
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION OF 1976 - 81

HOUSE OF ASSEMBLY

Tuesday, 19th April, 1977

Pursuant to the adjournment, the House of Assembly met at 12.15 p.m. o'clock.

PRESENT

His Honour E. E. ALLEYNE, LL.M., (Deputy Speaker); Rt. Hon. E. W. BARROW, B.Sc., LL.D.; Mr. R. StC. WEEKES, J.P.; Hon. C. L. BOLDEN, LL.B., (Minister of Agriculture, Food and Consumer Affairs); Hon. F. G. SMITH, Q.C., S.C., B.A., (Leader of the Opposition); Hon. H. deB. FORDE, S.C., M.A., LL.B., (Attorney General and Minister of External Affairs); Hon. Miss B. A. MILLER, (Minister of Health and National Insurance); Hon. L. B. BRATHWAITE, (Minister of Communications and Works); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Mr. M. C. C. WARD; Hon. H. B. ST. JOHN, Q.C., LL.B., (Deputy Prime Minister, Minister of Caribbean Affairs, External Trade, Industry and Tourism and Leader of the House); Mr. V. L. JOHNSON, M.A.; Mr. B. M. TAITT, M.A.; Hon. L. R. TULL, M.A., (Minister of Education and Culture); and Mr. DeL. O. BRADSHAW.

Prayers were read.

MINUTES

Mr. DEPUTY SPEAKER: I have the honour to inform the Chamber that the Minutes of the last meeting of this House are not available. My understanding is that the machine at the Government Printery broke down and that accounts for the absence of the Minutes and the fact that the Order Papers have been delivered late.

Mr. SISNETT, Mr. SANDIFORD and Rt. Hon. J. M. G. M. ADAMS entered the Chamber and took their seats.

NOTICES OF QUESTIONS

Mr. SANDIFORD: Mr. Deputy Speaker, I handed in a question in accordance with the Standing Orders, but I have not been called upon yet to ask that question. It is relating to the total number of income tax payers in this country which I do not think is a matter which is or should be of its nature secret.

Mr. DEPUTY SPEAKER: My understanding is that the Speaker disallowed that question.

Mr. SANDIFORD: But, Mr. Deputy Speaker, I think I am entitled to some type of explanation of this particular matter. Is it the whole question? For instance, the first part of the question asks how many taxpayers are there in Barbados. Is this something that an hon. member cannot ask or is not entitled to know. I do not know if this has been designated.....

Mr. DEPUTY SPEAKER: My understanding is that the Speaker disallowed the question, and so far as this occupant of the Chair is concerned, that ruling is final.

REPLIES TO QUESTIONS

Hon. L. R. TULL: Mr. Deputy Speaker, I beg to give notice that Oral Replies to Parliamentary Questions Nos. 14 and 15 asked by the hon. member for St. Philip South are ready.

GOVERNMENT BUSINESS

Hon. H. B. St. JOHN: Mr. Deputy Speaker, I am asking leave to take Order No. 9 as the first Order of the day.

Hon. F. G. SMITH: Mr. Deputy Speaker, even although it is the Government's right to call business, today is certainly not a day for the Government under Standing Order No. 31. Last Friday when the House met, Standing Order No.

31, I am instructed by the Clerk, was not suspended. I want to make that quite clear. Standing Order No. 31 clearly says: "DEBATE ON FINANCIAL STATEMENT AND BUDGETARY PROPOSALS. (1) The two sitting days....." (of which this is one) "which shall immediately follow the Annual Financial Statement and Budgetary Proposals shall be allotted to debate thereon. (2) The total debating time shall not exceed, on either of these days, the maximum debating time allotted by Standing Order No. 6 for a day's sitting."

12.25 p.m.

This Standing Order was operative last Friday, it is operative today, and if the Government really intended, as they seem to do, to shut out a reply from the Opposition on a budget that is claimed to be such a good budget, then this Standing Order should have been suspended from last Friday. What I am saying, Mr. Deputy Speaker, is simply this, and I want to draw your attention to certain other aspects of this matter. This Standing Order is operative and therefore today is one of the days allotted for debate on the budget.

I need not draw to your attention how hurriedly they were to shut out the Opposition, that even the self-congratulatory Resolution moved by the speaker last Friday congratulating the Minister of Finance, according to Rule 22 for giving notices did not even comply as far as I am aware with the Rules of the House. You will have noticed, Mr. Deputy Speaker, and if you will look at the Order Paper you will see where it says quite clearly that notice of this Resolution was given the same day. The first Items of the Day says as follows. Mr. Deputy Speaker:

"On the motion of the Rt. Hon. J. M. G. M. ADAMS, seconded by the Hon. C. L. BOLDEN, the Resolution congratulating Government on the Financial Statement and Budgetary Proposals for the year 1977-78, of which notice had been given earlier in the sitting, was passed."

Let me read to you what the Rule says on that, Mr. Deputy Speaker, Order 22 Rule 3. I will read the whole rule, I do not want there to be any misunderstanding, the public must understand what was being attempted last Friday.

"Where under any Standing Order or the practice of the House notice is required, such notice shall be given —

(a) when the House is sitting by being handed in at the Table; or

(b) when the House is not sitting by being handed in at the office of the Clerk within the hours prescribed for the purpose.

Every notice must be in writing and signed by the member giving it. Not less than three clear days' notice of a motion shall be given unless it is Government Business introduced in the name of a Minister, in which case one day's notice shall be sufficient."

Now on Friday it was given immediately after the Minister of Finance made his speech, and it was passed the same night without compliance with this particular Rule, or without the suspension of this particular Rule. This Rule was never suspended, and was never among the Rules suspended last Friday either. Now it goes on:

"The Clerk shall indicate the day upon which a notice was handed in unless it is a notice for the next sitting of the House, etc., etc. and then it shall be submitted to the Speaker who shall direct that it be printed in the terms in which it was handed in, or that it be printed with such alterations, or that it be returned to the member who signed it as being in his opinion out of order."

All these are rules dealing with the manner of giving notice. None of this was complied with when the Prime Minister gave notice of his self-congratulatory motion, but it was passed, so this only gives you, Mr. Deputy Speaker, some idea of what is happening in this Hon. House, and we are claiming our right, we are not asking for any special privileges, we are saying that under the rules of this Hon. House, Rule 31, debate on the budget must continue today and tomorrow, or whenever the next sitting day happens to be, and there is no way you can get around it.

I can appreciate your position, Mr. Deputy Speaker, sitting in the Chair, sitting on the hot seat, but I am relying on your integrity and strength of character to protect the rights of the Opposition, and I am asking you to look at Order 31 as it is in this book by which we are guided and say, and rule as you ought to, that the debate under the rules in the absence of any suspension must continue today, and that is the only business that will be done today.

Hon. H. B. ST. JOHN: Mr. Deputy Speaker, I would like to draw to your attention certain

basic facts, and unlike the hon. member I do not find it necessary to make any veiled insinuations as to your integrity. The hon. member has not set out to Your Honour the true position of what took place on Friday.

The true position, as I understand it, was that a motion was put and the motion was disposed of by the Speaker calling at the end of the speeches on this side for any other speeches from the other side, and the matter was duly put to the vote. It is my contention that any reasonable reading of Order 31 makes it clear that two days will be allotted but only if it is necessary. Common sense will dictate that if the Opposition does not desire to take advantage of the period of time by speaking, that this House must be able to dispose of the business of the Financial Statement. It is their fault, it is the Opposition's fault for not taking the invitation extended by this side to commence debate. Full opportunity was given to them, the truth of the matter is they were not ready, they wanted time to go home and prepare, and it is their fault, and the rules cannot in my submission mean that two days automatically must be devoted to a debate and no other business done if there is no one who wants a debate.

Let us follow this to its logical conclusion. If we move a motion on the financial provisions and only one member on that side decided to speak, what is the Speaker to do? Say that today we cannot do any more business because two days are allotted? We must come in the next sitting day and he says we cannot do any more business till the end of the day because two days according to the rules are allotted? That would make nonsense of the words, and I do not have to remind Your Honour of the well known legal principle that in interpretation when you interpret it it has to be interpreted in accordance with commonsense.

I will go further, Sir, on the question of notice. The hon. member read out the rule, and the rule says quite clearly to notice,....."where under any Standing Order or the practice of the House notice is required." Now, Sir, the hon. member has not cited a Standing Order which requires that a motion has to be put in relation to the financial proposals, nor has the hon. member alleged at any time in the course of his speech that the practice of this House demanded that when you are dealing with financial proposals a particular period of notice is required. 12.35 p.m.

My understanding of the practice is, Sir — and I challenge the hon. member for St. John to

state in here any occasion on which he has ever given a day's notice of his Financial Proposals by bringing a motion in this House for a debate before the actual budget. That has never happened in Barbados. The practice is that on the same day the Budget is moved — (Aside) the hon. member will have plenty of opportunity to speak. He had his opportunity last week, last Friday, and he did not speak.

The practice has always been that on the very day of the Budget a motion is moved and that motion is disposed of. No previous notice of the motion is given. An intimation is given that on such and such a day the Budget will be delivered; but no specific motion is given a day in advance of the Budget for that rule to be complied with. So the fact that that has not been done previously is clear, indicative evidence, in my humble submission to you, that the practice is that it is done at the same moment. That is why the Speaker calls for contributions in respect of that motion. That, in my submission, is the practice of this House, and in the circumstances the Opposition has no one to blame. It is in my opinion a dishonest attempt by anyone.....

Hon. F. G. SMITH: Mr. Deputy Speaker, if the Minister wants the House to go on peacefully he cannot refer to that because I am the only one who has spoken. He cannot say that it is a dishonest attempt. He must withdraw it.

Hon. H. B. St. JOHN: I am not withdrawing that. I say that it is a dishonest attempt for anyone — (*Asides*).

Mr. DEPUTY SPEAKER: Order, please.

Hon. F. G. SMITH: Mr. Deputy Speaker, I am the only one who has spoken. I am the only one who is asking for a debate. So he can couch it as vaguely as he likes, it is obvious that he is referring to the member who is the only one who has spoken so far. If he wants to call me dishonest, we can get on with that for the whole day. I am asking him to withdraw it, because it is a reference to me.

Mr. DEPUTY SPEAKER: My ruling is that the Hon. Deputy Prime Minister had not gone sufficiently far to refer to the Leader of the Opposition.

Hon. H. B. St. JOHN: I say that it is dishonest with these facts as they are presented by me, to say that the Government is trying to prevent or has prevented anybody from debating the budget proposals. That is my submission, Sir.

Mr. TAITT: Mr. Deputy Speaker. (*Asides*)

Mr. DEPUTY SPEAKER: Order, please.

Mr. TAITT: Mr. Deputy Speaker, are you entertaining other submissions on this? (*Asides*)

Mr. DEPUTY SPEAKER: Order, please.

Rt. Hon. J. M. G. M. ADAMS: Mr. Deputy Speaker, can I speak on the motion that Order No. 9 be the next order of Government Business?

Mr. DEPUTY SPEAKER: You may.

Rt. Hon. J. M. G. M. ADAMS: Thank you, Sir. Why I am supporting this motion made by the Leader of the House that Order No. 9 be the next order of Government Business is for the very simple reason that, in my submission, Order No. 1 has been disposed of and should never have appeared on the Order Paper at all, and the remaining Orders, the Bills to which they refer have not been gazetted; and therefore automatically I would suggest that you come to Order No. 9, no matter what you say on this debate as long as it is going to be Government Business.

I would like, without in any way seeking to put a gloss on what the Leader of the House has said, just to support his argument that clearly, as a matter of commonsense, anybody who is familiar with the interpretation of language must know that the allotting of two days to parliamentary debate does not mean that the House has to come back for two days if nobody wants to talk.

The hon. member for Christ Church South Central was not in fact present when notice was given of the Resolution referred to in Order No. 1; but the Leader of the Opposition, the hon. member for St. John, the member for St. Michael South West, the member for St. Philip North and other members were present and nobody objected. Nobody objected at the time; and therefore I would really say that not to object at the time that the notice was given, and then to come back later after the Resolution has been passed, is really an example of what I cannot in this House call intellectual dishonesty and hypocrisy, the like of which I have never seen. I cannot call it that, Sir, so Your Honour will substitute an expression within the rules of parliamentary order which convey the same thing to those who understand it.

It is undoubtedly a fact that the practice of the House does not require notice of a

Resolution to debate the Budget. The last time I heard this seriously raised was by Mr. A. DaCosta Edwards four years ago when I gave notice at the end of the speech by the hon. member for St. John, and Mr. Edwards got up and said that notice is needed. As far as I know, the House dealt with the matter comprehensively and the debate proceeded.

I have heard something about a self congratulatory motion. I would like hon. members to hear what motion was moved on August 4th last year by the then Minister of Finance speaking on the Budget. This is the amendment which he moved: "That the House takes notice of the Financial Statement and Budgetary Proposals of the Government and commends the Government for the sound measures taken to reduce inflation, and to ensure the continuing economic stability of the country."

So apparently when I moved in formal style, so as to give the Government a chance to carry on a debate — a motion congratulating the Government on its proposals, that is self congratulatory; but when the hon. member for St. John moves it, he is going to seek to shelter behind the fact that he was only using an amendment to avoid the epithet of self congratulation; and that is also what I would call, if I were permitted to call it in here, intellectual dishonesty and hypocrisy. What apparently was sauce for the goose on August 4th is not sauce for the gander on April 15th.

It is time that people try to remember what they have said. I do not believe that the hon. member for St. John can remember anything that he has said in his life, if his performance over the last six months is to be any guide. Self congratulatory indeed. The hon. member knows perfectly well that the most satisfactory way of carrying on a Budget Debate is for the Government to move a motion indicating what it wishes to congratulate itself about — if you want to use the term self congratulation and let the Opposition move an amendment which will indicate what it wishes to attack the Government about.

I think, Mr. Deputy Speaker, that the sooner the rules are amended to systematise the Budget Debate a little more, the better off all of us will be. At the present time we are held within the shackles of requiring notices and so on and so forth; but as soon as this is dealt with so that we do not have these petty arguments about notices, and self congratulation and not self congratulation the better off all of us will be.

For what it is worth I would like to say, even though it may be a little bit provocative, that my opinion is that the Opposition was not prepared to deal with a Budget Speech that lasted for over three hours. For if it had started at 12 o'clock in the day, the Opposition were not going to reply to it at 4 o'clock. For what it is worth I will also say that Cabinet considered on more than one occasion the very argument about the matter going on until 12 o'clock and would have been prepared to entertain a request that it be recorded and repeated if necessary.

For what it is worth, I will say that I spoke personally to the hon. member for St. John and invited him to start. He said that he did not want a break. I said start and finish and let some other members of the party come back on Tuesday, and he indicated at that stage that he thought I would be speaking for an hour. He showed me and said, "I have the notes here. I was prepared to reply to you for that length of time; but you went on a very long time." I think that he used the word "comprehensive"; and my notes are here. Some expressions like those he used, but indicating to me that he was not at that stage prepared for a Budget of that length and could not reply to it.

12.45 p.m.

He did not say that. I said indicating to me. He made.....

Rt. Hon. E. W. BARROW: On a point of explanation, Sir. It only shows the danger of even saying good morning or good evening to the hon. member. The hon. member stopped me on my way out of the Chamber and suggested at that time that I should go on for a limited time and allow my colleagues to come in today — I think today is Tuesday — when they would feel that they have television, but I would be covered by television and they would not be covered. I said that was absurd and I walked out.

Rt. Hon. J. M. G. M. ADAMS: The hon. member started so well. For at least two sentences he told the truth. Why could he not continue? I stopped him as he was walking out — perfectly true. I told him that I would intercede with the Hon. Acting Leader of the House if any further accommodation was wanted. He told me that he had notes for only an hour and he did not want to break his statement.

Rt. Hon. E. W. BARROW: Sir, that is incorrect. As I said, it teaches one the dangers of even saying good morning to the hon. member. I am trying to be polite to him.

