
THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1981 – 86

HOUSE OF ASSEMBLY

Tuesday, December 20, 1983.

Pursuant to the adjournment, the House of Assembly met at 12.15 p.m. o'clock on Tuesday, December 20, 1983.

PRESENT

His Honour C. L. Bolden, LL.B., (Deputy Speaker)

Hon. L. S. Craig, (Minister of Parliamentary Affairs and Leader of the House)

Hon. H. B. St. John, Q.C., LL.B., (Deputy Prime Minister and Minister of Trade, Tourism and Industry)

Mr. L. E Sandiford, M.A. (Econ.)

Hon. Miss B. A. Miller, (Minister of Education)

Hon. L. B. Brathwaite, (Minister of Housing and Lands)

Mr. J. G. Odle, B.Sc., (Chairman of Committees)

Hon. V. L. Johnson, M.A., (Minister of Transport and Works)

Hon. L. R. Tull, Q.C., M.A., (Attorney General and Minister of Legal Affairs and Minister of Foreign Affairs)

Hon. DeL. O. Bradshaw, (Minister of Labour, Social Security, Sport and Community Services)

Mr. L. L. Sisnett, (Parliamentary Secretary, Ministry of Tourism and Industry)

Mr. A. Truss.

Prayers were read by Archdeacon F. A. Cayless.

MINUTES

Mr. DEPUTY SPEAKER: The Minutes of the meeting of Tuesday, December 13, 1983.

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that the Minutes of the meeting of Tuesday, December 13, 1983 be taken as read.

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

Mr. DEPUTY SPEAKER: If there are no objections or observations, let the Minutes stand confirmed.

GOVERNMENT NOTICES

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to give notice of the following:

A Resolution to grant the sum of \$445 124 from the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1983–84, Part II – Capital, as shown in the Supplementary Estimates 1983–84, No. 17, which form the Schedule to the Resolution.

A Resolution to grant the sum of \$339 034 from the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1983–84, Part I – Current, as shown in the Supplementary Estimates 1983–84, No. 18 which form the Schedule to the Resolution.

A Bill to repeal the Shops Act and make new provisions relating to shops.

A Bill to amend the Road Traffic Act, 1981.

FIRST READING OF BILLS

On separate motions of Hon. L. S. CRAIG, seconded by Hon. H. B. St. JOHN, the following Bills were read a first time:

A Bill to repeal the Shops Act and make new provisions relating to shops.

A Bill to amend the Road Traffic Act, 1981.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. L. S. CRAIG: Sir, I beg to move that Standing Orders 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of today's sitting.

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

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

GOVERNMENT BUSINESS

COMPULSORY ACQUISITION OF LAND AT TRENTS, ST. JAMES

Order No. 4 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Trents, St. James to provide a right of way to the Pumping Station.

Hon. L. B. BRATHWAITE (St. Andrew): Mr. Deputy Speaker, this Resolution seeks to give Government the right to acquire 60.9 square meters of land at Trents, St. James. This area of land is to form a right of way to a larger area of land of the same estate, which was acquired previously, something like 497 square meters of land, on which the Government has built a pumping station. This small area of land will serve the pumping station.

This is not a matter which I consider to be controversial, and I beg to move that this Resolution do now pass.

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

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

COMPULSORY ACQUISITION OF LAND AT RETREAT ROAD, ST. PETER

Order No. 5 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Retreat Road, St. Peter for the relocation of houses affected by the construction of the Speightstown By-pass Road.

Hon. L. B. BRATHWAITE (St. Andrew): Mr. Deputy Speaker, as a result of the construction of the new Speightstown Highway, a number of people have had to be resited, and in a further extension of this road, which will shortly be undertaken, more houses will be dislocated. This area of land, 1 050 square meters, is part of a larger area of land on which the houses will just have to be put back a bit in order to make provision for

the Government to carry through the road works in that area.

Again, this is not a controversial matter. People just have to be resited and the roads have to be put in.

I beg to move, Sir, that this Resolution do now pass.

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

Mr. B. M. TAITT entered the Chamber and took his seat.

Mr. L. E. SANDIFORD (St. Michael South): Mr. Deputy Speaker, we are not opposing this particular Resolution for the compulsory acquisition of land to assist in the relocation of houses affected by the construction of the Speightstown By-pass Road.
12.25 p.m.

We wish to raise a matter concerning that road, the necessity to provide appropriate traffic signals so that there would be fewer accidents on the road, or no accidents on the road at all. We are concerned that when we acquire the land, and the road designed and the people resited, there may be a number of accesses to the road which can create accidents.

The last time I raised this matter, I think the Minister indicated that there was only one or two accesses on to the road. I believe that, within the last fortnight, he had the opportunity to travel on it and he should now be in a position to realise that there are several accesses to that major highway. I fear that unless there is adequate provision by means of traffic lights, or some other means of regulating traffic across that road, sooner or later there might be problems.

I raise the matter at this stage, and I hope that the Minister will give some attention to it.

Hon. H. B. St. JOHN (Christ Church East Central): Mr. Deputy Speaker, I am a little concerned about the repetition of these matters all the time by honourable Members on the other side, and their failure to take into account that the Government has said that it has considered an overhead crossing, an underground crossing and traffic lights at the planning of Priorities Committee. All three options were put, and it was agreed, and this House has already been informed, that traffic lights would go on the Spring Garden Highway.

We are now talking about the by-pass in St. Peter. It has also been agreed that traffic lights will go on two of the crossings. That is known, so why are we constantly

Asides.

Mr. L. E. SANDIFORD: On a point of order, Sir.

Hon. H. B. ST. JOHN: It could not be a point of order, because I have not broken any Standing Order.

Mr. DEPUTY SPEAKER: Can I hear the point of order?

Certain remarks made at this stage by the honourable Member for St. Michael South were ordered to be expunged from the Record by Mr. DEPUTY SPEAKER.

Hon. H. B. ST. JOHN: The honourable Member says that I have not told this House. Repeatedly, whenever Speightstown comes up, and we discuss the by-pass, everybody has said that the junction by 'Doc' Husbands and Shamrock, and the other junction, will have traffic lights. Everybody has said that repeatedly. But the honourable Members on the other side, now that they have seen that the Government has been able to complete the schemes in the north of the island, are fearful of the inevitable consequences. So everytime a scheme comes up, the honourable Members are trying to nick-pick and criticise the Government. They are trying to put in the minds of the public, the impression that the scheme should not be carried out at all, but they do not dare say so.

I just want to say that the land in Retreat and the movement of the houses is another example of this Government, in its effort to reorganise and re-align highways, demonstrating a capability of, at the same time, carrying out an improvement in the housing conditions of Barbados. Go down to Retreat and see the 23 houses. Look at them now and you will see the tremendous improvement in the living conditions. Go and ask the people if they are happy and see what they tell you. We have put in water-borne toilets. We have put in running water. We have aligned the houses. Every person has an area for a little garden. They have lights and roads.

There has been such an improvement that we have applications for the remaining six plots. But they cannot get them, because there are three other houses when you pass Speightstown, one on the seaside and two on the landside — the one on the seaside very close to where the erosion is — and the Government will be offering by way of exchange, with the consent of the Ministry of Housing, a lot to that lot owner in Retreat and the other two on the landside area, next to the major drain.

So I appeal to the honourable Members. That is a national project. Do not come in here, on a national project that we should all be proud of, BLP, DLP, ZLP, and start nick-picking and trying to suggest that the Government is not careful in the planning of these

matters. We are going to have traffic lights, some for Spring Garden and some for down there.

I hope that honourable Members are not suggesting that we should acquire 'Doc' Husbands property, 'the Shamrock and the property at the corner, so that we can round it off. Because if we did not have the junction as we have it, we would have had to acquire five more properties, with all of the inevitable costs.

