
THE House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1991 – 96

HOUSE OF ASSEMBLY

Tuesday, February 25, 1992.

Pursuant to the adjournment, the House of Assembly met at 12.20 p.m. on Tuesday, February 25, 1992.

PRESENT

His Honour L. A. WEEKES, G.C.M., J.P., (Speaker)

His Honour T. C. ESTWICK, B.Sc., LL.B., (Deputy Speaker)

Rt. Hon. L. E. SANDIFORD, B.A., M.A., (Econ.), J.P., (Prime Minister, Minister of Finance and Economic Affairs and Minister for the Civil Service)

Hon. B. M. TAITT, B.A. (Hons.), M.P.A., LL.B. (Hons.), (Minister of Health)

Hon. P. M. GREAVES, Q.C., B.A., (Deputy Prime Minister, Minister of Public Works, Communications and Transportation and Leader of the House)

Hon. M. A. KING, Q.C., LL.B., (Attorney General and Minister of Foreign Affairs)

Hon. H. A. BLACKMAN, B.Sc. (Econ.), (Minister of State, Ministry of Finance and Economic Affairs)

Mr. O. S. ARTHUR, M.Sc. (Econ.)

Mr. L. L. BRATHWAITE, J.P., (Chairman of Committees)

Hon. E. E. GREAVES, G.C.M., B.A., Ed.M., (Minister of Housing and Lands)

Hon. D. J. H. THOMPSON, LL.B. (Hons.), (Minister of Community Development and Culture)

Hon. H. B. St. JOHN Q.C., LL.B.

Mr. L. R. TULL Q.C., M.A.

Miss B. A. MILLER

Mr. DeL. O. BRADSHAW

Dr. R. L. CHELTENHAM, M.A., M.Sc. (Econ.)

Mr. J. O. TUDOR

Mr. D. W. BOWEN

Mr. G. W. PAYNE

Mr. R. C. EASTMOND, B.A., LL.B.

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is in Session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, February 11, 1992.

Hon. P. M. GREAVES: Mr. Speaker, the Minutes of the Sitting of February 11, 1992 have been circulated and I move that they be taken as read and confirmed.

Mr. SPEAKER: If there are no observations or corrections, let those Minutes stand confirmed.

PAPERS

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I am commanded to lay the Training Report for the years April 1, 1985 to March 31, 1990.

PRIVATE MEMBERS' NOTICES

Mr. SPEAKER: The Honourable Member for Christ Church South: A Resolution calling upon the Government to take steps to resuscitate the Sugar Industry.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, I beg to give notice of a Resolution relating to the resuscitation of the Sugar Industry.

NOTICES OF QUESTIONS

Mr. SPEAKER: The Honourable Member for St. Peter, re amount paid out of the Consolidated Fund in

the fiscal year 1991-1992 to assist in the redemption of Sugar Price Support Bonds.

Mr. O. S. ARTHUR: Mr. Speaker, to ask the Minister of Finance and Economic Affairs:-

No. 36: Will the Minister please state:

- (1) the amount paid out of the Consolidated Fund in the fiscal year 1991-92 to assist in the redemption of the Sugar Price Support Bonds whose repayment has been guaranteed by the Government of Barbados,
- (2) the financial conditions as at December 31, 1991 of any sinking fund set up to redeem the Sugar Price Support Bonds,
- (3) whether the money in such sinking fund will be sufficient to redeem the bonds in full, and
- (4) if such fund is inadequate for the redemption of the bonds, what measures Government will institute to ensure that the future servicing of the Sugar Price Support Bonds does not require payment from the Consolidated Fund?

Mr. SPEAKER: The same Honourable Member, terms and conditions set out in the supplemental Letter of Intent submitted to the IMF.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, to ask the Minister of Finance and Economic Affairs:-

No. 37: Will the Minister please state:

- (1) the terms and conditions set out in the Supplemental Letter of Intent submitted by the Government of Barbados and agreed to by the International Monetary Fund on February 7, 1992, and
- (2) the financial performance targets and any other conditions which have to be met by state enterprises under the programme agreed to by the Government of Barbados and the International Monetary Fund?

Mr. SPEAKER: The same Honourable Member's question re the state and value of debentures and securities under the External Loans Act.

Mr. O. S. ARTHUR: To ask the Minister of Finance and Economic Affairs:-

No. 38: Will the Minister please state the value of:-

- (1) debentures and securities raised under the External Loans Act, Cap. 94D since September 1987. and
- (2) the sinking fund for the redemption of those securities as at December 31, 1991?

Mr. SPEAKER: The Honourable Member for St. Peter, re Income Tax Refunds.

Mr. O. S. ARTHUR: To ask the Minister of Finance and Economic Affairs:-

No. 39: Will the Minister please state:

- (1) the amount paid as Income Tax Refunds for the Income Years 1987, 1988, 1989, and 1990 respectively, and
- (2) for the income year 1990, the amount of Income Tax Refunds still unpaid?

FIRST READING OF BILLS

Hon. P. M. GREAVES: Mr. Speaker, I move that the Bill to amend the Caribbean Meteorological Organisation (Incorporation) Act, Cap.15C be read a first time.

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

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Mr. SPEAKER: Government Business is the order of the day.

Hon. P. M. GREAVES: Mr. Speaker, as we are about to begin contributions on Government Business, I am going to move, Sir, and I do so now, the suspension of Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 for the remainder of today's sitting.

Hon. B. M. TAITT: I beg to second that, Sir.

The question that those Standing Orders be suspended for the remainder of the day's sitting was put and resolved in the affirmative without division.

GOVERNMENT BUSINESS

ORDER NO. 5 – RESOLUTION TO APPROVE THE SALE OF LAND AT HILLCREST, BEACHMONT, ST. JOSEPH, TO LINDSAY I. WORRELL

Hon. E. E. GREAVES: Mr. Speaker, the Resolution before the House seeks to sell 1 698 square metres of Crown Lands at Hillcrest, Beachmont, St. Joseph to Mr. Lindsay Worrell in accordance with Section 5 of the Crown Lands (Vesting and Disposal) Act, Cap. 225.

This **area** of land forms part of a wider parcel of Crown Lands measuring 21,632 square metres which was purchased from Mrs. R. M. Charles in 1984 for the establishment of a Community Centre. Mrs. Charles, at the time, had been granted planning permission to subdivide and sell Beachmont into thirteen residential lots when the land was in her ownership. At that time Mr. Lindsay Worrell had entered into an Agreement with Mrs. Charles to purchase Lot 13. Furthermore, he was allowed to occupy this lot pending the finalisation of the sale.