Rt. Hon. J. M. G. M. ADAMS: Is the hon. member seriously going to tell this House and tell me — he and I were present and others were there too. Is he going to look me in my eye and tell you that I said to him that he could have television and the other members of his party could not? As a man I challenge him to

Rt. Hon. E. W. BARROW: The hon. member suggested that I could have the television, and that they could come back and talk as long as they like on Tuesday, which was suggesting that they were not going to have any television. The hon. member said to me, in what was clear and unequivocal terms, that if I was concerned about the television I could have it and then let the others come in and talk as long as they like on Tuesday.

Mr. DEPUTY SPEAKER: Your point is made.

Rt. Hon. E. W. BARROW: That is what he said, Sir.

Mr. DEPUTY SPEAKER: Thank you. You have made your point. If the Hon. Prime Minister would

Rt. Hon. J. M. G. M. ADAMS: It is very undignified for two people to stand up and argue about what they said to each other. My impression was that I said quite clearly to the hon. member that he could let some of his members get a piece of the T.V., too. If he misheard me that is his misfortune and not mine.

Mr. DEPUTY SPEAKER: If you can come back to the main point

Rt. Hon. J. M. G. M. ADAMS: Anyhow, this reflects or this is the danger, evidently, when Prime Minister speaks to former Prime Minister, Sir. This is one of the dangers. (*Asides.*)

Mr. DEPUTY SPEAKER: Order, please!

Rt. Hon. J. M. G. M. ADAMS: This is one of the dangers in all these circumstances, Sir. On the question of the motion, I am submitting that this motion is one that has to be passed. There is no other business that can now be done but Order No. 9. There are all sorts of points about this Budget reply. I have no right to offer the Opposition time to reply to the Budget. The Rules give them the right. They can put down a Private Members's notice now and they can go on for the rest of the year debating it, as they made us do one year when we were in opposition. I

could not make any offer to the hon. member for St. John for him to speak on T.V. and his members not to speak on T.V. That would follow in the ordinary course of things. I could not make that offer. That is how it would be. The only offer I could make would be a concession to allow them to appear on T.V. because they would not need any concession from me not to appear on T.V. They were going to speak without the T.V. unless I made such a concession. I am sure Your Honour appreciates the point.

Any offer relating to letting the other members get a piece could only relate to getting a piece on T.V. The Rules of the House give them piece ordinarily, and they are at liberty to set down a motion now and have it debated. They are at liberty to do what they used to force us to do when we were in Opposition. Anybody can remember Mr. Llody Smith speaking for something like five consecutive Tuesdays making a contribution to the Budget Debate and having to take it up piece by piece in Private Members' time every single week as time went on. We then had Mr. Ernest Mottley adding his little quota. I believe that one Budget Debate went on for something like 16 sittings of Parliament, and at the very end they never passed the Resolution. It was either overtaken or it was abandoned on some day when whoever should have been speaking was not present.

A great deal is being made of the fact, in my submission, Mr. Deputy Speaker, that the Opposition was unprepared for the events of last Friday. That is all it comes down to. Last year I recall the Budget Proposals being handed to me immediately before I rose to speak. It was the first time it has ever been done to me. I read in the Press that the former Prime Minister says he used to circulate the Budget Proposals a few days in advance to the Opposition.

Rt. Hon. E. W. BARROW: I have never in my life made any such statement.

Mr. DEPUTY SPEAKER: Your point is taken.

Rt. Hon. E. W. BARROW: How could one circulate a Budget before the Cabinet saw it?

Rt. Hon. J. M. G. M. ADAMS: Today's *Advocate* reads as follows:

"The former Prime Minister said that Budget Speeches were first made in 1962. Then there was no Minister of Finance. What was done, he said, was to circulate the speech and give the Opposition Leader a few days in which to analyse it."

Is this what the hon. member is denying, Sir?

Rt. Hon. E. W. BARROW: On a point of explanation, Sir. I am objecting to what the hon.

member alleges that I said: That I used to give the Opposition the Budget Speech a few days before I delivered a Budget Speech.

Mr. DEPUTY SPEAKER: Is the Prime Minister continuing his speech?

Rt. Hon. J. M. G. M. ADAMS: Yes, Sir. I am continuing my speech. Perhaps what the *Advocate* has put down is, indeed, susceptible of misunderstanding. I must confess, Sir, that I really misunderstood it when I read it this morning. I see here "The first Budget Speeches were made in 1962. Then there was no Minister of Finance." I notice the hon. member has not contradicted that.

Rt. Hon. E. W. BARROW: On a point of order, Sir. I am contradicting that. I said before 1962 there was no Minister of Finance. There was a Minister of Finance from December, 1961.

Rt. Hon. J. M. G. M. ADAMS: Again I am not sure what the hon. member means. I believe there was a Minister of Finance in 1954. I think that the *Advocate* indicated that there was no Minister of Finance in 1962, maybe, making much the same point as the hon. member for St. John is making. Others might argue that there was no Minister of Finance in 1974 or 1975 either. These are mere points of pejection.
12.55 p.m.

The hon. member for St. John has himself to blame if he is on record as saying in the *Advocate* that there was no Minister of Finance in 1962. Anyway, Sir, as I say, all of this has gone on; I am sorry for the Opposition if they were taken by surprise. I would just make a point which apparently nobody has made before, that the script of the Budget was handed to the Leader of the Opposition just as I rose to speak. He shared it with the hon. member for St. John, I saw him showing it to him myself, he also allowed the hon. member for St. Michael South West to see it. In other words, two private members of the House not Privy Councillors, did have an advantage which is denied to all hon. members on this side. They knew at that time that it was 94 pages long and at least the hon. member for St. Michael South West ought to be aware, at least I have reason to believe he ought to be aware, of how long it takes to read a page of foolscap spaced that much; it takes approximately two minutes. The Budget Speech lasted 188 minutes; twice 94 is 188, therefore from the moment I got up to speak it was possible for the Leader of the Opposition to know that I was going to speak for three hours. From the moment I got up to speak at 5 o'clock

he should know that, and how come he could not contact the Leader of the House with a note, how come it was only at 8.30 p.m. all of a sudden it was discovered that it would go on until 12 o'clock if they were to reply immediately?

Mr. Deputy Speaker, the length of the speech was known by the Leader of the Opposition before the speech was concluded, and how come from nowhere at all he was taken by surprise at 8.30. Also, as far as I was able, I kept a careful watch on the script of the speech and it did not appear to me to leave the position a little to the left of the Leader of the Opposition. It is not as if he had a glance at it and did not have a chance to study it; it was close to his hand the whole time although not in his exclusive possession, and I noticed also that he left the House leaving the Budget Speech in here before the tax proposals had been reached.

I am not making any reflection on the integrity of the Leader of the Opposition. I am not in any way suggesting that. I am just suggesting that properly, if he does not mind my saying so, his obligations as a Privy Councillor would have demanded that if he was called outside the House for any reason, that he at least fold up the speech and put it away. Anyhow these are only minor points.

Hon. F. G. SMITH: On a point of explanation, this is becoming a big joke. If I had papers in the House and I am called out, he is broadcasting a speech over the air and television, is there something wrong leaving the speech in the House where everybody is sitting down? If I had carried it out before you had finished, you could say that I told somebody outside, but when I left it in here, are you telling me and the public that something is wrong with that? If I had carried it out with me before the proposals were read, you might have sworn I had told somebody outside so that they could go and benefit.

Rt. Hon. J. M. G. M. ADAMS: If the hon. member thinks about the entire matter, he will perhaps reflect that the confidentiality of matters conveyed to the Leader of the Opposition demands a certain style of dealing with matters. The first one that we had a little trouble with, — I have not mentioned this before and I am not dwelling on it — related to the Commission to pay Parliamentary salaries which was conveyed to the Leader of the Opposition so that he would not read it in the

press for the first time, and so that he would know before we made an announcement; it was given to him with the intention that when we were sure he had it in his hand we could then make the announcement, but we read the announcement indeed unexpectedly. That is all I can say and I believe myself that other members of the Opposition knew of that communication and were responsible rather than the Leader of the Opposition for conveying the contents of a letter sent by the Cabinet to the Leader of the Opposition to the press. I must say I believe that. I do not believe the Leader of the Opposition did it personally, but I believe other members of the Opposition did it.

Hon. F. G. SMITH: On a point of explanation, any time you or anybody writes me and wants it confidential, mark it confidential. The letter had nothing confidential on it and I am entitled to discuss it with my colleagues if I so desire in my capacity; so do not give the impression that I revealed or somebody revealed something that was a state secret. Any time you want anything to be confidential, mark it confidential, but any correspondence to the Leader of the Opposition that is not confidential will be discussed with my colleagues.

Rt. Hon. J. M. G. M. ADAMS: Do you mean including the Budget, Sir?

Now, Sir, as far as I am concerned the Leader of the House has made his position clear. I would like to say I support it. The Opposition is welcome to have all the time to discuss the budget as much as they want. All they have to do is to put down a Private Members' motion and they can have Private Members' Business for as long as the Rules of the House allow. They can have 3½ hours subject to any amendment which they move and which can extend it to more, and any contributions which we make. They are welcome to have all the time allowed by the Rules of the House for debate on the Budgetary Proposals.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, when there is a little order in the Gallery I can proceed with what I have to say.

Mr. DEPUTY SPEAKER: You may proceed now.

Rt. Hon. E. W. BARROW: My Deputy Speaker, there is a measure of frivolity which perhaps is better than the acrimonious debates

which sometimes take place in here, but I should like to bring this matter back to its proper perspective in order to assist you, because I have been in here a little longer than many of the people who are now in here, and I want to make a serious attempt to assist the Chair in this matter.

These Standing Orders were revised and printed somewhere around 1973 and even before they were printed, from 1962 for the first time in the history of Barbados we had the practice of introducing a Budget Speech made by the Minister of Finance. We had no specific rules at that time dealing with it and in accordance with the practice in colonial territories as we then were, where the Rules of the House of Assembly happened to be silent we would fall back on the parliamentary practice and usage of the United Kingdom, and the Speaker frequently resorted to Sir Erskine May's Treatise on Parliamentary Practice and Procedure which the Clerk has on the extreme left hand side under the Mace in front of him which I can discern from here.

Since 1973 we have our own Standing Orders on the subject, and there has not been really a substantial departure since the Standing Orders were reprinted in 1973 after a Joint Committee of both sides of the House revised the Standing Orders of this Chamber. Frequent references have been made from time to time by the Hon. Minister of Finance to the procedure in the United Kingdom. His interpretation of this procedure has varied also from time to time depending as far as I can discern on what he wanted to do at a particular time, but some of the references he has made, for instance, were of the nature of the right of the Opposition to reply at the same time that the Budget Speech was made, that is, immediately after. Then on another occasion he pointed out that the Leader of the Opposition replied to the Chancellor of the Exchequer and then the real substantive reply was given by the Shadow Minister of Finance, so that in truth and in fact the Opposition had two rights of reply.

1.05 p.m.

I mention this because I am going to quote from the last debate we had on the Financial Statement and Budgetary Proposals to show exactly where the Hon. Minister of Finance stood at that particular time. When the Standing Orders were published in 1973, Sir, the Standing Orders merely formalised or institutionalised something that had been taking

place from 1962, that is for 11 years, and from 1962 it was the practice of the Minister of Finance to inform the House at a sitting that on such and such a date he proposed to deliver the Financial Statement and Budgetary Proposals, and this was a Special Sitting of the House. I say that because the hon. member for St. Thomas and Minister of Finance said that no motion was made. No motion was ever made by the Government benches on the budgetary proposals because the budgetary proposals are a ministerial statement.

What happened last year, in 1976, was that an amendment was made by me to a motion made by the hon. member. I will come to the whole question of motions in a moment, Sir. The budgetary proposals are a ministerial statement, and there was some stricture being levelled today by the Hon. Minister of Finance that we never introduced a motion, which is absolutely true. If I were imitating his style I would say the only accurate statement that he probably made today, but I do not want to follow his bad example, because it was a statement and still is a statement made by a Minister. There is provision in the Orders of the Day for statements made by Ministers, and that is what the budgetary proposals are.

In contra-distinction, Sir, as you are well aware, in the United Kingdom where the Finance Bill is introduced somewhere in the first week of April in each and every year by the Chancellor of the Exchequer, and there is debate on the Finance Bill, we need not have a Bill at all, it is not necessary to give motions because we have since 1965, Cap. 38 or something like that, something called the Provisional Collection of Duties Act which does not make it necessary for the Minister of Finance or any other member of the Government to introduce a Bill in order for the imposts which are adumbrated by the Financial Statement to become part of the law of the land. As soon as a Minister makes a statement and the Minister says that these duties become effective as from today, tomorrow or from the first of next month the Government has four months within which to pass the necessary legislation and the dues are collectible as from the time the Minister makes his statement. You will find that set out clearly in the Provisional Collection of Duties Act which, as far as I remember is 1965, but

Mr. DEPUTY SPEAKER: Cap. 85 of the new laws.

Rt. Hon. E. W. BARROW: Cap. 85, you are correct, Sir. Your memory being younger is

more accurate than mine. That was a Bill which I drafted ten or eleven years ago, and it was a very useful device, because we had to sit down in here sometimes till 2.00 and 3 o'clock in the morning to pass Bills which obviously the commercial community could make unjust profits if the Minister announced, let us say, that gasoline was going to go up and we did not pass a Bill saying that the duties were collectible it meant the commercial community could make unjust profits out of the mere pronouncement made by the Minister of Finance, so I inaugurated that piece of legislation, Cap. 85.

Now, Sir, the Minister of Finance never as I said, in contra-distinction to the United Kingdom where the Finance Bill was the subject of debate, the Minister of Finance never made a motion, but the practice grew up in order to give the Opposition an opportunity to discuss the proposals made by the Minister — and I will give you the reason why, Sir — the practice grew up in this House to circularise the members with the proposals at the same time that the speech was delivered or immediately thereafter, but certainly I am surprised to hear the Minister of Finance say that he did not have a copy of my budgetary proposals last year. (Rt. Hon. J. M. G. M. ADAMS: I never said so). You implied that, that you did not have a copy at the time when I was making my speech. You said that fairly clear in here, you said that you had it after I had finished and sat down, and it is not true and you know it is not true.

Rt. Hon. J. M. G. M. ADAMS: On a point of order. I sought to make it clear that last year, and last year alone, I was supplied with a copy of the budgetary proposals before they were made. Last year alone, and I did not read them until after, and the hon. member has already made a speech in which I must say I admired his language. He said if I had done myself the courtesy of looking at them at an earlier stage I might have been able to have handled certain matters more efficiently, but the electorate has pronounced upon that.

Rt. Hon. E. W. BARROW: The hon. member now remembers that he said that he did not care to look at them before I made my speech, but earlier here today he was implying — if he did not say so expressly which I am pretty sure he did — that he had never been given, now he is saying it was last year alone, and I am also saying, Sir, that that is not correct, that every single year he was given a copy of the speech, at the time when I rose to make it.

Rt. Hon. J. M. G. M. ADAMS: Now, on a point of order, we have it straight now, Sir. That is an utter, total falsehood. For the first time last year the hon. member for St. John personally handed to me before he made his budget speech a copy. I have never before had a copy before the speech was made, never before. I could go on and explain how it came to be handed out beforehand. (Rt. Hon. E. W. BARROW: Explain it). Well, all right, since I am asked....

Mr. DEPUTY SPEAKER: Order, please. You have made your point of order, will you please take your seat.

Rt. Hon. E. W. BARROW: I apologise to the hon. member for not personally handing him the copies of the speeches before. I understand his difficulty now, he did not like getting it from somebody else.