Honourable Members have quarrelled in the past. What they quarrelled about is irrelevant now, because the scheme is finished. You cannot do anything about it. It is done and finished. You have to put that in your pipe and smoke it. It is finished! All that you can do now is criticise it. The recession did not claim it.

I hope honourable members will understand that. The project has a very high visibility quotient. It is going to be a project of which all of us will be proud. It is going to bring development and employment, and prestige to the north of Barbados. The little defects that are there will be corrected, because the magnitude of that project is of such economic significance in Barbados that even the honourable Member for St. Michael South Central (Dr. R. C. Haynes) is going to change his mind about it. He called it a white elephant! Let us not forget that he called it a white elephant. He said that and the cement plant should be massacred. I will never forget that, with venom in his eyes and envy in his heart.....

Asides

Mr. L. E. SANDIFORD: Mr. Deputy Speaker,.....

Mr. DEPUTY SPEAKER: On what does the honourable Member rise?

Mr. L. E. SANDIFORD: On a point of order, Sir. The only person who is quarrelling in here is the honourable Member. I submit Sir, that....

Aside.

Mr. L. E. SANDIFORD: You never quarrel, Mr. Deputy Speaker.

Asides.

Mr. L. E. SANDIFORD: The Deputy Prime Minister. He should be shame!

Mr. DEPUTY SPEAKER: I do not think that the Deputy Prime Minister is quarrelling, because I would not allow him to quarrel.

Hon. H. B. ST. JOHN: The honourable Member is so confused today that he does not know the distinction between speaking passionately and quarrelling.

Anyway, Sir, I am very glad to support this Resolution.

12.35 p.m.

Mr. B. M. TAITT (St. Michael West): Mr. Deputy Speaker, I do not know what is the occasion that has driven the Deputy Prime Minister to this high level of passion. I thought we were discussing the by-pass road, but it seems as if he wishes to take the opportunity to discuss the project on which they spent an additional \$30 million. If that is the project he is bragging about, generations from now will hold it against him that he spent that money so badly.

They are the people, I know, who bought a swamp. They bought a swamp for \$3 million. Then they had it filled in. The person who filled in the swamp got paid for bringing the marl to fill in the swamp, and not paid for the dredging out of the swamp! All of that happened in the context of the project he is bragging about!

I assure him that when the time shall come for us to discuss this matter with the people concerned in the respective areas, for example, in St. Peter, we are going to tell them about this road and the surrounding areas, and the amount of money that was squandered down there, which led to its being \$32.6 million more than it should be. So the honourable Member cannot come here today saying that he is speaking passionately, because we have a number of things passionately to speak about in connection with developments in the north.

We could never say we are against this road, since it was conceived.....

Aside

Mr. B. M. TAITT: We are not neglecting the area anymore than you are neglecting the representative of the area.

Asides

Mr. B. M. TAITT: Let us have a little Christmas quarrel outside, not in here. We could not have a Christmas quarrel in here, Sir, but I am ready for them.

Mr. DEPUTY SPEAKER: I am not going to let anybody have a Christmas quarrel in here today. I am going to remind honourable Members of Standing Order 28(11) which says:

"No Member may allude to any debate of the same session upon a question.....", and also Standing Order 28(2)

"A Member must confine his speech to the subject under discussion, and may not introduce matter irrelevant thereto."

I am going to give the honourable Member a little bit of latitude to reply to the Deputy Prime Minister, but thereafter all Members will be required to conform to Standing Order 28(2).

Mr. B. M. TAITT: Yes, Sir. And with the greatest respect, I am sure Your Honour intended to draw to the honourable Member's attention the Standing Order concerning the need to sit quietly when other Members are speaking.

Mr. DEPUTY SPEAKER: Yes. Standing Order 33(4) and (6).

Mr. B. M. TAITT: I am sure the Leader of the House is familiar with that Standing Order.

The point I am making about this road is that it is not fair to talk like that about the honourable Member on this side. The honourable Member for St. Michael South (Mr. L. E. Sandiford) has not been described in the past as a nick-picker.

The honourable Member for St. Michael South is one of the honourable Members in this Chamber who takes his parliamentary duty very seriously.

It is in the face of experience with some of these so-called highways that have been constructed under the regime — but conceived by another regime — now currently in power, in its last days, that he drew the matter to the attention of the House.

That regime has made some fundamental errors, and I do not think it falls well from the mouth of the Deputy Prime Minister to be talking about how he has told the people over and over again. Today is the first day I have ever heard any honourable Member on that side say anything about lights or any other plans for this by-pass. And, based on what we have seen with the other highway, when they have put down the road, they have opened the road, they have made it available to traffic at high speeds — and, then after that, they have discussed what they ought to have done and what they proposed to do, to wit, an overhead, an underground and lights.

What my colleague was suggesting, and what I endorse, is that we ought not to make the same error. It is wrong for us to plan a road and not, as part of the total planning, include these matters of how individuals get from one part of the road across to the other, the kinds of access.

Mr. Deputy Speaker, you are fully aware that you cannot plan a road without planning the accesses to that road as part of the total development plan. As a matter of fact, when they brought the original plan for con-

struction to this Honourable House, they included, as part of the cost, "Access Road", and "Other accesses to the road". So if we raise questions about where you plan to put the lights, it is not because we are nick-picking. It is because, in the light of experience, we have found you to be incompetent in this regard.

The honourable Member is not a bad debater. He has the capacity to take a small point, move it away from the main thrust of the debate, and develop that small point as if it were the most important aspect of a debate. The honourable Member is good at that, and we recognise it.

But he must not, inadvertently or otherwise, allow people to mislead themselves arising out of what he says. He must not get up and give the impression that the Democratic Labour Party is against the Speightstown By-pass Road. How can we be when it was conceived by the Democratic Labour Party?

Asides.

Mr. B. M. TAITT: The Speightstown By-pass Road is one of many projects conceived by the Democratic Labour Party, conceived in the context of a reasonable cost, which had been delayed unnecessarily.

Mr. DEPUTY SPEAKER: Will the honourable Member now get back to the land acquisition and let us forget political policies.

Mr. B. M. TAITT: Yes, Sir. You will appreciate that I was really leading up to the point of the particular acquisition.

Asides

Mr. B. M. TAITT: This is November, 1983, so I would not be able to refer to it. I would not be able to quote it, nor even refer to it, but I want to direct the honourable Member, the Deputy Prime Minister, to refer to page 160. There he will see what was said by that side, and he would understand why it is necessary for us to raise these questions, which are matters of life and death.

Asides

Mr. B. M. TAITT: The question of how people access to this by-pass road is a matter of life and death. Traffic lights are a matter of life and death. It is not a simple matter. Those Ministers who have distinguished themselves in the Ministry of Transport and Works, or by whatever else it is called, have spent a considerable amount of their time being concerned with the question of life and death in Barbados.

Every time a single individual is killed because of some error on the part of some planner, either at the highest level or the lowest level, this community is

demeaned by the loss of that life. And it is our concern, because we are lovers of people and lovers of life, that you do not come, in your haste to give people the impression that you have done something fantastic, and give us any slipshod job which may result in the death of even one single Barbadian. That is the basis on which my colleague raised his question about the acquisition.

We understand that the Minister might have considered this acquisition a relatively simple matter, occasioning very little debate, and we share that view. But we would like to recommend to the Government that, in future, when they are bringing these acquisitions, especially concerning the new highways, that the Minister who is introducing it give us a comprehensive picture of what he proposes to do as a result of the acquisition, so that we would not have to ask questions which may be considered nick-picking.

I think that other honourable Members would agree that it is our duty to ask the questions that the population would like to ask. Some of those questions may appear trivial to the Deputy Prime Minister, who is the Deputy Chief of the Planning and Priorities Committee. They, on that Committee, might see these things so often that they now form part of their normal thought process. But a large number of people in the north have no idea what is going on in this area, except that they see a road going up.

