THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1991 – 96

HOUSE OF ASSEMBLY

Tuesday, May 26, 1992

Pursuant to the adjournment, the House of Assembly met on Tuesday, May 26, 1992 at 12.20 p.m. o'clock.

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)
Mr. H. deB. FORDE, Q.C., M.A., LL.B., (Leader of the Opposition)
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. W. O. FRANKLIN, A.I.C., M.I.A.S., J.P., (Minister of Trade, Industry and Commerce)
Hon. N. K. SIMMONS, (Minister of Justice and Public Safety)
Mr. H. A. BLACKMAN, B.Sc.(Econ.)
Mr. O. S. ARTHUR, M.Sc.(Econ.)
Mr. D. A. C. SIMMONS, Q.C., LL.M.
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. W. W. HALL, G.C.M., H.B.M., (Minister of Tourism and Sports)
Mr. R. L. MORRIS, B.A., Cert. Ed.
Hon. D. J. H. THOMPSON, LL.B. (Hons.), (Minister of State, Ministry of Finance and Economic Affairs)
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, Q.C., M.A., M.Sc. (Econ.)
Mr. J. O. TUDOR
Hon. D. W. BOWEN, (Minister of Community Development and Culture)
Mr. R. C. EASTMOND, B.A., LL.B.
Mr. G. W. PAYNE

Prayers were taken by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is in session.

MINUTES

The Minutes of Tuesday May 12, 1992.

Hon. B. M. TAITT: Mr. Speaker, Sir, the Minutes have been circulated and presumed to have been read. I beg to move that those Minutes be now confirmed.

Hon. M. A. KING: I beg to second that, Sir.

Mr. SPEAKER: If there are no corrections, let these Minutes stand confirmed.

MESSAGES FROM HER EXCELLENCY THE GOYERNOR-GENERAL

Mr. SPEAKER:

"Message No. 1/1992

HER EXCELLENCY THE GOVERNOR-GENERAL
TO
THE HONOURABLE THE HOUSE OF ASSEMBLY

Her Excellency the Govemor-General has the honour to inform the Honourable House of Assembly that she will be absent from the country during the period 1st to 9th

June, 1992, on a visit to Rio de Janeiro as an "Eminent Guest" of the Secretary-General of the United Nations Conference on Environment and Development.

Her Excellency further has the honour to inform The Honourable The House of Assembly that under the provisions of Section 30 of the Constitution, The Governor-General, acting on the advice of the Prime Minister, has designated The Honourable Sir Denys Ambrose Williams, GCM, to be the Governor-General's. Deputy during the period of her absence."

PAPERS

Hon. P. M. GREAVES. Mr. Speaker, on behalf of the Minister of Tourism and Sports and by the command of the Cabinet I lay:

The 32nd Annual Report and Financial Statements for the Barbados Board of Tourism for the year 1990 - 1991.

GOVERNMENT NOTICES

Hon. P. M. GREAVES: Mr. Speaker, Sir, we have no notices which are ready to be laid, Sir. But I have already spoken to the Leader of the Opposition on the other side and indicated to him there are two matters which we would like to give notice of. One is to be laid and one matter to be given notice of as a resolution, pertaining to Education which, Sir, we would like to have done today in all of its stages. I am just giving advanced notice to the House. As soon as it is ready, Sir, I will so indicate to this Honourable Chamber.

Mr. H. deB. FORDE: Mr. Speaker, Sir, the Honourable Member has so indicated to me but I am not in a position yet to give an answer as to what would be our situation on that matter. I would need to consult about it.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. P. M. GREAVES: Mr. Speaker, I am going to move the suspension of the following Standing Orders: 6, 16, 18, 20, 42(5), 43 and 44 for the remainder of the day's sitting.

Hon. B. M. TAITT: I beg to second that, Sir, and in seconding that I draw to your attention that it seems to me that the sound system is echoing. There is an echo.

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.

Mr. SPEAKER: In response to the Honourable Member for St. Michael West I would ask the Clerk to see what can be done to remedy that particular situation. Order No. 8.

DISTRICT AUCTIONEERS (AMENDMENT) BILL, 1992

Order No. 8 was called - To move the Second Reading of a Bill to amend the District Auctioneers Act, Cap. 114.

Hon. N. K. SIMMONS: Mr. Speaker, this Bill seeks to amend Sections 3 and 19 of the principal Act and the Third and Fourth Schedules. Under the previous Section, Section 3 that. is, the Government Auctioneer was appointed by the Governor-General and we are seeking to amend the Section by substituting subsection (1) thereby allowing the Minister to appoint such number of auctioneers for each district as the Minister considers necessary and creating a new subsection, that is subsection (3) to allow such auctioneers to be appointed pursuant to subsection (1) to hold office subject to such terms and conditions as the Minister, in writing, specifies.

Under Section 19 the present subsection (2) is to be deleted and substitute a new subsection (2) and have subsection (b) which would increase the fees from 72 cents to $10. The fees which the auctioneer charges now is 7½% and that is to be increased to 15% under the Third Schedule. The Fourth Schedule is to bring the fees in line with what is current today.

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

Hon. E. E. GREAVES: I beg to second that, Sir.

Mr. SPEAKER: The question is...The Honourable Member for Christ Church West.

Mr. H. deB. FORDE: Mr. Speaker, Sir, the original Act in relation to district auctioneers was passed as long ago as the year 1904 and the essential function is really to sell items or goods which may have come into the Police's possession. Some of them carry out various other distraining duties for private individuals. In many respects, Sir, their functions are similar to those functions processed by marshals of the court and to that extent they perform what I would refer to as a judicial function of execution. 12.30 p.m.

Execution, in order to recover the proceeds of sale, arising out of a civil suit or arising out of and ancillary to criminal action is a very necessary part of attaining justice. Usually it ensures that the fruits of litigation come to

that person who has won the case. It also ensures where there is not litigation but there is an action on the part of, for instance, the landlord, he can recover a debt that is due to him. And, in the case of goods that have been forfeited to the State what is referred to as deodand, it ensures that those goods are also forfeited to the State.

I have begun my address on this particular amendment with that background to emphasise the point that the functions which auctioneers perform in this regard and under this Act are really essentially judicial functions and that one cannot really sensibly discuss the role and function of district auctioneers today unless one takes a wider view of the whole area of the law relating to the enforcement of judgments and the execution of levy processes.

Some years ago a new Court Process Act was placed on the Statute Book. It was, Mr. Speaker, Sir, one of the reforming measures which I implemented during my tenure as Attorney General of Barbados. That measure, Mr. Speaker, Sir, although it went some way towards answering the defects existing in the processes that are ancillary to enforcement of judgments, has even been overtaken by time and what is now required, is not a tinkering with Acts such as the District Auctioneers Act or even tinkering by way of amendment to the Court Process Act, or by way of amendment of certain provisions of the Supreme Court of Judicature Act and the Supreme Court of Judicature Rules, but a much more comprehensive view of the existing regulations, laws and rules governing execution, with a view to speeding up the process of justice and simplifying the procedures with the long term objective of reducing the cost.

I am satisfied, after reviewing the matter and taking into account the 30 years of experience that I have in this field that our procedures are still too cumbersome and too expensive and they certainly lead to delay and very often we are not able to achieve justice in this regard.

I would like to suggest to the Government that the Judicial Advisory Committee, the Bar Association and the section of the Ministry of the Attorney General's Chambers which handles law reform, should look at the whole area of enforcement of judgments in order to simplify the legislation, eradicate the contradictions that occur under various bits of the legislation, ensure a coordination of the several Acts, simplify the procedures, reduce the cost and in the process reduce the delay which occurs.

I would say, Mr. Speaker, Sir, that at present certainly this aspect of the judicial process is not functioning in any outstanding manner. In fact I would like to say that very often the process of execution is slow and dilatory and that there is a strong case for privatising this sort of service.

