is 2 acres the Schedule to the Resolution is misleading because the one which I have before me says 3 acres, 2 roods, 39 perches, and I happen to be reading from the Clerk's copy which I take it must be as laid.

Hon. C. E. TALMA: On a point of order, the Schedule reads "ALL THAT certain piece or parcel of land (being part of a larger area the property of Joan Hynam) situate at River Bay in the parish of Saint Lucy in this Island containing by admeasurement 2 acres, 3 roods 36 perches or thereabouts."

Mr. HINDS: Mr. Speaker, I am reading from the Clerk's copy and it says "ALL THAT certain piece or parcel of land (being part of a larger area the property of Joan Hynam) situate at River Bay in the parish of Saint Lucy in this Island containing by admeasurement 3 acres, 2 roods 39 perches or thereabouts."
11.25 a.m.

In the first place the Minister's copy does not even seem to contain the correct name of the owner of the land. That being so, I am entitled to say that the Minister's copy must be the copy that is in error on an occasion such as this, because the Clerk's copy has three acres while that of the Minister has two acres; the Clerk's copy has 39 perches while the

Minister's copy has 36 perches, so the point I am making is that it is now certain that the Valuation Committee is offering the vendors much more money than they had been asking for the land, that is correct. Since it is part of a larger area, what is wrong with Government setting about to acquire enough of this land as to bring the promise of workers' resort houses into being? There can be no doubt, Mr. Speaker, that it is widely accepted that playground facilities as envisaged in this Manifesto of the Democratic Labour Party and promised the workers since 1961 are very much in need today, and we are satisfied that this Resolution could well be deferred and Government given an opportunity to examine the possibilities of doing much more than providing a mere beach facility at a place like River Bay in the parish of St. Lucy.

We would like to encourage the Government to act now, while seeking to overcome the area of confusion that has arisen. It could very well be the stepping stone towards doing something for the workers of this country, and Government could very well stop their changing by bringing this into being. If the area of land that it is now proposed to acquire....

Hon. C. E. TALMA: If the hon. member will give way, the entire area is over three acres. As the Addendum sets out, we are buying a part and not the whole area, we are buying two acres, three roods, 36 perches which is part of a larger area and there is an error then in the Resolution as circulated.

Mr. HINDS: Is it not a fact, Mr. Speaker, that the entire area is much more than three acres, two roods 39 perches? It is a much larger area than this.

Hon. C. E. TALMA: On a point of order, I have the plans and the entire area is three acres, 2 roods and 39 perches.

Rt. Hon. E. W. BARROW: Mr. Speaker I think there is an explanation. The owner of the land is asking permission to retain the curtilage of two dwelling houses on the land, and I should also like to say that there is a large area of land at River Bay on which houses have not been built and we have 40 acres which does not have access to the sea which we inherited from the St. Lucy Vestry. We had this in the Development Plan, I was a member of the political Party that put forward the plan and I think I can say that the idea was a good one at the time, but the Shadow Minister had these elaborate ideas and he was the Minister responsible for that part of the Manifesto, so I do not know that the hon. member for St. Peter can tell me now that we must acquire more land because it is in the Manifesto.

When we went into the economics of this plan we discovered that there was a deficiency in permanent houses in Barbados, and the cost of sea coast land was so exorbitant in about eight months after we had the Government, and then we examined the kind of life style of the Barbadian on vacation and decided that it would be much more feasible to make these areas throughout the Island accessible where people

could go individually or on excursions rather than to put up houses for the 110,000 workers who get vacation some time during the year so that in any one month you would have approximately 9,000 people on vacation. We cannot provide 9,000 seaside houses because we do not have that amount of land, so I as I have said before we have abandoned that in favour of providing places where people can go, they can get a bath and get a restaurant facility and so on. The most important difficulty of course has been allocation; how are you going to allocate these houses when you need 9,000? So we have changed the policy because of the high cost of land and because there is need for permanent housing for people and we have decided to provide facilities to which they can go and go back home and do their repairs around the house and that sort of thing.

In so far as the 40 acres is concerned, I think that is a suitable area for the construction of permanent houses for the people of St. Lucy, but that is not the area which people go to when they are vacationing. I thank the hon. member for giving way.
11.35 a.m.

Mr. HINDS: Mr. Speaker, with reference to the land at River Bay, one has to bear in mind that River Bay does not provide sea-bathing facilities. It is a shark-infested area. (Hon. N. W. BOXILL: You can put a net there.) A net could not even save the "Cornwallis". Mr. Speaker, the Valuation Committee first suggested a price of \$1,000 per acre, and that is the same Committee that has since offered a price of \$9,000 per acre. Let us be realistic.

Hon. C. E. TALMA: Mr. Speaker, this is the position. A price was asked for approximately three acres of land. The area of land has to be confirmed by their Solicitor and the Government's Solicitors in order to arrive at the size of the area. The price is \$25,000, and this sum is more or less agreed on by the Government through the Crown Solicitor and the Solicitor of the other party.

Mr. HINDS: Mr. Speaker, what we are concerned with is that we are going to pay \$9,000 per acre for land at River Bay, a place that does not provide bathing facilities as such. (Asides) We appreciate that it is a place where people go on excursions, but it is not an area where any honest Committee that found itself in the first instance offering \$1,000 per acre would subsequently offer \$9,000 per acre for the same land. The Minister has just said that the price is agreed on.

Hon. C. E. TALMA: Mr. Speaker, the price the owner wants is \$9,000 per acre. Now, 3 acres by \$9,000 would be \$27,000. The area is a little less than 3 acres, and we have decided to pay \$25,000 for it. I repeat that the area has to be confirmed, surveyed and agreed to. Now, 25,000 is probably the amount which will be paid for the land after the area has been confirmed by the Surveyors.