(Hon. H. B. St. JOHN: And using it too.)

Mr. B. M. TAITT: Naturally, Sir, they will use it. He says they are using it, too. The road is there for their use; so, until you tell them not to roller skate, they will roller skate; until you tell them 'No boxcars', they will push boxcars; until you tell them, 'No donkey carts', there will be donkey carts. But we are saying you must not build a road that people get accustomed to using in a particular way and then you come *ex post facto* and stop them and tell them they cannot do that sort of thing. You should have bicycle paths; you ought to have had a bicycle path on the Spring Garden Road and you ought to have a bicycle path on this road.

12.45 p.m.

Mr. DEPUTY SPEAKER: The honourable Member has left land acquisition and he has reached bicycle paths and he has reached the Spring Garden Road.

Mr. B. M. TAITT: Sir, I am going to wait until the next Resolution and deal with that matter. Thank you very much for your patience, Mr. Deputy Speaker.

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

Mr. R. E. BRATHWAITE (St. Lucy): Mr. Deputy Speaker, I rise to support this Resolution, and in supporting it, I have a few points to make.

I am very happy with the Barbados Labour Party for moving some of the activities and projects to the north of this island. I know this road very well, because it is the road to my home. It is a very short span, and I am saying that when we go into these projects, we should have some kind of development plan in the area; because I definitely believe that six months from now we are going to have to acquire two or three more lots of land. I believe we all know that we have the Arawak Cement Plant, we have the Heywoods Holiday Village, and we expect to have the Cluffs Oil Company in the north — and if we do not make some preparation, I am sure we will find ourselves with problems.

I believe that this road from the Heywoods Roundabout should be running straight down to Colleton. From the three names that I see on this Addendum, I am sure that they do not touch the dangerous corner at Six Mens, and I believe that we should have one big plan, because to have three or four plans for one small project, which is about half a mile of road, and then a few years from now we have to have another plan, I call that not spending money so well on this particular venture.

I am also surprised to hear, Mr. Deputy Speaker, the honourable Member who has just sat down speaking about the road in that vicinity. We all know that if the Democratic Labour Party had built that road at the time they bought that land, it would have cost half the price it is costing today. But I remember in the Other Place, Mr. Deputy Speaker, that an honourable member from that side spoke on this same Resolution when we were trying to start the road and make some acquisitions down there, and he said: "Look what the Barbados Labour Party is doing with the money of the taxpayers of this country, they are building a road in a salt pond."

Mr. DEPUTY SPEAKER: I do not want to interrupt the honourable Member, but please let us stick to the Resolution that is before the House, that is the acquisition of land for the removal of houses. Do not let us go into the debate on the road at this time, please.

Mr. R. E. BRATHWAITE: All right, Mr. Deputy Speaker, I will try to do that. What I am trying to tell you is that mistakes were made by both Governments. If you think about the road — all of you in here know it — going across Wanstead Drive, in a bright day like this, when you get to the north end going to Haynesville, you have a more serious corner there. We too used to say building the roads.....

Mr. DEPUTY SPEAKER: I warn the honourable Member that I am not going to allow debate on road building or road construction.

This Resolution deals with acquisition of land for the extension of a road in St. Peter. I am not going to allow the honourable Member to discuss Wanstead or any other place.

I have given enough latitude to an honourable Member of the Opposition because that was something raised by a member of the Government. I have warned you that I am restricting the debate now to the acquisition of land.

Mr. R. E. BRATHWAITE: Mr. Deputy Speaker, I am still speaking on the straightening of roads, because this Resolution is for acquisition of land at Retreat to straighten the road going to Colleton, so I am still speaking on straightening of roads. I am trying to tell the House that when we are dealing with acquisitions we should have a wide plan where we can do one job at one time instead of going back to that two or three different times.

I should like to commend the Government and I hope they will continue and not stop in the parish of St. Peter, but will also go right through Colleton and right through to St. Lucy, because we know that those trucks at the big project in the north will find it very difficult to pass.

I thank you.

Dr. R. C. HAYNES: Mr. Deputy Speaker, I rise to make a number of comments, pertinent, relevant and most germane — not irrelevant, not non-pertinent and not non-germane, as in the case of the honourable Deputy Prime Minister. This Resolution, Sir

Mr. DEPUTY SPEAKER: I was wondering when the honourable Member would get to the Resolution.

Dr. R. C. HAYNES: That was the preamble.

This Resolution calls on this Honourable House to approve the compulsory acquisition by the Crown of a parcel of land described in the Schedule hereto.

My concern about this acquisition is whether or not the owners are going to get paid. On the last occasion, when one managed to extract from the Government the extent of delinquency in payments to persons whose lands had been acquired by a Resolution of this Parliament, we were given the figure of \$11 million outstanding to Barbadians whose lands have been acquired and have been used by the Government for one purpose or another. Since then, there have been many complaints by the people of Barbados.

Certain remarks made by the honourable Member for St. Michael South Central at this stage were ordered expunged from the Record by Mr. DEPUTY SPEAKER.

Dr. R. C. HAYNES: There have been complaints by people whose lands have been acquired by an Act of this Parliament, and thereafter they have been unable to use the land because the Crown had acquired an indefeasible title to the use of that land. I am calling on the Government, in the spirit of Christmas, in the spirit of Santa Claus, to ensure that these poor people should get some money for their land before Christmas.

The next point I wish to make is that there are many people in that same area, whose lands have been acquired for the purpose of this particular road, who have not been paid. And the further point is that many people are complaining about differential treatment in relation to payments for lands acquired, when the lands have been adjacent and used for the same purpose by the same Administration; where to all intents and purposes, and based on the usual principles of valuation, it would appear that these lands would have had the same value.

The third point I wish to make is that these acquisitions will, of course, be putting up the cost of what the honourable Deputy Prime Minister referred to as a white elephant.

Asides.

Dr. R. C. HAYNES: I agree with him that the concept of a white elephant in economic terms is totally correct, because there is no way, and in no circumstances

Hon. H. B. St. JOHN: On a point of order, the honourable Member is not entitled to attribute remarks to me that I have not made. I have never said that the project is a white elephant. I said that the honourable Member described it as a white elephant, which are two different points. I submit that it is a point of order if an honourable Member deliberately misquotes what another honourable Member says.

Mr. DEPUTY SPEAKER: Point taken.
12.55 p.m.

Dr. R. C. HAYNES: To continue, Sir. To the honourable Member it might not be a white elephant, because I understand that he has been enjoying the luxuries of Heywoods for the past three or four weeks since the opening.

(Hon. H. B. St. JOHN: I love it.)

Dr. R. C. HAYNES: He has had an excellent ride on the elephant so far.

On the other hand, the taxpayers will have to continue paying for a \$60 million project, which, Sir, under

no circumstances, following the usual principles of amortization and repayment within my life time or within your life time, would ever be repaid on an economic basis.

Mr. DEPUTY SPEAKER: Please. The honourable Member has now left the Resolution.

Dr. R. C. HAYNES: Back to the Resolution, Sir.

Mr. DEPUTY SPEAKER: The honourable Member must stick to the Resolution.

Certain remarks made at this point by the honourable Member for St. Michael South Central were ordered to be expunged from the Record by Mr. DEPUTY SPEAKER.

Dr. R. C. HAYNES: Mr. Deputy Speaker, I have made the points that I wish to make, and I urge once again finally, in winding up, that the Government should take steps to pay the people for the land which they have acquired from them.

Thank you very much.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, I have heard nothing from the Opposition which merits a reply. There is only one thing that I would wish to say. There is no problem, as far as I know. This Parliament has recently passed supplementary provisions, \$3.8 million, to satisfy land acquisition purchases. It does not necessarily mean that because Government enters into a negotiation — and I crave Your Honour's indulgence, because it is necessary that this matter be made clear — to purchase a piece of land in the public interest that the money can be immediately forthcoming.