You will recall, Mr. Speaker, that again as part of the reforming measures which I implemented as Attorney General of this country, I revised the Supreme Court of Judicature Rules and by 1982 they were being implemented but I sought in the prccess of doing that to lighten the burden that fell on police constables and island constables and writ servers. We took away the Writ Serving Department that was purely in the hands of the police and created a new post of Court Process Server or Marshal and civilianised the whole office there. The principal reason for doing that was to make sure that police had more time to look after law and order. There were also other major reasons, one was to ensure that the Court itself was seen as a civilian service and an arm separate from the executive in all respects. Therefore I think we have achieved that.

We did a bit more, Mr. Speaker, Sir, we ensured that for the first time a writ in the High Court or a summons by way of execution or a distraint or a levy could be done, not necessarily by a marshal attached to the Supreme Court, but could be done by a person who is an island constable and a court process server, in addition to individuals. What has happened since then is that a certain number of small persons who have had experience, some of them retired writ servers and what not have formed businesses and are succeeding in serving at a faster speed the processes that issue from the Court than those persons who are still retained in the court service.

In the process it has reduced the cost of doing business, both to the litigants and to the State and I am going to suggest that we should go a bit further. We should also civilianise the Magistrates Court processing. Again, when I left the Ministry of the Attorney General in 1981 I had left a draft of the new Magistrates Court Act and Rules done by Mrs. Bourne-Hollands at the time. The work is there, Sir, as part of my reforming zeal. That work is there and it needs to be brought up to date. That is all that needs to be done, Sir. It is there, Sir. I am speaking to the Honourable Member for St. Lucy if he would listen and don't interrupt. I am trying to educate the Government on work they can bring down to the House. The time has come to dust it off and bring it down, because really there is no necessity for us to have a large career service in an area that can be so easily done without any detriment to justice or to the enforcement of law and order.

12.40 p.m.

I said, Sir, that the whole area of execution, of distraint and enforcement of justice is at the moment archaic. The service has not been computerised. There is a strong case for computerising the Court Process and the Chief Marshal's Office to ensure that from step one, from the time you issue instructions to levy, right through to the execution of the levy, the sale, the recovery of the process of the levy, is fully on computer and it should be easy to get out a statement of account in a short space of time. We are still receiving from the office of the Chief Marshal

handwritten notes as to how the proceeds of sale have been distributed, and very often you will find the position that you have levied execution or you have asked for the service of a notice or summons on a bit of land, or you have issued distraint, and the process is sent, let us say, to the Police Magistrate jurisdiction in District "C". The particular Marshal attached to that district is on his legitimate holiday, there is no replacement for him and you have to wait until he returns from holiday before the arms of the law and justice can continue. That is really not good enough for a modem day method of doing business. In fact, sometimes there is always the danger that people, judgment creditors, are jockeying for positions for getting ahead of other persons. In any event, Sir, it adds to the eventual cost of the unfortunate judgment debtor.

Let me illustrate more specifically, Sir, and draw from my experience. Mr. A gets judgment against X for a certain sum of money and interest. He levies under the existing legislation on X's land. If that levy process takes a year, 13 months, 18 months, sometimes it is known to take 2 and 3 years, before it is completed, it means that Mr. X is paying interest over a longer period of time and any surplus that would have been left to him at the end of the day is eaten up by the interest payment. If the levy could be executed or the distraint carried out in a short period of time and accomplished, then the unfortunate debtor would still have something left to him. That is as true as the procedure under the Court Process Act as it is the procedure under District Auctioneers and other Acts.

Although this type of subject may not be the one to galvanise the interest of the public at large, I say that very often the person who suffers most is the smaller person with limited resources, whose only chattels and assets are being disposed of in order to satisfy judgments which unfortunately they have to pay because they have incurred these judgments.

There is a strong case, therefore, for not perpetuating what we have by this process of just tinkering with the Act and removing the power from appointing auctioneers from the Governor-General and giving it to the Minister. In fact, Sir, I would respectfully suggest to the Government – and I do so very seriously – that that is a retrograde step. A Minister does not need to get into this area of legislation, that is a matter now that should go to the judicial arm. Ministers should be making distances between themselves and the judicial arm and Judges in that respect. The Minister is no lesser a person and loses no real function here. These are the sorts of functions you now put to the Judicial Service Commission or any of the committees appointed under the Supreme Court Act and make these people really under the day to day control of the whole judicial function and subjected to all the majesty of the law, because they are not performing any real political or other policy area. They are functionaries who are necessary for carrying out court functions and part of the judicial act usually between citizen and citizen, sometimes between citizen and state, but very seldom between citizen and state. Their work impacts daily on the work in the Registrar's Office or in the Court Process Office or in the District Civil Court's Office or Criminal Court's Office. To that extent they are better controlled in that area.

Very often, Sir, you see in the accounts of the Accountant General remarks concerning whether or not even the Government's auctioneer, far less the district auctioneers, have reported on time in accordance with the provisions of the Act and given an account for all monies coming into his possession. That again is a function in which its supervision should be performed right where it lies, in the judicial arm of Government, subject always of course to the fact that the Auditor General could call for an account, but it is not something that should be brought often to the attention of a Minister. The rules and regulations under this can be made by the normal Judicial Committee of the House and I would respectfully like to suggest, Sir, that the Government think again about this matter and instead of merely coming down with an amendment such as this, that they look at it in an overall reform of the practices and the functioning of our whole judicial arm.

Our aim must be, eventually, to strengthen the Judiciary, to put a distance between themselves and the state, to minimise the cost of doing justice, to speed up the process of doing justice and to achieve justice between subject and subject.

There are not many Honourable Members, in my experience in this House over the last 21 years, who have made speeches on this legislation. The legislation was amended in 1973, I believe, and in 1985 and 1987. I do recall the former Honourable Member for St. Thomas, the late Prime Minister Adams, speaking on some amendments to the District Auctioneers Act. It was an area in which he took a particular interest, and he spoke about the subject because he recognised, at the time, its importance. My interest in the matter, obviously, is not only because I am a trained lawyer who comes into contact daily with the functioning of officers under Cap. 114, but because I am most anxious to ensure that this area of the law is in keeping with developments elsewhere within the Commonwealth.

12.50 p.m.

So if I may summarise for the benefit of the House the Act is in need of drastic revision. We need to coordinate the positions under Acts such as the District Auctioneers Act, the Court Process Act, the Rules under the Supreme Court of Judicature Act dealing with enforcement of judgments, the Rules under the Magistrates

Court Act, particularly the civil side of the Act and various other bits of legislation, to ensure that there is consistency. We need to get away from the idea that district auctioneers are somehow people who are just connected with selling out a bit of property that might come into police possession and recognise that they are part of the arm of the judiciary dealing with the enforcement of judgments and execution in general. We need to see them in that context. We need to use the opportunity to allow the function to be performed subject to the safeguards which have been stretched into other people's laws to that function to be performed by us.

Already it is working successfully after the amendments that I initiated in the High Court and I make bold to say that research will show that it has worked successfully in other jurisdictions. It would ease the state of the burden of carrying unnecessary staff in this regard and will minimise the necessity for an 8% cut. You will find that that is a genuine shaving down in those circumstances you can achieve without retrenchment. In fact, it encourages privatisation in an area, in my view, that lends itself to privatisation. At the same time, it can be done within the context of safeguarding the whole judicial function.