Mr. HINDS: Mr. Speaker, the Standing Valuation Committee offered \$9,000 per acre.

Rt. Hon. E. W. BARROW: Mr. Speaker, that information was volunteered by the Minister. The Standing Valuation Committee does not have any Ministers on it, but only a few civil servants. The Ministry of Home Affairs does the offering, but the Standing Valuation Committee valued it at \$1,000 per acre. Even that I thought high, but Mr. Speaker may have different ideas from me. The people then said that they wanted \$25,000 for the parcel of land. They multiplied their original valuation, which was made some years ago at \$9,000 per acre, because they probably discovered that the valuation had been on the basis of rab land, and there was no Town Planning objection to it being considered as building land. It works out roughly at about 22¢ per square foot. I may not necessarily agree with either of these valuations for that land.

It is true that there are no bathing facilities at River Bay, although I used to bathe there as a boy. I used to bathe in the river at high tide. People go there as a resort area on Bank Holidays. What we are trying to do is to provide parking space for buses, toilet, shower facilities, and so on. Sometimes there are 50 buses down there at a time, and most of this area is acquired for parking and for putting up a small facility such as we have at Bath. As far as I am concerned, if no buses were involved, I would just buy about 4,000 or 5,000 square feet of land for the purpose of putting up a bath. Of course, the owner could then stop the buses from coming down. I do not agree, although I am not the Minister of Home Affairs, that the land is worth \$8,000 or \$9,000 an acre. However, we are living in a democratic society, and we are supposed to pay adequate compensation. This matter is still under consideration. They have a former Town Planner in the name of Mr. Leonard St. Hill acting as their agent. The bigger the price, I suppose, the bigger his fee is going to be, but it will be left to the Ministry of Home Affairs to recommend what should be paid for the land.

Mr. Speaker, there is an amendment to the Resolution which is necessary in the Addendum. We have kept this so long trying to negotiate a reasonable price that I have no objection to its being deferred, as the hon. member requested. If he has any ideas that we should acquire a smaller area, and if he can convince the Hon. Minister of Home Affairs that he does not need 3 acres of land for buses, which I think is required, or if he thinks that land should be acquired elsewhere, then we could probably look at the land owned by other land tycoons and see what can be done. I do not mind if the hon. member asks for a Select Committee of the House to go into the matter, because it is a community matter.

Mr. HINDS: Mr. Speaker, the more information that is given to us, the greater the necessity arises for the postponement of the matter.

Hon. C. E. TALMA: Mr. Speaker, on a point of order. The Government is quite willing to postpone the matter.

I beg to move that further consideration be now postponed.

Mr. SPEAKER: The hon. member moved the motion, and I would suggest that another hon. member move the motion for further postponement.

Mr. HINDS: Mr. Speaker, that motion should come from me.

I beg to move that further consideration of this Resolution be now postponed.

Rt. Hon. E. W. BARROW: I beg to second that motion, and reserve the right to speak when the matter is dealt with in the House on another occasion.

Mr. SPEAKER: That will be reserved.

The question was put and resolved in the affirmative without division.

Rt. Hon. E. W. BARROW: Mr. Speaker, I understand that the only reason why this is done is due to the defect in the title. There is no dispute between the Government, the Ministry of Home Affairs and the owner of the property. Anyway, this will give hon. members another opportunity to go down there and look at the land and, so long as they do not come back with an inflated price inspired by Mr. St. Hill, suggest how best we can use the area. Do not tell me that you cannot bathe down there. I have not only bathed in River Bay, but I have caught mullets as well.

Mr. SPEAKER: I am afraid that there is nothing before the House at the moment.
11.45 a.m.

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that Order No. 8 be the next Order of the Day.

Hon. C. E. TALMA: I beg to second that.

The question was put and resolved in the affirmative without division.

THE SEVERANCE PAYMENTS ACT, 1971

Mr. SPEAKER: Order No. 8 is the instant Order of the Day, and it stands in the name of the hon. junior member for St. Thomas, and it is to move the second reading of a Bill to provide for the making by employers of severance payments to employees who cease to be employed in circumstances amounting to redundancy and for matters incidental thereto and connected therewith.

The hon. member may proceed to move the second reading of this Bill if he thinks fit.

Hon. N. W. BOXILL: Mr. Speaker, this Bill, as the Objects and Reasons set out, makes provision,

on the basis of the Report of the National Severance Pay Committee appointed by the Government in November, 1967, for the making of severance payments to workers who in certain circumstances are -

- (a) dismissed by their employers because of redundancy; or
- (b) are laid off or kept on short time to the extent specified in clause 6(1) and comply with the requirements of that clause; or
- (c) are dismissed by their employers because of a natural disaster.

Provision is also made that where, in an action by an employee against his employer for damages for breach of contract on the ground of wrongful dismissal, the court finds that the employee was wrongfully dismissed and is satisfied that, had he been dismissed by reason of redundancy or natural disaster, he would be entitled to severance payment, the court shall assess the damages as if they constituted a severance payment to which the employee is entitled.

Mr. Speaker, we are all aware of what took place, I think, some time last year and the year before when two of the leading stores in Broad Street went up in flames and another one in White Park, and as a result quite a number of persons, through no fault of their own, became unemployed and were left to fend for themselves. Some of these people had given as much as thirty years' service to these firms, and the owners were somewhat reluctant and some openly adamant in giving these people any consideration. Some of them thought it was a good way of getting rid of some of these employees. As a corollary to what has taken place, the Government has been agitating since 1967 to have this bit of legislation placed on the Statute Book.