In the first place, the person might not be willing to accept the purchase price or the price offered. There is a method, and the politicians do not have anything at all to do with the money. It is a matter for the Commissioner of Land Tax and the Standing Committee on Valuations. They are the two elements that deal with these matters of valuation.

The honourable Member for St. Michael South Central (Dr. R. C. Haynes) dealt with the question of disparity of prices as far as the value of land within a specific location is concerned. I am not aware that this is the practice. It is possible that, at times, a person, for some reason or another, might be sticking out for a very large price for a piece of land; or there might be difficulties in the negotiations, and the Government might well be advised that, instead of having a prolonged and protracted argument and discussion over the matter, it might be better to settle.

For the future, this will not be the practice. We will offer the price as is settled for Land Tax purposes; and if that is not acceptable by the person involved, then the person will go to court and let the decision be made there. We will have no quarrel. Of course, the honourable Member for St. Philip North (Mr. W. O. Franklin) will not quarrel with that, he is a former Land Tax Commissioner. He, himself, has devised this arrangement whereby the valuations are made.

(Mr. B. M. TAITT: Point of order!)

Mr. W. O. FRANKLIN: Mr. Deputy Speaker, on a point of order, Sir.

Mr. DEPUTY SPEAKER: On what does the honourable Member rise?

Mr. W. O. FRANKLIN: On a point of order: I was never Land Tax Commissioner of Barbados.

Mr. DEPUTY SPEAKER: That is not a point of order. That might be a point of explanation.

Mr. W. O. FRANKLIN: Point of explanation, Sir.

Mr. DEPUTY SPEAKER: Thank you.

Aside.

Hon. L. B. BRATHWAITE: Mr. Deputy Speaker, he has helped me. He has put it in its true perspective. I was trying to exonerate him, to some extent, from the blame. He was the Chief Valuation Officer, the person who would have given you the value for the land. It is a formula which he devised and assisted with; and it is that type of valuation which we will, in future, be offering as the value for the land.

Therefore, I would hope that in future that I will not hear the honourable Member for St. Michael South Central saying that a person in Retreat, or in Six Men's or anywhere else is getting a better price than the other. The prices will be as given by the technical people who are involved.

I also heard the question being put forward as to what the Government is doing with respect to lands in a particular area. The Government has under consideration for the resiting of the people in St. Peter, in the Six Men's area in particular, a large tract of land, which is part of the Six Men's Estate, which is over 200 acres.

Government is looking at the purchase of approximately 58 acres of land for the resiting of people who are densely populated in that area, and for people who become dislocated as a result of the carrying out of the necessary road works springing from the by-pass road in Speightstown.

I do not know what more can be expected. The Government is well aware of its duties and responsibilities to the people of St. Peter and will continue to work to improve their lot.

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

COMPANIES (AMENDMENT) ACT, 1983

Order No. 3 was called – To move the Second Reading of a Bill to amend the Companies Act, 1982–54.

Hon. H. B. St. JOHN (Christ Church East Central): Mr. Deputy Speaker, this is a Budgetary Proposal that we are implementing. These charges came into force on May 2, 1983.

I think honourable Members would be aware that the new Companies Act will come into force as from April 1, 1984. The Act was passed last year, and we gave the profession what we regard as more than a reasonable time to familiarize themselves with the provisions of the new Act.

Lately, we have also received the Regulations which were forwarded to us by the chairman of the committee, Mr. Justice Williams. The profession has also had an exhaustive opportunity to look at these Regulations.

We expect that all of the machinery necessary for bringing the Companies Act into force will be in place by April 1, 1984. The reason why we have used April 1, 1984 is to make sure that it coincides with the beginning of the Financial Year as the Minister of Finance may well wish, having had a look at the impact of this year's amendments to the fees, to tidy up any matters that need tidying up in respect of the charges.

We expect that the Companies Register will, in the not too distant future, be placed on either microfiche or microfilm, and that, in the foreseeable future, information with regard to companies in Barbados would be put on a data processing machine.

If there are any other questions that honourable Members would like to raise, I would be glad to answer.
1.05 p.m.

I would just remind honourable Members that there is a Company Law Advisory Committee, headed by Mr. Justice Williams, which has now discharged all of its work, and we are in a position to come to the House with a few consequential amendments to the Companies Act itself, which will be necessary to bring it into force. The date will definitely be the 1st April, 1984. So the profession would have had really approximately one year and four months, because it was around this time last year that we passed the Bill, to deal with it.

The Committee has made the Regulations. I propose to circulate those Regulations to the balance of the legal profession and accounting profession; so there will be no excuse then for us bringing it into force on the 1st April, 1984.

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

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

Mr. M. A. KING (Christ Church West Central): Mr. Deputy Speaker, there is just one issue which I wish to raise on this Bill. It is that this relates to a matter included in the Budgetary Proposals which were introduced in this House earlier in the year.

It seems that there is a habit that enabling Bills in relation to the budgetary matters are always so very late in coming to Parliament. If I remember correctly, the Provisional Collection of Taxes Act, which validates the collection of taxes, which come as a result of budgetary measures, requires that legislation should be before Parliament within a stipulated period of time — I think it is four months.

A lot of the legislation which is required never gets to Parliament in the appropriate time. So we find that in the particular measure which is now before us, it has been necessary for us to insert a validation clause at the end.

This is untidy. This is not, in my submission, the proper and appropriate way that matters of this kind should be dealt with. We find that we have to be validating taxes and charges which have been collected by the Registrar illegally. They would have been collected illegally. If not, there would be no need to validate the collection.

The Provisional Collection of Taxes Act, if you follow that, makes it clear that any collection of taxes which does not follow legislation, which has been passed as required by the Provisional Collection of Taxes Act, is illegal. So we have had an illegal collection of duties in relation to the registration of companies by the Registrar, and this legislation is now being passed to validate the collection which has illegally taken place, and to authorise the proper collection from hereon in.

We are submitting on this side, Mr. Deputy Speaker, that there is no reason in the world why legislation of this kind, enabling legislation in support of budgetary measures, cannot, and should not, be brought to Parliament in the appropriate time. It is a demonstration of the sloppiness with which this Government proceeds to do its work.

Rt. Hon. E. W. BARROW (St. John): Mr. Deputy Speaker, I wish to go a little further than the honourable

Member who has just sat down. As the honourable Member stated, it is not the first time that taxes have been exacted from members of the public of Barbados illegally. It was done in the case, I believe, of taxi-drivers and owners, when no Order was made and there were inordinate increases in the imposts which were made before any Order was made, and last year we had several instances in which nothing was done in order to introduce the enabling legislation within the statutory period of four months.

I should know something about this because I was responsible for the introduction of this measure. Because the Provisional Collection of Taxes Act authorises the collection of taxes, a severe limitation was imposed on the tax collection authorities.

It is not a very lengthy enactment and, therefore, I propose to read it in detail. There are only three or four short sections, which will be, to bar an expression, germane to the discussion which we are entertaining here today on this measure. The Provisional Collection of Taxes Act, Cap. 85, states:

Taxes to be effective from date specified by Minister in budgetary proposals.

"3. (1) Subject to this Act, where —

(a) the imposition of a tax; or

(b) an increase in the rate of an existing tax,

is contained in any budgetary proposals, then from the date specified by the Minister in such budgetary proposals (hereinafter in this Act referred to as the specified date) —

(i) the imposition of such tax shall be as effective as if an enactment had been made or passed imposing such tax and the tax shall be payable as from the specified date;

(ii) the increase in the rate of the existing tax shall be effective from the specified date and the existing tax shall be payable at the increased rate as from that date.