I would seriously suggest to the Government that, as part of the law reform effort, it asks the view of the Bar Association and other knowledgeable people in this area for their ideas on how to simplify these processes so that people who must use the services of auctioneers, district auctioneers, government auctioneers or anyone will find that those services are readily available. We must ensure as well in any reform that there is full accountability for property which has come into the hands of the district auctioneers, whether they are government auctioneers or otherwise. When it is government property, whether it is property coming from the proceeds of the sale or other processes, full accountability is necessary. That could be achieved by the regulations and by a body such as we have under the Rules of the Supreme Court who can safeguard and look at that function.

I again suggest that there really is no need for ministerial appointments in this area at all. It is a waste of ministerial time, as far as I am concerned, to have a Minister having to make appointments in this area. Let the Minister have the real policy function and not be concerned with people who are doing this type of job.

I note as well that the Act seeks to upgrade the commission which a district auctioneer can charge. I agree with that. It has lagged behind hand. The Minister should be aware that today debt collecting firms charge 27% for collection. As a matter of fact, they charge more than attorneys charge without necessarily having the overheads of attorneys. It is really amazing. That is not unusual because a person who sells land, a real estate agent, gets a higher commission of that sale than the conveyancer who may be the lawyer.

The Honourable Member for St. Michael West expressed some surprise but the Honourable Member should be aware that the fees of the conveyancers are set out in the Attorneys-at Law Non-contentious Rules and they are laid down by legislation. Those are minimum fees. If an attorney charges a higher fee, he or she must justify that higher fee if challenged by the client before the Registrar and it is liable to taxation right up to the Supreme Court and beyond. There is no corresponding provision, Mr. Speaker, controlling the fees of real estate agents or valuers or anybody. The Honourable Member has to know that. There is no limitation.

Asides.

Mr. H. deB. FORDE: There is a practice at the moment where real estate agents charge 5% of whatever it is, whether $2 000 or $15 million, but the lawyers cannot charge that sort of percentage.

Asides.

Mr. H. deB. FORDE: I am suggesting that we need to coordinate all of these matters. The district auctioneer is getting 15% and I do not consider the increase to be exorbitant. I think it was 10% before the change we are now being asked to approve. I am comparing him with the position where debt collection now is at the level of 27%. So even with this increase he is below the level of what the debt collecting firms charge. Debt collecting firms can charge more than attorneys-at-law can under the Rules. That, too, is not known. An attorney-at-law collecting a debt can only from a local client charge up to 15% of the debt. From a foreign client he can go up to 25%. A debt collector ***per se*** can charge 27% or any more that he wants to charge because there are no rules.

I have made the point and I have never known a lawyer to drop his legal arm and function as a debt collector ***per se***. I have known a very brilliant lawyer, who is now deceased, who did a lot of signing of debt collecting warrants for a particular firm, but on all of those occasions he charged as a lawyer and not as a debt collector. There may be lawyers to debt collecting firms but the firms make the overall charge and pay them their percentage of the fees.

I have no quarrel with the increase of fees. I do not think that the increase is unreasonable, given the last time in which such an increase took place and given its relationship to what is happening in the marketplace in relation to similar services. Although, Sir, we are not going to vote

against the amendment because it is not a substantial amendment in many respects, I would seriously urge the Government to use the opportunity in this area in which there is nothing political. Our only aim must be to improve the efficiency and functioning of this necessary service in our community and in the process we would improve the dispensation of justice.

Hon. N. K. SIMMONS; Mr. Speaker. I want to thank the Honourable Member for Christ Church West for his contribution. I believe we, on this side, accept that there is a need for a comprehensive review of all the legislation dealing with these matters. I believe that the Attorney General's Chambers might be looking at such legislation. 1.00 p.m.

I would just want in passing to comment on one or 2 matters mentioned by the Honourable Member. He did indicate he was the prime mover in transferring the duties of writ servers from the police to civilians. That might have been a good gesture but I think very often we must look at the practical side of things as well. It has created enormous problems for the courts in getting writs served. In creating the Writ Service Department we forgot that every policeman was a writ server so if they had at the time 800 policemen there were 800 writ servers. Very often the sergeant in charge of the station controlled the writ servers at his station. Indeed, if he wanted something served quickly he would give any policeman to serve. Today we are finding great difficulty in serving a lot of summonses. It is creating severe problems for the administration of justice.

There is, at this present moment, a lot of discussion about delays in the system. Part and parcel of the delays can be attributed to the fact that (a) there is, of course, an increase in work, but, (b) whereas the Police Force in general could have served writs, or summonses, now that is limited to a few people. That is a serious problem. .

The other problem is that because the service is so small, whenever a good person gets the opportunity to leave, he or she leaves and goes to another department where upward mobility is easier than in the Writ Department. Be that as it may, I can appreciate the reason for civilising the Writ Department and taking it out of the hands of the police officers.

One of the principal reasons for these amendments is the fact that we have found ourselves in a situation where there is only one Government auctioneer. That auctioneer, up to this present time, could only be appointed by the Governor-Gener;1. Unfortunately, within the Act there is nothing to indicate who can disappoint that person although I think it is accepted that he who appoints can disappoint. It means we would have to go back to the Governor-General to terminate the services of the auctioneer.

Having said that I would like to pay some respect and honour to the present auctioneer who has been in office over 40 years. It is true when he started the workload possibly was one hundredth of what it is today. He worked well in those circumstances. At the present moment, with the workload and possibly his age as well, it is difficult to reduce the number of articles which we have in the store-rooms at the various police stations. If you go to any police station at this present time you will see hundreds and hundreds of bicycles outside the storerooms. Therefore, we found it necessary to introduce an amendment at this stage to see if we can get a lot of the stuff out of the storerooms thereby making space and also making sure that good material can be sold at a relatively cheap price for those who might want it. This is an interim measure so to speak. It is not a measure which we hope will last for too long. That is why it was decided to allow the Minister to appoint the auctioneers.

When we were looking at this measure as well, I was surprised to see that there were only about 4 or 5 auctioneers in Barbados. I do not have much to do with auctioneers but when we looked into the directory there were only about 4 or 5 names. I think too a lot of them are very old. This has created some problems.

I think, as the Honourable Member for Christ Church West says, that we should look at a comprehensive review of the legislation and, indeed, what we can do about these people who are permitted to sell things out of the storerooms. In essence, although it is left to the Minister to appoint people, he is limited in the number of people whom he can appoint. I would assume really that the Minister would only appoint people who are experienced in the area anyhow. That is how I am looking at it, not that you go and appoint people because you have the authority to appoint people and then you are in a worse state now than you were previously.

I would only like to give the Honourable Member for Christ Church West the assurance that we are very limited. I think my hands, to some extent, are restricted by the people I see listed in the Telephone Directory as those who are qualified in this area. Again, it would only be rubber-stamping. It will come through the Ministry, probably the Permanent Secretary, or somebody else will interview people and then you say that is who you want or if you advertise and these people come in, then on that basis we would decide who would be the Government auctioneers.

We have decided in the first instance to only appoint 3, one for District "A", one for Districts "B" and "C" and

one for Districts "D", "E" and " F although the Act does allow the Minister to appoint more than one auctioneer for a district. Our intention at this present moment is to appoint one for District "A", leave the present auctioneer as he is, one for Districts "B" and "C", and one for Districts "D", "E" and "F.

I am hoping that in a few months time we can reduce the number of articles which we have at the police stations and allow us to do no more because that, in itself, is really restricting some operations which we want to carry out but which I do not want to say much about at the present moment.

Those are the comments I want to make in response to the Honourable Member for Christ Church West. I do not think there is anyone else to make a comment. I therefore beg to move that this Bill be now read a second time.

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

On the motion of Hon. N. K. SIMMONS, seconded by Hon. W. O. FRANKLJN, 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 was called.

Hon. N. K. SIMMONS: Mr. Chairman, I beg to move that Clause 1 stand part.

Hon. W. O. FRANKLIN: I beg to second that.