Rt. Hon. J. M. G. M. ADAMS: On a point of order. Now this is overdoing it. The hon. member is really reflecting on my motive in saying that. Never before last year has a copy of the budget speech been made available to the Leader of the Opposition in advance by anybody, whether the Minister of Finance or otherwise. What happened last year was that when it was said at an earlier stage that the Opposition would be called on to reply to the budget immediately after the budget was delivered because that was what was done in England, I rose in my place and said that in England the Leader of the Opposition is handed a copy of the budget just before the Chancellor of the Exchequer delivers it. That is what I said and I believe that those words struck seed in the mind of the hon. member for St. John, although whether wilfully or otherwise he has forgotten it, and he decided that if he was going to ask us to reply immediately he would supply a copy of the budget speech just as it was going to be delivered. I believe so, but last year was unusual because of the immediate reply and the pre-delivery of the speech.
1.15 p.m.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I am going to come to this business of the Government requiring, because the hon. member knows that that is not in accordance with the facts, of replying immediately; because a great deal of misinformation is being disseminated on this point; and I am going to read out the record of the House on that particular point. I am positive that the Leader of the Opposition was provided shortly before I rose to deliver my budget

proposals — whoever the Leader of the Opposition might have been — with a copy of my Budget Statement. That is my recollection.

He said that it was only done last year; but he agrees that it is the practice in England for the Leader of the Opposition to get up and reply immediately. He always said that he could reply immediately. That is the practice in England; but what our Standing Orders contemplated, and what the hon. Leader of the House insisted that our Standing Orders contemplated, was that debate should only take place on the two sitting days immediately following the presentation of the Statement by the Minister.

Now, sir, I said just now that this is a point which has to be made, because a Financial Statement is a Statement by a Minister, and you will also reflect, Mr. Deputy Speaker, that our Standing Orders from time immemorial have provided that no debate should take place on a ministerial statement. That is why the Committee, on which I believe the hon. member for St. Joseph was a member, insisted in putting down in 1973 — I say I believe — they insisted on putting down a special time — the two days immediately following for debate to ensure that the Standing Orders which said that there should be no debate on a ministerial statement would not preclude the Opposition from being given an opportunity to debate the same ministerial statement which is what a Budget is.

There is no motion on a Budget made by — it is not the Finance Bill as is done in England, as the hon. member for St. Thomas and Minister of Finance knows. It is an entirely different thing from the procedure in the United Kingdom. Therefore, when we were putting our Standing Orders in order as it were, they were the people, as far as I remember who insisted that these safeguards should be written in so as to circumvent the rule that there should be no debate on a ministerial statement.

Now, sir, last year the then Leader of the House wrote to the then Leader of the Opposition who is now Minister of Finance and informed him that the debate would take place on such and such a date — speaking from recollection, sir — and that he could reply immediately after the Minister of Finance because it is what the hon. member himself had been stressing; and I think that the reason is a very simple one if I may put myself in his position for a short time. The Budget Speeches did not range far and wide over every single aspect of human behaviour, the management of the country under

previous Governments, over every aspect of social and economic behaviour in this country. It did not repeat what was in the Economic Surveys or what had been said during the Estimates, except in so far as to give figures and things of that sort, and they were reasonably short. Therefore, by 5.30 or so the Minister invariably concluded his presentation.

And it would be reasonable for the hon. member to feel that with a hiatus of three or four days he would not have the same captive audience as existed at half past five on the same day of the Budget. It was not a question of the hon. member being demanded to give a reply; but he was being given the option to reply; but he still came into the House and said that it was Government's policy.

Without further ado, sir, to use one of the clichés that we hear from political platforms in this country, I will read the debate from Page 7078 of the Debate of July 30th, 1976. My statement concluded on Page 7077. Immediately thereafter the hon. member rose to his feet. There is no motion by me or anyone else. At Page 7078, Mr. Deputy Speaker, Mr. Adams at the top:-

"Mr. Speaker, prior to the Prime Minister coming into the Chamber, I thought that we had agreed that the Leader of the House would have to ask for your leave in order to let the Government's policy of my replying now be carried out. That is why I am sitting and waiting action by the Leader of the House. Mr. Speaker, I am asking leave to introduce the following Resolution."

Mr. Speaker then said, "there being no objection, leave is granted."

"Mr. Adams: The motion is as follows" — note, sir the hon. member asked for leave to introduce a Resolution "That this House take note of the Financial Statement and Budgetary Proposals presented by the Minister of Finance. Mr. Speaker we have come to the House for the first time since 1974 to hear what is commonly called a Budget."

"Mr. Speaker: I would like to hear from the Hon. Leader of the Opposition whether it is his intention to reply to the Budgetary Proposals now".

Now, sir, if I may just pause here. If the Speaker at that time or the Government was insisting that the Hon. Leader of the Opposition, as he was then, now Minister of Finance, should

reply right away, all he had to say was I object to replying now because I am being commanded by the Government to reply now, and I am not ready to reply. What did the hon. member say? He said:—

“Mr. Speaker, I have been asked by the Government to do so, and I intend to do so. I have come here prepared to do so.

“Mr. SPEAKER: I am glad to hear that you have come prepared; but the Standing Orders state quite clearly what is the procedure, and I am emphasising it again; and the only way that it can be done this afternoon is if the Standing Orders are suspended, and I am sticking to that. If no one moves the suspension of Standing Order No. 31 you are not entitled to reply.”

Now this was not done. Standing Order 31 was not suspended. Who suspended Standing Order 31 on that occasion to accommodate the hon. member? (*Asides*).

Mr. DEPUTY SPEAKER: Order, please.

Rt. Hon. E. W. BARROW: Who suspended the Standing Order, then? I am reading the whole debate. Mr. Speaker, I should like to make the Government's position clear. On several previous occasions the then Leader of the Opposition had indicated that he could reply immediately; so the Leader of the House wrote him and told him if he wanted to reply today he could.

Now, I do not entirely agree with the interpretation of the Standing Order, and I will give my reasons for that; but if it means a suspension of the Standing Orders and the hon. member elects to reply today — listen to the language carefully, sir — if the hon. member would stop interrupting me, sir — and the hon. member elects to reply today — far from anybody jabbering him into replying, the Standing Orders do not allow him to reply today; and then in parenthesis I said this: “I understand that he has two capacities, first as Leader of the Opposition and then as a financial authority. He can reply twice. In so far as the coverage is concerned he will only get one coverage.” That meant television time, sir.”

1.25 p.m.

“It is like the Apocryphal story of the fighter pilot who shot down two Focke Wulfe but only got one medal, which is well known to the hon. member.

If the Leader of the Opposition so desires, I beg to move the suspension of Standing Order No. 31.”

This was to accommodate him to speak on the same day. Now we are being told by the news media that we were not ready. The hon. member is saying that I was not ready. Imagine that! That is the biggest joke that I have heard in this century, although I was only born 20 years after the century started. I do not know what kind of jokes they had before, but that is the biggest joke that I have heard. I do not have anything here, not a single note or anything else that I was not armed with on Friday evening.

As a matter of fact, I can talk for the whole two days, and I could have spoken for two days at that time. I have spoken in here for 16 hours before, and since I was the first Minister of Finance in Barbados and was that for 15 years, it is ridiculous to suggest that I could not reply to a Budget, since I have been preparing Budgets for that period of time. They can write what they like, Sir. They cannot alter the facts of history. (*Asides*.)

Mr. DEPUTY SPEAKER: Order, please!

Rt. Hon. E. W. BARROW: I will go on, Sir.

“Hon P. M. GREAVES: Mr. Speaker, ...

Mr. SPEAKER: Are you seconding that? What are you rising on?

Hon. P. M. GREAVES: The suspension of the Standing Order might mean that we might spend the rest of the year here on the debate arising out of the Budgetary Proposals, because it would mean that the two clear days that would be allotted under the Standing Order would be wiped out. Then we can spend the next week, the next month, the next year discussing the Budgetary Proposals. I am not in favour of the suspension of the Standing Order.”

Hon. P. M. Greaves said that. Those were his reasons. The hon. member wanted the Standing Order suspended because he wanted to reply then and we all know why he wanted to reply then, because he was not replying to a Budget at all. Then I intervened after Mr. Greaves sat down. I said:

"Mr. Speaker, I should just like to make my motion abundantly clear — the suspension of Standing Order No. 31 for the remainder of today's sitting — and that would get around the fear of the hon. member. I don't think the Leader of the Opposition intends to talk for a month; he has too many other things to do."

If you do not recognise that, Sir, I am sure you will. It is a quotation from Charles of Saxony. He visited his brother-in-law at Versailles. His sister was Mary Antoinette, and Charles of Saxony was regaling his brother-in-law and his sister with the many magnificent buildings which he had seen in Paris. His brother-in-law told him that he had never seen them, although the buildings were in his capital. Mary Antoinette, who was the Queen, said that she had never seen any of these buildings in Paris either. Charles turned to her and said, if you may excuse my french, Sir: "*Pour vous ma soeur, je n'en suis pas etonne. Vous avez tant d'affaires.*" I am not surprised that you have not seen them, my sister, you have so many other things to do.

Mr. SIMMONS: Mr. Deputy Speaker, on a point of order. I am on my feet on a point of order.

Mr. DEPUTY SPEAKER: Order! Will the hon. member for St. John please take his seat.

Mr. SIMMONS: Mr. Speaker, or I should say *excuse moi*. What is all this french, aeroplanes, fighter pilots, Mary Antoinette and all of that to do with the matter. Is it an attempt to filibuster in the House today so that they can frustrate Government's business? Mr. Deputy Speaker, bring him on the rails.

Rt. Hon. E. W. BARROW: I was merely explaining that that was a quotation, when I said that the hon. member has too many things to do. That is what Charles meant when he told his sister *Vous avez tant d'affaires*. It also has another meaning. That is all. The House is entitled to its moments of levity, which the hon. member for St. Philip North would like to deny to you or to vouchsafe to other hon. members. I will continue, Sir. The motion was then seconded, and as a result of the motion being seconded the House was suspended in order for the Television Cameras to be adjusted, and the hon. member got up and made a motion.

Now, we were in a certain amount of difficulty before 1973 because in going back to

Erskine May's we had the anomaly that you had a Finance Bill the Second Reading of which was on a motion and on which the Leader of the Opposition or the Shadow Minister of Finance in the United Kingdom would speak on the same day that the Chancellor of the Exchequer delivered his Budget Speech. But after 1973 it was clearly the intention of the House that there should be a hiatus, and the hon. member walked straight into his own trap by insisting that he never received — this is what the hon. member insisted, Sir. Now let me accept what he says as correct, although it is not my recollection.

The hon. member is saying that he never received a copy of the Budget Speech until after it was made. If we are going to talk about reasons; if there was not going to be an interval of time, three or four days, because usually the Budgets were on Friday, between the delivery of the Budget Speech and the reply of the Leader of the Opposition, How unreasonable would it be to expect someone, who had not seen the speech at all but had just listened to a harangue, diatribe, or whatever you feel like calling it, in which he could not catch all the implications from a Minister of Finance, to get up and reply right away?

Obviously, if you are talking about reasons, Standing Order No. 31 is clear that debate should take place and should take place only on the two days which were allotted for debate. Now the Standing Order has not said anything about any motion. The Standing Order is absolutely silent on the question of a motion, but the procedure in this House is that in order to discuss any matter you should have some kind of motion, or resolution, or else what would you be discussing? The Standing Order says absolutely nothing about any motions. But what the Standing Order does say in order, as I can see it, to preserve the rights of the Opposition to let their views be known on a Ministerial Statement which, ordinarily, would not be the subject of any debate at all, because the Rules say that there should be no debate on a Ministerial Statement, that right was preserved by ensuring that two days were set aside of which today is the first of them and one of them.

1.35 p.m.

Now to say that if at the end of the Ministerial Statement the Opposition is not present that is the end of the debate, the debate has not begun. The motion made by the hon. member was made in contravention of the Rules of the House because no proper notice was given of that motion, Rule 22 was not

suspended, Rule 31 was not suspended, and he himself when he wanted to reply inveigled me — and when I say inveigled I am not using it in any derogatory sense — he enlisted my assistance to suspend Standing Order No. 31 in order that there should be a debate or in order that a motion could be made at all, and the Speaker called on him and asked him and he said “yes, when you suspend Standing Order No. 31 I shall make the motion”; but on Friday he made a motion without suspending Standing Order No. 31, and wants to inform you now that a debate took place within the provisions of the Standing Orders of this House. Do I have to argue anymore?

There is one fundamental rule of which Your Honour as a law teacher would be well aware. You cannot approbate and reprobate at the same time. You have to have it one way or the other way. You cannot have six for Paddy and eight for Knight; if Paddy is to get six, Knight has to get half a dozen, and that is the only variation that took place. You cannot fall back on the Standing Orders for one purpose in one year and the next year you use the same Standing Order to say you do not need a suspension. The hon. member insisted to the then Leader of the House that Standing Order No. 31 would have to be suspended.

I just want to say this. As to whether there should be a motion at all my mind is open, but all I can say is that I do not see how you can have a discussion except with the use of Standing Order No. 31. Standing Order No. 31 clearly gives you the right to debate the Budget Speech, and all you have to do is to say I am now debating the Budget Speech. That is a matter for interpretation, but under normal circumstances without Standing Order No. 31 one normally has a motion; but if you want to have a motion on the same day according to what the hon. member did on the 30th July, 1976, then it was clear that the Standing Order had to be suspended.

Hon. H. deB. FORDE: Mr. Deputy Speaker, I wish to add one point to this debate for Your Honour's consideration, and that is with respect to how one proceeds on any matter before this House. As I understand it, the Rule is quite clear and it has been hallowed by parliamentary practice as well as by the books to which one resorts for interpretation of the Rules of Parliamentary practice of various Houses of Parliament including this Honourable House. The Rules have been quite clear that any matter such as this can only be debated on a

substantive motion before the House, and my submission is that reading the Standing Orders as they are, it must assume that there should be at all stages a motion before the House for a debate to continue.

Now I think it is significant, Mr. Deputy Speaker, that last year, and I think you will find in prior years from my memory of the proceedings from the time I was in this House, there was a motion introduced on each occasion. Now it is true that the Government of the day took the attitude towards that motion that it was not necessary for the Government to introduce the motion, but I recall specifically that the hon. member for St. Thomas, the present Prime Minister, would invariably introduce a motion on which the debate proceeded. Now last year the form of the motion was that this House takes note of the Budgetary Proposals and Financial Statement, and an amendment was moved. Again let me make one thing, as I understand it, legally clear. An amendment to a motion is a counter motion in real fact and in law, so that what happened last year is that there was a motion and a counter motion which was laudatory of the Government, and merely to characterise that motion as an amendment as though there is some fundamental distinction in the nature of the thing before the House is really to gloss over the true character of what was being done. So that it is not unusual, and I want to emphasise this, for any Government either by way of motion or counter motion to move a laudatory motion if you like concerning its Budgetary Proposals and Financial Statement.

Now, Sir, I think there are a few things which Your Honour must bear in mind. At the last sitting of the House, at the time when the Rt. Hon. Prime Minister spoke, he told the House that he was giving notice of a motion and would ask that the debate proceed on that motion. There was no objection from any member of this House either on the other side or indeed on this side. I am speaking on the motion for Item 9 and showing why it must be the instant order of the day. Indeed if Your Honour would recall, what happened is that the Opposition as it now says, said it wanted to continue the debate. The only submission of any note made by the Leader of the Opposition was that the people of the country would have been listening to television for three hours and 24 minutes and therefore they considered it late to continue to subject them to further debate. There was no objection to the motion in itself.

Hon. F. G. SMITH: Mr. Deputy Speaker, I want to make this position clear. The Order Paper today clearly shows on the face of it that the motion was out of order. How would the Opposition know that the motion was not handed in or given a day's notice?

Mr. DEPUTY SPEAKER: Order! Will both hon. members please take their seats. On what is the hon. member for St. Michael South Central rising?

Hon. F. G. SMITH: On a point of explanation, Mr. Deputy Speaker.

Mr. DEPUTY SPEAKER: Is the hon. member who has the floor willing to give way?

Hon. H. deB. FORDE: No, Sir. The hon. member must takes his licks. The point is that he has never at any stage as Leader of the Opposition after consultation or without consultation with hon. members on the other side objected to the debate proceeding on that afternoon other than on the ground that he said that the public had listened over television for three hours and it was now late. That was the position. Do not mind what reasons *ipso facto*. The hon. members now having lost the battle and made shame come into this House in order to scrape the bottom of arguments in order to justify themselves today. The point is that they ran away. When the Speaker came back into this Chair, no hon. member of the Opposition was present in his seat although I believe the hon. member for St. Michael South was in the ante-Chamber.