I do not know if hon. members on the opposite side have read this Bill because it is fairly voluminous, but there are some explanatory notes which were laid before the Chamber in my absence and of which I think hon. members are in possession, which set out in greater detail any problem that might arise which hon. members cannot fully grasp. I must admit, Mr. Speaker, that in all my years of bringing legislation to this Chamber, this piece of legislation, though far-reaching, is the most complicated bit of legislation I have ever encountered, and I do not expect any one person to grasp it all immediately. Most of it is based on the English legislation, but there is a slight snag in that in the British legislation the National Insurance Office is responsible for the people in Britain paying a small pittance into National Insurance, whereas in our legislation it is not so.

If you look at the explanatory notes, you will see that it is proposed at a later stage to ask the employers to contribute a small pittance which would not be a hardship on anybody, but which over the years would amount to something worthwhile so that

when a firm goes out because of insolvency, we would not have to call on the manager or owner of the firm, but on the Board to contribute to the people who have become redundant. In paragraph 32 on page 5 of the explanatory notes, it says that a severance payment may be recovered as a debt due to the employee in civil proceedings before a court of competent jurisdiction. Paragraph 33 says that decisions of the tribunal may be filed by or on behalf of the employee in the Magistrates Court of District A and when so filed shall be registered in that court and shall have the same force and effect as a judgment of that court in favour of the employee; and paragraph 34 says that a sum payable pursuant to a decision of the High Court shall be recoverable by execution issued from that court.

I am sure that hon. members must have read this, but the Bill is so big that it would take the whole day going through all the points. It is very tedious and as I admitted earlier, it is the first and only bit of legislation which I had to present to the Chamber that I could not say I was *au fait* with every chapter and verse. There are legal technical points that if they should arise and hon. members want to know something about, I would have to get the legal draftsmen to come down and explain.

With these few remarks, I beg to move that this Bill be now read a second time.

Hon. J. C. TUDOR: I beg to second that.

Mr. St. JOHN: Mr. Speaker, before you put the question, I want to make it clear that the principle of having on the Statute Book in Barbados legislation dealing with severance pay is a principle which my political party saw as long ago as the period of time when we were drawing our manifesto, because a look at our last manifesto in 1966 would show that one of the measures, which were put in as a particular piece of legislation, which we thought desirable for Barbados, was a Bill dealing with severance pay. I also have had in the course of my parliamentary duties very lately a number of cases drawn to my attention dealing with the question of agricultural land being sold out and sub-divided, in which people who have not reached the Provident Fund age and are unable to draw from the Provident Fund and by reason of the new uses of agricultural land they are unable to get alternative jobs within close proximity of where they live, have their position seriously deteriorated because if they are in the age group of 55 years, they have to wait for some period of time to get the provident fund unless they can produce a medical certificate showing that they cannot work.

11.55 a.m.

I feel that severance pay should cover a situation such as that; however, looking at the details of the Bill I want to make a suggestion to the other side. I feel that the Committee stage of this Bill should be postponed a little while longer because it is a very complicated Bill and I am not too sure that it is going to achieve the practical results in many respects as to what the intention is, because I do not see any

integration of this Bill with the intention to permit preferential debts, and priority should be given to severance payments which arise under this Bill as preferential debts along with other debts. It is a very important point and it does have very practical consequences; I heard that there is the question of regulations, but there is also the question of retroactive operation of the Bill. I have been studying that to see whether it is a constitutional point or not, but I will say that we on this side in a week have not been able to digest it, but as far as the principle of severance pay is concerned I feel that it is a piece of legislation which we envisage is necessary, and I only hope that it would have an additional part dealing not only with severance pay but also with giving a longer period of time of notice other than the common law provision in cases where the employer wants to dismiss you other than of course in instant dismissals.

I also feel that the time has come when we should have a comprehensive Contract of Employment Act whereby the law stipulates that as soon as a person is employed he should be given a written note setting out the main terms of his employment so that he will be able to know what his position is and what are the terms and conditions under which he is employed. There is an intermediate piece of legislation in other countries dealing with that and we should have it here. In addition to the period of notice in cases where you come between instant dismissal for just cause and a situation which arises out of redundancy there is this intermediate position, and we envisage and hope that that will come in as an additional part of this Bill.

Hon. N. W. BOXILL: Mr. Speaker, as I said earlier, this is very complicated and I would not expect to ram it down anybody's throat, but my view on the whole is that hasty legislation is bad anyhow, so after we have finished the second reading we will postpone this, and I would like the hon. member if he has any more points he thinks should go into the Bill to present them to me as soon as possible. This is a matter for the country, this is not playing politics but I am surprised and glad to hear the Leader of the Opposition, whom I know, is a Conservative seeing eye to eye with a Socialist. I was wondering if the hon. member would give me an indication as to how soon he thinks we should come back with this or send it to a Select Committee.

Mr. St. JOHN: The position is that the Committee to work on the Condominium Bill will be set up this week, so that with this, we could have two weeks.

Hon. N. W. BOXILL: Mr. Speaker, I accept what the hon. member has said, so we can pass the second reading and then do the postponement.

The question that the Bill be read a second time was put and resolved in the affirmative without division.

Hon. N. W. BOXILL: Mr. Speaker, I beg to move that this Bill be now sent to a Select Committee and that instructions be given to report back to the House within three weeks from today.

Hon. C. E. TALMA: I beg to second that.