(2) Any tax or increase in the rate of an existing tax which becomes payable pursuant to subsection (1) shall cease to be so payable if the appropriate enactment for the imposition of the tax or for increasing the rate of the existing tax is not made or passed within four months of the date on which the budgetary proposals are made to the House of Assembly.

Bill imposing taxes or increasing existing taxes.

4. (1) Without prejudice to the generality of section 3, where there is introduced into the House of Assembly any Bill providing

for the imposition of a tax or an increase in the rate of an existing tax, then, subject to subsection (2), such tax or increase in the rate of an existing tax shall be payable with effect from the date specified in the Bill or, if no such date is specified, from the date on which the Bill is introduced into the House of Assembly.

(2) Any tax or increase in the rate of an existing tax which becomes payable pursuant to subsection (1) shall cease to be so payable if the Bill —

(a) is withdrawn from the House of Assembly; or

(b) is not passed by the House of Assembly within four months of the date on which it is introduced therein.

Refund of taxes.

5. If pursuant to subsection (2) of section 3 or subsection (2) of section 4 any tax or any increase in the rate of an existing tax ceases to be payable, then any sums paid by any person by way of such tax or increase in the rate of an existing tax shall be refunded to that person."

Now what is the honourable Member telling me? That if we pass this Bill here today, he is removing the right of a person to claim the refund? Is the honourable Member saying that? The Budget was in May; so you have May, the months of June, July and August. Anybody who paid taxes in September, October or November, or the 20 days of December would not be entitled to a refund — is that what the honourable Member is saying? Because the day on which this tax becomes effective is the day on which you pay tax.

I am submitting that it is a well-known principle of taxing legislation that you cannot make such taxing legislation retroactive. You cannot make it retroactive, and the honourable Member knows that.

1.15 p.m.

Here it is Government is persistently, (1), not getting the administration to bring these measures forward within the four-month period stipulated by the Provisional Collection of Taxes Act, and (2), having failed to do so, introducing legislation not only making retroactive taxation effective, or seeking to do so, by removing the rights of persons to recover money which has been illegally paid.

The history of this — I was the person who introduced this measure — is that in the United Kingdom, the Budgetary Proposals are made and the Finance Bill is

immediately introduced; and all the supporting measures to implement the proposals made by the Chancellor of the Exchequer are debated immediately after the 1st of April, when normally the Finance Bill is introduced.

But in spite of the fact that the Finance Bills are invariably introduced immediately, they still find it necessary in the United Kingdom to make provisions, which was *in consimili casu* with the Provisional Collection of Taxes Act, to take care of those situations where people might possibly exploit the hiatus which might subsist between the delivery of the Budgetary Proposals and the time within which effective collection could take place. But that hiatus was normally, say, of no more than four or five days; a week at the most.

So whereas in the United Kingdom they regarded the introduction of this legislation as something to circumvent any way in which, let us say, the business community might take advantage of the new taxation; here, what has been happening is that the Minister of Finance has been making budgetary proposals, which take effect immediately, in most cases; collecting taxes not only for the four month period, but failed to introduced the legislation to legalise the situation within the four month period; gone on collecting taxes from people who are innocent of the provisions of Chapter 85 of the Laws of Barbados; subsequently coming some four or five months and, in one case I remember, eleven months later; and then not only legalising something which is illegal, but removing the rights of persons to claim refunds to which they have been entitled. If they had taken the steps last week to claim a refund, then their rights would have been removed automatically by this Bill.

I am suggesting that the whole thing is unconstitutional. The most that the Minister can do today is to make the law effective as from today, or as from some future date, and forget all the tax that he collected between the end of August, or the 2nd of August, or whatever day it might have been, and today's date. I am respectfully submitting that it is against the law and the spirit of the Constitution for him to introduce retroactive legislation not only to collect taxes that were not legally due, but to remove people's rights to claim a refund.

Dr. R. C. HAYNES: (St. Michael South Central): Mr. Deputy Speaker, I am very glad to hear the Leader of the Opposition set out the legal position in relation to this matter of not bringing the enabling instruments for the collection of taxes, to make such taxes lawful within the context of the Provisional Collection of Taxes Act.

I am absolutely sure that his interpretation is correct, and I would just like to say this. It is not the

first time, or the second time; because those instances quoted by the right honourable Leader of the Opposition have not even been the most serious acts of delinquency on the part of the Government.

They collected \$12 million from the people of Barbados under a budgetary proposal introduced in this Parliament on September 8, 1981. The enabling legislation, and the so-called validation, did not come in here until well into February, well after the four months period had expired, and I am calling on them also to give back the people the \$12 million that they owe them.

Mr. DEPUTY SPEAKER: The honourable Member is completely out of order. We are dealing with the amendment to the Companies Act. The honourable Member must deal with that particular Bill.

Dr. R. C. HAYNES: I am dealing with the principle involved in the question of seeking the validation after the time has expired.

Mr. DEPUTY SPEAKER: That is not before this Chamber.

Dr. R. C. HAYNES: Sir, it is a validation component that is in the amendment.

Mr. DEPUTY SPEAKER: That is not before this Chamber. The matter before this Chamber is an amendment to the Companies Act.

Dr. R. C. HAYNES: Embodied in the principle, Mr. Deputy Speaker, is the imposition of additional taxation.

Mr. DEPUTY SPEAKER: I am not having any argument. I am having no argument on that. We have before the Chamber the amendment to the Companies Act as set out in the Resolution, and I will allow any kind of debate on that; but I am not going to allow any debate outside of that.

Dr. R. C. HAYNES: Mr. Deputy Speaker, my understanding of the amendment before this House is that it relates to matters relating to fees, increases thereof relative to the Companies Act, and that is what I am speaking on.

Mr. DEPUTY SPEAKER: Thank you.

Dr. R. C. HAYNES: Therefore, I am addressing myself not to the principle of payment of fees, but to the appropriateness of charges such as are within the law. If it is not your judgment that that aspect of it is not pertinent to a legislative Chamber, then I am willing to discontinue.

Mr. DEPUTY SPEAKER: If it falls within the Bill before the House, yes. If it falls outside of that Bill, no.

Dr. R. C. HAYNES: In this case, Sir, having given the supportive evidence in respect of the two instances quoted by the Right honourable Member for St. John, I would certainly give him my full support by saying that the way this matter is being done would seem to be in breach of the law, and in breach of the Constitution of this country.

Thank you very much.

Mr. B. M. TAITT (St. Michael West): Mr. Deputy Speaker, there is no question that this piece of legislation which we are being asked to pass today is a clear indication of the contempt which that Government has for the people of Barbados. They have done it over and over again.

The honourable Member who introduced this piece of legislation is in the habit of saying, "We have the numbers." Well, today, you are going to have to use the numbers because.....

Asides

Mr. B. M. TAITT: Yes, we are going to vote against it. We cannot continue to allow this Government to come in here, week after week, and trample on the rights of people. The rights of the people of Barbados are affected every time you do something illegally. The rights of the people have been affected every time you have taken money from them which you have led them to believe that you can demand by law. You take the money, and you have done it over and over again, and then you come into this House to pass legislation saying 'we validate whatever we did.' A stop has to be put to it.

Asides.

Mr. B. M. TAITT: The honourable Member is asking what I am talking about. I am not discussing this section in detail, but I am reading it because of the policy. The point which I am making can be found in Section 3 of this amendment which is before us. It says:—

"All fees paid to and received by the Registrar on and after the 2nd May, 1983 pursuant to the Budgetary Proposals of 27th April, 1983 in respect of companies, are deemed to have been lawfully and validly paid and received."

1.25 p.m.

Today, Sir, on December 20, 1983, this Parliament is being called upon to deem all fees collected on or after May 2 to have been lawfully, which means that they were unlawfully collected. But we are supposed to deem them lawful *ex post facto*, and "validly", which means that

they were invalidly collected. We are supposed to deem them validly collected and received.