Now the House took suspension. It was a dereliction of duty. If the hon. members were arguing as they are arguing today..... Hon. members should have been in the House to make the submission to Your Honour at the time. The point is that the hon. members talk so much about salaries; they are being paid to be here and they had a duty to be here in the House.

1.45 p.m.

It was a gross dereliction of duty for the hon. members not to have been in the House at the time and taken any objection that they had by way of substance to the manner in which the House proceeded at that time. It must be so, Sir, but none of the hon. members were here. At that time His Honour the Speaker called on any hon. members who wanted to proceed on the motion, no hon. member spoke, the motion was put to the vote and disposed of, and it is my submission

that the House not having taken any objection at that time, and a motion dealing with the substantive matter having been disposed of, it cannot be raised now. He is asking Your Honour to act as a Judge of Appeal on a ruling of His Honour the Speaker. If he says it is a wrong ruling, and he is challenging the ruling of His Honour the Speaker, it is my submission that the correct way or proceeding is by way of a motion against the Speaker's ruling. Even today the hon. members have not come in here and given the same notice they are talking about. They said you have to give notice of motions but they have given no notice of motions.

Hon. F. G. SMITH: Mr. Deputy Speaker, I have handed in a notice of motion to you. You have a notice of motion handed to the Clerk, so it is not true to say no notice of motion has been given.

Hon. H. deB. FORDE: As far as I know, Sir, hon. members of this House have had no notice of any motion given by the hon. member.

Mr. DEPUTY SPEAKER: The hon. member has handed in such a notice.

Hon. H. deB. FORDE: Today, Sir?

Mr. DEPUTY SPEAKER: Today.

Hon. H. deB. FORDE: Today, and the hon. member for St. John, or I think the hon. member himself, argued you have to give one day's notice of motion.

Rt. Hon. E. W. BARROW: I just want to point out, Sir, that I said if the relevant Standing Order 22 is not suspended, and we will be asking in due course after Your Honour's ruling for the suspension of that Standing Order. It is very simple.

Hon. H. deB. FORDE: I do not mind his interruption, Sir. Do you see how unprepared they are, Sir? They are now going to ask for the suspension of Standing Orders at a particular time when *Ex post facto* thinking.

Rt. Hon. E. W. BARROW: The hon. member is really exceeding his privilege as a member. Your Honour would appreciate that we cannot anticipate your ruling. It would be impertinent for us to do so, therefore we could not ask for the suspension of a Standing Order before you had ruled.

Hon. H. deB. FORDE: It would not be impertinent for the hon. member to indicate to

Your Honour that if Your Honour ruled a certain way this is what he would have been asking. It is only since we took the point.

Rt. Hon. J. M. G. M. ADAMS: On a point of order. Am I correct in saying the debate is that Order No. 9 be the instant Order of Government Business?

Mr. DEPUTY SPEAKER: That is so.

Rt. Hon. J. M. G. M. ADAMS: Thank you, Sir.

Hon. H. deB. FORDE: That is the point, Sir. I am suggesting that this is a matter which has been concluded and for all the reasons which have been advanced in those circumstances they have been caught hoisted on their own petard, and I am inviting the Chair to rule that Order No. 9 should proceed in those circumstances.

Mr. TAITT: Mr. Deputy Speaker, the question that Standing Order No. 31 was not suspended is a point which has to be uppermost in your mind. Standing Order No. 31 states very clearly that two sitting days which shall immediately follow the annual Financial Statement and Budgetary Proposals shall be allotted to debate thereon. We have had evidence, we have heard, it is established that Standing Order No. 31 was not suspended, and it follows as a matter of natural logic that the only matter we could be discussing is Order No. 1, and it is for that reason that the Clerk, obviously acting out of a clear appreciation of what his responsibility and duty must be, would have Order No. 1 on the Order Paper today.

Hon. C. L. BOLDEN: Mr. Deputy Speaker, on a point of order. It is highly improper for the hon. member in seeking to advance an argument to draw the Clerk into a debate when the Clerk obviously has no method of speaking in this Chamber, and you cannot bring the Clerk into it.

Mr. TAITT: Mr. Deputy Speaker, whomever it is that is responsible for making up the Order Paper. I do not know if the hon. member for St. Joseph makes up the Order Paper, but whomever is responsible for having made up the Order Paper must have had a clearer understanding of what should be — certainly a clearer one than the hon. member for St. Joseph — and that is why it appears on the Order Paper. Mr. Deputy Speaker, the issue is very clear to all those of us who have even a semblance of logic in our amourey. I do not understand, perhaps Mr. Deputy Speaker, for the information of the hon. member for St. Joseph and the enlightenment of the Minister

responsible for Agriculture and Consumer Affairs, and a man who has been in this Hon. Chamber I believe since 1970, Sir, it states here, Standing Order No. 7, Duties of the Clerk:

“The Clerk shall be responsible for preparing for each sitting an Order Paper containing the business for that sitting.”

Hon. C. L. BOLDEN: On a point of order, Mr. Deputy Speaker, I often wonder why some people who do not know better allow those who know less than they guide them into foolish practices. Now, the hon. member says that Standing Order 7 says the Clerk is responsible for preparing an Order Paper. Does that mean that when the Clerk makes a mistake that you use the Clerk's mistake against one side and ask this side to justify the Clerk's error? What foolishness are they talking about? The Leader of the Opposition has constantly used his ignorance to tell others what to say, and sit down and laugh.

Mr. TAITT: Mr. Deputy Speaker, I agree with the hon. member for St. Joseph that there are times when he wonders why people who do not know any better should let people who know better say something to them. If only once every year he would listen to somebody who knows something, he would not get up in this Hon. House or other places and allow the things that come out of his mouth to come out. It is clear that he might not have looked at these Standing Orders since he came in here. He got up and accused me of drawing the Clerk into the debate improperly and then he himself improperly suggested that the Clerk made an error in performing what is his duty, and if I had to choose between the Clerk and the hon. member for St. Joseph, Sir, I am sure you too would choose the Clerk.

Mr. DEPUTY SPEAKER: You must not draw the Chair into the debate.

Hon. C. L. BOLDEN: Mr. Deputy Speaker, he would never get chance to pick me in his line of pickings. I do not belong to that crowd.

Mr. TAITT: Sir, let us bring it back to an area where ordinary people can understand it. As I was saying, Standing Order No. 31 has not been suspended; that has been established. Standing Order No. 31 is very clear. It is a rule of this House and it sets out how debate on the Financial Statement and Budgetary Proposals should proceed.
1.55 p.m.

I submit that what you are required to do is very simple because it is programmed by the Rules. (*Asides*)

Mr. DEPUTY SPEAKER: Order, please.

Mr. TAITT: That is why Order No. 1 appears. We are claiming, Sir, we are not asking; we are claiming our rights under these Standing Orders to come today; and the Hon. Leader of the Opposition has in fact in readiness for a debate on the Budgetary Proposals today given notice of a Resolution.

While I am on my feet, Sir, they have sought to suggest that we were not ready; and I heard the hon. member for Christ Church West talking about someone having run away. There is no one on the other side who has the capacity to chase us or run us anywhere. As a matter of fact the only way in which they could run us or chase us is when they stand up in the face of logic and utter such idiocies.

If they are not afraid of us, why are they putting so many stumbling blocks and obstacles in the way? They have had the television. They have had the radio. We do not have to have the television and the radio. They have deprived us of that. They wish now, Mr. Deputy Speaker, to enjoin you into depriving us of our constitutional right to respond to the Budget?

Mr. DEPUTY SPEAKER: The hon. member must not say that the Chair is about to deprive...

Mr. TAITT: I was going on to say, Sir, that from my knowledge of your capacity and ability I know that you will not be enjoined in any such....

Mr. DEPUTY SPEAKER: I will simply do what I think is right in accordance with the Standing Orders.

Mr. TAITT: I am guided by that, Sir, as I have always been. Mr. Deputy Speaker, I go further. The question of a reply to the Budget is not something — contrary to the popular outpourings of those who have more than normal admiration for the Prime Minister — any intellectual capacity. All one has to do is to pay attention to what has been going on, and even the publications that have been put out; and one could speak in here for five hours, far less three hours and 28 minutes.

It is not the length of time that you speak, as you know, Mr. Deputy Speaker. It is what you

have to say when you speak; and I reiterate that the only matter which stands now before us is (a) whether Standing Order 31 was suspended. If Standing Order 31 was not suspended, then Standing Order No. 31 is the Standing Order under which the Financial Statement and Budgetary Proposals must be debated.

Further, to confirm that position, it has been placed on the Order Paper for today's sitting. We have come prepared, as we were prepared on Friday night; and, Sir, if I may just touch on a loud aside which suggested that we should have spoken on Friday night, I merely wish to say that had we spoken for three hours and 28 minutes on Friday night, I have no doubt that we would have heard what poor judgment was exercised by the Opposition in expecting the people of Barbados to stick to their television sets and radio sets for six hours.

I have no doubt that the Government would have said how happy they would have been if we had only asked to let us come back at 5 o'clock on Tuesday. Between the devil and the deep blue sea, Sir, sometimes you have to find a way. (*Asides*)

Mr. DEPUTY SPEAKER: Order, please. Continue.

Mr. TAITT: I believe, Mr. Deputy Speaker, that I have made the point. I know that this Standing Order might have created some problems for the Government side because in their exuberance to make sure that they had pulled one on us, they forgot to do that which they would have to do in any case if we were to respond. Therefore, Mr. Deputy Speaker, the Prime Minister and Minister of Finance has come on at least eight different times in eight different ways suggesting that he is concerned that he did not manage to catch us altogether in a trap.

He made the rather silly suggestion, in my opinion, Mr. Deputy Speaker, that if we had indicated earlier that we were not going to reply, it would have been all right with them. But merely because we indicated later — he referred to me and suggested that I should have known that it takes two minutes to read a page; and for his information, at one stage he was going at 2.7. As he started to flag in the centre, his rate started to run down.

The point I feel, Mr. Deputy Speaker — do you want to say something, Mr. Deputy Speaker?

Mr. DEPUTY SPEAKER: The time is now 2 o'clock and the Standing Orders dictate that this sitting be suspended until 2.45. This sitting is accordingly suspended until 2.45 p.m.
2.05 p.m.

On resumption

QUESTION TIME

Mr. DEPUTY SPEAKER: It is now Question Time. The hon. member for St. Philip South. His Question No. 14, the answer to which is now ready.

QUESTION RE PLAYING FIELD FOR ST. MARTIN'S BOYS' AND GIRLS' SCHOOLS

Mr. WEEKES: Mr. Deputy Speaker; Question No. 14: To ask the appropriate Minister: Is the Honourable Minister aware that the pupils of St. Martin's Boys' and Girls' Schools are still urgently in need of an adequate playing field for their schools and that the playing field scheduled in the 1975/76 Estimates has not yet been provided? If the answer is in the affirmative, will the Honourable Minister take immediate steps to ensure that adequate playing facilities are made available at those schools?

Hon. L. R. TULL: Mr. Deputy Speaker, the reply to Parliamentary Question No. 14 is as follows:

"Six acres of land have been acquired adjacent to the St. Martin's Boys' and Girls' Schools to provide adequate playing facilities for the schools and for community purposes. The area will be prepared for recreational use as soon as possible."

Mr. WEEKES: Will the Minister explain what he means by as soon as possible?

Hon. L. R. TULL: The Government has been seeking to acquire land adjacent to these two Schools from 1972, as the hon. member for St. Philip is very well aware. We are at the stage where we are about to compulsorily acquire certain lands, and I cannot tell the hon. member exactly in terms of weeks or months, but as soon as all the legal procedures have been gone through you will have the land ready.

Mr. WEEKES: Thank you, Mr. Minister.

Mr. SANDIFORD: Mr. Deputy Speaker, a supplementary question. Inasmuch as it is the policy to acquire lands for playing fields and

other related purposes, would the Minister agree that not very much money has been allocated under the Ministry of Education for the acquisition of such areas of land?

Hon. L. R. TULL: Mr. Deputy Speaker, all I can assure the hon. member is in respect to St. Martin's Boys' and Girls' Schools. We are, in fact, acquiring the land, and there is enough money in the Estimates to acquire that land.

Mr. DEPUTY SPEAKER: Question No. 15 by the Hon. Member for St. Philip South.

QUESTION RE A PLAYING FIELD FOR ST. MARTIN'S PRIMARY SCHOOL

Mr. WEEKES: Mr. Deputy Speaker, Question No. 15: To ask the appropriate Minister: Is the Honourable Minister aware that there is no playing field at St. Martin's Primary School? If the answer is in the affirmative, will the Honourable Minister consider the provision of a playing field for the pupils of this school which has an enrolment of 500-600 pupils?

Hon. L. R. TULL: Mr. Deputy Speaker, the reply to Parliamentary Question No. 15 is as follows:

"(i) Yes, Sir.

(ii) Negotiations are under way for the acquisition of land for this purpose."

Mr. WEEKES: Thank you, Mr. Minister.

QUESTION RE BOARDS OF MANAGEMENT OF SECONDARY SCHOOLS

Hon. L. R. TULL: Mr. Deputy Speaker, the reply to Parliamentary Question No. 22 is now ready. The hon. member is not in his seat, and I beg to lay the reply to the Question.

The reply to the question was handed to the Clerk.

Mr. DEPUTY SPEAKER: That is the end of Question Time. It is now time for Private Members' Business.

PRIVATE MEMBERS' BUSINESS

Hon. F. G. SMITH: Mr. Deputy Speaker, you received through the Clerk a Resolution from the Opposition. I would like to know what is the position of that matter.

Mr. DEPUTY SPEAKER: I received one Resolution in the name of the Hon. Leader of

the Opposition. My ruling on that Resolution is that it was not given in accordance with the Standing Orders relating to the time within which that Resolution ought to have been given.

Hon. F. G. SMITH: I am not quarrelling with that. I want to know whether it is in order and will be relevant for the next meeting of the House when more than enough time will be given.

Mr. DEPUTY SPEAKER: My ruling on that is that this Resolution is not in order. I understand that there is another Resolution handed in in the name of the hon. member for St. Michael South. Unfortunately, that has also suffered because of the breakdown in the Printery, and I do not presently have it.

Mr. SANDIFORD: I am not pressing this one, Mr. Deputy Speaker, if I have not seen a printed copy of the Resolution. This one was given in within the time limits of the Standing Orders, but I am not pressing the Resolution.

Mr. DEPUTY SPEAKER: There being no other items of Private Members' Business, we now revert to Government Business.

GOVERNMENT BUSINESS

Mr. DEPUTY SPEAKER: When the suspension was taken, the hon. member for St. Michael South West was speaking on the motion that Item No. 9 be the instant Order of the Day. Does he wish to continue his speech? Does any other hon. member wish to speak on the motion that Item No. 9 be the instant Order of the Day? The Hon. Leader of the Opposition on the motion by the Leader of the House that Item No. 9 be the instant Order of the Day has raised the question of the right of the Opposition to reply to the Budgetary Proposals today.
2.55 p.m.

I have given this matter further consideration. The matter is one of grave importance and I have reached the conclusion, advising myself, that the debate on the Budgetary Proposals is closed. I have reached that decision for these reasons. I have researched the practice of this Honourable Chamber and I have discovered that in previous years, rightly or wrongly, the Budgetary Proposals were debated on a motion normally by a member of the Opposition, and at the end of the day the motion was put to the vote. In the instant case on Friday, the motion was made by the Hon. Prime Minister. It was put to the vote by the Speaker, there were no members of the Opposition in their

seats and the Resolution was carried. Were I to take the view that the Resolution or motion was irregular, I would have to over-rule the Speaker. Rulings of this Chair are always taken to be correct. I have used the presumption of regularity in reaching my conclusion on that point.

In any event the only question before the House at this stage is that Item No. 9 be the instant order of the day. That is the only question which I can properly put before the House and that is the question which I now put.