The question was put and resolved in the affirmative without division.

12.05 p.m.

Mr. SPEAKER: Will the hon. junior member for St. Thomas be so kind as to mention the members of the Select Committee whom he would suggest.

Hon. J. C. TUDOR: Mr. Speaker, we would suggest -

The Minister of Labour,
The Minister of Agriculture.....

Mr. HINDS: Mr. Speaker, has the motion been seconded?

Hon. J. C. TUDOR: Yes, As I was saying, Mr. Speaker, we would suggest -

The Minister of Labour,
The Minister of Agriculture,
The Minister of Health, and
The Senior member for St. George.

In addition, the other side is suggesting -

The hon. and learned junior member for St. Joseph,
The hon. senior member for St. James, and
The hon. and learned junior member for Bridgetown.

Mr. SPEAKER: Are all hon. members willing to serve?

Hon MEMBERS indicated assent.

The question that the hon. members suggested be appointed to serve on the Select Committee was put and resolved in the affirmative without division.

COMPULSORY ACQUISITION OF LAND AT BAYWOODS

Mr. SPEAKER: Order No. 4 is the next Order of the Day. It stands in the name of the Hon. Leader of the House, and it is to move the passing of a Resolution to approve the compulsory acquisition of land at Baywoods, Orange Hill, St. James, for the purpose of Highway improvement.

Hon. J. C. TUDOR: Mr. Speaker, this Resolution concerns the acquisition of 303 square feet of land at Baywoods, and it is owned by Mr. Beresford St. Clair Coulthrust. It is being acquired for the purpose of road improvement. The approval of Parliament is sought for the compulsory acquisition of the parcel of land in order that the Crown may secure an indefeasible title to that land.

I beg to move that this Resolution do now pass.

(Asides)

Mr. Speaker, the background to this is that apparently - I do not know this bit of land myself - the land was used by a former Department of Highways and Transport some years ago during the road improvement project at Baywoods. It is now desirable to acquire it. The owner cannot produce an indefeasible title, and the acquisition is for this purpose. It is 303 square feet at 15¢ a square foot.

Mr. HINDS: Is the land already in use?

Hon. J. C. TUDOR: Yes.

Hon. C. E. TALMA: Mr. Speaker, I happened to have been the Minister of Communications and Works at the time; I visited the site in 1965. There is a very dangerous corner up there, and it was essential to straighten it out in order to avoid accidents. It is a very small area of land for a very desirable improvement, and I will commend it.

Mr. ERNEST MOTTLEY: Is it around a corner? It is usual for us to be shown a plan when these things are brought here.

Hon. J. C. TUDOR: Mr. Speaker, I am sorry, there is a plan in the file. *(At this stage the plan was circulated.)* Has the price been agreed on?

Hon. J. C. TUDOR: Yes.

Mr. ERNEST MOTTLEY: Can you tell me more about this, please?

Hon. J. C. TUDOR: Mr. Speaker, it appears that the price has been agreed on. The only outstanding problem is that the Crown Solicitor has not been able to get the title deeds from Mr. Coulthrust's Solicitor, but there is no quarrel about the price.

Mr. HINDS: Mr. Speaker, I am not continuing my speech. I gave way to the hon. member.

Mr. SPEAKER: Let the hon. member proceed.

Mr. ERNEST MOTTLEY: I give way then.

Mr. SPEAKER: Let us get this straight. Has the hon. senior member for Bridgetown completed his speech, or has he given way?

Mr. HINDS: It is not a question of his completing his speech; it is a question of my making my speech; I gave way to the hon. junior member for St. Lucy.

Mr. SPEAKER: The hon. junior member for St. Peter is resuming his address.

Mr. HINDS: I am resuming, Sir.
12.15 p.m.

Mr. Speaker, we must consider that this 303 square feet of land is required for highway improvement. The plan shows that the land is on the highway, and whilst the Leader of the House has said that the price has been agreed upon, we on this side of the

House feel that the owner of this land is not being given the full value, and we would urge Government to defer consideration of this Resolution with a view to giving the owner a better price for his land. (Hon. J. C. TUDOR: There is no quarrel he is willing to accept it.) We heard quite a lot in a Resolution that was before the House with respect to River Bay. The Minister of Health said that the price had been agreed upon.

Hon. C. E. TALMA: On a point of order, I made it perfectly clear that the area in question at River Bay was approximately three acres and the price which the owner had asked was \$25,000. Eventually the Standing Valuation Committee comprised of officials fixed the price at \$9,000 per acre.

Mr. HINDS: All the Minister has said is exactly what I said, that the price had been agreed upon with respect to the River Bay land at \$25,000. We are also now hearing that the price has been agreed on this Baywoods land, and we are saying from this side of the House that the owner of the land is not being paid the full value, and we would ask Government, whether or not the price has been agreed upon to re-open this matter. (Hon. J. C. TUDOR: That is nonsense.) It was not nonsense in respect of the River Bay land. We are satisfied that the owner is not being paid the full value for his land.

Mr. St. JOHN: On a point of order, if this is the River Bay land, I have something to say in connection with it.

Hon. N. W. BOXILL: Mr. Speaker, I hate to get involved in this kind of argument. I cannot understand members on the opposite side. A few weeks before I left this country we came here with a Resolution to rent land to Mr. Michael Simmons, and members on the opposite side said we were giving away land because he was somebody's friend. Here it is now that somebody is willing to sell land to the Government and agrees to the price that Government should pay, and the hon. member is saying that we should not accept the price the person is asking for the land and should give him more money. Next you will hear that it is squandermania. This is the Opposition that expects somebody to put them in power. This is nothing more than irresponsibility. (Mr. HINDS: Mr. Speaker, you should stop the hon. member.) I am not on a point of order. The hon. member sat.