When the Crown took the decision to acquire the area, Mrs. Charles could not honour her commitment to Mr. Worrell and Mr. Worrell wrote to the **Ministry** expressing his interest in purchasing the subject parcel..It was agreed in principle that the land should be sold to Mr. Worrell, since after the utilisation of the **area** for the Community centre the land would be residual.

A consultation with the Commissioner of Land Tax revealed that the land was worth \$1.50 per square foot. 12.30 p.m.

However, before a decision was taken to sell the land to Mr. Worrell, the Government offered the land, as was the proper thing to do, back to the original owner, W. M. L. Charles. A letter from the lady on March 10, 1989 indicated that she was not interested in purchasing it and she suggested that she would have no objection to the sale going through. Since Mr. Worrell had indicated his willingness to purchase the land at the asking price of \$1.50 per square foot, Cabinet took a decision to complete the sale in terms of offering the land to him. It is for this purpose now that we are seeking parliamentary approval to conclude that transaction.

With those remarks, Mr. Speaker, I beg to move that this Resolution do now pass and to indicate hopefully that the plot is available to Honourable Members for approval, Sir. Thank you.

Hon. B. M. TAITT: I beg to second that, Sir.

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

ORDER NO. 4 – CARIBBEAN METEOROLOGICAL ORGANISATION (INCORPORATION) (AMENDMENT) BILL, 1992

Hon. P. M. GREAVES: Mr. Speaker, the Council of the Caribbean Meteorological Institute at a meeting held in St. Lucia in 1987 made a decision to **change** the name of that institute. It submitted the change in the agreement which will give effect to this amendment to its Member States so that they could examine it and possibly ratify it, Sir.

The Cabinet at a meeting sometime last year decided to approve the change of name from the Caribbean **Meteorological** Institute to the new name which is the Caribbean Institute for Meteorology and Hydrology. The Ministry of Foreign Affairs has signed the instrument of ratification and has deposited that instrument with the CARICOM Secretariat.

The purpose of this particular Bill is just merely, Sir, to give effect to that change of name as I have earlier indicated. I move, Sir, that this Bill be **read a second time**.

Hon. E. E. GREAVES: Sir, I beg to second that and reserve my right to speak.

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

On the motion of Hon. P. M. GREAVES, seconded by Hon. B. M. TAITT, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 were called and passed.

On the motion of Hon. P. M. GREAVES, seconded by Hon. B. M. TAITT, Mr. CHAIRMAN reported the passing of one Bill in Committee to Mr. SPEAKER who resumed the Chair and reported accordingly.

On the separate motions of Hon. P. M. GREAVES, seconded by Hon. B. M. TAITT, the Bill was read a third time and passed.

ORDER NO. 3 – MUTUAL ASSISTANCE IN CRIMINAL MATTERS BILL, 1992

Hon. M. A. KING: Mr. Speaker, in August 1986 the Commonwealth Law Ministers held a meeting at **Harare**, Zimbabwe and agreed on a scheme relating to Mutual Assistance In Criminal Matters among Member States of the Commonwealth. The purpose **and** the scope of the

Harare Scheme are set out in the text of the Scheme itself. I have an extract from the text of the Scheme relating to Mutual Assistance In Criminal Matters within the Commonwealth and the purpose is stated as such. I can make this a document of the House.

The purpose of this Scheme is to increase the level and scope of assistance rendered between Commonwealth Governments in criminal matters. It augments and in no way derogates from existing forms of cooperation both formal and informal nor does it preclude the development of enhanced arrangements in other forums. The Scheme provides for the giving of assistance by the competent authorities of one country which involves the requested country in respect of criminal matters arising in another requesting country. Assistance in criminal matters under the Scheme includes those areas identified in the actual Scheme itself.

12.40 p.m.

They provide, for instance, for identifying and locating persons within respective countries, for serving of documents within countries, examining witnesses, search and seizure, obtaining evidence, facilitating the personal appearance of witnesses, effecting a temporary transfer of persons in custody to appear as witnesses, obtaining production of judicial or official records and tracing, seizing and forfeiting the proceeds of criminal activities.

The Harare Scheme, Mr. Speaker, is clearly an acknowledgement that there was need for far more effective co-operation in mutual assistance in criminal matters among Member States of the Commonwealth, and it is significant to note that the Harare Scheme itself does not prejudice existing forms of co-operation which exist, for instance, in established channels of co-operation like Interpol and the Commonwealth Liaison Fraud Scheme which is organised by the Commonwealth Secretariat. Nor does the Harare Scheme in any way affect or pre-empt the establishment of other bilateral or regional co-operation agreements among Member Countries who may feel disposed to enter into such co-operative arrangements. Furthermore, Mr. Speaker, the Scheme does not interfere with existing or proposed legislative or other arrangements which relate to extradition, which relate to rendition of fugitive offenders within the Commonwealth or which relate to the transfer of convicted offenders within Commonwealth countries. So that all the existing arrangements, whether they be legislative or otherwise, which relate to extradition, rendition of fugitive offenders and transfer of convicted offenders, remain in force and are in no way prejudiced by the existence of the Harare Scheme for mutual assistance in criminal matters.

This legislation which is now before the House, Mr. Speaker, then provides the legislative framework for giving effect to the Harare Scheme for mutual assistance in criminal matters, but the legislation goes somewhat beyond

the Harare Scheme in that in Part IV of the Bill there is a framework for bilateral mutual assistance in criminal matters between Barbados and non-Commonwealth countries. Remember, the Harare Scheme was intended to deal only with relationships among Commonwealth countries.

What we have done in the Bill before us is to include a provision which would provide for bilateral and mutual assistance between Barbados and countries which are not members of the Commonwealth, and we do that by making specific provision for certain sections of the legislation to apply in relation to non-Commonwealth countries.

If I can just give some indication as to the actual details of the Bill, Part I deals fairly largely with interpretation and definition of a number of terms used in the legislation. It is to be noted that the Scheme follows the recent international practice in this area of legislation by designating persons or offices for the purpose of transmitting or receiving information under the scheme. It is useful in all countries which are part of the arrangements to have an authority to whom the other side can look in order to provide the avenues of co-operation. That authority is called the central authority and for the purpose of our legislation the central authority for Barbados is the Attorney General or such other person or authority as the Attorney General may by order published in the Official Gazette designate as the central authority for Barbados.