The question that Order No. 9 be the instant order of the day was put and resolved in the affirmative, the House dividing as follows:

Ayes: Rt. Hon. J. M. G. M. ADAMS, Hon. H. B. St. JOHN, Hon. L. S. CRAIG, Hon. H. deB. FORDE, Hon. C. L. BOLDEN, Hon. L. R. TULL, Hon. Miss B. A. MILLER, Dr. CHELTENHAM, Mr. WARD, Mr. SISNETT, Mr. SIMMONS, Mr. BRADSHAW and Mr. ODLE — 15.

Noes: Hon. F. G. SMITH, Rt. Hon. E. W. BARROW, Mr. TAITT, Mr. GREAVES, Mr. WEEKES and Mr. SANDIFORD — 6.

THE ROAD ABANDONMENT ACT, 1977

Mr. DEPUTY SPEAKER: Order No. 9 stands in the name of the Hon. Minister of Communications and Works, and it is to move the second reading of a Bill to provide for the abandonment of the rights of way and other rights of the public affecting a part of Enterprise Road, a public Road in the parish of Christ Church, and for the dedication to the use of the public of an alternative road.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, in moving the second reading of this Bill, I do not believe it is necessary for me to go into the background of this Bill since I think it is in my view a Bill to put right or rectify a situation which is in existence. The need for this Bill is due to the abandonment of the road at Enterprise which was mainly used for the construction of the Coast Guard headquarters in that area of Christ Church. The history of the Coast Guard in that area is well known and the reasons for its existence are also well known, and therefore it is not necessary for me to give a historical description of the Coast Guard Corporation or to go into much details about the abandonment of the road. As I said, it is just a question of putting a situation in its correct perspective because for some time now the road

has been abandoned and closed and the alternative road proposed in the Bill is in existence and the public is already using the alternative road.

There is only one thing I would like to say in passing, and it is that the people who live within that area and who go over on the road to Enterprise from time to time and who mainly have to walk, find it extremely difficult to get in and out of the area, and Government proposes very shortly to acquire areas of land in that area in order for a footpath to be built whereby the people would be able to get in and out of the area in order to get over to the beach to do what necessary things they would need to do, and we will shortly be taking the necessary steps for the fulfillment of the promises which have been made to the people in the area that they be given a footpath to get over to the beach, but as I said in my opening remarks, this Bill is purely to put in its legal form a situation which is already in existence.

If hon. members on the other side want to go into any details on this matter, the files are here before me and I would be quite willing and ready to answer any questions which they might want to raise, but since they have had the full dealings of the Coast Guard operation and know all about the closure of the right of way and road, I do not think it might be necessary for them to seek information on this.

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

Hon. H. B. St. JOHN: Mr. Deputy Speaker, in seconding this motion, I want to draw to the attention not only of the Minister but to the public the callous indifference of other people's right which took place during the regime of the previous Government. In building the Coast Guard not only did they divert the road without proper legislative approval, but in the process they cut off a right of way between the Oistin/Silversands/Scarborough Road and Enterprise Road by erecting a fence with barbed wire around the Coast Guard and as a result of this a right of way which was exercised by the people in Scarborough and other areas of Enterprise Road was removed.

3.05 p.m.

This Government now has to put that right. I only hope that all those who are responsible for this act of callous indifference and illegality will now recall this great blunder that they have obviously committed, but this is the sort of manner in which the previous

Government operated. We do not intend to operate in this way. It is our duty now to put matters right, and I hope when the Resolution comes down here for the requisite money to put this right the hon. members on the other side will give it their whole-hearted support.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I would just like to take up the hon. member on this. Perhaps the hon. member would like to enlighten the House as to the bit of legislation whereby the inhabitants of the parishes of St. James, St. Peter, St. Lucy and other northern parishes were deprived of the right of way passing through Sandy Lane, and the road as diverted for the use of the private owners of Sandy Lane, and a public highway and houses built not for the public and general welfare of this island as in the case of the Coast Guard, but for the private uses of Sandy Lane Estates Limited, because when this particular road was diverted the Crown Law Officers carefully searched the legislation of Barbados to see how the road could be abandoned under the existing Highways Act and could find no precedent whatsoever under the Highways Act by which this particular road required legislation or any other enactment to abandon it, and what the Government did was to give notice that the road was blocked and to provide an alternative access to the Enterprise Road, which is a great improvement on the road which only passed between Government land.

Now, the right of way to which the hon. member refers, I am not as familiar with the district as he is, but one must be very careful, particularly when one claims to be legally trained, as the hon. member is, not is claiming, according to the records legally trained, how one uses terms of art. If somebody passes somewhere that does not constitute a right of way, a right of way has got to be defined, it must have a *terminus a quo* and a *terminus ad quem*, and you have to produce some kind of plan to show whether it is a public and general right or a private right of way. No such right of way, as far as I know, Sir, in any plans that we have for Scarborough existed to the inhabitants or any private owner in the Oistin district over the lands of the Government to Enterprise, so this particular road, the subsoil of which is vested on the Government by virtue of being the adjacent owner of both sides of the land, no private owners' rights were interfered with except the right to pass over that portion of Enterprise Road and no other right of way, so I wish to make the position abundantly clear.

I do not think the hon. member's step-father shares his views that this was any disaster in the area, because without being personal I have spoken to him about the improvements which have come, not to the Coast Guard Station because of the act of nature this is a bit of a nuisance to the Coast Guard, but certainly to the people of the district up there it has enhanced the value of their property because they now have a beach where they did not have a beach before, and I am sure they are grateful for it, and an access road to the east, I would say, has been provided which is a great improvement over the pre-existing road, but certainly no private land was involved in the closure of this road. As I have said before, when one speaks about the previous Government, I should certainly like to hear about the Sandy Lane Road and what legislation is on the Statute Book of Barbados for the abandonment of Sandy Lane, because we could not find it, and this was done for a private developer. Maybe it is there, I have not been able to find it.

Hon. H. B. St. JOHN: The hon. member spouted a few Latin phrases in connection with a right of way. The truth of the matter is that the Government does not own the land through which this right of way ran. One part is Scarborough, but there are sundry owners in the other part, and as for the Government talking about having a plan with a right of way, the hon. member has left the Law Courts a very long period of time, otherwise he would know that the whole essence of the law of prescription is that if you exercise uninterrupted for a sufficiently long period of time a way over another person's property, whether that way is in the plot and acknowledged or not, the point is the other person cannot block it, so do not let the hon. member deal in these matters.

The truth of the matter is that the people from Scarborough and Pegwell always walked between Scarborough, the Druggist's house, from time immemorial and the land of the sundry owners to the sea, and that is where the hon. member's Ministry of Defence put a barbed wire fence and stopped them from walking there. That is my complaint, that that barbed wire fence could have been put six feet inside of where it was if you did not want to shut out the public, and in between that six feet path and the other three feet path the sundry owners on the aboveside would have been able to walk to Scarborough right through where they have been walking for all of the years. Right now

you have to walk up the road, walk right across the main road, come right back down to get back to the same area. That is what I am talking about, and the people have repeatedly complained about it, and this Government will see that they get back their rights that they have been exercising for such a long and continuous period of time, that in any court of law it would be acknowledged of having a prescriptive right to pass there. That is one. Secondly — and this is another point I would like to raise — (*Aside*). I am not winding up at all, Sir. Why do you not say that you put a road there and you have not even put a turnstile that people can turn around in?

Rt. Hon. E. W. BARROW: On a point of order. The hon. member claims now that the people have a prescriptive right. As far as I am aware, Sir, immediately beyond the fence of which the hon. member complains, people can still walk. If the hon. member wants to remove the fence, during my tenure of office we had received no complaints from anybody or representation made even in here on the floor of the House by the hon. member who is the representative for the general area, to restore some prescriptive right which they had acquired, so all the hon. member had to do was to approach the Ministry or come in here and ask a question and say that a right had been removed, but the hon. member knows that there was a lot of rocky ground there that children used to play or walk wherever they liked, all over the place, there was no defined right of way anywhere up there, and there is still an area where people can walk between the main road and the property which I believe..... (Hon. H. B. St. JOHN: That is not true). Well, I have walked it so I do not know why they cannot walk it, and I have walked it barefooted, so there is no flat-hand plimpler there to prevent you from walking it, so I do not know what the hon. member is complaining about, but very strange that he is representative for the area all of these years, never raised the point about the right of way, and is now saying there was a right of way, and saying it was not a right on a plan but it is a right which they had acquired by prescription.

He referred to my use of Latin phrases. I did not know it was obnoxious for a legally trained person to raise the only terms that are used in respect of rights of way, because they never used any other terms as far as I can remember in my time, and it is obnoxious to quote these terms, that you must have in a

right of way if you are claiming that this right of way had been acquired by prescription, it must have a beginning and an ending, then, and it has got to be defined. It cannot roam in all directions of the compass, whosoever will may come, wheresoever they want to go they may go. That would be absurd, that would be an infringement of the proprietary rights of other people, but if the people in the district wish to walk over some part of Government property, there is no problem about that, he can accommodate them or he could have asked the previous Government to do something to accommodate them, but he waits until today to say they had a right which has been infringed.
3.15 p.m.

Hon. H. B. St. JOHN: For the information of the Hon. member.....

Mr. DEPUTY SPEAKER: Order please.

Rt. Hon. E. W. BARROW: I want the hon. member to tell me about Sandy Lane.

Hon. H. B. St. John rose.

Mr. DEPUTY SPEAKER: On what point is the hon. member rising?

Hon. H. B. St. JOHN: On a point of elucidation because in something that he said he is misrepresenting me. For the information of the hon. member I repeatedly raised the legality of this matter in the Other Place. I was not in here then. It was when I had my temporary holiday from in here.

Hon. H. deB. FORDE: Mr. Deputy Speaker, I would like to help on matters of fact as well, I hope, on matters of law. All I know about the right of way over the Scarborough Land to Enterprise Road is that I grew up in Christ Church as a youngster. All the people in that area have, as they say in law, from time immemorial, used the right of way going from the main Oistins Road which proceeds up to Carter's Gap to cross over to the Enterprise Road; and from my recollection of it this has been upwards of 40 years which I think is the recognised time that one acquires a prescriptive right as against the Crown.

That right of way is now closed. It had a terminus *ad quo* to a terminus *ad quem* if my friend, the hon. learned member for St. John is quoting Latin. It was a very well defined way, and as I see it, when the Government closed this way it acted illegally. I will go further to say that the Government in closing the Enterprise

Road also acted illegally. In fact the Government set up a sign and to make a statement in the Official Gazette that the Enterprise Road was closed to through traffic and to people. In my view the Government had no legal authority to do that at the time; and the Government should have so organised its business that it should have been setting an example to the public by coming in here with proper legislation ahead of time rather than committing an illegality and forcing us to put it right.

The hon. member made the point that the Highways Act was researched so see whether or not there was any power to abandon the public right of way. I think that he will now see that a draft Bill amending the Highways Act is being brought before the House so that in the future there will be a procedure for dealing with these matters. I will say that sometimes the Government wants to act speedily, and it should have the relevant legislation under which it takes these powers. My criticism of that part is that there should have been an amendment to the Highways Act before the procedure was set out, and they should have followed that procedure.

The Bills before Parliament today will therefore rectify this so that there should be no further repetition of trespassing on the public's rights. Otherwise, as the Attorney General, I will have not to sue myself, under the Crown Proceedings Act, but I may well lend the authority of my office to a private citizen to bring an injunction against the Crown to prevent them from acting in this way in the future; because I have an independent responsibility outside of the Cabinet and outside of the political office as such to protect the public's rights in this sphere. I am letting future Governments know that I hope Attorneys General will exercise this type of independent responsibility for the protection of the rights of the public.

Rt. Hon. E. W. BARROW: I will ask the hon. member for Christ Church West that if criticism was made of the last Government, let us go back now to Sandy Lane, which is a massive diversion of a public road for private purposes, whether a Bill was passed for the diversion of Sandy Lane for private purposes. You can say that the Coast Guard was for public purposes. I regret the inconvenience, if there was any, to the people of the Oistins area and the surrounding districts; but there was no provision under the Highways Act under which we could

have come and I welcome the amendment to the Highways Act. I would like to know if he has been able to find any legislation which authorised the closing of Sandy Lane.

Hon. H. deB. FORDE: With your permission, Sir, and the House's permission I would answer the point. I have understood from the Hon. Leader of the House that Sandy Lane was dealt with by a Resolution of both Houses of Parliament. That is what I understood took place; but I would have suggested that if the Government who succeeded in 1961 found that there was an illegality, they had a clear obligation from 1961 to 1976 to have brought the proper Resolution or to have taken action against Sandy Lane. Otherwise they were allowing the Sandy Lane property owners to acquire a good title against the public. I regret to say that again they have sat down on their rights, or the people's rights in this respect. That is the only answer I can give the hon. member.

Mr. SANDIFORD: Mr. Deputy Speaker, as I understand it, there is no objection to this particular measure that is before the hon. Chamber. I merely wish to make one observation. It seems as though there is some attempt to prove that the previous Government tried to trample on the rights of the people of this country by depriving them of access long established, to the sea in a certain part of Christ Church.

I really do ~~not~~ want to get into the particular argument. I do not know the particular circumstances; but what I would say is that I think it is an established fact that as far as this country is concerned, there has been no Government which has done as much to establish the right of access of people to the sea than the previous Government of the Democratic Labour Party; and I think this is well established when we look at the work of the Parks and Beaches Commission in establishing well defined roads, paved and landscaped, not only at Sandy Lane, but at other places throughout this country.

The only other point I wish to make is that if some particular misadventure — I cannot put it in any other way — occurred in Christ Church, and as I said I do not have the facts at hand, it must not be attributed to the callousness of the Government because on many occasions and in various places the previous Government established that the people of this country should have well defined access to the sea. This is what we did when we were in the Government.

I believe that hon. members over there are entitled to make their points; but I do not think that they should drum up the type of criticisms of the previous Government which are misplaced and which may be unfounded. The record is quite clear, and it is a record in the interest of the people of this country.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, the last speaker I think slightly missed the point. We were not concerned with the question of access to the sea as such. In introducing the Resolution I was at pains to point out the question of access to the road at Enterprise. That is what I was mainly concerned with. If they got to the sea, that was probably part of the action in using the road; but I mainly concerned with the use of the road which was there which is now blocked, in order to get on to the main at Enterprise to put them into the other direction.

Mr. SANDIFORD: On a point of elucidation. I am certain that the hon. member must realise that I was not referring to his particular speech. I did not misunderstand him.

Hon. L. B. BRATHWAITE: The position is, as the Hon. Deputy Prime Minister pointed out, we have a situation now where people have got to make a circle of actually half of a mile to find themselves going to the back of their homes whereas in the past it was just a question of a few steps of access to that area which we are now talking about.

3.25 p.m.

This certainly was a question of an illegality. I certainly would have thought that the Opposition would not have actually dealt with it no matter what type of pinpricks they might have got from this side. Certainly when we think in terms of what happened in connection with that Enterprise Road and the question of the building of the Coast Guard Headquarters on the road, and we realised how illegal it was, I do not think anybody can defend it. It is certainly indefensible. I did not want to say much on it. I thought that we would have got over the matter without even a discussion on the issue.

On the question of Sandy Lane, the hon. member for St. John might not be aware of the matter, but the question of the diversion of Sandy Lane Road was a matter which was dealt with in this Parliament. The diversion was dealt with in here, and this House should not be misled. It was dealt with at the time Sandy Lane was given the permission. I know of the whole history of the Sandy Lane affair. Sandy Lane was

closed down as a sugar factory because the soot which was coming from the factory was affecting the houses in the area; there were a number of court actions against Sandy Lane, and they decided to close it down. That was the reason why it was eventually sold to the people who, eventually, built the hotel in that area. The Government gave permission for a diversion of the road.

Rt. Hon. E. W. BARROW: The hon. member suggested that it was Parliament that gave permission. I have no doubt that somebody in the Government may have given permission, but I want to know when Parliament gave the permission.

Hon. L. B. BRATHWAITE: It was a Resolution of Parliament.