Mr. H. &B. FORDE: Mr. Chairman, I only intervene to say to the Minister that he says that his hands are tied in relation to appointments but I would like to suggest that in appointments he uses the existing mechanism of consulting with the leader of the Judiciary, the Registrar and the Chief Magistrate. They are really channels of communication that would help him in the selection process.

The second thing is I want to endorse his remarks about the present Government Auctioneer whom I think has given sterling service. As he said, the business has grown tremendously and he himself has now got on in years. He has given outstanding service during the time he was district auctioneer. I know that full accountability has been given by him both through the Accountant General and the Registrar's Office from time to time.

The question that Clause 1 stand part of the Bill was put and resolved in the affirmative without division. *1.10 p.m.*

Clauses 2, 3 and 4 inclusive were called and passed.

On the motion of Hon. N. K. SIMMONS seconded by Hon. W. O. FRANKLJN, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair *and* ***reported accordingly.***

On the separate motions of Hon. N. K. SIMMONS, seconded by Hon. W. O. FRANKLIN the Bill was read a third time and passed.

Hon. B. M. TAITT: Mr. Speaker, Sir, earlier in the sitting the Honourable Leader of the House sought permission to lay 2 documents and I now beg to lay these documents.

Mr. SPEAKER: If there is no objection then leave is granted.

PAPERS

Hon. B. M. TAITT: Mr. Speaker, I am commanded to lay:

The Education (Amendment) Regulations, 1992.

I am also commanded to lay:

The Education (Amendment) (No. 2) Regulations, 1992.

GOVERNMENT NOTICES

I also beg to give notice of a Resolution to approve the Regulations which I laid a few moments ago, the Education (Amendment) Regulations, 1992.

GOVERNMENT BUSINESS (resumed)

Mr. SPEAKER: Order No. 2.

CRIMINAL DAMAGE BILL, 1992

Order No. 2 was called - To move the Second Reading of the Criminal Damage Bill, *1992.*

Hon. M. A. KING: Mr. Speaker, this Bill is one of a series of Bills which are before the House, designed to reform the criminal law in certain respects. This particular one deals with damage to property and it is called the Criminal Damage Bill. The present law relating to damage to property is the Malicious Injury to Property Act of I think 1861. It is one of those old Acts of the Nineteenth Century.

What this Bill will do is simplify and reform the law as it relates to offences of destroying property or damaging other persons' property. A simple offence, Mr. Speaker, will replace a wide range of offences which currently exist in the existing law, the Malicious Injury to Property Act, Cap. 140 of the Laws of Barbados. The common law offence of arson will be given statutory form. There is a number of offences which relate to damage to property listed in the Schedule to the Bill which will also be dealt with.

Destroying or damaging property is made an offence only when it is accompanied by the appropriate and required mental elements, what the lawyers call the ***mens rea***. This offence in relation to damaging or destroying property must be done eithe-:

(a) intending to destroy or damage any property belonging to another, or

(b) being reckless as to whether property belonging to another is destroyed or damaged.

The two elements are that you intend to destroy or damage another person's property or you are careless. You do not care whether you destroy or damage property. You are reckless in your actions and you do not care whether your reckless actions result in damage or destruction to another person's property. Mr. Speaker, the destruction or damage done must always relate to the property of another.

There is a new offence in the Bill of aggravated damage or destruction of property. This offence is created where a person destroys or damages any property intending in doing that damage to endanger the life of another or being reckless as to whether another person's life is endangered or not. That is a new offence created by the legislation. It is the offence of aggravated damage or destruction of property which will result in danger to life or limb of another where that person intends to so endanger life or is reckless as to whether that life is endangered or not.

The penalty which this aggravated offence will attract is a maximum of 20 years imprisonment. It is immaterial whether the property that is destroyed or damaged was the property of another or the defendant's own property. If a person destroys their own property and in so doing intend in that destruction to damage or destroy the life of another then they will fall foul of the provisions of this new aggravated offence. In addition to that new aggravated offence about which I spoke just a moment ago, Mr. Speaker, the Bil creates 2 other new offences. It provides that a person commits an offence where that person has anything in his custody or control and intends without lawful excuse to use it or to cause or to permit another person to use it to destroy or damage any property belonging to another or to destroy or damage his own or the user's property in a way which he knows is likely to endanger the life of another.

1.20 p.m.

So there are **three** major new offences of which I speak in the legislation. The second two offences relating to the destruction or damage of property belonging to another and destroying or damaging property in such a way where the offender knows that it is likely to endanger the life of another.

I will just draw to the attention of Honourable Members, Mr. Speaker, that the Bill preserves **all** the existing defenses which are presently available in charges of injury or damage to property. In addition to that there are certain lawful excuses which are specifically provided for in certain circumstances. Where available, these excuses are as follows:

(1) Where there is an honest belief that the owner of the property concerned **has** consented to its destruction or damage or would have consented to its destruction or damage had he known of the circumstances.

(2) Where there is an honest belief that it was reasonable to destroy or damage property to protect property belonging to oneself or another or to protect the right or interest which he believed to be vested in oneself or in another.

That is clause 8 of the Bill.

Now, I indicated, Mr. Speaker, that arson was being given statutory form in this Bill and the maximum penalty for arson under Clause 3 of the Bill is 20 years imprisonment. The penalty of 20 years imprisonment also applies to the aggravated offence under clause 4 of the Bill, if one looks at it for a moment. Clause 4 deals with destruction of property where in so destroying that property there is an intention to cause damage or destruction to the property and being reckless as to whether that property was destroyed or damaged and intending by destruction or damage of the property to endanger the life of another person. That carries the aggravated penalty, Mr. Speaker, of 20 years imprisonment as well.

Now, for any other offence under the Bill, a person is liable on indictment to imprisonment for 10 years and on summary conviction, summary conviction being the conviction of the Magistrate's Court to imprisonment for 2 years or a fine of $1 000 or to both.

Under the existing Malicious Injury to Property Act there is a provision, Mr. Speaker, for the magistrate

to award compensation in cases which come before the magistrate. The existing provisions for compensation are preserved and the jurisdiction of the magistrate to award compensation is increased and the magistrate may now award compensation not exceeding $5 000.

The Rule of Law, Mr. Speaker, which prevents a Magistrate's Court from trying offences of damage to property where there is a dispute as to title to property, is being abolished. One of the defenses which counsel traditionally ran in cases where malicious injury to property was charged is that there is a dispute relating to the title to that property. Once that defense was raised, the jurisdiction of the magistrate to deal with the case was automatically ousted and the case had to be taken to the Supreme Court which would result in an unnecessary expense in many cases to persons who could least afford it. So that what this rule is doing in Clause 13 is abolishing that rule where one can raise a defense to property before the magistrate and thereby have the case disposed of. So that a magistrate may now proceed to hear a malicious injury to property even where there is a dispute as to title arising in the case.

Now the other two points which I wish to make finally, Mr. Speaker, is that the civil remedies are not affected by this, so if you damage my property beyond the limits of which compensation may be awarded in the Magistrate's Court and I find it necessary to take civil action against you in the Supreme Court to recover compensation for the damage to my property those civil remedies are preserved.

The other point which I wish to make is that arson as a common law offence is abolished and is now strictly statutory under the provisions of this legislation.

Those, Mr. Speaker, are the main features which are covered by this Criminal Damage Bill. There are some sections of the old Malicious Injury to Property Act, Cap. 140 which still remain and I believe those sections of the Schedule indicate the sections of the Malicious Injury to Property Act, Cap. 140 which still remain. If one looks at the Schedule it would be seen that the whole Act is repealed except section 1 and Parts III, VI, VIII and IX. Those deal largely with aspects of damage to public property, like bridges and wharves and things of that kind in respect of which there needs to be a special regime. The one we are dealing with deals with damage to property of a private nature.