Part II of the Bill, Mr. Speaker, provides for Barbados to request another Commonwealth country for assistance in obtaining evidence, in locating and identifying persons, in obtaining an article or thing by search or seizure if necessary, in arranging for a person to be present in Barbados to give evidence, in transferring a person to Barbados to give evidence or to provide assistance subject to certain conditions and in effecting service of documents, in tracing property, identifying, locating or assessing the value of that property, and in relation to restraining orders, forfeiture orders and confiscation orders. What we are doing in Part II, then, is to provide the mechanism for the request to emanate from Barbados to another country to provide the assistance required in these areas in that country.

Part III goes on to deal with the situation where the request originates in the other Commonwealth country and it is a request for certain action to be taken inside Barbados with a view to co-operating in criminal matters.

There are a number of significant aspects about what takes place in Barbados and there are a number of situations in which Barbados may refuse a request, and I think it would be useful just to highlight some of those situations. Under clause 18 a request for assistance under the Act shall be refused by Barbados if in the opinion of the central authority.... just let me say that there are

situations provided for where it is mandatory for the central authority of Barbados to refuse assistance and there are situations where the central authority may, where there is a discretion, give or refuse assistance. Let me just identify then the situations where it is mandatory for the central authority to refuse assistance in Barbados.

Those situations arise where the request relates to the prosecution or punishment of a person for an offence that is, by reason of the circumstances in which it was alleged to have been committed, an offence of a political character. If somebody in the United Kingdom, for instance, or in Canada or in another Commonwealth country seeks to pursue a person in Barbados in respect of an offence which is of a political character, then the central authority of Barbados is bound to refuse to give such assistance.

Another situation would be where there are substantial grounds for believing that the request has been made with a view of prosecuting or punishing a person for an offence of a political character. Certainly, where there are substantial grounds for believing that the request was made for the purpose of prosecuting, punishing or otherwise causing prejudice to a person on account of that person's race, sex, religion, nationality, place of origin or political opinions, in those situations the central authority is bound to refuse, as also, where the request relates to the prosecution or punishment of a person in respect of conduct which if it had occurred in Barbados, would not have constituted an offence under the criminal law of Barbados. Also, where the granting of the request would be contrary to the Constitution of Barbados, or would prejudice the security, international relations or any substantial interest related to national security or other essential public policy of Barbados or where the request relates to conduct by the person which constitutes an offence in respect of which the person has already been convicted or acquitted by a court or tribunal in Barbados, the central authority is bound to refuse. Further, where the prisoner is not prepared to give his consent to the transfer or where the request for assistance is of a kind that cannot be given under this Act or would require steps to be taken for its implementation that could not be lawfully taken in Barbados, or where the implementation of a request would require an individual to act, or refrain from acting, in a certain way and the individual is not willing to do so and cannot be lawfully compelled to do so, those are situations, Mr. Speaker, where the central authority of Barbados would be under an obligation to refuse an application for mutual assistance from another country. Those situations, as Your Honour would appreciate, really are an expression of the constitutional requirements and protection which already exist in relation to the national environment.

12.50 p.m.

I turn now to those situations where a request for assistance may be refused in the discretion of the central authority. The central authority may refuse to cooperate if

the request relates to the prosecution or punishment of a person in respect of conduct that, if it had occurred in Barbados, would not have constituted an offence under the law of Barbados; or where the request relates to the prosecution or punishment of a person in respect of conduct that occurred, or is alleged to have occurred, outside the country making the request and similar conduct occurring outside Barbados in similar circumstances would not have constituted an offence under the law of Barbados. These are all discretionary.

Where the request relates to the prosecution or punishment of a person in respect of conduct where, if it had occurred in Barbados at the same time and had constituted an offence against the law of Barbados, the person responsible could no longer be prosecuted by reason of lapse of time or for any other reason, if, that is, there are situations in Barbados where lapse of time would have provided an adequate defence in a case, then the central authority in Barbados may in its discretion refuse to cooperate.

Sir, where provision for assistance would impose an excessive burden on the resources of Barbados, for instance, if a request is made where, on examination, it imposes an excessive burden on Barbados' resources, then the central authority may refuse to cooperate.

Where the conditions, exceptions or qualifications imposed by section 4(2) in relation to the country prevent the request being accepted, there is a cover-all clause where there are reasonable grounds for doing so in the case of certain requests made by the authorities or where the request cannot be accommodated within relevant legal practices and procedures in Barbados.

The Bill goes on to make detailed provisions for the situation as I indicated earlier where assistance would impose an excessive burden on the resources of Barbados. In Clause 18, subclauses (4) and (5) set out certain procedures where, in essence, there may be negotiation on the question of expense, where Barbados would inform the other country of the reason and grounds of its refusal of cooperation. The other country, because of the excessive burden on the resources of Barbados, might volunteer to assist in meeting some of the expenses and in that kind of situation the process can continue.

Section 18(9) spells out what we consider to be a political offence:

"For the purpose of this section an offence is not an offence of a political character if it is an offence within the scope of an international convention to which Barbados and the Commonwealth country making the request are parties and which imposes on the parties thereto an obligation to afford mutual assistance in criminal matters..."

So, if it is one of those offences which is specifically adverted to in respect of which an obligation is imposed by agreement between Barbados and any other country, then in those circumstances that is deemed not to be a political offence.

The legislation provides of course for regulations to be made to prescribe the procedure to be followed in a number of situations.

Mr. Speaker, there are other detailed sections which deal with how Barbados within its own territory would provide assistance in obtaining any article or thing by search or seizure, assisting the country in making arrangements for the attendance of persons, assisting in transferring prisoners, serving documents and so forth.

Part IV is the part of the legislation which allows the extension of the principles embodied in the legislation to countries other than Commonwealth countries, and is also the enabling provision to allow Barbados to enter into agreement or arrangements with countries which are not Commonwealth countries so as to have effective arrangements for mutual assistance in criminal matters.

Part V deals with other miscellaneous enabling matters which establish the entire efficacy of the legislation. If there are details of matters of significance to Honourable Members as the debate goes on, I will be prepared to address them in winding up.

Let me just conclude this presentation by indicating that by passing this legislation... when I introduced in the previous Parliament the Proceeds of Crime Bill and the Drug Abuse (Prevention and Control) legislation, I indicated that there was a third measure coming, this Mutual Assistance in Criminal Matters Bill, the third in what I called the "trilogy of legislation" which would deal effectively with the problem of drug trafficking and all the modern criminal offences like money laundering which are becoming a very destructive habit for practically every country in the world.