Mr. SPEAKER: The hon. junior member for St. Peter gave way.

Hon. N. W. BOXILL: He never gave way. He sat down.

Mr. HINDS: When you give way, do you stand? I gave way to the hon. senior member for Christ Church.

Mr. SPEAKER: The hon. member gave way.

Hon. N. W. BOXILL: The hon. member for Christ Church said he asked the hon. member to

give way. What nonsense is going on in here today?

Mr. SPEAKER rose.

Mr. SPEAKER: My clear understanding is that the hon. member did give way, and he is entitled therefore to resume.

Mr. HINDS: Mr. Speaker, I can appreciate how itchy and jumpy the hon. junior member for St. Thomas is. (Hon. N. W. BOXILL: I have served for ten years.) In other words, his pension is secure.

Mr. SPEAKER: That does not come within the scope of this Resolution.

Mr. HINDS: His pension being secure, anything else can happen; so let us get on with the Resolution. What we are saying, Mr. Speaker, is that we have seen some very strange circumstances presented before this House today. We saw in one case where there was compulsory acquisition and that a Valuation Committee valued land at \$1,000 an acre and the same Valuation Committee went back and revalued the land at \$9,000 an acre.

Hon. C. E. TALMA: On a point of order, the whole question revolves upon this point, for what purpose is the land required. Is the land required for building purposes, for business or merely as rab land?

Mr. HINDS: Mr. Speaker, the Hon. Minister is introducing some very unprincipled arguments in this Resolution. In other words, the Minister is suggesting that if you want a plot of land valued to get a bank loan the value goes up, but if you want the land valued for death duties, it goes down.

Hon. C. E. TALMA: On a point of order, I can explain myself very adequately if I want to. I said that the question of land values depends on the purpose for which the land is required. Twenty square feet of land in Broad Street is worth about \$20,000, whereas 20 square feet in another area in St. Peter or St. Lucy is worth \$20. It is a question of the purpose for which the land is required.

Mr. HINDS: It is the location of the land.

Mr. SPEAKER: There are two hon. members on their feet.

Hon. C. E. TALMA: Mr. Speaker, I introduced that point as a preamble in order to awaken the hon. member as to the true situation, but I will go on to the second point which is the actual purpose for which the land is required. Are we going to build a lovely hotel or a little shack? If you are going to build a hotel, that would be taken into consideration. Do you want the land to plant groundnuts? It is the purpose for which the land is required. If the land is rab land, rab land ten years ago which was worth nothing is the most valuable land today because it is used for building purposes and if it is near the sea it is worth \$US 25 per square foot in certain places.

Mr. HINDS: The Minister does not understand what this is all about and he has been in the real estate business for years. Mr. Speaker, if I feel to acquire a plot of land at Broad Street to lay waste it will be at half a cent a square foot, but if I acquired it to build a bank it is worth \$1 million a square foot? If I go to River Bay to acquire 15 acres to build a hotel it has value, but if I am going to acquire the same land to build resort houses or put down some factory, it is not worth anything? Irrespective of the purpose for which you require the land, you should pay the value for it.

Mr. SPEAKER: Anyhow, let us leave out River Bay. We are finished with that for the day. This is Baywoods.
12.25 p.m.

Mr. HINDS: If you are acquiring land at Baywoods, I will tell you something further. What the Government ought to take into consideration is the fact that the land has already been used, it is already in the possession of Government. I wonder if consideration is going to be given to the point that the purchase price should date back as from the day the Government took possession of this land so that the owner could have some interest on the money, because it is not fair and we are not satisfied with it. We are not pretending to be experts in every field, but if this is land on the highway, land on the public road, how could it only be worth 15 cents per square foot? It is not fair. In view of the fact that the owner has been good enough to allow Government to use the land, perhaps when coming to any decision as to the price all this ought to be taken into consideration, and we are urging upon the Government to reconsider this matter so that the owner can get the full value for the land. We have seen what went on in the case of land at Black Rock when we wanted road improvement and we want to relate one case to the other to see if Government is acting in a reasonable manner in all these cases. I beg to move that further consideration of this matter be postponed.

Mr. ELLIOTT MOTTLEY: I beg to second that.

The question was put and resolved in the negative, the House dividing as follows:-

NOES: Hon'bles, J. C. TUDOR, C. E. TALMA, G. G. FERGUSON and N. W. BOXILL, Messrs. J. W. CORBIN, R. StC. WEEKES, L. E. SMITH and J. B. SPRINGER - 8.

AYES: Messrs. W. C. B. HINDS, L. S. CRAIG, ELLIOTT MOTTLEY and C. L. BOLDEN - 4.

The question that the Resolution do now pass was put and resolved in the affirmative, the House dividing as follows:

AYES: Hon'bles, J. C. TUDOR, C. E. TALMA, G. G. FERGUSON, and N. W. BOXILL, Messrs. J. W. CORBIN, R. StC. WEEKES, L. E. SMITH and J. B. SPRINGER - 8.

NOES: Messrs. W. C. B. HINDS, L. S. CRAIG, ELLIOTT MOTTLEY and C. L. BOLDEN - 4.

RESOLUTION TO APPROVE COMPULSORY
ACQUISITION OF LAND AT ROCK
HALL, ST. THOMAS

Mr. SPEAKER: This Resolution stands in the name of the Hon. Leader of the House.