Mr. Deputy Speaker, part of the problem in Barbados is that a number of people are unaware of the fact that they can take the Government to court. A number of people in this country seem to be unaware of the fact that every time an official of the Government takes a step that is illegal or unlawful, they can take the Government to court. The courts are there for the people, and they should take the Government to court, because this Government continues to ride roughshod over people, and it is because people do not know their full rights.

The honourable Attorney General said recently that he wishes to see an improvement on the human rights aspects of life in this country. I wish to agree with him 100 per cent. But it has to be understood, at least, that human rights do not only extend to Chapter 3 of the Laws of Barbados, they extend to the whole area where the quality of life of the people of this country is being demeaned.

A number of Lord Fauntleroy's sitting in offices believe that the power which they are exercising for a short time on behalf of the people have somehow come straight from God. They believe it is Divine Power, and they do not have to answer to anybody. The error that is made constantly, Sir, is that every time something like this happens, revalidate it.

I recall that my colleague raised the question about illegal and unlawful collections of revenue by Government on a certain issue, four days, and nobody in this country has accounted to anybody, and I say from the floor of this House that it was illegal and unlawful. And when questions were raised, they were sloughed off. A person said, "if you don't like that, do something about it." It is that kind of attitude which we get all the time, the attitude which says that we should take them to court; but that will, in due course, come to nought.

But that is not the point. The point is that honourable Members on that side should have at least as much interest as honourable Members on this side in seeing that the people of this country do not feel the brunt of illegal action by officials in the country. If you do it at this level, then you cannot quarrel when you find the people at a lower level are exercising it in physical terms. That has continued from 1976.

Asides.

Mr. B. M. TAITT: It happened before? Wherever it has happened, and however it has happened, in 1983 we are just a few short years before we come into the 21st century, and we ought not to be having legislation in this country, I cannot support any such legislation, which calls

upon me as a representative to support or do something illegal and unlawful and deem it to have been lawful.

Asides.

Mr. B. M. TAITT: There is no test case for this. This is straight unlawful and illegal. You do not need a test case for this. I am not going in for it. You can vote for it, because you obviously believe that you can do things, illegally and come into Parliament and say that was legal.

If you take away people's land however you like, and come into Parliament and say it is legal, you can do almost anything. Once you start that principle, there is no stopping it. The honourable Member knows that. No amount of grandstanding is going to deny the fact.

I recall that the Deputy Prime Minister, in another place, used to speak for long hours on this principle of the rights of the people. Now that the honourable Member is in a position to demonstrate his interest in this, he comes here and tried to defend a position that is indefensible.

The honourable Minister responsible for Transport and Works (Hon. V. L. Johnson) did not raise any questions on these issues, because the honourable Member knows that, in these areas, he, in particular, has this idea that once he has spoken, God has spoken. He has been described as the Ayatullah. When he says it is so, it is so! And he does not get tied-up with foolishness like the legality of it, that is for the lawyers to work out.

I will not pay any attention to him, but the Attorney-General at times gives one the impression that he is straining at the bit amongst his colleagues. There is no other explanation for a policy which comes out from the Government which shows, on the one hand, that the Government is taking a particular attitude, and the Attorney-General, in his pronouncements, makes it clear that he is not in favour of that particular attitude. It is clear that the Attorney-General is in trouble in that horde of persons who are willing to ignore the law, and what we are saying is that the matter or principle.....

Hon. L. R. TULL (St. George South): Mr. Deputy Speaker, on a point of order. I do not know what the honourable Member is referring to. I am at one with the Government on this piece of legislation, and I wonder why the honourable Member draws me into it.

Certain remarks made at this point by the honourable Member for St. Michael West were ordered expunged from the Record by Mr. DEPUTY SPEAKER.

Mr. B. M. TAITT: Mr. Deputy Speaker, I will wind up. I feel it is wrong, and I think the Government should

take it very seriously. I do not know if it is a mix-up in the flow of traffic on the files, I do not know if it is because somebody has made a fundamental error, or if it is a simple error.

It is useless for the honourable Member for the City (Hon. Miss B. A. Miller) telling me that the same thing happened to us. We were in Government eight years ago and they came in to right all wrongs in this country and they came to make the crooked straight. They came in like

Mr. DEPUTY SPEAKER: Would the honourable Member tell me what he is debating at the moment?

Mr. B. M. TAITT: I am debating a principle that has been adumbrated to this Chamber, which calls for retroactive legislation.

Mr. DEPUTY SPEAKER: The honourable Member should address the Chair.

Mr. B. M. TAITT: I am trying to address the Chair. I am getting the Chair to understand that when honourable Members on that side suggest that this used to happen in the Democratic Labour Party, that that is a system of propaganda, because the Democratic Labour Party went out of power eight years ago and it is time that that particular bogey be put aside.

Mr. DEPUTY SPEAKER: Will the honourable Member tell me when that was said on the Floor of the House in this debate?

Mr. B. M. TAITT: It was an aside, Sir.

Mr. DEPUTY SPEAKER: But the honourable Member should not be making his speech based on asides.

Mr. B. M. TAITT: I honestly did not know that, Sir.

Mr. DEPUTY SPEAKER: The honourable Member is saying to me, after all these years in Parliament, that he does not know he should make a debate based on asides?

Mr. B. M. TAITT: No. Sir. Having observed that every time somebody interferes with someone else that they responded, I took it for granted, having come here since other honourable Members, that this was the methodology.

Mr. DEPUTY SPEAKER: I believe honourable Members are already in a festive mood, and I believe we should try to finish the debate and then let us have fun.

Mr. B. M. TAITT: Very well, I understand the point. I believe we have made the point. We will deal with

the matter when it goes in Committee in a much more specific way.

1.35 p.m.

Hon. V. L. JOHNSON (St. Michael West Central): Mr. Deputy Speaker, this Bill seeks to amend the Companies Act, Cap. 308, in order to revise certain fees payable under the Act according to the 1983 Budgetary Proposals.

During the course of the honourable Member for St. Michael West's (Mr. B. M. Taitt) speech, I observed that the right honourable Member for St. John (Rt. Hon. E. W. Barrow) had his eyes closed and his hands over his ears. He was so ashamed of the performance of the honourable Member, he did not want to lend ears, or eyes, or mouth, to the folly that was going on on the Floor of this Honourable Chamber.

Mr. L. E. SANDIFORD: On a point of order: The right honourable Member still has his hands over his eyes.

Laughter.

Mr. DEPUTY SPEAKER: It appears to me as if the right honourable Member for St. John hears not, sees not and speaks not.

Laughter.

Hon. V. L. JOHNSON: Mr. Deputy Speaker, I do not know that we need to generate so much useless energy on this bit of legislation. We all are aware of the fact that the process of governing is not always as neat and precise as we would like it to be. The purpose of this legislation is to legitimize a procedure which has been going on, and which, if we were to follow the history of successive Governments in this country, has always gone on, because of the fact that when the Budgetary Proposals are brought, the time span between the bringing of the Budgetary Proposals and the laying of the enabling legislation is not always easily confined to the four months prescribed by law.

I do not think it is fair or reasonable to come into this Honourable House and seek to mislead either the House or perhaps the Press that there is some wickedness abroad on the part of this Government; that we are such practising rogues and vagabonds.....

(Mr. B. M. TAITT: I like that phrase. Practising rogues and vagabonds.)

Hon. V. L. JOHNSON..... that we always seek to bring legislation after the fact.

The fact is, Sir, that I do not know any honourable Member on that side, with the possible exception of the Member for St. Michael West, who is going to be able, in good conscience, to vote against this legislation. It is going to be a test of conscience and a matter of a person's capacity to be a hypocrite to jump up and vote against the piece of legislation, which has no malice, and which the honourable Members on that side, when they were in Government, had been inadvertently.....