Your Honour will recall that, a couple of years ago, the Vienna Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was agreed to among the nations of the world. We have indicated that we are willing to sign the Convention and the passing of this legislation would put us in a position where our legislative arrangements in Barbados are in place to allow us to ratify the Convention. The arrangements which are now being put in place in this Bill complement the other two – the Proceeds of Crime Act and the Drug Abuse (Prevention and Control) Act and would ensure that the appropriate legislative national framework is in place so that when we ratify the Vienna Convention we will be in a position to

say and be certain that we are in effect in a position to abide by all the terms of that significant Vienna Convention.

With that background, Mr. Speaker, I move that this Bill be read a second time.

Hon. B. M. TAITT: I beg to second that, Sir, and reserve my right to speak.

Hon. H. B. St. JOHN: Mr. Speaker, the Opposition is not opposing the principles surrounding the Bill which is now the subject matter of debate. It is well known that today the activities of criminals whether in the form of distribution of narcotics or in the form of international money laundering, or in the form of international white collar crime is of such a sophisticated nature that it is necessary for international cooperation to take place between States in the world and between law enforcement agencies in the respective States in order to ensure that those who perpetrate these crimes are brought to justice as speedily and as quickly as possible.

1.00 p.m.

In addition, it has now become internationally recognised that part of the attack against these people who indulge in this form of activity is to ensure that they do not benefit monetarily from the results of their activities. It is not surprising that the Commonwealth with all of its tradition of cooperation and its tradition of business, social and other contacts should find it necessary to make a special arrangement outside the normal international arrangements. Because of the long history of activity within the Commonwealth one would expect that part of the difficulties of enforcement within the area of the Commonwealth would be great.

We in this area of the Caribbean have to recognise that we have to deal with the situation. Because of our geographical situation it is quite likely that there will be common activity between a number of citizens of our own and citizens of other nations who are not part of the Commonwealth. It is therefore necessary, as the Bill does, to introduce the provisions in the Bill to permit the authorities here in Barbados to negotiate within the context of this Bill with other neighbouring countries who are not members of the Commonwealth. We are part of the Commonwealth in this area. We are also part of the Latin American system. We are part of the LOME Convention. We have business relations because of that with the territories of France in the Caribbean. We are also engaged in activities with a view to increasing our contacts with the independent countries in the Northern Caribbean, such as the Dominican Republic and Cuba, and on the Latin American mainland of Suriname. We certainly envisage that there will be need at an early date and as a matter of great urgency for us to conclude the requisite arrangements with these other territories which are not part of the

Commonwealth in the Caribbean but whose citizens are likely to act in concert with our own citizens.

So far as I have been able to discover, there has been little litigation arising out of the provisions of the Bill which, in a similar vein, has been introduced in other parts of the Commonwealth. I have only come across in the Commonwealth Law Bulletin one decision which tested the competence of the central authority. That was in the Cayman Islands. It is reported in one of the Commonwealth Law Bulletins. There the authority to whom the Attorney General delegated his powers was the Chief Justice. As a matter of fact, it was the person who served in Barbados as a member of the Attorney General's Chambers and subsequently went along to other territories in the Caribbean and became a Chief Justice. He is now Chief Justice Sir Denis Malone. He is the central authority. His decision granting mutual assistance to another territory was challenged all the way up to the Privy Council. His decision was upheld. There is some very interesting commentary on the considerations that the competent authority had to take into account. I hope that the Attorney General will, at an early date, indicate the delegation of this authority. I think it is invidious for an Attorney General to continue to exercise the power under this Bill. I do not think that the Attorney General should want to get himself embroiled in the day to day administration of these powers.

Aside.

Hon. H. B. St. JOHN: I am not suggesting who it should be. I would think that in our scheme of Government, having regard to the fact that we have insulated the political Attorney General from the prosecution of criminal law in Barbados, there would be a more appropriate person, someone who holds a constitutional non-judicial office but still holds an office which commands respect by its very nature and which is entrenched in the sense that it is subject to the authority of no one in the administration of his functions. Having said that I think it is sufficiently clear to all and sundry whom we here regard as being the appropriate person to carry out this very important function. After all, this is a question of the receipt of exceedingly and very sensitive information in many respects. The information is of such a vital nature in the chain of bringing to justice people who are involved in criminal activity, and it is of such a nature, that the perpetrators of this activity regard it as highly profitable to try and subvert not only the existing traditional enforcement authorities in a country, but, indeed, to try to destabilise the whole country. That is the measure of the magnitude of what we are dealing with.

I would also point out, Sir, that, within the Caribbean itself, much closer to home, because of our integration movement, it is quite likely – indeed, I envisage that it will be most likely – that we will be seeing in the very near

future a tremendous amount of investment taking place across these Caribbean Islands. With investment, whether that investment is generated from existing companies through a process of intimate contact or that investment is generated as a result of the effort of public quotation of companies through the stock exchanges, we in the Caribbean must understand that we are likely to produce within our society the same type of people whom all other societies have produced, namely, people who use the stock exchanges and use investment mechanisms as an instrument for defrauding others.

1.10 p.m.

Now we are not in the position in the Caribbean, like the United States and other countries where they have a securities exchange commission with regulations and because of the nature of their governmental structure, also Federal Laws which apply in each and every state and very compendious laws dealing with this in the nature of things of mail fraud. It is because of the fact that we do not have these institutional arrangements that this machinery provided by the Bill is likely to be of greater importance. I draw that to Honourable Members' attention when they are considering the utility of this Bill. After all we have criminals who have shown that they can escape from prisons here and end up in another island. We will no doubt have criminals who will wish somehow or other to use the mail in one country to solicit investments in another country. As a matter of fact, only the other day, I was thinking, in another context, of how easy it is for people with devious minds to take advantage of the fact that the cooperation which is in existence within these territories is not sophisticated enough in this area and that there are a number of gaps. So there is great scope for the utilisation of the criminal loopholes plus some of the existing loopholes we have.

The only other area I would like to speak on, Sir, is the area of what I regard as the education of all of the law enforcement agencies with respect to the provisions of this Bill. Very often we pass these Bills here and the full benefits are not realised because the institutions whose function it is to work the Bill in practice are not fully acquainted with the contents of the Bill. We do not have a system here, as you have in many other countries, in which there would be informed comment, automatically, by the Press and other agencies which help to form the opinion about the features of a Bill like this and its utility. One is likely to find an article in about a year or two from now, coming out in the Caribbean Law Journal, no doubt, published in a Journal which would have a very restricted circulation and I doubt that the law enforcement agencies would have many people in there who would find it necessary to regard reading of a Journal of that kind as being part of their day to day activity. I have seen, recently, a report of a television interview between a Prime Minister in this region who boasted that he has not read a book since he was 18 years old and he is now eighty.