Hon. J. C. TUDOR: Mr. Speaker, I am asking leave for this Resolution to be taken charge of by the Hon. Minister of Labour.

Mr. SPEAKER: There being no objection, leave is granted for the hon. junior member for St. Thomas to move the passing of a Resolution to approve the compulsory acquisition of land at Rock Hall, St. Thomas for the purpose of highway improvement.

Hon. N. W. BOXILL: Mr. Speaker, before I go on to deal with this Resolution there is something which worries me and on which you can give me an answer not necessarily now but perhaps next Tuesday. Is it really necessary for a Minister to ask permission for another Minister to deal with a subject which is brought to the House by the Government? It is my view that any Minister should be able to deal with the subject matter of anything before the House which is brought by the Government; however, I will go on to deal with the Resolution and perhaps you can give me an answer next Tuesday.

The Addendum to this Resolution, Mr. Speaker sets out that in accordance with the provisions of Section 5 of the Land Acquisition Act, 1949, the approval of Parliament is sought for the compulsory acquisition of the parcel of land described in the Schedule in order that the purpose set out in the Resolution may be effected and that the Crown may acquire an indefeasible title to the parcel of land.

In this case, Mr. Speaker, those of us who know Rock Hall coming from St. Thomas' Church would know that there is a rock cliff which is almost in the road and when two vehicles, except bicycles, reach that point in the road at the same time there is some difficulty, so we would like to acquire this land for road improvement. The spots of land are owned by Ridgeway Plantation and by a Mr. Alonza Davis.

12.35 p.m.

Mr. Speaker, Ridgeway owns 552 square feet and 684 square feet respectively. Mr. Alonza Davis owns 398 square feet. The problem is that Ridgeway Plantation has agreed to give up the land provided we will agree to give it the marl and so forth. Mr. Davis does not want to sell his land, and the 398 square feet is the important part that we need. As a result of this there was a lot of correspondence going to and fro. *(Interruption)* I would like the Marshal to ask the Leader of the Opposition if I am interrupting him out there. If I am doing so, I will stop addressing the House, but he is certainly interrupting me.

Mr. Speaker, the Standing Valuation Committee has valued Mr. Arthur's land at 8¢ per square foot, and Mr. Davis' land has been valued at 50¢ per square

foot. There was no argument so far as that is concerned, but a lot of people have the misguided idea, Mr. Speaker, that whenever we come here to acquire land compulsorily it is due to the fact that negotiations have broken down. That is far from the truth. One of the main reasons that we come to the House of Assembly to acquire land compulsorily, generally, is when the persons concerned do not have a marketable title for the land. Sometimes an old aunt dies leaving land for people and they cannot find the papers. The relatives may have been living on the land for a number of years and so on. This is how this matter came about.

I am, therefore, asking the House of Assembly to approve the compulsory acquisition of this parcel of land in order that we may be able to go ahead with road improvements in St. James.

Hon. C. E. TALMA: I beg to second that.

Mr. HINDS: Mr. Speaker, I would like to know from the Minister if negotiations with Mr. Davis have been completed in this matter. I understand from the Minister that Mr. Davis does not want to sell his land. It would be interesting to know whether or not negotiations have been completed and, if so, if he has accepted the price, if he has now agreed to sell the land, and he has accepted 50¢ per square foot, or if it is a case where we are using the power to acquire compulsorily not because Mr. Davis does not have a title, but that we are using our authority because it has been found necessary so as to get possession of the land from Mr. Davis. *(Asides)* The Minister very well knows that it is not necessary for me to go to St. Thomas, because neither he nor I will be there.

Mr. SMITH: Mr. Speaker, now that we are dealing with the purchase of land to widen certain corners, I would like to say that this particular area is very dangerous, but you have others in the Rock Hall area which are just as dangerous. You have one leading from St. Thomas Police Station going down the road and it is just as dangerous or more dangerous than this corner. You have one at Canefield; you have two corners in Carrington's Village; you have Bloomsbury corner and Fortress Hill. Now, all of these corners should be given serious attention. I feel that the same time the Government is thinking in terms of widening one corner, it should do something about the other corners.

Sir, you have a very dangerous corner in St. Joseph leading up to Chimborazo corner; you have corners at Sugar Hill, Joes River, Airy Hill, Springfield, Braggs Hill, and so on. When you go up Braggs Hill and you turn right to enter the main road going to Joes River, then the car must have good brakes, I am drawing the Government's attention to these very dangerous bends, because now that it is thinking in terms of one corner it should think in terms of all, because we are having accidents on our roads regularly. I hope that the Minister in charge will make notes, so that when he returns to the Cabinet he can take the necessary action. You will find some

motorcars meeting practically head on, because some of the roads are very narrow. I think somebody nearly lost his life the other day near Mr. Niblock's house going towards Chimborazo.

The question that the Resolution do now pass was put and resolved in the affirmative without division.

12.45 p.m.

SUSPENSION OF SITTING

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that this sitting be now suspended until 2.30 p.m.

Hon. C. E. TALMA: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly.

On Resumption:

Mr. SPEAKER: Let the Hon. Leader of the House intimate what measure he proposes to deal with at this hour.

QUESTION TIME

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that Question Time be now taken for three quarters of an hour.

Hon. G. G. FERGUSSON: I beg to second that.

The question was put and resolved in the affirmative without division.

Mr. SPEAKER: Question No. 191 stands in the name of the hon. junior member for St. Joseph.

QUESTION *re* ADULT EDUCATIONAL FACILITIES

Mr. BOLDEN: Mr. Speaker, the Question reads as follows:

To enquire of the appropriate Minister:-

Would the Minister open evening adult educational facilities at the West St. Joseph Secondary School in the parish of St. Joseph in order to assist the people of the said parish?