Rt. Hon. E. W. BARROW: Could you tell me the date of the Resolution? You were not in Parliament. I was in Parliament from 1951. I do not have any recollection of any such Resolution.

Hon. L. B. BRATHWAITE: I do not know on what point the hon. member has got up, so I did not take my seat. Mr. Deputy Speaker, he was speaking the whole day and I thought by now he would be tired. I am surprised that he is back in Parliament after lunch. However, this matter was dealt with in Parliament. If the member was in here from 1951, as he is now saying, and he was not aware of the discussion, it is no different, I believe, in those days from his present attitude to Parliament where he comes in when he likes and he stays out when he likes. It is not my fault that he was not around, but I am perfectly sure that if you research Hansard you will realise that it was dealt with in here.

Rt. Hon. E. W. BARROW: On a point of order, Sir. The hon. member has asked you to research Hansard when I have invited him to inform the House when that discussion or Resolution took place. After all he is a Minister; he is bringing in a serious Resolution and a Bill here on abandonment of highways. They must have looked up the precedents to find out that there was precedent for the House being invited to do what it is being asked to do today, and then he is asking you that if you would do some research you will find it. That is impertinence.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, if the hon. member for St. John needs to have information on this matter, let him do it by way of a question and I will give him the answer. It is as simple as that. We heard the hon. member here when the Estimates were being

dealt with. We heard him on the authority to purchase the car which came for the Governor-General. All of this we have heard and, therefore, we know the hon. member's style. (*Asides.*) Bring it by way of a question, if you can find time.

Mr. DEPUTY SPEAKER: Order, please! Hon. members must not speak unless they are standing. Will the hon. member please come back to Enterprise?

Hon. L. B. BRATHWAITE: As I said earlier, it is a pity. This matter was dealt with, and there was a drafted piece of legislation since 1975 — I did not want to say this before — that should have been dealt with rectifying this illegality. The hon. member opposite, who is constantly jumping up, refused to do anything about it. He allowed it to remain so, because he was not aware of the problems and the difficulties that the people who live in that area were encountering. In 1975 a Bill was drafted and absolutely nothing was done about it. We have decided to draft a new Bill and to bring it to rectify the situation as we have to be doing all the time. We have to clean up the mess wherever we find it. It is unfortunate that we have to be doing it, but we have to do it if we want to have the board cleared.

I did not think that this Bill would have generated any heat at all. I thought it would have had a very simple and easy passage. I hope that when the other Bills come, which will shortly, I hope, be coming that we will find no difficulties in having them passed because they should evoke no problems. To me they are noncontroversial Bills, and there should be no problems about them.

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

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

Hon. L. S. CRAIG: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. DEPUTY SPEAKER left the Chair, and the House went into Committee on the Bill.

Clauses 1 to 3 were called and passed.

The Preamble was called and passed.

Hon. L. B. BRATHWAITE: Mr. Chairman, I beg to move that Your Honour do now report the passing of one Bill in Committee.

Hon. L. S. CRAIG: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. CHAIRMAN reported to Mr. DEPUTY SPEAKER who resumed the Chair and reported accordingly.
3.35 p.m.

On separate motions of Hon. L. B. BRATHWAITE seconded by Hon. L. S. CRAIG, the Bill was read a third time and passed.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, this is another Bill which seeks to validate....

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, on a point of order, on what is the hon. member speaking? I did not hear any order called.

Hon. H. B. St. JOHN: Order No. 10.

THE ROAD ALTERATION (SHEPHERD STREET) ACT, 1977

Mr. DEPUTY SPEAKER: Order No. 10 stands in the name of the Hon. Minister of Communications and Works, to move the second reading of a Bill to provide for the alteration of the rights of way and other rights of the public affecting Shepherd Street, a public road in the City of Bridgetown.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, I sincerely hope that we are seeing today what is going to be the beginning of a very active period of stewardship on the part of the hon. member for St. John in this parliament.

This Bill seeks to validate the encroachment on an area of land on Shepherd Street. This encroachment took place around 1971 with the construction of Cave Shepherd building. The Cabinet of the day gave approval to the encroachment and permitted Cave Shepherd to carry on with the construction which they had started. No one faults them for that as I suppose these are things which happen every day. Builders or developers do not always conform to proper standards and sometimes they are so far ahead that the Government finds it difficult or sometimes private people find it difficult to stop them from going ahead, and might even agree to

sell. In this case the Government has decided to allow them to carry on with the building there. Here comes along another developer, the people known as Norman House Finance Limited, they bought over the site that used to be known as William Fogarty and went ahead to build without any permission to do so on the area of Government land. This certainly was very unfortunate and it would seem on looking through the files of the Ministry that the fault, although being the developers, was not entirely theirs since the officials in these respective Ministries did not work as expeditiously as they should have. For example, it was told to the people at Cave Shepherd and Co. Ltd. in 1971 that they should have sought to rectify the encroachment by a private Act of Parliament and they never sought to do so. The people at Norman House never did anything at all. They just thought it was very easy for them to go and build, that this street looked to them as though it would never be used again for traffic purposes, and therefore they could go and build; they imagined this would be a type of shopping mall and that nothing would ever pass there.

In view of the fact that the area is not a large area and the fact that they have gone ahead and built, the Government has come to the conclusion that there will be no harm done if we introduce this Bill in order to make provision whereby the folk can stay as they are and the street can be closed as a through traffic street. I do not know if hon. members will need any additional information, but the files are here before me and if they are desirous of having additional information, I would be quite willing to give them that information.

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

Hon. L. S. CRAIG: I beg to second that.

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

On motion of Hon. L. B. BRATHWAITE seconded by Hon. L. S. CRAIG, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.

Clauses 1 to 4 inclusive were called and passed.

The Preamble was called and passed.
3.45 p.m.

On the motion of Hon. L. B. BRATHWAITE, seconded by Hon. Miss B. A. MILLER, Mr. CHAIRMAN reported progress and asked for leave to sit again, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. L. B. BRATHWAITE, seconded by Hon. Miss B. A. MILLER, the Bill was read a third time and passed.

THE HIGHWAYS (AMENDMENT) ACT, 1977

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, this Bill will take much care of the problems of which we heard earlier in the day. When problems like these, to do with Shepherd Street and Enterprise Road, come along the Minister will have the authority to publish in the Official Gazette the necessity for the actual abandonment or the alteration of, or any circumstance surrounding the question of a road, and instead of having the problems which the people at Enterprise have had for a very long time, and the difficulties which they encounter, and the problems with respect, say, to areas like Shepherd Street, this Bill will not allow that to become necessary since this Bill will take full account of situations of that nature.

The Bill in itself is self-explanatory and does not need any exhaustive review, but if members need to have any explanation on any particular point within the Bill, since it is a new innovation, I will be quite willing and happy to offer any explanation which they might so desire.

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

Hon. H. B. St. JOHN: I beg to second that.

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

On the motion of Hon. L. B. BRATHWAITE, seconded by Hon. H. B. St. JOHN, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.

The clauses of the Bill were called and passed.

On the motion of Hon. L. B. BRATHWAITE, seconded by Hon. H. B. St.

JOHN, Mr. CHAIRMAN reported progress and asked for leave to sit again, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. L. B. BRATHWAITE, seconded by Hon. H. B. St. JOHN, the Bill was read a third time and passed.

THE COMPANIES (AMENDMENT) ACT, 1977

Hon. H. deB. FORDE: Mr. Deputy Speaker, the purpose of this Bill is to amend the Companies Act, Cap. 308, in order to permit limited liability companies to issue redeemable preference shares. The urgency of the amendment is caused by the fact that representations have been made to the Minister of Trade about the intended acquisition of local assets owned by a foreign multi-national corporation, that these will be acquired by a local company.
3.55 p.m.

Especially in the reorganisation of the local companies it means that there should be some provision in our Companies Act to permit a company to redeem preference shares at the relevant time; and the purpose of the amendment is simply to place in the existing Company Law this type of power. I may state that it is the intention of the Government to bring down to Parliament, we trust during this year, a new Companies Act.

There has been a draft Act done by Mr. Justice Williams, and we are at present awaiting the first covering report to enable us to circulate this Act to all parties in the community who may be interested in reform of the law on this very vital subject. We know that the existing legislation is based almost verbatim on the Act of 1908 of the UK, an Act which has long since outlived its usefulness. The draft Act is a much more up to date piece of legislation, and I trust that after having received comments from other interested person in the community, that it will reflect the special needs of a developing country such as ours.

I may say that in the wider Caribbean fields Barbados is participating in a review of Company Law in general; and among the burning problems which are being discussed in international organisations are also being discussed in this exercise. One of the issues which this Government has posed quite forth rightly in its manifesto is the question of local participation in the ownership of assets of the company by the

workers in particular and indeed by the bulk of our citizens.

In achieving this policy objective, the Government realises that a new Companies Act is a vital part of the strategy; and that is why we are placing great emphasis on it. Incidentally, Mr. Deputy Speaker, in any assembly there will always be doubting Thomases; and if you hear any voice *sotto voce*, it is only a reflection of the failure of the last Government — a ghost like voice from the last Government — a failure to have effected a change of policy which I have outlined in introducing this legislation; but it will be achieved, no matter how many doubting Thomases there will be on the other side.

We have achieved in six months some of our objectives. The past Government had 15 years of batting with a lot of talent, according to them, and in 15 years they have not achieved it (*Aside*).

Mr. DEPUTY SPEAKER: Order please.

Hon. H. deB. FORDE: I am not now surprised at the cacophony of sound coming from the Leader of the Opposition. Suffice it to say that after this Parliament he will not be in here, but I promise him that if he takes the beating for the next four years that he has been getting consistently, he will see a model Companies Act on the Statute Book of Barbados. It will be achieved.

I wish to say that in this draft we have referred the draft for comments to various people, including the President and past President of the Bar Association acting on behalf of the Bar; and of course to Mr. Justice Williams who is doing the comprehensive exercise of revision. We have not thought it necessary to refer it any further afield because it is a legal matter; but you will notice that our Act has a saving provision, a wider provision than is contained in the United Kingdom Act. It has a provision dealing with the need for a declaration of solvency. I may say that this is one of the recommendations contained in the work of the Company Law Committee of which I had the honour to be Chairman, and on whose working papers Mr. Justice Williams has been concentrating in drafting a new Act which has been presented to my Chamber; and I hope that I would have the privilege not only to be chairman of the Company Law Committee, but to be the person to introduce the Bill in this House at the appropriate time.

I do not think that I need to say more, I am sure that they are other members like Your Honour who take a great interest in law reform

for Company Law. I will state that the question of law reform in Company Law, and indeed in the whole field of commercial law is a mammoth task. It cannot be achieved by *ad hoc* tinkering as we have done in this instance and in the case of other Bills, and bringing in piecemeal proposals and amendments. It must be faced squarely with adequate staff and in a concerted and well set out effort.

I trust shortly that I will have to come to this House with a supplementary for setting up a proper law reform committee and that members on both sides will willingly accept such a Resolution. I might say that we discussed with the Minister for Establishments the necessity of additional staff to deal solely with the question of law revision and law reform; and I hope shortly to invite the Chamber in joining in a Resolution to provide for that additional staff.

Hon. H. B. St. JOHN: Mr. Deputy Speaker, in seconding this motion I would like to enlarge on some of the matters raised by the hon. member. This is a very important piece of legislation in this country in order to attempt to ensure that capital provided in Barbados is utilised for development in Barbados. Hitherto people in institutions which needed capital in Barbados to expand their business had to rely on banks, private shareholders and development institutions; and everyone knows that what has always concerned us in this country is the cost of obtaining credit from banks and other financial institutions. Whether the other side likes it or not, in the short space of time that we have come into power in Barbados we have done a tremendous amount to ensure that the profit made by institutions between what they borrow at and what they lend at is reduced.

This is another step forward, for now companies will be able to offer securities in the form of redeemable preference shares to potential investors, to pay them a larger interest rate and at the same time offer them a greater measure of security than they would have if they put their money in ordinary shares. This is vital because when you put your money in ordinary shares you do not get it back unless the company is liquidated. In the case of preference shares which are redeemable, means that the company can issue this type of security, promise to pay it back and give an obligation to pay back that loan within a period of years.

The capital market in Barbados will be made more attractive because people will now have a

greater choice. Instead of putting the money in a bank on which the bank will give them 4 per cent and lend out at 10 per cent, they can put it in a company, and the company is in a better position because its cost of borrowing will be reduced.

4.05 p.m.

That is the whole object of the Bill, and I am sure it is going to get the support of all sides, because it is another attempt to give flexibility in the money market and to encourage competition in the money market in Barbados with the hope that the cost of borrowing as a whole will go down and savers will be given a greater inducement without having to undergo extraordinary risks in the form of going in for ordinary share capital.

Mr. GREAVES rose.

Hon. H. deB. FORDE: Mr. Deputy Speaker, I just want to indicate to members before the debate continues that I will be asking for two slight amendments in the Committee Stage of the House. That is to Clause 2(6), in the fifth line, where it says:

"Notwithstanding subsection (5), where new shares are issued before the redemption of the old shares, the new shares shall not, so far as relates to the payment of fees, be redeemed....."

Delete the letters "re" in the word "redeemed." It would then read "be deemed to have been issued....."

Also at the end of Clause 55(C).(3), delete parentheses occurring after the word "accused."

There have been, obviously, typographical errors that have come into the Bill, and I will be asking to deal with those, so I wish to draw this to the attention of the House. I am grateful to the hon. member for giving way.

Mr. GREAVES: Mr. Deputy Speaker, the points which have emerged on the introduction of this Bill can be categorised in two areas. One in the area, generally speaking, which the Attorney General has pointed out, the area of general law reform with particular reference to the whole question of the new companies Act which we have been promised for some time. The second point is to do with the raising of capital locally. I just want, Mr. Deputy Speaker, to refer to these two particular areas and to express some

points of view which I feel that at this point in time of our development we, obviously, have to look at very carefully.

There can be no argument and, indeed, there cannot be any doubt that at this point in time we do need a modern and up-to-date set of laws relating to the operation of companies in Barbados. The Attorney General has pointed out that a Committee has been set up of which he was Chairman at some point in time; that a Report is ready and, hopefully, very soon from now a group of people will be getting together to draft the law relating to this particular area. Now this, of course, is of some considerable interest — interest from the point of view of the kind of direction which the new legislation will take. I say this because one must regard any legislation to do with the operation of companies in the context of a developing society as fundamental, because this kind of information would have the effect of giving some direction or indication as to the trend of development and the course in which society would obviously be developed. Particularly, in the area in the kind of relationships which one would expect would exist in the context of a company.

I would, therefore, hope, Mr. Deputy Speaker, that at some point in time and, certainly, before long the Attorney General would, at least, seek the views of the Barbados Workers Union. This is not any question of begging for an opportunity to make suggestions in an area of vital concern. We consider that it is an area in which we have fundamental interest, and we would want to be in a position to indicate to any kind of Committee which is setup and which will be drafting the legislation to accept some inputs from us because Company legislation affects the workers and affects the Barbados Workers Union in its negotiating situations fundamentally.

Now, let me indicate to you what I mean when I say this because this is very, very important, from the point of view of the kind of information which is at present available from company files is very limited at present. As a matter of fact, if you were to go to research the file of any company in Barbados there is hardly any information of any importance which can be found there. We have said this over and over again. The way in which the information is presented does not in any way give any very serious indication as to what is happening in the context of the company. This is the kind of strictures against which one has to operate. One

would hope, therefore, that in the general company reform that the Attorney General spoke about that there would be provision for full and free disclosure of financial information so that people could go and research information on the operation of the company. I say that this is of fundamental importance in any negotiating situation. I think it is something which people are entitled to have.