Asides.

Hon. H. B. St. JOHN: Yes, in this region. Sir, this is a very serious point, because we are really operating in this area ... I remember, in 1985, at the Heads of Government Conference in Barbados, trying to alert the Caribbean public about the importance of cooperation in the Regional Security Agency in drug detection. In those days we envisaged, at least I saw clearly, that the strips of water that separated us with modern high speed boats would not act as a deterrent to any of the people indulging in this activity. Today, unfortunately, I have lived to see that it has in fact occurred. I have lived to see that the predictions that that could occur have come to pass. That is a fact. The point is that the Regional Security Agency and other agencies are necessary to ensure that a broad-based pact is brought to bear upon the international activities of these drug people. It is not only in that area, as I have tried to point out. You are going to get it in white collar crimes, in banking. You are going to get it in many other areas, the stock exchanges. You are going to get it in many other areas of activity. So, Sir, with those few words I would like to support the principles contained in this Bill. No doubt other Honourable Members will be able to bring to bear, on the particular clauses, their own experiences as to how it would apply, and whether the mechanisms for protection against abuse are adequate or not. I am not very much a practitioner nowadays in any area, far less in the criminal law, but nevertheless the position is that there are many, on both sides of this House, who will scrutinise this Bill with a view to ensuring that, even though there are those people whom this society regards as deserving of the most draconian forms of punishment, they too have rights.

Mr. L. R. TULL: Mr. Speaker, Sir, I have no difficulty at all in supporting the concept of mutual assistance in criminal matters between Commonwealth Countries, but I should like to make a number of observations that are informed by my experience both as a practitioner of law and as a former Attorney General of this country.

I would first of all say, Mr. Speaker, Sir, that mutual assistance in matters between Commonwealth Countries in relation to the law is nothing new. For many decades now there has been, for instance, reciprocal enforcement of maintenance orders between Commonwealth Countries. In many other areas there are series of cooperative and collaborative action between individual and group countries in the Commonwealth. With respect to this particular piece of legislation before us, there has been a long gestation period. The learned Attorney General in introduction referred to the Harare Conference, I believe of 1986, but well before 1986 this was engaging the attention of Law Officers in the Commonwealth.

I well remember, Sir, that as long ago as 1986, the Commonwealth Law Officers in Colombo, Sri Lanka, gave

attention to this particular measure. So historically it has been around a long time. That it has now come to fruition, Sir, is a matter which, to all of us who are concerned about the proliferation of international criminal activity, is very welcome. I want to make one or two observations as to how it has been treated. The Honourable Member for Christ Church South made reference to the Regional Security System.

1.20 p.m.

Now, in the early 1980s, the Regional Security System was worked out between Barbados and five or six other members of the Caribbean Community and, at the time when this was done, it was sought to address some of the problems that are spelt out in this piece of legislation. The whole question of commercial crime, of drugs, gun running, customs and excise breaches, that kind of activity was envisaged and indeed spelt out in detail in the Regional Security System papers. That it met a lot of criticism at the time by the then Government is worthy of mention now because they, the Opposition at the time, raised their objections, but I do notice that since they have been the Government the Right Honourable Prime Minister seems to be a greater supporter of the concept of the Regional Security System than anyone else. These things were envisaged on a regional basis and indeed they were instituted at a time when there were regular meetings of Commissioners of Police of the Caricom Countries, so that there could be the exchange of information in relation to regional criminal activity. They also provided an opportunity for those regional commissioners of police to come up with methods and schemes whereby they could elaborate and thereby reduce the kind of activity of which I speak, Sir.

Now, I want to raise something that may not be in the contemplation of the Attorney General in his capacity as Attorney General. This Bill was intended primarily to deal with cooperation between Commonwealth Countries. The legislation before us has a section dealing with cooperation with countries other than Commonwealth Countries.

Now I always get a little nervous with these things, Sir, because when we get into these arrangements, quite often we are not the beneficiaries. The beneficiaries are other and more powerful countries. We have an arrangement now, according to this legislation, where we can be engaged in collaborative and mutual effort with, let us say, the United States of America, but we have to think very carefully about it. We, for instance, have had no one extradited from the United States to Barbados. I understand you are working on some, but I do know from experience that, when the Government of Barbados makes a request for the return of fugitive offenders from the United States, the United States treat the request of Barbados with such lack of attention as to amount almost to contempt, because they do not set that as high on their scale of importance. On the other hand, when it goes in the other direction the

Police Force and the authorities in Barbados are very quick to pick up particularly Barbadian nationals and ship them back to the United States to stand trial in the United States.

Now, I am not knocking the principle of extradition. What I am knocking, Sir, is the inequality of the application of the mutualism. That's all I am knocking.

We have, Mr. Speaker, to look at the geo-political situation and the way some countries behave. We see how one country can pick up boat loads of people and dump them wherever they will because they have the power to do so. Quite often they do it in contravention of the laws of their own country.

We also know that there are certain countries that bring a lot of pressure to bear on small countries like Barbados to accept refugees from other countries even though our economic and social circumstances do not make that a sensible proposition. These are the kinds of things we have to look at in relation to legislation such as this.

The Attorney-General needs also to look at other areas not covered in this Bill and the Minister of Community Development and Culture will no doubt get up and lend support to what I am saying.

Some of the things that trouble us, Sir, are the lack of provision for the enforcement of copyright, for the protection of cultural objects exported from small countries like Barbados and the question of tracing those objects. We have the problem of a lot of expensive mahogany antiques, but mahogany furniture moves out of Barbados although the Government had stated, as its policy, that these things must not be exported without a certificate from the Ministry of Trade. I do not know if that is still the position, Sir, but I believe it is. Therefore, things that mean a lot to Barbados have been disappearing from Barbados at a rapid rate and finding themselves in the metropolitan countries.

We also have the problem that with an inchoate cultural industry that there is inadequate protection for copyright. We know, Sir, there is a lot of piracy in relation to the music made by Barbadians and it is in that area that we should be particularly careful to have mutual assistance from larger Commonwealth countries and also from larger non-Commonwealth countries.