With those few comments, Mr. Speaker, I move that this Bill be now read a second time.

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

Mr. D. A. C. SIMMONS: Mr. Speaker, the draft of this Bill was left in the Ministry of the Attorney General when I left on May 28, 1986. The proposal for reform had started under the Honourable Member for Christ Church West and the Honourable Member for St. George South and the &aft of this was done by the now Mr. Justice Errol Chase, as well as some others that we will come to in the course of the next few days.

I wonder what has taken the Government almost 7 years to bring this Bill whose draft was in its possession for 7 years. What could be the reason for such a long delay? Yes. I am saying we had it in our time. It was not drafted. It was in the proposal for Law Reform by the Honourable Member. It came to me and I had the Chief Parliamentary Counsel in on it and we were getting ready with a series of Bills including rehabilitation of offenders, the arrestable offences Bill, the Bail Bill ...

Mr. SPEAKER: We need to have a little order.

Mr. D. A. C. SIMMONS: This particular Bill was not posing any great difficulty because it is a straight take. This really is a straight take from the English Criminal Damage Act of 1971 with certain adaptations. Since I had to do with the draft of this Bill, Members will not expect me to be over critical of it. It would be tantamount to criticising myself. I follow my own precedent, nobody else's. In so far as it is a straight take from the English legislation, there are not many features of it that require criticism. Perhaps what I ought to do is to draw Members' attention to some of the aspects of the Bill which may give difficulty.
1.30 p.m.

Clause 3, Sir: "A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property, or being reckless as to whether any such property would be destroyed or damaged is guilty of an offence." That is the mental element that is required for this offence to go. You have to intend to destroy or you have to be reckless as to whether the property would be destroyed or damaged.

The criticism I have to make of it, Sir, is that the introduction of the word "reckless" in this Statute could cause come difficulties in terms of judicial interpretation. In the Road Traffic Act, I think section 81 or 82, you can be charged for causing death by driving in a manner that is reckless. The DPP, as I was reminded recently in the Court of Appeal, has eschewed charging anybody for that part of the section which uses the word "reckless" because of the difficulties of proof and of interpretation. There are two well known House of Lords cases for those Members who continue to read law, or to believe that they should have any acquaintance with it, the case of Cauldwell and the case of Lawrence, which have attempted to define what is reckless. It is a very difficult concept to get across to a jury and to that extent, because of those difficulties,

those who are charged with the responsibility of drafting charges involving recklessnessshy away from so doing, but I see that we have included "reckless" in this definition. Recklessness was left in the Criminal Damage Act, 1971 of England because the English Act predated the judicial decisions of Lawrence and Cauldwell. Perhaps we should have looked at this a bit more carefully before just taking it lock, stock and barrel from England and putting it in Clause 3. It shows me that we have not been aware of the difficulties that have been highlighted by those cases of Cauldwell and Lawrence. Because the English have it, we adopt it, even though the English put it in their legislation before they were forced to give interpretations and constructions of the word "reckless" by Lawrence and Cauldwell, which came as cases in the eighties. That is the one criticism I will make of Clause 3.

In respect of arson, I note that under Clause 9: "A person guilty of arson under section 3, or of an offence under section 4, whether arson or not, is liable on indictment to imprisonment for 20 years." This is one of the few occasions I can think of in this House in my 15 years where we have brought offences to this House which are not given the option of trial by a magistrate. We are treating arson purely as an offence triable on indictment before a judge and jury, so that if somebody burns a piece of wood or an old pants belonging to somebody else, whose value is $10, that person is not allowed to be charged summarily in a Magistrate's court, but you have to go through all the rigmarole of preliminary enquiry and then indictment and trial before a judge and jury, at great cost to the State, for some foolishness where the property involved is probably only $10 or $20.

You see, when we copy from England we should copy with some degree of discretion and commonsense. England has left in summary trial for the offence of arson. England has left it further than that, punishable by fine. Barbados has said you cannot be fined for arson, you cannot be tried by a magistrate for arson, no matter how trivial the offence you must be tried on indictment and you can get up to 20 years. I think that this provision in Clause 9 – and I am going to vote against it – flies in the face of established good sense.

We are very concerned about drugs in this country and yet we have passed, in the last Session, two major pieces of legislation dealing with offences against drugs and we give the options in there. You can be tried summarily or you can be tried on indictment, but I do not know if you can be tried summarily at common law. What I am saying is, the same Bill you all took this from, the Criminal Damage Act, 1971 of England, retains the summary trial.

1.40 p.m.

I am saying that if we want to modernise the law and we want to be rational in what we do about the creation of offences, then we should be consistent. I see no problem in allowing the thing to be tried summarily or on indictment and providing a penalty of a fine. I can give you the English position on it.

In England, on summary conviction you can be liable for a term not exceeding 6 months or a fine or both. If you are dealt with on indictment in England, the penalty is life imprisonment. I am not going to be party to creating bureaucracy. Hence, I gave the example to make nonsense of this section that if somebody annoys me and I come across his old pants and bum it up... We know in many cases in this country husbands and wives not only beat each other, abuse each other but tear up each other's clothes. The women especially use a scissors and cut them up. Suppose in a fit of temper they are sharing licks and the wife gets hold of an old pants and burns it. Do you really tell me that that is something worthy of going before a judge and jury and through the whole rigmarole of preliminary enquiry?

Asides.

Mr. D. A. C. SIMMONS: The way that this is framed they could be charged.

Asides.

Mr. D. A. C. SIMMONS: I hope the Honourable Member is not being "morganesque" in his comments – I am coining a word. I am serious. I really do not want the Attorney General to deal with this matter purely in terms of what is unlawful at common law and what was allowed. We are now creating a statutory offence and abolishing the common law rules as they apply to arson. If we are creating a new offence I think we should create an offence that looks at the types, the degradations. There is nothing in the legislation that says if you burn somebody's pants that you cannot be charged for arson.

Sir, the Honourable Attorney General is relying on something called police discretion but, when we frame laws, we cannot rely on police discretion.

Asides.

Mr. D. A. C. SIMMONS: Sir, I am not satisfied with the offence. I hear the argument of the Attorney General as to whether somebody would seriously say that you should be charged for that but what the Attorney General has failed to appreciate is that this does not depend on any DPP. He knows as well as anybody else...

Asides.

Mr. D. A. C. SIMMONS: He is not in private practice, Sir. What he forgets is that an individual has a right to institute a private prosecution. There is nothing to stop me from bringing a private prosecution on behalf of a client for arson. After I have made out a ***prima facie*** case at P.I. stage the DPP then takes it over. There is nothing that stops me from starting an offence at the P.I. stage for a private person for something that is small. It does not have to be a pants, it can be less than **$20, $100** or **$200.** That is really not worthy of the rigmarole of a trial on indictment. I have to carry out the instructions of the client if he says he wants the person charged before a court. If the magistrate finds a ***prima facie*** case at the P.I. stage it is then sent up to the DPP. Will he refuse to charge on indictment?

Asides.

Mr. D. A. C. SIMMONS: I am saying that as the law is presently drafted we can make nonsense of the system if we do not make a provision for summary conviction. England has done it.

As to clause 11, Sir, I am glad to see that some effort is being made to compensate victims. So far we have not been consistent in our attitude to compensation of victims who have been injured or who have suffered as a result of criminal offences. It probably means that we have to look in the future more towards those victim studies that have been done in criminology and penology to help us fashion a basis upon which, in a general setting, the law will so be framed as to provide compensation across a broad spectrum of offences for persons who have been victims of violent crime. We are doing things piecemeal. The time will come when we have to harmonise all these things, rationalise our thinking and create a policy, as it were, backed by legal recognition in statutes.