The second point, Mr. Deputy Speaker, that emerged so far from the debate is the point which the Deputy Prime Minister made about the fact that in this bit of legislation an attempt is being made to ensure that capital which is provided in Barbados is utilised for the development of Barbados. This is how I understood the Deputy Prime Minister to make the point that he made. This, of course, is important. What is of some concern to me is what seems to be a feeling that when it comes to the operations of companies, even although over the years we have attempted to exercise a little measure and degree of control over the operations of companies, enough is not being done, Mr. Deputy Speaker, from the point of view of ensuring that companies which come into Barbados, which are set up and operating in Barbados, and which utilise local capital — capital which is borrowed from the local banking system, or from the capital which is mobilised here — enough is not being done to ensure not only from the point of view of investment, but one seems to be bending over backwards always to be so accommodating to people who have come in and utilised our resources here that they are given a relatively free hand in repatriating their profits. I am very serious about this because without wanting to enter into any serious debate or discussion on the Budgetary Proposals, you will recall, Mr. Deputy Speaker, that this point was made by the Prime Minister only last Friday when he indicated that the existing policy of the Government with regard to the repatriation of profits and other amounts in excess of these reserves will be continued unchanged.

I am suggesting, Mr. Deputy Speaker, that we have to take a very serious view of this. We have to take stock and try to change this particular situation to limit, and limit very seriously, the amount of profits which are repatriated from this country and, particularly, in those areas where people will, probably, bring in expertise only, but will be utilising money and capital which is made here in this country and then are allowed a relatively free hand in sending profits out of this country. I would think that we, as a nation, should take a very serious view

of this because I consider that as an Independent country and as a self-respecting country, these are the kinds of demands which we can make on our own on people who come here and who would want to operate.

4.15 p.m.

Mr. TAITT: Mr. Deputy Speaker, I shall not, as my colleague would say, be long, but there are one or two points since this is an amendment to the Companies Act which I believe are worthy of note.

Mr. Deputy Speaker, for a fairly long time now we have been hearing of and on other occasions I have been calling for a comprehensive business code in this country. The Companies Act as you very well know, Mr. Deputy Speaker, was put together in 1908. I know since then we have had the laws of Barbados put together. I know that some eminent legal luminaries have been working on refining the laws of Barbados, but I submit that the method of living and the way of life in this country have changed considerably, and one of the things which has to be done very soon in my opinion is that we must have a comprehensive business code which will not only set out a number of the provisions currently available in the Companies Act which are themselves good provisions, but also take account of the new areas of business, take account of the new needs in the whole concept of the transaction of business between people and especially as it relates to the transaction between business people and consumers.

I must say that one of the disappointments I have had in political life in Barbados is that I have not yet been able to see a set of consumer legislation that has as its primary responsibility the consumer rather than the businessman. Most of our legislation connected with business seems to me to be steeped in the concept that business is sacrosanct, that there is something about business which is reserved for a certain few, and that only if you have been born in a business are you capable of understanding a business. You, Mr. Deputy Speaker, know that this is far from the truth. Indeed it turns out that those who have never participated in business *per se* are always in a better position to advise those who pretend and masquerade as being brilliant businessmen. Mine is not today to deal with the businessmen, but to look for example at this difficult area, this problem between the public company in Barbados and the private company in Barbados.

Now most of the lawyers in this country have been trained in the United Kingdom where a fairly anachronistic view of the private company still prevails, and therefore one does not expect the lawyers — I am not here, casting aspersions — to have a different view about private companies than that which they have been trained in and attuned to, but it seems to me that there is nothing sacrosanct about the private company.

Now one of the dangers for a developing country is a proliferation of private companies. We have heard from both sides of this House over many years a number of strictures against activities which have been carried on in Barbados, and I dare say in other developing countries under the guise of the private company. You are aware, Mr. Deputy Speaker, that a number of otherwise unacceptable things can be done by individuals through their companies. I maintain that in this Barbados it ought to be much easier as my colleague started to say to obtain certain information about companies of any kind. I maintain that one ought to be able to go to the Registry or to some central place and get a full reading of the activities of any particular company carried on in Barbados. I have heard in recent times that we are about to get a stock market. I maintain that unless there are shares to be traded the need for a stock market really does not exist. It is better in my view to see those who now control the shares of so-called private business in this country taking some steps towards making shares available to ordinary people, and I am not talking about making shares available in the way that Cave Shepherd made shares available. What Cave Shepherd did was to borrow some money from some people and give them a guarantee return on the money just like some Banks do, but those persons have absolutely no say in the policies of Cave Shepherd. If they go to the Annual General Meeting of Cave Shepherd they are merely going to demonstrate that they too got a piece of the action. I would prefer to see some of the companies like Cave Shepherd and the other larger companies get involved in making shares really available to ordinary people in this country so that ordinary people will be able to participate in the decision making within the company, if at all you are going to have private companies.

Finally, Mr. Deputy Speaker, the whole business of the off-shore company. I think that Barbados has to be extremely careful how it goes about setting up any kind of havens. I do not wish to get into any contention over this. I

am stating just a view. I believe we have to be particularly careful when we come to the business of setting up what has been euphemistically described as tax havens. They are not always tax havens, although they sometimes turn out to be havens for something else. It takes a certain expertise to be able to run any such system effectively. I am not prepared to say that such expertise does not exist in Barbados, but I hope that the Government if it intends to pursue this course will do a very careful cost benefit analysis to see if the proposed benefits truly are in keeping with not only the cost in terms of money, but the cost in terms of our total resources and the cost in terms of the socialisation of our country, and the cost in terms of the human resources of our country. I hope that the Government will be extremely careful as it goes about this concept of putting together a tax haven.

Mr. Deputy Speaker, any amendment to the Companies Act that will improve it will always find favour with me and I believe with all my colleagues on this side. The Companies Act cries out for comprehensive reform and I will end as I began by saying that I look forward to the day when some group of persons working for Government or not working for Government will put together a comprehensive business code so that persons who participate in economic activity will have a general working knowledge of what it is they do, how they do it and perhaps why they do it.

Mr. SIMMONS: Mr. Deputy Speaker, I would wish to begin by saying I find this piece of legislation, short though it may be, of particular interest to me who has some interest in company law and of particular relevance to Barbados at this time, especially in the light of the Budgetary Proposals delivered by the Prime Minister last Friday. Before I deal with any of the submissions of hon. members on the other side, it seems to me, Mr. Deputy Speaker, that in a developing country company law is of particular interest especially when the party in control of a developing country professes basic principles of socialism, while on the other hand there is a contradiction with the company in so far as the company is a capitalist phenomenon for the aggregation of wealth and the hoarding of capital; but where it has to operate within the context of a mixed economy, there must be room for regulation of the company within the framework of the economy.

4.25 p.m.

Any companies legislation, whether it is piecemeal as the instant Bill is, or whether it is comprehensive must have subsisting or subsuming the individual clauses and sections basic principles, and I think that the principles behind any companies legislation are possibly two or three. There must be a principle calling for disclosure of information, and as much information as possible, so that creditors are protected, shareholders and participants in the company are protected, and potential investors are also protected, and in addition to that, minority rights must also be protected as well as there must be a principal aim at the prevention of fraudulent practice, because let us not be side-tracked that companies all over the world and in Barbados have been used as engines of fraud.

Having said that, Sir, it seems to me that I find that this piece of legislation satisfies certain of those tenets which I outlined as would subsume legislation of a company nature. I find that there is in clause 55A a calling for the disclosure of funds which are appropriated to Capital Redemption Reserve Fund. I find also that there is provision for the application of extraordinary resolution, I find also a declaration of solvency, which as it appears to me takes this Bill beyond the range of section 58 of the English Companies Act of 1948. This Bill is based on section 58 and following of the English Companies Act of 1948, but the provisions of section 55C go beyond what one would find in the English Act of 1948, and is a welcome principle, because too often companies get into liquidation, the Directors are not liable and creditors are held to ransom and lose their money by virtue of trading with the company and so on, and this declaration of solvency and the consequent sanction for breach of that declaration of \$2,500 or imprisonment if a Director gives a false declaration, to my mind attempts to tighten the loophole in this area relating only to preference shares, but there is a need of course to carry it throughout the legislation, and I am with the member for St. Lucy on this point.

The disclosure provisions of this Bill are nothing new, as I said, Sir, they incorporate sections of the English Act, and it is a welcome innovation or extension, as far as Barbados is concerned, because soon after I became a member of this House last year, after the bye-election, in highlighting the problems — I will not use another word — of Bath Plantation Limited and Caribbean Airways as it now is, when I came in here and exposed what I had

found on the files in the Registry, there was very little information, and the problem has been that the Managers and Secretaries of companies have been delinquent in making the appropriate returns to the Registry and the Registry itself has not been using the machinery provided there to fine the Directors for failure to make the adequate returns. Some of the provisions, I think, of section 31 carry a fine of \$24 a day for every day you are in default, and I have already drawn it to the former Government's attention and to this Government's attention, that if they want to collect some money start checking in the Registry on company files and you will rake in at least \$1 million with ease, because they will pay up as soon as they see that you are getting after them to bring their records up to date.

Now, Sir, I was a little surprised that the hon. member for St. Michael South West ventured into the area of British company law. I am not going to be hard on you today, but when he said that in the United Kingdom there is an anachronistic view of the private companies. Mr. Deputy Speaker, as a learned lecturer in the company law yourself, you know that as comparatively recent as 1967 there was the abolition of the exempt private company and they now have to file balance sheets and give greater disclosures, but perhaps the hon. member was an anachronism himself.

Mr. TAITT: If the hon. member will give way and stop these gibes that do not come off, the point I was making is that while in Britain itself the British are reforming their company law, those persons who have had the, shall we say, benefit of learning in England have still got the anachronistic concept which governed company law prior to the more recent and enlightened approaches of which the hon. member now speaks.

Mr. SANDIFORD: I rise on a point of order. I really wonder, Mr. Deputy Speaker, if you will ask the hon. member to withdraw the word "anachronism". How can he look at an hon. member, this up-standing male, all elegant, all-male Barbadian and describe him as an anachronism? He is a modern Barbadian man, the hon. member for St. Michael South West. I do not think he should really refer to him as an anachronism, I think the appropriate term is the hon. member for St. Michael South West.

Mr. SIMMONS: Mr. Deputy Speaker, I am really sorry that the hon. member for St. Michael South has provoked me, because I was present

earlier today — do not beg for light this time — I was present earlier today when the hon. member for St. Michael South West was speaking in a pleasant way to the Prime Minister, myself and a member of the Press outside in the Lobby, Sir, and this tall upstanding male, this son of Africa, this epitome of a Yoruba itself, he said that he said to the people during the political campaign that when he, the member for St. Michael South West, was a girl Miss Norma Weekes was a big grown woman. It may have been a slip of the tongue on the platform, but he repeated it today, Sir.

Mr. TAITT: Mr. Deputy Speaker, I think he has been advised so that if I should get up and say that it is not true, then another member would get up and say he heard it. This is a point of elucidation, Mr. Deputy Speaker. They said that they thought they had heard that, and I hastened to point out to them that I could not possibly have said that.

Rt. Hon. J. M. G. M. ADAMS: On a point of order, Sir. The remark was made to me and the hon. member for St. Michael South West said "I told them on the platform that when I was a little girl Norma was a big woman."

Mr. DEPUTY SPEAKER: If the hon. member for St. Philip North would continue his speech on companies, he was talking about the private company.
4.35 p.m.

Mr. SIMMONS: I was speaking of the abolition of the private company in England, and my friend, the member for St. Michael South West did interrupt to suggest that I have been trained in England and perhaps I was not familiar with current trends in Company Law. As you will know, I was trained in my Company Law with one of the greatest socialist lawyers I have ever come across, Professor Wedderburn at the L.S.E. and I had the pleasure of being taught by Professor Gower who drafted a comprehensive Companies Act for Ghana, and also studying with Mr. Ken Rattray of Jamaica who drafted the Companies Act for Jamaica which was far in excess of the provisions of the Ghanaian Code. So, to that extent I would like to credit myself as being familiar not only with the personalities who have had to do with that progressive companies legislation, but also with the legislation itself.

Mr. SANDIFORD: Mr. Deputy Speaker, if the hon. member would give way I would ask if he is going to proceed also and draft the progressive Companies Act for Barbados.

Mr. SIMMONS: The learned and erudite Attorney General is far better equipped personally and in terms of departmental staff to do the drafting; but I am willing to assist in any capacity if they ask me.

Mr. TAITT: Mr. Deputy Speaker, if the hon. member would give way. I promise not to interrupt him again. I was not making the point that the hon. member or the Learned Attorney General might not be familiar with the personalities and/or new Companies Law. I was suggesting that some of the persons who even now are practising attorneys in Barbados who might have been trained in Britain some years ago seem to speak about and practise concepts that are not at all modern. (*Aside*). I wish that the hon. member for the City when we are attempting to discuss matters of this nature would not try to sneak into it.

Mr. SIMMONS: Mr. Deputy Speaker, I do take the point. If I may return to my other theme on the principle of the Bill, I think that what we have ignored — all of us who have spoken so far — is the Prime Minister's proposal on Friday to raise the basic minimum fee payable for registration and incorporation. I believe that because we have come along in an age where people form companies quickly and easily we believe that it is the done thing without being appreciative of the fact that the struggle for the privilege of incorporation was a long one and only culminated in 1897 with the case of Solomon and Solomon in the English House of Lords.

To my mind, for the privilege of incorporating a company in Barbados, for the privilege of knowing that you are using a particular legal vehicle for the mobilisation of capital, there should be an even higher charge for setting up companies; because as I say, too often is the vehicle being used as an engine of fraud or for the purpose of evading taxes and sundry other manoeuvres.

Now, Mr. Deputy Speaker, with the proposed introduction of a top market in Barbados, with the Prime Minister's call on Friday for a mobilisation and better utilisation of local capital, I think that this Bill dealing with preference shares in particular is particularly timely. I do not want to repeat anything that the Deputy Prime Minister said; but I wish to point out that one of the advantages of the preference share is that it is a safe investment because upon the liquidation and winding up of the company, the preference shareholder is returned his capital

after payment of the debts and before the return of capital to the ordinary shareholders.

We do not come across preference shares in our daily life. They are very limited in this country. You get them in England all the time because there is a highly developed capital market, a stock market and so on; but a preference share is in some respects similar to a debenture in that if there is a profit out of which dividends are to be paid, the dividends are paid at a fixed rate, and just as in the case of the debenture, the debenture would carry interest at a fixed rate; but of course if the company makes massive profits, the preference shareholder whose dividend is fixed may be at a disadvantage in comparison with the ordinary shareholder.

I was a little concerned that there is not a stronger provision to protect the rights of minorities; and I wish perhaps, that the Attorney General would pay some attention to this in the new draft of the comprehensive companies legislation. The Jenkins Committee, of which I have my own copy and which reported before the Companies Act of 1957, did recommend — and I have seen us follow the recommendation in this Bill — that Section 58 of the 1948 Act, should be extended to permit the conversion of preference shares into redeemable preference shares by special legislation subject to the protection of various rights.

I do not think that we have gone as far as that. We have not implemented Jenkins. It is not that Jenkins of course was the ideal committee. It was a committee in blinkers, very narrow and bereft of any policy considerations at all. Mr. Deputy Speaker, there were other comments made in particular by the member for St. Michael South West about the need to be vigilant in the establishment of tax havens. I nodded when he was speaking. I was nodding approval of what he was saying. I was not, as Homer did, nodding for any soporific reason; but again, the Prime Minister at Page 50 of the Budgetary Proposals and Financial Statement did advert to the question of tax havens; and he showed himself alive to the problem and alive to the criticisms and to the fact that of course tax havens could be used for the infiltration of dissolute, shady, seedy and other characters in the society.

I think that my friend need not fear that the Government, and especially the Prime Minister who will obviously have to deal with it, that we are fully cognisant of the dangers attendant upon the establishment of a tax haven in Barbados.

Mr. SANDIFORD: Mr. Deputy Speaker, I wish to make a few points. I noticed that you are sitting very much forward in your seat as though you would have welcomed the opportunity to make a few comments in this particular matter. I know that your present duties will not allow you so to do; and I regret that you have lost yet another opportunity to make your voice heard in this Chamber and raise the tenor of the debate on which you have commented on so many different occasions.

Mr. DEPUTY SPEAKER: I will get my chance at Cave Hill.