The learned Attorney General would do well to advise his own officers – and I do not mean in the Attorney General's Office – I mean in the whole system – to improve their strengths in the areas of tracing objects that are being spirited out of Barbados and, indeed, seek technical assistance for our people in Barbados to develop the kind of expertise to bring to bear on the kind of problems I have articulated.

We have also the question of the clash between national rights and international developments in technology. This is the whole area again of copyright and so on. We can pass as much legislation as we like in our jurisdiction to protect rights in our jurisdiction but the pace of development in technology on an international level can quite often negate any success in relation to what we are trying to do at a local level. I am exhorting the Government, not only to put on the Statute Book a piece of legislation that is well intended and has the support of every right thinking person in this community, but to go beyond that and give the legislation the kind of teeth that will make it effective in carrying out the purposes for which it was intended.

Mr. Speaker, Sir, the Caribbean Sea has as much activity, legal and illegal, as it has ever had. Historically, the Seventeenth Century Caribbean has been a place where there was a great deal of activity in terms of piracy and so on. Today, there is a different kind of piracy, a different kind of trading and economic activity and it is one of the busiest sea lanes anywhere in the world. We have heard that the development of technology and indeed things that are not even into a lot of technology, things like high speed boats, those things are making the field of play a little bumpier than it used to be. So when I exhort the Government not to rely on the provisions of the legislation before us as enough in itself, I am doing so because there are so many factors that can frustrate the effectiveness of the legislation in the areas that I have described.

1.30 p.m.

Now here in the Caribbean, Sir, we have had examples of Government offering rewards for information leading to the arrest of individuals. Sometime ago the Police in St. Vincent apprehended someone who was a fugitive and for whom a reward was offered. Perhaps the Attorney General, the Minister of Justice, or the Minister of Foreign Affairs, as one who deals with relations between states, can tell us whether the people who claimed the reward for the capture of this man in St. Vincent have been paid. I am not trying to be facetious, Mr. Speaker, because whether the \$10,000 or whatever the figure is paid or not, the money itself is not the consideration. What is the consideration is that if a precedent is set where the Government of Barbados promises to pay a reward when people are captured in the Caribbean and then when they are captured the people who provided the information are not paid the money, they are likely, like any other human person, to be a little easy the next time around, for the word has come out of St. Vincent that the Government of Barbados has reneged on its undertaking to pay \$10,000 for the capture of one Hall.

Mr. Speaker, we have no great difficulty with these things. I think, while I am at it, that the Government needs to look again at the law on extradition. We passed legislation in the late 1970's in this Parliament. At the

time, Sir, the request for the return of fugitive offenders was an absolute rarity in this country. Since then, it is becoming quite commonplace. I understand that at the moment there are before the Courts two people whose extradition has been requested by the Government of the United States. But we have had requisitions for people from the United Kingdom and Canada who have been sent back and so on. So the numbers are increasing and, as the numbers increase, it means that extradition legislation in Barbados is being given a testing. It has gone before the Courts and it has been tested on a number of occasions. From the time the Courts were concerned with the extradition of the Great Train Robber Biggs, it was detected that there was a flaw in the law of Barbados. From then on; the extradition legislation of Barbados has been under close scrutiny and has been tested on a number of occasions in the Courts.

I wish to submit, Sir, as someone who has had some dealings with extradition matters in the Courts, that there are some gaps that need to be plugged. There are some difficulties that, in my view, militate against our interests when claims for those who are being extradited from Barbados are not reciprocated where others are sought to be extradited from other countries to Barbados. I believe that we need to look again at the Extradition Act to see how we can improve on it.

Now I want to say finally, Sir, in relation to the question of commercial crime that the laws of evidence in this country need to be changed. I left the office of Attorney General seven years ago and left in the office of the Attorney General a draft Evidence Bill.

Aside.

Mr. L. R. TULL: I am hearing, Sir, that it was useless.

Mr. SPEAKER: Do not hear.

Mr. L. R. TULL: Well, I mean it is good to hear that. But it seems to me that seven years after an Evidence Bill was drafted by the present Chief Justice of Barbados, by an international consultant in legislative drafting, and by the Chief Parliamentary Counsel in Barbados that the Government can come back now and say that it is a useless Evidence Bill; I hear that having engaged people of that skill, experience, and expertise that now the Government easily and glibly dismiss it as of no account. Well, whether it is of good or bad account, Sir, the fact is that there are new developments. You have seen the development of the fax machine in Barbados, Sir, and in the world. The development in computer technology has changed the whole ethos in which business is conducted. Therefore, if we are going to be serious about attacking the increasing incidence of white collar, computer crime and these things,

it is absolutely necessary that the law of evidence be upgraded in a great hurry, Sir, to deal with those problems in hand.

That is all I have to say at this point. Sir, in Committee, there are several sections of the Bill that I would want to have a few clarifications and explanations on, Sir. Thank you.

Hon. D. J. H. THOMPSON: Mr. Speaker, I just have a few minor points or observations to make. I am in support of the Bill, but there were two useful comments the Honourable Member for St. George South made. I think he should be informed about what has been happening in relation to those two matters, because they do represent two very important areas not only of our cultural policy in Barbados but they have some implications for the ability of Barbados to earn foreign exchange particularly arising out of trade in cultural properties as it is familiarly called.

The first matter relates to the Copyright legislation. There is presently an agency known as BAMCI. I do not remember what the acronym stands for. But in the Ministry of Culture we have been meeting recently with them, Sir, to carry out a full analysis of the two recent Conventions that have followed on the one that forms part of the present law. I think one is the Rome Convention...

Aside.

Hon. D. J. H. THOMPSON:...and the others are Nice and Paris. We have to update that. One of the constraints in the ability of Barbadian musicians to feel comfortable about marketing their music overseas relates to the fact that they do not feel adequately protected by the existing legislation.

1.40 p.m.

I am not sure that legislation of this sort, the Mutual Assistance in Criminal Matters Bill, would necessarily deal directly with the offences that would arise under copyright legislation, but I can assure the Honourable Member for St. George South that it is something we have been working on and we have been working with the musicians themselves. It is a matter of concern. I happened to be passing through Miami recently and while staying the night there was a party upstairs, obviously by some Puerto Ricans or perhaps people from South America, young people, I do not know their origin, but during the course of the night I heard in Spanish the latest road march tune that was put out by Spice. I heard another tune by Beckett, the Vincentian calypsonian, in Spanish – I don't remember what it was – and there was a third one. The calypso art form is now being widely used in many languages, so it is an area of real concern and it is something that we are looking very carefully at. We want to ensure that the artists feel comfortable about the kind of protection they are receiving.