This clause says:

> "On conviction of any person of an offence under section 3 or 4 of destroying or damaging property belonging to another, the court may, on application or otherwise, and on being satisfied as to the approximate cost of making good the loss of or damage to the property, order the person convicted to pay to the person or any of the persons to whom the property belongs or belonged immediately before its destruction or damage such sum by way of compensation in respect of the whole or part of the loss of or damage to the property, not exceeding $5 000 in the case of a magistrate's court, as the court thinks just."

Now, we have said a mouthful there. The magistrate's court will have a jurisdiction for the award of compensation limited to $5 000. There is no restriction on the High Court. The High Court will be able to give whatever compensation they think meets the justice of the particular case.

1.50 p.m.

Now, Sir, this right to compensation only relates to the offence of damaging or destroying property. You cannot get it for arson, or the section 4 offence of aggravated damage to or destruction of property. This is, again, part of the English legislation. They have something called "The Criminal Injuries Compensation Board" that looks at all of these kinds of situations and awards compensation to victims of violent crime. Now, of course, on this side we are not going to be so unrealistic, given the present economic and financial mess that the Democratic Labour Party has landed us in, to ask the Government to set aside any fund or set up a criminal injuries compensation board because they cannot even keep up to date with paying the university bill, or the legal aid fees.

Aside.

Mr. D. A. C. SIMMONS: I am dealing with the Government's ability to set up a broad-based scheme in 'theory and in fact to provide compensation for victims of criminal offences. I am saying that at this stage of our history, because of squandermania and many other things, and the damage – we are dealing with damage – done, crass recklessness, almost criminal recklessness to the economy of this country by the Right Honourable Member...

Mr. SPEAKER: Now, you cannot make that statement.

Mr. D. A. C. SIMMONS: Which one, Sir? I made about 3.

Mr. SPEAKER: I think the whole substance of what you are saying offends the very Rules of the House.

Mr. D. A. C. SIMMONS: Sir, I will withdraw them and substitute these words that the Honourable Member did not understand the nature and quality of what he was doing as Minister of Finance, or if he did so understand, did not understand that what he was doing was wrong.

Aside.

Mr. D. A. C. SIMMONS: I did not sap that he qualified for the Mcnaghten Rules at all. Whereas it is unfortunate that at this time in our history where we have violence at unprecedented levels in this society, where both sides acknowledge the extent of the criminal problem in Barbados, where the Government has been forced to admit things are so bad that they need the assistance of the civil power of the Defence Force, when in our history we

should be looking at how we can help those victims of violence to whom the Minister of Justice alluded to over the weekend, I have no quarrel with what he said about them, we will not be in a position for a long time, so long as this inept Government remains in office, to provide the necessary funding to assist those victims. That is a progressive step.

Aside.

Mr. D. A. C. SIMMONS: No. They do not only now have criminal damage. This is not the issue, whether you now have victims of crime. We do not have in Barbados a motor's insurance bureau. Surely, we would like to see one but we cannot afford it. I am being very serious, Sir, that where the emphasis in contemporary thinking now is towards victimology, and we in Barbados should be getting in line with that kind of thing, we are inhibited from pursuing all that we could on behalf of victims of violent crime because of the state of Government's finances,

I wish to say that I look forward to the day when, just as we have introduced legal aid, but you are having difficulty in maintaining the funding for that, to help the worst off in the society who need of necessity to have access to the courts for justice and law, similarly we should be looking to do something for the victims of crime by some state control and funding scheme. I look forward within the next 2 years, when the Barbados Labour Party resumes office, of setting in train the necessary work to establish such a scheme.

Aside.

Mr. D. A. C. SIMMONS: He cannot last long, not with the World Bank and the IADB. That will come in another debate. We will tell him what we know in another debate shortly.

Sir, I would like to ask the Attorney General about the question of self-incrimination. I cannot remember clause 12 being in the draft. It reads:-

> "A person shall not be excused, by reason that to do so may incriminate that person, or the wife or husband of that person, of an offence against this Act
>
> (a) from answering any question put to that person in proceedings for..."

You limit the proceedings to civil proceedings centering around trust and trust property and so on. It continues:-

> "but no statement or admission made by a person in answering a question put or complying with an order made in any such proceedings is, in proceedings of an offence under this Act, admissable in evidence against that person..."

Why do we say that if you are a witness in a trust matter or administration of property and there is some question about damage to the property, you must answer but if you are then charged under this Act you can plead the privilege from self-incrimination? I do not feel particularly strong about it but I want to know what is the rationale for making the distinction. This is not one that I will vote against. I will vote against clause 9 but I will not vote against clause 12. I would like to know what is the thinking that inspired the difference between the right to incriminate yourself in chancery proceedings relating to trust and administration of property even though, of course, you cannot be so incriminated in criminal proceedings arising out of your answering a question.

Aside.

Mr. D. A. C. SIMMONS: Sir, I think it is 2:00 o'clock. I will accommodate the Leader of the House at this stage.

SUSPENSION OF SITTING

Hon. P. M. GREAVES: Mr. Speaker, I move that the sitting be suspended until 3.00 p.m. today.

Hon. M. A. KING: I beg to second that.

The question that the sitting be suspended until 3:00 p.m. today was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting accordingly.

2.00 p.m.

RESUMPTION

Mr. SPEAKER: This sitting is resumed. The Honourable Member for St. Thomas.

Mr. D. A. C. SIMMONS: Mr. Speaker, Sir, during the luncheon break the Honourable Leader of the Opposition explained to me that he had conferred with the Attorney-General about the future progress of this particular Bill and in the light of those discussions I shall bring my contribution to a close and await the Committee stage on those particular clauses that I drew to the House's attention. But I should be grateful for the Minister's reply as to the meaning and purpose of Clause 12. I think that I have made all the other points that I wanted to make before lunch in respect of this particular piece of legislation.

I am obliged to you, Sir.

Hon. M. A. KING: If there is no other speaker I will reply, Mr. Speaker.

Mr. SPEAKER: The Honourable Minister.

Hon. M. A. KING: Mr. Speaker, the Honourable Member for St. Thomas raised a number of questions in relation to this Bill. As I understand it, one of the first concerns he raised was in relation to the inclusion of the concept of recklessness and he made the point that the concept of recklessness was taken from the English legislation on this point.

It seems, Mr. Speaker, that the English concept of recklessness has been interpreted. I think the tendency here is always to follow the interpretation which has been put on words and phrases by corresponding decisions of the English courts, and not only the English courts but other jurisdictions in the Commonwealth where words are similarly used.

The Honourable Member referred to the case of Caldwell as one of the House of Lords' cases where this issue of recklessness was considered. I am just going to read an extract from the textbook "Smith and Hogan on Criminal Law", a new edition, the 1988 edition. The Caldwell case was 1981 and addressed this issue of recklessness. I will adopt the language of the text for the purpose of the presentation I make. It is at page 685 of the 6th Edition of Smith and Hogan, on the Criminal Damage Act in England it says:

> "The Act extends liability not merely to damage which is caused intentionally but also damage which is caused recklessly. That recklessness in this context was meant to connote foresight of consequences is apparent from the Law Commission's Report. This is reinforced by the Law Commission's proposed definition of recklessness which, as Lord Edmund Davies pointed out, was surely in the draftsman's mind when he drafted the Criminal Damage Act.
>
> But this was not the view taken in Caldwell. There D had formed a grievance against P, the proprietor of a residential hotel, and, having got very drunk, decided to revenge himself by setting fire to the hotel though, fortunately, the fire was discovered and extinguished before serious harm was done."