Hon. J. C. TUDOR: Mr. Speaker, the reply is as follows:

Classes have been conducted at the West St. Joseph School in the parish of St. Joseph under the Adult Education Programme of the Ministry of Education since 1957. Under the Programme tuition is currently given in the following subjects:

<u>Domestic</u>		Roll	Average attendance
Domestic Science	...	7	5.3
<u>Technical</u>			
Metalwork	...	16	11.8
Technical Drawing	...	16	12.8
Technical English	...	26	20.0
Technical Maths.	...	24	18.7
Woodwork	...	26	19.5
<u>Academic</u>			
Agricultural Science	...	26	21.5
English	...	24	20.3
History	...	14	12.7
Mathematics	...	24	22.5

Mr. BOLDEN: Mr. Speaker, what hours do these classes occupy?

Hon. J. C. TUDOR: These are continuation classes, Mr. Speaker, and are always carried on after the normal school hours are over, I would think, any time after 4 o'clock until 7.30 p.m. or 8.00 p.m. In the domestic science courses, I will tell the hon. member that there are five periods of three hours each in the weekly time table, in the technical subjects two periods of two hours each, and in the academic subjects three periods of one hour each. The figures which I have given the hon. member are in respect of the 1970-71 academic year.

Mr. St. JOHN: Does the Minister not think in view of the impending reorganisation of agriculture that there is a case for classes in mechanics and driving skills for agricultural equipment at schools such as St. Joseph secondary school?

Hon. J. C. TUDOR: I do think so. As a matter of fact, I was going to comment a little while ago that the Ministry appears to put agricultural science under the academic grouping, whereas in my view it ought to be a technical subject. I understand also that at the Alleyne School which is the only one of the grammar schools offering this subject, agricultural science is now a Fifth form science subject and is taken at G.C.E. "O" level.

Mr. BOLDEN: With the permission, these are really continuation classes - I am not asking a question.....

Mr. SPEAKER: I am afraid one may only ask a question now. It may be put supplementarily.

Mr. BOLDEN: Would the Minister consider fixing these subjects for hours beginning at the usual evening adult hours between 6 p.m. and after?

Hon. J. C. TUDOR: Do you mean you want a longer period for study?

Mr. BOLDEN: These classes are really continuation classes at the West St. Joseph School and go on from 4 p.m. until 6 p.m., but what we want are adult classes which begin at 6 p.m. and go on to 9 p.m. or 10 p.m.

Mr. SPEAKER: Make the supplementary question clear.

Hon. J. C. TUDOR: The point is taken and I will draw this to the attention of the Ministry.

Question No. 145 stands in the name of the hon. senior member for St. Thomas who is absent on public duty, and I will let it remain on the Order Paper.

Question No. 167 stands in the name of the hon. junior member for Bridgetown.

QUESTION re CHURCH VILLAGE AREA

Mr. ELLIOTT MOTTLEY: Mr. Speaker the Question reads as follows:-

To enquire of the appropriate Minister:-

Will the Minister state what, if any, is the official Government policy, in relation to the future development of the Church Village area in the City of Bridgetown?

Hon. J. C. TUDOR: Mr. Speaker, the reply is as follows:

"The official Government policy, in relation to the future development of the Church Village area in the City of Bridgetown is fully outlined at paragraph 7. 116-127 Slum Clearance, on pages 48-51 of the Physical Development Plan for Barbados as prepared by the Town and Country Development Office with United Nations Technical Assistance. The objections and representations will be heard during the month of June, 1971, after which the Plan will be put up for approval in accordance with the Act."
2.40 p.m.

Mr. SPEAKER: Question No. 145 standing in the name of the hon. senior member for St. Thomas has to remain on the Order Paper. We will deal now with Question No. 183 standing in the name of the hon. senior member for St. James.

Mr. CRAIG: Mr. Speaker, the question reads as follows:

To enquire of the appropriate Minister:-

Is the Government aware of the fact that passengers who travel in Government-owned buses have to use umbrellas and rain coats to protect them from the rain when they are travelling in the above-mentioned buses?

If the answer to the above is in the affirmative, will the Minister take steps to rectify the matter at the earliest opportunity?

Hon. G. G. FERGUSON: Mr. Speaker, the reply is as follows:

1. No, Sir.

2. Does not arise.

Mr. CRAIG: I wonder if the Minister would be able to say if they carried out any investigations to give that answer, and if so, with whom and when did they carry out these investigations.

Hon. G. G. FERGUSON: Mr. Speaker, an investigation was carried out by the Transport Board as well as by the Inspector of buses and it has been discovered that not one of the Transport Board buses has ever been in that state.

Mr. HINDS: Mr. Speaker, can the Minister tell us if repairs have had to be effected to the sides of any of the Transport Board buses since the tabling of this question?

Hon. G. G. FERGUSON: Mr. Speaker, not to my knowledge, I would have to investigate that.

Mr. CRAIG: Mr. Speaker, in the light of that I wonder if this question could remain on the Order Paper; I am told by the Minister that an investigation was carried out by an Inspector but at the time of the incident an Inspector might not have been around.

Hon. G. G. FERGUSON: Mr. Speaker, if the hon. junior member for St. Peter would like to ask a question, he is entitled to ask a question but that would be a separate and distinct question.

Mr. HINDS: Mr. Speaker, is the Minister saying that his investigations were with respect to the leaking roofs only of these buses?