The second one relates to cultural artifacts. That is a very important area and a draft Bill on the Preservation of Antiquities has been circulated to many organisations. This is of considerable importance even now as people want to dive off the East Coast and be gold diggers off Sam Lord's Castle, and want to go diving up wrecks and this kind of thing. Barbados is really very vulnerable in this area and that is a matter that concerns us. Arising out of that, the draft Preservation of Antiquities Bill has been circulated for consideration by a wide section of the Barbadian artistic community and otherwise. It is not a controversial matter.

The final point I want to make relates to the ability of countries like ours really to give effect to legislation of this sort. Let us be frank. We have to look at this not only in this area. It relates to all of the regulatory legislation, particularly when we are dealing with international business, international agencies and the whole range of international activity that we are involved in. Much of this legislation is done either to meet wider international commitments, or is done to upgrade the kind of regulatory framework in our own country. But the possibility of implementing or executing many of the features of the legislation which is passed is almost non-existent.

The Honourable Member for St. George South talks about tracing and so on. The Attorney General's Chambers and those other departments can hardly add anything to their existing portfolio of activities, and I do not have any great exciting hopes for any administration to be able to have that regulatory framework, other than in relation to laws on the Statute Book, in place, and this is one of the things that distinguishes us, particularly in the international business sector, from some other countries. The ability to have knowledge of something and the ability to know are two different things. There are many large countries which deal in international business transactions that actually have the ability to know. In Britain they recently had the squad that busted BCCI, Serious Fraud or Serious Crime, which was headed by a woman. They have the resources to establish these kinds of entities and also they have the ability to staff these kinds of policing entities with persons who are not restricted, but who have highly specialised knowledge to carry out those kinds of things.

The Honourable Member speaks of the Attorney General's Chambers in relation to this legislation, but I do not hold out as exciting hopes as he does, even though it would be a good thing. I am not saying it would be a bad thing. Even if they are not the ones to do it, the ability of Barbados to commit resources to this kind of thing is almost non-existent. It is the same thing in the offshore sector. You hear many people in the offshore sector talking about companies trading with South Africa. How could Barbados really be able to police a scenario like that on its own behalf? Either it is going to come out in the wash internationally, or some individual may come across some little piece of information and might be public-spirited

enough to monitor it. The point I am trying to make is that it is almost impossible to be able to monitor companies of that nature, and all of the legislation that we bring in essence provides for these **loopholes** to occur. As I say, unless there is some international event that brings to light these kinds of things, Barbados does not have the capacity to police them.

I accept the need for the legislation as part of our international obligations and commitments, but, subject to what the Honourable Attorney General himself might say; I have no great hopes about the ability of small countries like Barbados to police these areas effectively, to police the question of the removal of cultural artifacts and also to protect in various forms of cultural activity the rights of Barbadian artistes who export the materials overseas and are subject to pirating. We do not have that kind of ability and therefore we have to rely very heavily on other people to do it for us. This is one of the situations in which small countries, particularly small developing countries, find themselves.

With those few words, Sir, which I hope may have placed some of the matters raised by the Honourable Member for St. George South in perspective, and for the benefit of Members of the House, I will give support to this Bill.

Hon. B. M. TAITT: Mr. Speaker, Sir, I don't think that it is necessary to extend oneself over the wider aspects of the Bill, since all those Honourable Members who have spoken have spoken well on them, but I wish to address a matter which the Honourable Member for Christ Church South touched on, and that is the question of delegation of the Attorney General's authority under the Bill.

I would like to suggest that, although on face value the situation raised by the Honourable Member might seem to be efficacious, the separation of powers doctrine would not, I suspect, allow the Attorney General to delegate to the entity which, by virtue of what he said, the Honourable Member would be intending.

Aside.

Hon. B. M. TAITT: I understood the Honourable Member to be suggesting that the entity to which this power would be delegated was one protected by the Constitution, and there are only three or four of them, Sir. I am merely saying that, on the face of it, it would seem that the Attorney General as constituted in Barbados, could not delegate to the DPP, because it would then seem as though the Attorney General was in fact in a position to give instructions to the Director of Public Prosecutions. He may have to find somebody like the Solicitor General or some such entity. I just wanted to touch that point, because it is a very thin line as to who can delegate to whom. I am not sure that the Malone delegation could survive here

now, given the state of the Constitution. In the time when Malone functioned that was a non-political Attorney General, whose relationship with the Chief Justice would have been within the same sphere. In fact, I am certain that an Attorney General in the constitutional framework which we now have in the Caribbean could not delegate to a Chief Justice. The point the Honourable Member made is as valid and it is accepted that the Attorney General himself ought not to be seen to be exercising the power. Again, Sir, extradition at the moment in Barbados is handled by the Attorney General. The Attorney General is in a position where he has to consent to...

1.50 p.m.

Asides.

Hon. B. M. TAITT:... the Honourable Member has correctly pointed out one of the difficulties inherent in extradition between Barbados and non-Commonwealth countries. As a matter of fact, Mr. Speaker, that whole question of the relationship between Barbados and a country such as the United States has been appropriately touched on by both the Honourable Member for St. John and by the Honourable Member for St. George South. The fact is that we have a collision of the philosophy of government between the Barbados Constitution and the United States Constitution.

In the first place, the Attorney General of the United States is not able to address the issue of extraditing someone from a particular state. The Attorney General of the United States does not have any jurisdiction over extradition. It is the state where the person resides that has the ultimate power to determine the question of extradition, except during certain times. I think that when we talk of Attorneys General it would be well for us – and I am not talking about Honourable Members in here, because I think all Honourable Members in this Chamber are seised of the distinctions – in terms of the public statements and how they are perceived, to recognise that Attorneys General in their respective jurisdictions are perceived differently and have different powers. An Attorney General in the United States, or in some instances the equivalent of the Attorney General, is an elected officer and in other instances he is not. The Attorney General in the Federal Government of the United States, although he forms part of the so-called Cabinet of the United States is not an elected officer, whereas the Attorney General in Barbados is usually and now an elected officer and forms part of the ministerial system. Therein lies a certain difficulty.