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, would the honourable Member care to name one occasion on which the previous Government introduced legislation of this kind? Name one single occasion since June 30, 1967! I was the Minister.

Hon. V. L. JOHNSON: Mr. Deputy Speaker, I would be at great difficulty to name one. There are so many cases where he has been in breach of the requirements of the law in this respect that naming one would be a waste of my time. There are several times.

(Mr. B. M. TAITT: Name one.)

(Rt. Hon. E. W. BARROW: Name one.)

Hon. V. L. JOHNSON: The right honourable Member for St. John knows fully well, he is not a hypocrite, that, on many occasions, he has stood in breach of this legislation.

(Hon. L. R. TULL: Challenge him to deny that.)

Hon. V. L. JOHNSON: And he cannot be heard in coming in here this morning saying — of course, he has not said it — but he does not have to deny it. There are several cases in which you, the right honourable Member for St. John, as Minister of Finance, have stood in breach of this legislation.

Rt. Hon. E. W. BARROW: I invite the honourable Member to name one.

Hon. V. L. JOHNSON: 1971.

(Rt. Hon. E. W. BARROW: Which law?)

(Hon. V. L. JOHNSON: 1969, 1970, 1971.)

(Hon. Miss B. A. MILLER: Get up and deny it.)

Hon. V. L. JOHNSON: Any law that has to do with budgetary proposals to be enacted retroactively. He knows what I am talking about.

Mr. Deputy Speaker, I do not think it helps the House for honourable Members to come in here and seek to persuade people that we are monsters at large,

that this is some illegal act and we are doing something by sleight of hand. This is a normal process. With all good intentions, the legislation requires four months, but even the Barbados Labour Party finds it difficult sometimes to stay within the four months requirement.

(Mr. B. M. TAITT: Promise it would not happen again.)

Hon. V. L. JOHNSON: We cannot promise that it would not happen again. We will be governing this country for a long time, and it is possible that with the best intentions in the world, and with all the back-up from the civil authorities, we may still fall in breach of the legislation.

What we ought to do, perhaps, is to amend the legislation. But we are seeking to be efficient and we do not want to create a situation in which we provide greater opportunity for inefficiencies to obtain.

I think that honourable Members on that side, on reflection, will realize that this is not anything contentious, and it is not something which they, if they want to be honourable gentlemen, would stand up over on that side and say that they are going to oppose.

Hon. H. B. St. JOHN: Mr. Deputy Speaker, all honourable Members have expressed themselves.....

(Hon. Miss B. A. MILLER: Not me. You have not given me a hearing yet.)

Hon. H. B. St. JOHN:.....on this Bill.

Sir, all of us in this House are guardians of the Constitution, guardians of the legislative aspect of the Constitution in particular. The courts are the ones who decide on legality and illegality, on *ultra vires* and *intra vires*, on retroactive and active legislation. The courts decide **all** of these things.

I know that it is a source of annoyance to honourable Members on both sides of this House that it is not possible for the functionaries in a Government to get these matters done in time. But, sometimes, the functionaries are to blame, sometimes they are not all to blame; sometimes, because of misplaced humanity in Barbados, these things arise, and this is one of those occasions. I will explain why.

Apparently, for a long period of time, there was an argument in the legal profession as to the interpretation of particular provisions in the Companies Act, which arose out of an amendment, in 1980, in the fee structure. The accountants and some lawyers had one view and it was over the definition of *pari passu*.

When this Bill came to be drawn, naturally it was sent to the Registrar. The Registrar drew to the attention of the Ministry of Finance the fact that there was an argument over his interpretation of the existing fee scale, particularly in relation to the words *pari passu*.

Instead of saying to the profession that if they do not like how he is interpreting, take him to court — you know this Barbados — they tried to settle this argument among themselves. So they found themselves in a circle. The file went to and fro between the Ministry of Finance and the Registrar, each of them trying, as laymen — because I can only assume they are laymen, because if the Registrar felt himself competent, he would have said: "That is my ruling, if you dislike it, take me to court" — to resolve the matter. But before it could get to the Attorney-General's office, the time expired.

This is where the misplaced humanity arose. None of them were concerned with the smallness of the increase in the Budget, they were concerned about the 1980 Budget, about who was right and who was wrong on the interpretation of *pari passu*.

The Government comes in here now and gets criticized for that.

I take the point. I will convey, on a file, my profound agreement with the attitude taken by the Opposition today. I will let the civil servants know and understand that in future when these matters come, their duty is not to look after the interests or take into consideration the views of the profession out there, but take into consideration the wishes of Parliament. Bring it to Parliament!

If the profession wishes to challenge anything that Parliament does, I will give them the same advice that I gave to Members today. It was very wrong to submit your views, because what you say is the law, as far as I am concerned, goes in one ear and comes through the other one. The only person who can tell me what the law is is the judge — and myself, of course.

Laughter.

1.45 p.m.

Hon. H. B. St. JOHN: Sir, we have been very critical, it is true, of the other side in this respect. I remember being part of the parliamentary process when the honourable Member for St. John was Minister of Finance. The honourable Member, for years, as Minister of Finance, failed to bring a Final Appropriation Bill, and he had to come down here on one occasion with about ten years' of Appropriation Bills; ten years! So what is the honourable Member saying? That in government these things do not occur?

Rt. Hon. E. W. BARROW: If the honourable Member searches the Record, he would find out that

those 10 years would be 10 years from the previous Government. I had to bring down an Appropriation Bill to embody those 10 years.

Hon. H. B. St. JOHN: That is incorrect. The 10 years were his own years. So do not get away with that! The honourable Member brought in here.....

Rt. Hon. E. W. BARROW: I will give the honourable Member \$100 for each year that it was my year.

Hon. H. B. St. JOHN: He does not intend to pay. Everybody knows that it is only a bluff.

The honourable Member, as Minister of Finance, did not bring down a Supplementary Appropriation Bill as required by the Constitution for many years; he said 10 years.

I welcome the criticism. There is no greater critic of slackness in the Civil Service than Harold Bernard St. John. I criticise them openly.....

Mr. DEPUTY SPEAKER: Who is he?

Hon. H. B. St. JOHN: The honourable Member for Christ Church East Central.

Mr. DEPUTY SPEAKER: That person I do recognize.

Hon. H. B. St. JOHN: You are not criticising the Government. Everybody knows that under the Constitution of Barbados a politician is powerless on discipline. You have to go before the Public Service Commission. To be critical of the Government, you would have to prove that the Government told them not to do it.

The basic position is that we all regret that the budgetary matters are not brought before Parliament on time. We have given an instruction to the Ministry of Finance that it is their duty to get on within the time span. But I must say that, in the context of Barbados, the habit has arisen. The feeling is that because under the Democratic Labour Party, they never used to pass these things only as a matter of emergency, that that habit must continue. That is a fact.

Secondly, we also have a habit that arises when the budget is given — everybody tries to put their particular interpretation of the Budget into subsequent legislation. That is another problem. That is what happened on this occasion.

In good time, instructions were sent to the Ministry of Finance. But among the Registrar's Office the legal profession and the accounting profession, there was an

argument about the existing law, and recommendations were made consequently — and this is the point that is very germane — not only to implement the Budget, but to use the particular occasion for the purpose of a general amendment to Schedule 2.

Now the honourable Members have missed that. If they had done their homework, they would have seen that not only does this Bill implement the Budget, but also that it makes an amendment to Schedule 2, the object of which amendment is to clarify a pre-existing misinterpretation of the law. This is the explanation.

Mr. B. M. TAITT rose.

Hon. H. B. St. JOHN: After all that explanation, do you mean that the honourable Member wants to say something? If the honourable Member is going to say that he is going to withdraw in view of the explanation, I will give way.