In the case of Caldwell it established that D is reckless for the purposes of section 1, subsection (1) of the Act "damage to property",

> and for the purpose of section 1 (2) of the Act endangering life by damaging property those are the two similar sections we have "if his conduct:
>
> (1) creates an obvious and serious risk of damage to property, or of endangering life by damaging property, and
>
> (2) he either:
>
> (a) gives no thought to the possibility of there being any such risk, or
>
> (b) recognizing that there is such a risk, unjustifiably goes on to take it.
>
> For the purpose of establishing liability under 2 (a) the cases of Elliott v. C and Stephen Malcolm loyally following Caldwell show that whether there is an obvious and serious risk of damaging property or endangering life thereby is to be determined by what a reasonable man would have appreciated. It matters not that he was incapable of appreciating the risk and in applying the test to what is reasonably forseeable the reasonable man is not to be notionally invested with characteristics of (d) such as immaturity or exhaustion ormental incapacity as might affect his inability to appreciate the risks. The test is therefore entirely objective."

The point I am making is that the issue of recklessness has been examined in a number of cases. These are the cases which will determine the way how the courts interpret the concept of recklessness and certainly how they will apply it. In relation to this particular I see no difficulty since there is a body of cases from which guidance can be sought in determining how the issue of recklessness is to be determined.

In relation to the second point raised by the Honourable Member in relation to arson being an offence which is statutorily triable indictably and there being no provision for a summary offence of arson. During the contribution of the Honourable Member for St. Thomas, I did say – it would have to be sotto *voce* since I was not on my feet – that under the present law, arson is a common law offence and is triable indictably. As far as I know there is no provision for arson to be tried summarily before a magistrate.

The Honourable Member has gone on to make the point that a client may insist that a lawyer files proceedings and goes through a preliminary inquiry. But that can happen now. If a case is frivolous certainly the Director of Public Prosecutions who in the final analysis will have the decision as to whether to prosecute the case indictably or not would have a discretion in the matter.

This is not an area, I think, where one needs to be difficult. I have spoken with the Leader of the Opposition on this matter. I am going to examine the corresponding English provision in relation to this. It would seem to me that if damage is of a minor nature the damage can

possibly be prosecuted summarily simply as malicious damage and not necessarily as arson. I just want to review that again so as not to clutter up the High Court with mals for arson and see if there is the possibility of putting in a provision for dealing with minor cases of arson type offences in a summary manner. What I would propose, Mr. Speaker, if the House has no objection is that we delay consideration for a short while on this matter. Postpone further consideration for a short while that I can just have consultations with the draftsman on this matter to see if there is need to make an adjustment to provide for the magistrates to try summarily, cases of arson which are of a minor nature. That would relieve some of the burden on the High Court trying all sorts of flimsy matters.
3.15 p.m.

Before I finish, Mr. Speaker, there was one other point the Honourable Member for St. Thomas raised in relation to Clause 12 and the purpose of that clause. There is an explanatory memorandum which has been annexed to the Bill which indicates that the purpose of the clause is to ensure that in civil proceedings arising out of destruction of property or damage to property self incrimination as to an offence under the Act is no grounds for refusing to answer a question or comply with an order. Any statement made in answer to a question or in complying with an order would be admissable in proceedings for an offence under this Act. So that you can't use the privilege against incrimination as a means of avoiding prosecution under this Act which is in essence what clause 12 would deal with. I think, those in essence, Mr. Speaker, address the substantive points which have been made by the Honourable Member for St. Thomas.

The Honourable Member of course could not avoid using this debate to make one or two other political points. He talks about the legislation lying there for all of these years and why was it lying there all these years and why has it now come. Perhaps, Mr. Speaker, the Honourable Member could appropriately direct that question to himself and his immediate predecessor. If we take the word of the Honourable Leader of the Opposition he is saying that when he left office, as Attorney General, which would certainly have been at the end of 1981, what the Honourable Member for Christ Church West was saying was that by 1981 all this legislation was there.

Mr. D. A. C. SIMMONS: On a point of elucidation. He is speaking about my speech, Sir. What I said was that the Honourable Member for Christ Church West had formulated in the policy for reform. The actual drafting of this particular Bill was not completed under that Honourable Member but when I was Attorney General there was being circulated a draft Criminal Damage Bill which came from Meanie and ultimately ended up with the now Mr. Justice Errol Chase.

Hon. M. A. KING: Well one can say that the policy for reform has been settled and organised a long time ago. Is he saying that he left a complete draft of the Bill? And the complete draft of the Bill is like the one we have here now? What about section 3, the arson point? You left a draft of the Bill containing all that you are criticising now?

Aside.

Hon. M. A. KING: Precisely. I am only making the point, Mr. Speaker, that in any draft legislation which is anywhere that legislation has to be looked at in the context of developing law. Law is not a static thing. Law is a living thing, Mr. Speaker, and it has to be looked at in the context of a developing society, what is necessary, what needs to be applied in relation to special circumstances. The comments of the Honourable Member today indicate that when he left his draft it was all right to have arson as an offence which was triable indictably only. Now, 6 years down the road, he is strongly of the opinion that there should be, in the legislation, a provision for the minor case of arson to be triable summarily. I have no great difficulty with that and I am saying, in that context and against that background I am prepared to take a second look, with the Parliamentary Counsel, on the matter of including a provision for providing for summary trials of arson. In that context I would ask leave of the House that further consideration of this matter be postponed until later in this sitting. It is not going to take very long.

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

The question that further consideration of this Bill be postponed was put and resolved in the affirmative without division.

Mr. SPEAKER: Order No. 3.

CRIMINAL LAW (ARRESTABLE OFFENCES) BILL 1992

Order No. 3 was called - To move the second reading of the Criminal Law (Arrestable Offences) Bill, 1992.

Hon. M. A. KING: Mr. Speaker, this Bill, the Criminal Law (Arrestable Offences) Bill would abolish the traditional distinction which exist between felonies and misdemeanours in our criminal law and would provide and simplify procedure for dealing with matters which relate to that distinction or which arise from the abolition of the distinction between felonies and misdemeanours.

The Bill in fact enacts new rules which regulate arrests without warrants and although there are new rules these rules do not differ greatly from those which

presently govern the existing powers of arrest. The powers of arrest which are now going to be stipulated in this Bill will be expressible in relation to what is defined generically in the Bill as arrestable offences.

Now these arrestable offences will comprise any of the following offences and these will be gathered from the Bill if you look at it. Firstly any offence for which the sentence is fixed by law, and those are the mandatory sentences like murder, treason, where the sentences are specifically fixed, and where there is no discretion in the courts to award any other penalties. So that any offence of murder or treason will be automatically an arrestable offence under the new legislation.
3.25 p.m.

Secondly, any offence for which a person may, under or by virtue of any enactment, be sentenced to five or more years imprisonment. So the concept there is to provide for offences to be arrestable in cases of the more serious criminal offences where the enactment provides that the person may be sentenced to five or more years imprisonment.

Thirdly, offences for which a person may be arrested under the Customs Act.

Fourthly, offences under the Official Secrets Act, 1911 and 1920.

Fifthly, any offence under sections 3 and 5 of the Prevention of Corruption Act.

The concept of arrestable offences would also extend to conspiring, attempting, inciting, aiding, abetting, counselling and procuring the commission of any of those offences in the categories which I have just mentioned in 1 to 5 as I have indicated. If you conspire, aid and abet, counsel and procure the commission of the offence of murder or any offence for which a person may be sentenced to 5 or more years imprisonment, offences under the Customs Act, under the Official Secrets Act, those offences would be arrestable offences in respect of which the provisions of this legislation would apply.

Mr. Speaker, there has been an explanatory memorandum attached to this Bill, as indeed is the position with the other Bills for the reform of criminal law. The explanatory memorandum goes through the legislation clause by clause, which I do not propose to do in this Second Reading, but that explanatory memorandum gives a clause by clause explanation of all the clauses of the Bill and I am sure that Honourable Members have read and digested not only the Bill but the explanatory memorandum as well.