Hon. G. G. FERGUSON: Mr. Speaker, the buses are operated by the Transport Board, not by my Ministry, and if there is any question to ask here the only place I can get the answers from would be from the people who look after them, and I can assure the hon. member that I have had investigations carried out by more than one person.

Mr. CRAIG: Mr. Speaker, I wonder if the Minister can say anything about the driver of the bus who had to be suspended.

Hon. G. G. FERGUSON: Mr. Speaker, when the hon. member can say the number of the bus, the time it took place and everything else, I would be in a better position to ask about that particular bus, who was the driver, who was the conductor, and carry out an investigation.

Mr. HINDS: Mr. Speaker, my question to the Minister was whether or not his investigations were

directed towards leaking roofs only. I would like to hear the Minister's reply to that.

Hon. G. G. FERGUSON: Mr. Speaker, the question that was asked was submitted to the Transport Board.

Mr. CRAIG: Would the Minister be able to say whether any repairs were done to the bus except mechanical repairs?

Hon. G. G. FERGUSON: I have already said I would have to know the particular bus; repairs are always being carried out to buses.

Mr. HINDS: To the roofs?

Hon. G. G. FERGUSON: Mr. Speaker, buses are inspected just like any other vehicle at Highways and Transport. If a proper inspection was carried out, the roofs would be part of the survey carried out.

Mr. CRAIG: Sir, what we are concerned with here is that since this question asked about people using umbrellas, the Minister is saying that repairs were done to buses, it is therefore possible.....

Mr. SPEAKER: What is the question?

Mr. CRAIG: I am coming to the question.

Mr. SPEAKER: More directly please.

Mr. CRAIG: I will, Mr. Speaker, Since the Minister is saying you have to carry out repairs to these buses, is it possible that buses could have been leaking at the time and people had to use umbrellas?

Hon. G. G. FERGUSON: Mr. Speaker, I have already told the hon. member that buses are inspected and repaired; I also said that if a bus is inspected, deterioration to a roof is nothing that would come about overnight and therefore it would have to be noticed some time before. If at the time of inspection the bus was properly inspected defects to the roof would show up at the same time.

Mr. CRAIG: Therefore it is possible then that some buses could have been leaking and that is why repairs were carried out.

Hon. G. G. FERGUSON: It is possible if there were any collisions; the hon. member should have got the number of the bus, the time people had to shelter and then I would be able to carry out a detailed investigation.

Mr. SPEAKER: No. 184 stands in the name of the same hon. member.

Mr. CRAIG: Mr. Speaker, to enquire of the appropriate Minister:

Is Government aware that a bus driver had to bring to a halt a Government-owned bus and seek shelter from the rain in a nearby shop?

If the answer to the above is in the affirmative, will the Minister take appropriate steps to rectify the situation immediately?

Hon. G. G. FERGUSON: Mr. Speaker, the reply to Question No. 184 asked by the hon. senior member is as follows:

(1) No, Sir.

(2) Does not arise.

Mr. CRAIG: Would the Minister be able to state whether a Mr. Archer was dismissed on 17th day of April, who was the driver of bus M. 1381?

Hon. G. G. FERGUSON: Mr. Speaker, would the hon. member really expect me to state here and now who was driving the bus at that time?

Mr. CRAIG: Mr. Speaker, the Minister just asked me to state the number of the bus, the name of the driver etc., and now I am doing that he is objecting. 2.50 p.m.

Mr. SPEAKER: No. 189 standing in the name of the hon. senior member for St. James. It can be found on the left hand corner of page 16.

INSTALLATION OF STREET LIGHTS AT MORGANS AND SEA VIEW

Mr. CRAIG: Mr. Speaker, to enquire of the appropriate Minister:-

Will the Minister treat as an urgent priority the installation of street lights at

(a) Morgans

and (b) Sea View

in the parish of Saint James?

Hon. G. G. FERGUSON: Mr. Speaker, the reply to Question No. 189 asked by the hon. senior member for St. James is as follows:

Morgans and Sea View are considered to be one and the same area.

Provision for the installation of 17 new fluorescence lamps in this area was made in the 1971-72 Estimates which were passed by the House before the 31st March, 1971.

Mr. SPEAKER: That concludes Question Time.

Mr. ELLIOTT MOTTLEY: Mr. Speaker, I beg to move that Private Members Business be now taken for an hour and a half.

Mr. CRAIG: I beg to second that.

Hon. G. G. FERGUSON: Mr. Speaker, there is also Question No. 157.

Mr. SPEAKER: I apologise if I did not hear that.

Hon. G. G. FERGUSON: Mr. Speaker, that remained from the last sitting when the hon. junior member for Bridgetown was absent.

Mr. ELLIOTT MOTTLEY: I do not want to hear about that now. Let it be laid on the Table of the House, Sir. It is not on the Order Paper.

Mr. CRAIG: Mr. Speaker, the hon. junior member for Bridgetown moved that Private Members' Business be taken for an hour and a half, and I have seconded the motion.

Mr. ELLIOTT MOTTLEY: Mr. Speaker, the reply to the question has already been laid and circulated.

Hon. G. G. FERGUSON: Mr. Speaker, I beg to draw Your Honour's attention to the fact that there is no quorum and to ask that the Bell be rung.

Mr. SPEAKER: Let the Bell be rung.

The Bell was rung but no quorum was obtained.

Mr. HINDS: Mr. Speaker, why were we brought here at ten o'clock this morning?

ADJOURNMENT

Mr. SPEAKER: I am afraid that I do not observe a quorum. Accordingly, I declare this sitting adjourned until Tuesday of next week at twelve o'clock noon.

3.00 p.m.