Mr. B. M. TAITT: I promise you you will be glad that you give way.

Hon. H. B. St. JOHN: Are you going to withdraw?

Mr. DEPUTY SPEAKER: Two Members are on their feet.

Mr. B. M. TAITT: He has given way, Sir.

If the honourable Member examines the section which I quoted and then looks at the relevant section in the Provisional Collection of Taxes Act, he would see that we would be, in fact, passing legislation which would be in conflict. We would be giving two sets of instructions, as it were, to the citizens by law. Are you going to repeal that one? If you say that you would repeal that one, I would withdraw my position.

Hon. H. B. St. JOHN: I know that the honourable Member could not be trusted. I knew that when I gave way. The honourable Member is incapable of keeping his word. I gave way with the full knowledge that the honourable Member would come with some other side trick.

The position is that the Bill not only seeks to implement the budgetary proposals, but it also seeks to settle this outstanding matter. In those circumstances, all I can do is to express regret that it was not passed before. But I think that I have put forward a reasonable explanation as to why it was not done.

The question that the Bill be read a second time was put and resolved in the affirmative, the House dividing as follows:

Ayes: Hon. L. R. TULL, Hon. H. B. St. JOHN, Hon. L. S. CRAIG, Hon. Miss B. A. MILLER, Hon. V. L. JOHNSON, Hon. DeL. O. BRADSHAW, Hon. L. B. BRATHWAITE, Mr. R. E. BRATHWAITE, Mr. L. L. SISNETT, Mr. J. G. ODLE and Mr. A. TRUSS — 11.

Noes: Rt. Hon. E. W. BARROW, Mr. B. M. TAITT, Mr. L. E. SANDIFORD, Mr. H. A. BLACKMAN, Dr. R. C. HAYNES, Mr. L. A. WEEKES, Mr. M. A. KING, and Mr. W. O. FRANKLIN — 8.

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

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 were called and passed.
1.55 p.m.

Clause 3 was called.

The question that Clause 3 stand part was put and resolved in the affirmative, the House dividing as follows:

Ayes: Hon. L. S. CRAIG, Hon. L. R. TULL, Hon. L. B. BRATHWAITE, Hon. Miss B. A. MILLER, Hon. V. L. JOHNSON, Hon. DeL. O. BRADSHAW, Mr. L. L. SISNETT, Mr. A. TRUSS, and Mr. R. E. BRATHWAITE — 9.

Noes: Rt. Hon. E. W. BARROW, Mr. L. E. SANDIFORD, Mr. B. M. TAITT, Mr. H. A. BLACKMAN, Dr. R. C. HAYNES, Mr. W. O. FRANKLIN, Mr. M. A. KING and Mr. L. A. WEEKES — 8.

On the motion of Hon. H. B. St. JOHN seconded by Hon. L. S. CRAIG, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

Hon. H. B. St. JOHN: I beg to move that the Bill be read a third time.

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

Hon. H. B. St. JOHN: I beg to move that the Bill do now pass.

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

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

AYES: Hon. H. B. St. JOHN, Hon. L. S. CRAIG; Hon. L. R. TULL; Hon. L. B. BRATHWAITE; Hon. Miss B. A. MILLER; Hon. V. L. JOHNSON; Hon. DeL. O.

BRADSHAW; Mr. L. L. SISNETT; Mr. A. TRUSS; Mr. R. E. BRATHWAITE and Mr. J. G. ODLE — 11.

NOES: Rt. Hon. E. W. BARROW; Mr. L. E. SANDIFORD; Mr. B. M. TAITT; Mr. H. A. BLACKMAN; Dr. R. C. HAYNES; Mr. W. O. FRANKLIN; Mr. M. A. KING and Mr. L. A. WEEKES — 8.

SUSPENSION OF SITTING

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that this House be now suspended until 3.00 p.m. today.

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

The question was put and resolved in the affirmative without division and Mr. DEPUTY SPEAKER suspended the sitting accordingly.
2.00 p.m.

On Resumption:

Mr. DEPUTY SPEAKER: This sitting is now resumed.

SUPPLEMENTARY ESTIMATES 1983-84, No. 16

Order No. 6 was called — To move the House into Committee of Supply to consider the grant of sums of money for the service of this Island.

On the motion of Hon. H. B. St. JOHN, seconded by Hon. L. S. CRAIG, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee of Supply, Mr. J. G. ODLE in the Chair.

Head 73 — Ministry of Finance and Planning — was called.

Hon. H. B. St. JOHN: Mr. Chairman, I beg to move a slight amendment. The figure should be \$8,445,036.

The Addendum is very explicit, and I beg to move that Head 73 — Ministry of Finance and Planning stand part.

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

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

Head 78 — Ministry of Health — was called.

Hon. H. B. St. JOHN: Mr. Chairman, I beg to move that Head 78 — Ministry of Health — stand part.

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. S. CRAIG, seconded by Hon. H. B. St. JOHN, Mr. CHAIRMAN reported the passing of one Resolution as amended in Committee of Supply, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. L. S. CRAIG, seconded by Hon. H. B. St. JOHN, the Resolution was read a first and second time and agreed to.

RESOLUTION TO APPROVE THE BORROWING OF US\$3 MILLION FROM THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR THE EDUCATION PROJECT

Order No. 7 was called — To move the passing of a Resolution to approve the borrowing of US\$3 million, in various currencies from the International Bank for reconstruction and development for the education project.

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that this Resolution do now pass.

Hon. L. R. TULL: I beg to second that.

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

RESOLUTION TO APPROVE THE BORROWING OF 38 632 500 BOLIVARS FROM THE VENEZUELAN INVESTMENT FUND

Order No. 8 was called — To move the passing of a Resolution to approve the borrowing of 38 632 500 Bolivars (US\$9 million) from the Venezuelan Investment Fund (FIV) for the purpose of assisting in the financing of the Petroleum exploration and development operations of the Barbados National Oil Company Limited.

Hon. L. S. CRAIG: Mr. Deputy Speaker, I beg to move that this Resolution do now pass.

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

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

THE ADJOURNMENT

Hon. L. S. CRAIG (St. James North): Sir, this concludes Government Business for today.

It is customary for me, on behalf of my colleagues, to wish you, Mr. Deputy Speaker, members of the Opposition, the Clerks at the Table, the Hansard Reporters

and the staff of Parliament a very, very happy Christmas and a prosperous New Year.

I am satisfied that you have had an interesting year, and I look forward to coming back in here with the same vigour that we exercised in 1983.

I am quite sure that my colleagues will also join with me in extending to His Honour the Speaker, the honourable Member for St. Peter, the best of health and a very good Christmas. I hope that in the new year, with God's guidance, he will be able to ascend the stairs of this august Assembly and perform his duties once again.

With those few remarks, I beg to move that this House do now adjourn until Tuesday, January 24, 1984, at 12 o'clock noon.

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

Mr. M. A. KING (Christ Church West Central): Mr. Deputy Speaker, on behalf of the Opposition, may I extend to you and to other honourable Members on the

other side the compliments of the season. It is usual at this time to exchange the traditional greetings, and I do that on behalf of the Opposition on this occasion.

Mr. DEPUTY SPEAKER: On my own behalf, I would like to extend the season's greetings to all Members of this Chamber, the staff and all those who have had to assist in the performance of the duties of this Parliament.

I must say that I have appreciated the co-operation which has been given me by all parties on both sides of the House, the staff and everyone concerned.

I also extend heartiest greetings to His Honour the Speaker, the honourable Member for St. Peter, and I wish that with the coming of the New Year, he will be fit enough to assume his substantive duties.

The question that this House do now adjourn until Tuesday, January 24, 1984, at 12 o'clock noon, was put and resolved in the affirmative without division, and Mr. DEPUTY SPEAKER adjourned the House accordingly.
3.10 p.m.

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