Mr. SANDIFORD: Well, the Parliament at Cave Hill. You will get your chance. I would say first of all that I do not think that on this side we are going to oppose this particular measure; but I would like to point out to my friend, the Attorney General, and the member for St. Michael West that for many years I heard him over on this side of the Chamber criticising the Democratic Labour Party Government for coming to this Chamber only with piecemeal legislation, and regretting the fact that there was no overall Bill for the reform of companies legislation.
4.45 p.m.

I regret that he has found himself in this position here today of having to come with yet another piece of legislation, but we welcome the same assurance that he has given this Honourable Chamber as we gave the former Attorney General or Attorneys General gave when they were out there that work was going on on this particular measure. We are, certainly, looking forward to the day when this will actually see the light of day. I think there is no piece of legislation in this country which might be more pregnant for the future development in this country than reform in the country's legislation.

I make this point because I take a slightly different view from my colleague, the member for St. Michael South West, on these matters. I agree with him that the whole area of companies' activities tends to be a sort of anomalous and nebulous empire because we hardly know what is going on as far as companies are concerned. When we realise that they represent an important part of the economy of this country, when we realise that there is this shroud of secrecy about the activities of companies in this country that that is one of the ways in which this democracy is imperfect. If democracy is based on knowledge and information, then to the extent that information and knowledge about the operation and activities of companies in our society are not

available to that extent our democracy is imperfect.

Where I say I differ, and this is to mark the importance of companies in this economy. I think companies represent one of the most important methods of mobilising savings in this country because if we look at developments in other economies, it is the development of companies and their ability to command income over and beyond what they need for their own operations which have put back into the economies funds for further development and expansion. This is so in other economies, and it is even moreso in an economy such as ours which depends not only on local companies, but on companies which are part of multinational corporations.

I think anyone who has studied the development of companies in this regard would realise the points I am making, and some of the more distinguished economists have written on this particular matter. I just want to raise the point that we are certainly waiting in anticipation that this legislation would soon come about and that the Attorney General, who has expressed himself so eloquently and so earnestly on these matters would be able to speed up this particular measure. I know he has a great knowledge, not only of the law of the operations of companies in this country, but will do his utmost to bring this legislation before this Honourable Chamber in due course. I will not say anything more on this particular measure at this stage.

It is very important, of course, that shares become available to ordinary members of the public. I am not a sanguine — and this is the point I was actually making about my colleague, the member for St. Michael South West — I am not a sanguine as he is that there will be any particular device to give the ordinary shareholder any particular say in the operation and running of companies because by their very nature the shares which the small investor may have in a company and, indeed, even some of the larger shareholders would not be enough to exercise any preponderant voice in the Board Chambers of companies. The modern development is the fact that it is the managers, those who are in the managerial structure or, as I believe it was John Kenneth Galbraith who put it in the new industrial estates where he referred to the techno-structure. I think it is the managers and those who are involved in the decision-making process moreso than the shareholders who are tending to exercise the main interest and make a decision which modern corporations take.

Hon. H. deB. FORDE: Mr. Deputy Speaker, if no other hon. member wants to speak on this measure, I will reply. I am indebted to hon. members who have spoken for the suggestions which they have made and which they hope will be accepted for the new Companies Act. So far as the hon. member for St. Lucy is concerned, I should like to give him the assurance that, certainly, we will be consulting the Barbados Workers Union for its views on any new Companies Act and, indeed, even before the Act is finally accepted by Cabinet I intend to circulate copies of it to the main organisations in this country who, obviously, have a great influence on matters pertaining to companies and company laws. It would be churlish of me not to recognise the vital role which the Barbados Workers Union has to play in this respect.

So far as the administration of the Companies Act is concerned, I think the criticisms of hon. members are well founded. We have great difficulty in keeping the company files properly or at all. Part of the problem here is physical room at the Registry. I am hoping that we can do something during our tenure of office to expand space for the registry and also to make it easier for people, who have been trained in company administration, to look after the file in that office much better than is at present done. I agree with the hon. member for St. Philip North when he says that a lot of Government revenue is lost because of the failure at the moment to police the Companies Act properly. Indeed, one of the recommendations made by the Companies Law Committee concerns this aspect of the matter.

So far as the question of greater disclosure of the information is concerned, the views which one takes now of disclosure of information is so much different from the view of people who drafted Companies Acts at the turn of the century took. It is well recognised that greater disclosure should be allowed and, indeed, I think a perusal of the practice in relation to public companies in this country shows that by and large accountants ask for much greater disclosure to be made in the balance sheet of companies than is called for in existing legislation.

I can say also that this point has been taken up by the Companies Law Committee, and the new legislation will contain some radical recommendations for greater disclosure of information. This requirement to disclose information to the public will not only be placed as a duty on public companies, but also will extend to a much more limited extent to private

companies as well. So far as the question of repatriation of profits is concerned, I think once the society accepts that there is going to allow some degree of foreign participation in the economy, the country must accept that it will allow some degree of repatriation of profits.

4.55 p.m.

The hon. member will hardly argue that any loans, for instance, from an overseas Union which attracts interest should be made on the basis that the person lending the money to the Union here should not be allowed to have the benefit of the interest accruing to that loan repatriated to the country of the lender. I think the only argument we can have is the degree to which we allow exorbitant profits from any person who may be a non-national or non-Caribbean person to be repatriated wilfully at the expense of the local economy.

Mr. GREAVES: Mr. Deputy Speaker, on a point of elucidation, I know that the Attorney General was not in his seat when I was making the point, but I should just want to reiterate the point because it is important. I was making the point in the context of companies which come into Barbados, utilise Barbadian capital, the point which the Deputy Prime Minister made, and are allowed a free hand in repatriating all the profits they made from that particular situation. But the hon. member is talking about a situation where a company, as indicated, brings in money or lends money to an operation here and where interest is due and not allowing them to send the interest back out. This is a completely different kettle of fish as I see it.

Hon. H. deB. FORDE: I am grateful to the hon. member for clarification of that point. I can state that the Ministry of Finance has together with the Central Bank been monitoring such companies and have been placing greater limitations on the freedom of repatriation of funds that existed before and obviously as the economy improves and will become more self-reliant I think hon. members can be assured that this Government will certainly not allow exploitation in any form at all, even in repatriation of either assets or indeed of profits by foreign companies in Barbados.

The hon. member for St. Michael South raised a few questions. One was the question of the establishment of a business code. To me I do not know whether he means a business code *per se* which private enterprise will have for its own conduct or whether he means certain other measures which would prevent things like the

monopolies and restrictive practices as at present exist in the economy.

Mr. TAITT: On a point of elucidation, I mean the kind of comprehensive legislation that obtains for example in some of the provinces of Canada, and I am sure the Attorney General is familiar with some of them.

Hon. H. deB. FORDE: The hon. members then means the whole gamut of consumer legislation dealing with consumer credit, restrictive practices and monopolies. I should like to assure the hon. member that this is one of the pledges in the party's manifesto at pages 15 and 16, and the hon. member will hear that this Government says, and I had said during the time of the last Government, that we cannot do law reform on an ad hoc piecemeal basis by a Cabinet Committee, that we need a permanent Law Reform Committee. I am happy to state that the Hon. Prime Minister has attended to the request of my Ministry for staff in this respect and today he has approved the staff that is recommended, and that is why I told the House that shortly I hope to be coming down to the House with a supplementary for funds to set up a body whose sole task in the Ministry would be law reform and law revision. They will act I trust, subject to Cabinet approving, under a Law Reform Committee in which people from outside, the University and other bodies will be administering the functioning of the law reform section. I will try my best in the time I have, to do as much as I can in this field. Indeed the Department of the Leader of the House is already asking for certain up-to-date legislation dealing with external trade and reform of the whole field of legislation.

Mr. SANDIFORD: Mr. Deputy Speaker, on a point of elucidation, I did not get the import of the words of my friend the hon. member for Christ Church West "in the time that he has". I am wondering if there are some hon. members on the back bench or even indeed the Chair who may be challenging him in his position as Attorney General.

Hon. H. deB. FORDE: I can assure the hon. member that this side has a Right and Learned Hon. Prime Minister, but no Lord; although he dispenseth, he neither giveth nor taketh. There is no challenge at all. I welcome the opportunity to assure the hon. member that the Cabinet has no divisions in it; it is 100% together on any issue. We have no doubt at all about the solidity or the wisdom of this Cabinet if the hon. member wants that assurance. What I want to say for explanation is that none of us knows how long

we have to live nor indeed how long we will be in Government, and during the time that I remain in the Government as the Attorney General, I will try my best with the resources that are available to do the work which the Government and the Party want me to carry out.

The hon. member also spoke about the role of private companies. I would like to assure hon. members that even in democratic socialist countries, and I cite particularly Scandinavian countries and Sweden as outstanding examples of democratic socialism, where worker participation and the spreading of the ownership of the wealth of the country is well recognised, the concept of the private company is still maintained. There will always be in any community, even in Cuba today, certain aspects of the day to day affairs which are better carried out by the individual or one or two people.

Mr. TAITT: On a point of elucidation, I think the hon. member misunderstood the point I was making. The point is not that there must be a total and complete elimination of private companies. The point was not that private companies as a concept should disappear. It was that the private company as it is managed in Barbados and the concept of the private company in Barbados is such that information about private companies is practically absent. In the two examples given where democratic socialism is flourishing and where people are doing very well, the Attorney General himself is aware that those private companies of which he speaks has certain obligations in terms of the information which they must put into the public arena, and that is the kind of concept I was discussing.

Hon. H. deB. FORDE: I am grateful to the hon. member for his explanation. I give the hon. member the assurance and I said so I think when I began speaking in reply, that the comprehensive legislation will place a greater duty on private companies to make greater disclosure of information than is at present done, and this is so because increasingly one sees the necessity to do this particularly if you are wedded as, Mr. Deputy Speaker, our great party is wedded to the concept of local participation in the economy, and indeed when the Minister of Labour is in a position to make his announcement, members will be satisfied that that issue too will be gone into not only from a companies law point of view, but from a wider point of view of worker participation which the hon. member for St. James is now examining in his department.

Sir, the general comments made by my friend the hon. member for St. Michael South are

much appreciated. I think his thinking and mine on many issues do not differ too greatly; the only problem of difference is that he is on the other side of the fence in terms of party, but he made points that I have made. I agree with Galbraith's stricture, his comment and his analysis and I think very few members in this country know that for instance in Barbados today the main companies the so called big sixes that they make reference to, are no longer dominated by any select group of families. It is a wrong concept. 5.05 p.m.

Many hon. members have not taken the time to look at the shareholding and the changes in the shareholding that have occurred in this community, and you will find that nowadays most of the Directors in the public companies, with the exception of one public company which I will not name in the debate, are not families at all or people who own substantial shares, it is the insurance companies and the trust funds which are taking a greater and greater ownership in the shareholding of companies, and to the extent that insurance companies are localised you can say that the ownership is spreading. The shareholders have not yet caught on to this fact, but it is one of the analyses that I made when I was the Chairman on company law, and it is backed by the facts, and if people take time to look at this, it is that we will call on shareholders to be more active at general meeting and to make their voices heard and felt, because if there is one thing which is true it is that local insurance companies in particular are a living example of democratic socialism, and in this respect I can cite the Barbados Mutual where all the assets of that company are owned by every shareholder from the smallest man to the biggest.

There are many ways of achieving democratic socialism. I hear a lot of people shouting now to the top of the sky, and it came up in this debate, as though this is some new thing, some great and novel thing, but in this country we have progressively ever since the movement in the thirties been moving towards a full democratic socialist state, and the Labour Party has been in the fore-front of this battle since 1937. The Labour Party has done every consistent act towards achieving it, it is nothing new. What we are not interested in is the form of democratic socialism which means a restriction of fundamental freedoms as known and practised in this country.

Mr. TAITT: On a point of elucidation, if you will give way. Neither is this side interested

in any democratic socialism that would restrict personal freedoms.

Hon. H. deB. FORDE: If that side, having fallen out from our great Party, discovers that it has fallen into its errors and it wants to fall back into the philosophy of the Barbados Labour Party, we will welcome it even with your contribution to the Companies Act. We practise it anybody who has seen the Budget can be well satisfied with it rather than the scathing and unplaced remarks of the hon. member on Radio Antilles, Sir, and that is why when I get the opportunity I will show him where the measures that the Government is taking are. It is not only talking about it, it is moving more and more towards the concept of a true, democratic, socialist Government without shouting and merely using slogans for slogans' sake. This Party does not believe in that.

Mr. TAITT: On a point of elucidation, Sir. I am the person on this side who had the interview with Radio Antilles and I said it was a conservative Budget for conservatives, and I maintain so, Sir.

Hon. H. deB. FORDE: In that statement the hon. member only displayed his prejudice, his lack of foresight, perception and analysis. That is all I can say. Not even Wendell McClean who left him before, or indeed Duncan whose brain they are now picking, would have made such a gross error as the hon. member for St. Michael West. Not even Duncan whose brain their Party is now picking, Sir, and he has nothing new to offer, quite frankly, happens to say so.

Anyhow, Sir, with that I ask that this Bill be read a second time.

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

Hon. H. deB. FORDE: Mr. Deputy Speaker, you will notice that there is a No. 2 Bill which has not been circulated, and in addition to the amendments which I asked, this is merely putting the teeth in the background of the Bill. I would want to make one Bill to simplify printing and I will ask that at this stage we do not go into the Committee or third reading stage, so that we will postpone debate on this Item until the next sitting of the House, Sir.

Hon. L. B. BRATHWAITE: I beg to second that.

Hon. H. B. St. JOHN: Mr. Deputy Speaker, that concludes Government Business for today.

Mr. TAITT: On a point of order. I believe in a slight bit of anxiety the Hon. Leader might not have regularised the position. I am not certain if it was moved that further consideration be postponed.

Rt. Hon. J. M. G. M. ADAMS: What are we talking about now, Sir? If you give a Bill a second reading the Standing Orders do not oblige you to give it a third or to send it to Committee, it gets the second reading and that is the end of the matter. When we are ready to put it into Committee we will put it into Committee.

Mr. TAITT: Mr. Deputy Speaker, on a point of order.

Rt. Hon. J. M. G. M. ADAMS: The hon member does not really know the rules, I am on a point of order.

Mr. DEPUTY SPEAKER: Only one member can be standing at a time.

Mr. TAITT: I did not hear him, Sir.

Rt. Hon. J. M. G. M. ADAMS: Sir, I would respectfully suggest that the hon. member for St. Michael South West put this down to experience, because the Standing Orders do not oblige a Government, having given a Bill a second reading, to take it any further. All we are doing is telling you, and I think as Minister of Finance I should tell you and all hon. members that the further amendment relates to the budgetary proposals, and perhaps if I could also just add this to hon. members' attention, it does appear that there should have been an amendment to the Registration Office Act, Cap. 33, and it may be that next week notice will be given or an amendment sought to the second Bill to amend the Companies Act to change the title of that Bill to a Bill to amend the Companies and Registration. It will be a Bill to amend this Bill, Companies Act No. 1 and Registration Office Act. That is probably how it will come up, so it will be a little complicated for hon. members, but if they anticipate it well in advance they will perhaps sympathise with the Government in these circumstances.

Mr. TAITT: Mr. Deputy Speaker, on a point of order. I am absolutely amazed that the Prime Minister has the temerity to get up and ask for sympathy from us, but in getting on with the people's business we will give him anything, once

it is in the interest of the people of Barbados. He has this habit of getting up and talking about who knows the rules and who does not know the rules. Mr. Deputy Speaker, it is a very simple question, no one wanted to quarrel with it. I know that if he goes home any day not having quarrelled with anybody he is not happy, and if he wishes to have a quarrel, let us go outside and have a three-minute quarrel, but I merely wanted to find out whether the matter had been handled correctly, and I was drawing it to the attention of the Hon. Leader.

ADJOURNMENT

Hon. H. B. St. JOHN: Mr. Deputy Speaker, I beg to move that this House do now adjourn until Tuesday, 3rd May at 12.00 noon.

Hon. H. deB. FORDE: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. DEPUTY SPEAKER adjourned the House accordingly.

5.15 p.m.