The Attorney General in the United States, for example, can give an opinion on a point of law and that opinion is known to be accepted as authority in international affairs or in the relationship between states within the United States. On the other hand, the Attorney General here is not capable of discovering what the law is by asking the Chief Justice. He would have to appear as

counsel in a case. Recently, I had a discussion with the Honourable Member for St. John in which the whole question of locus was being raised. It is a very interesting and perhaps philosophical discussion that one could get into. However, what constitutes an Attorney General is something that needs to be examined in the context of the different powers which there are in different jurisdictions.

I wish to speak for a minute or two on the point raised by the Honourable Member for St. George South. In terms of Barbados *vis-a-vis* other major countries, the plain truth is that in many of the developed countries of the world they perceive the small, independent countries as not being important or equal. Recently, in the United States they actually passed a law which said that the President of the United States can by executive order designate in certain circumstances an officer in the United States to go into a country such as Barbados or Jamaica or elsewhere and arrest people. Now, it is all right to talk about extradition, but if the United States Federal Government has a law which says that an official of that country can come into Barbados and arrest somebody and take them out, to discuss extradition in the terms that the Honourable Member was discussing it is really only to be philosophical, because if one country perceives that it can pass legislation to send its officials into other countries to arrest people and bring them out, clearly, the question of extradition does not loom large in the minds of the countries that pass that legislation. It is interesting that recently in Jamaica there was a set of circumstances which can only be described as funny except that a person's liberty was involved where, in spite of the fact that there was a case before the Privy Council, a person who was contesting extradition suddenly found himself spirited away from his native land to a foreign country. There are a number of people who believe that once a person is a criminal or once you are deemed to be a criminal you have no rights whatsoever, but that ought not to allow the political directorate to lose sight of the fact that, if you once allow a foreign country to feel that it has jurisdiction over your country, then all of the rights and privileges which you think you have because you are independent are really only so many words and so much paper. So the United States is not going to spend a lot of time discussing extradition with the Attorney General of Barbados. If they wish to get somebody from Barbados, they might go through the formality, but, in truth and in fact, they are going to ignore and will continue to ignore protestations made by countries such as ours.

For the other point raised by the Honourable Member for St. John, I share his view to some extent but I believe that it is not impossible for us to change the thinking of persons who function in the public sector in Barbados. I believe that a lot of regulatory arrangements are not in place because the administrative system which we have does not allow for changes of attitude on the part of officers. I will give an example. Most people in this

country consider that regulations which are made are guidelines. If you look at the simple business of how many prosecutions there are in the courts for – let us deal with the matters for which I have responsibility – when last have you heard of anyone being prosecuted for not having them, sanitary conditions? The fact is that while the Minister is responsible for prosecuting it is not the Minister who goes out and writes up the people and has them prosecuted.

Asides.

Hon. B. M. TAITT: The point I am making is that it is simply not within the mores of the system. They have amelioration and persuasion and that kind of methodology but they are long past the stage in Barbados where they impose regulations in the way the regulations are intended to be imposed, when all is necessary is for there to be a change of attitude. **Part** of the reason why there is no change of attitude is that there is no training. The Price Control Officers were trained to prosecute but most of the other people in the regulatory agencies had no training in prosecution. Therefore, we are not likely to see a lot of regulation by the regulatory agencies.

2.00 p.m.

Constantly I hear people talking about garbage being **thrown** in the gullies and they say we need legislation. The **truth** is that there is enough legislation in Barbados to take care of almost anything. We need to implement the legislation, Sir. Until there is a change in the attitude of the persons responsible for such implementation, we are going to continue to talk about it in here and we will continue business as usual. I think I can stop at that point, Mr. Speaker.

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

SUSPENSION OF SITTING

Hon. P. M. GREAVES: Mr. Speaker, I now move, Sir, that the sitting be suspended until 3:00 p.m. this afternoon.

Hon. B. M. TAITT: I beg to second that.

The question that the sitting be suspended until 3.00 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting accordingly.
2.05 p.m.

RESUMPTION

Mr. SPEAKER: This sitting is resumed.

On motion of Hon. P. M. GREAVES, seconded by Hon. M. A. KING, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in committee.

Clause 1 – 5 were called and passed.

Part II was called and passed.

Part III was called.

Hon. M. A. KING: Mr. Chairman, in moving that **Part III** stand part there are just a couple of small amendments which I should like to prove. Clause 26 reads:

"(a) an order is made in a Commonwealth country confiscating property derived..."

The whole Bill deals with confiscating, forfeiting and restraining orders. In this clause the word "forfeiting" has been left out. I want immediately after "confiscating" to add "or forfeiting". I want the word "forfeiting" included.

In clause 26 (7) it begins with "The regulations." I think the word "The" needs to come out. It would then read: "Regulations may make provision for and with respect..."

In clause 27 (1) (ii) **(A)** after "of confiscating" – I want to move in "or forfeiting". It would read "of confiscating or forfeiting".

Then in clause 27(3) there is the same kind of problem. Rather than "The regulations" take out "The". It reads "Regulations make provision for..."

Subject to those amendments, which are not amendments of substance, I move that Part III stand part.

Hon. B. M. TAITT: I beg to second that.

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

Parts IV and V were called and passed.
3.10 p.m.

Hon. M. A. KING: I beg to move that the Schedule be the Schedule to the Bill.

Hon. B. M. TAITT: I beg to second that, Sir.

*The question that the Schedule be the Schedule to the Bill was put and resolved in the **affirmative** without division.*

*On the motion **of** Hon. M. A. **KING**, seconded by the Hon. B. M. **TAITT**, Mr. CHAIRMAN reported to Mr. SPEAKER the passing of one Bill in Committee with amendments and Mr. SPEAKER resumed the Chair and reported accordingly.*

*On the separate motions of Hon. M. A. **KING**, seconded by Hon. B. M. **TAITT** the Bill was read a third time and passed and cited as the Mutual Assistance in Criminal Matters Act, 1992.*

PAPERS

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I beg to lay the letter written by myself as Prime Minister and

Minister of Finance and Economic Affairs and by the Governor of the Central Bank of Barbados to Mr. Michel **Camdessus**, Managing Director of the International Monetary Fund dated December 6, 1991 and known as the Supplemental Letter of Intent.

ADJOURNMENT

Hon. P. M. **GREAVES**: That concludes Government Business for **today** and I move, Sir, that this House do now adjourn until March 10, 1992 at 12.00 o'clock noon.

Hon. B. M. **TAITT**: I beg to second that, Sir.

*The question was put and resolved in the **affirmative** without division, and Mr. SPEAKER adjourned the House accordingly at 3.15 **p.m.***

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