I did make reference to certain sections of the Prevention of Corruption Act, I would just like for one brief moment to indicate what those sections are. Sections 3 and 5. Section 3 relates to corruption in office.

> "Any person who, by himself or by or in conjunction with any person, corruptly solicits or receives or agrees to receive, for himself or for any other person, any gift, loan, fee, reward or advantage whatsoever as an inducement to, or reward for or otherwise on account of any member, officer or servant of the Crown or of a public body doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which the Crown or such public body is concerned, shall be guilty of a misdemeanour."

That section 3 deals with corruption in public office.

Section 5 relates to corrupt transactions with agents. Those remain arrestable offences under the legislation.

In addition, offences which would be caught by the concepts which I have outlined, the First Schedule to the Bill contains a number of enactments where powers of arrest are preserved. Where powers of arrest are not preserved by the Bill or do not otherwise fall within the province of the Bill, those powers of arrest will no longer exist, but the First Schedule contains a list of enactrnents, some 21 of them, which presently contain powers of arrest, and what this Bill does is to preserve the powers of arrest which presently exist in those bits of legislation indicated in the First Schedule.

With those few comments, Mr. Speaker, I move that this Bill, the Criminal Law (Arrestable Offences) Bill, be now read a second time.

Hon. W. O. FRANKLIN: I beg to second that and reserve my right to speak.

Mr. D. A. C. SIMMONS: This is another one, Sir, where the draft was left up there. It is time to stop it, but I have to put it into the record. The history of this is that we are really dealing here more with form than substance. We are in fact reclassifying offences and abolishing the distinction that all of us have grown up with, of offences being either felonies or misdemeanours and we have replaced that traditional characterisation of offence by this nomenclature which again we have taken from the English Criminal Law Act of 1967, which used this language of arrestable and non-arrestable offence. It was indeed the policy of the Barbados Labour Party to modernise the criminal law and again we went to the source of English legislation in the 1967 Act to find the precedent for the first drafts of what we have now got today as the Criminal Law (Arrestable Offences) Act, 1992.

It is true to say, Sir, that over the years the distinction between felonies and misdemeanours has been blurred. Felonies have been thought to be the more serious type of offence and yet we have some anomalies. It was really to clear up the anomalous residue of this classification that we had the new legislation in England in 1967. Because there some crimes which even though classified as misdemeanours had the potential for carrying penalties even greater than some felonies. A lot of the inchoate offences of conspiracy, which was itself a common law misdemeanour, left the punishment to the discretion of court. You can get, depending on what you were charged for, what the conspiracy related to, very heavy sentences. It was also thought that because the sanction for a felony that existed in the old law was principally not only a penalty but it carried with it the liability to forfeiture, and with the abolition of forfeiture in 1870, this further weakened the rationale for having the classification. But I said, Sir, there were anomalies and this classification we now have was to help remove and iron out some of those anomalies. There were problems with the distinction between principals and accessories relating to felonies. Now we are getting rid of that. We used to have a common law offence of misprison of felony. I do not think the case of the DPP and Sykes abolished it, but it was a felony to conceal a felony and that was the felony re the case of misprison of felony. Of course, to agree not to prosecute a case for reward was compounded. I think it is still important that we have to draw distinctions between the more serious offences and the less serious. Hence in recognition of that need to have the distinction we have the classification into arrestable and non-arrestable.

3.35 p.m.

One of the big advantages of this Bill is that, in a way, clause **4** attempts a codification of the circumstances in which there would be no false arrest or false imprisonment. It would normally be liable to a charge of false imprisonment or an action for damages for false imprisonment in certain cases. Now the cases in which you would not be liable are neatly set out in clause 4 starting at sub-clause **(2).** This is part of the civil rights that Barbadians should know.

> "Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing an arrestable offence."

Any person, citizen or otherwise.

> "**(3)** Where an arrestable offence has been committed, any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be guilty of the offence."

What we are really doing here is asking members of the public to exercise their rights. This is where the ordinary citizen can assist in the detection of crime. It may be a dangerous thing. You see a man committing a crime and you go and arrest him and you may get injured. Under Section 4(2) you have the right. It always existed at common law but now we are putting it in the Act and that is why I am saying it is a step towards...

If I am saying anything wrong, Sir, I would be grateful if the Honourable Minister of Health, LL.B., sometime lecturer at Cave Hill Campus, would correct me after I sit down.

Asides.

Mr. D. A. C. SIMMONS: Sir, under subsection **(4):**

> "Where a police officer with reasonable cause, suspects that an arrestable offence has been committed, he may arrest without warrant anyone whom he, with reasonable cause, suspects to be guilty of the offence."

I want to interject here. I have known of cases – indeed, I have a few pending against the Crown where police officers, particularly, in the Drug Squad, feel that if anybody calls up and says to them that so and so has cocaine that they can go to your house and search and ransack it and do as they like on the basis of that arbitrary, untested evidence. It is a very dangerous thing. There is a case called Hogg and Ward in 1858 which said that if you are acting on information supplied by a third party you have a duty to ensure that that information is reliable. In my experience, I know that there are other Members on this side who have had the experience in private practice where clients have been searched and nothing was found. They were searched as a result of police receiving some information which proved to be groundless. This is where the police have to exercise very careful discretion because a person who owes you a spite, as in one particular case that I know of involving professional people, can call up the police and tell them to check so and so for drugs and the police acting on that have gone and embarrassed the person. Now the Government will be troubled to pay some money.

I am going to issue a warning to the police that in carrying out their duties under this Act – what I am saying is nothing new because it existed at common law and we are only now putting it into the statute – that they ought to be very circumspect about placing undue reliance on untested anonymous phone calls. I know these are days when anonymity in the gift of $150 000 is not seen as any big thing to help settle a strike but we will deal with that at another time. Anonymity in supplying information which

can lead to embarrassment of a citizen which infringes that citizen's constitutional rights and ultimately can put the Government in hock for substantial damages is something we have to pay very careful attention to.
3.45 p.m.

All throughout sections 4 and 5 we are reminded by the use of the language that those who are arresting, and it applies equally to those who are searching, or purporting to arrest, must act on reasonable grounds with reasonable cause. The legislation says that. This is the common law position up until today. When this becomes law in a couple of weeks that will be the statutory position. You can only act if you have reasonable cause and reasonable cause, therefore, cannot be information coming from, as I say, a capricious, whimsical source or a busybody, or somebody acting for some collateral or oblique purpose. Apart from that, Sir, I would wish to say that this legislation is not at all contentious. I am not meaning to say that I was being contentious. I hope I was issuing a warning and reminding the police particularly of their responsibilities to act only upon the basis of a substratum of reasonable facts.

This also applies, as was demonstrated in the Bahamas a couple of years ago in relation to road blocks. I go back to that because I know the police has been doing it again. They do not have the right in law to stop every car going in a particular direction and requesting to search that car. They do not have that right. I will demonstrate it. If 300 cars are coming on Highway 2A, let us say we all went to a function out north, and all 300 cars happen to be coming back in the same direction, and the police are looking for a car suspected of having guns, stolen things, drugs, or whatever, it could not be reasonable for the police to block that road at a point and check every one of the 300 cars. They have to act on the basis of information they know that they are looking for a blue Charmant, a X car, a S car or something. But it cannot be reasonable to stop 300 drivers to find information about one particular car.

Sir Justice Thelsford Georges explained it similarly in a case in the Bahamas. It think it is called "Smith". There must be a basis. You must have more than just guess work. There has to be that basis of reasonable information which then leads to your action being reasonable so that you might stop certain white cars, if you are looking for a white car. You cannot stop every one of 300. If all of us were leaving here and going together in a convoy to Government House and the police are looking for a car going in that same direction, it would not be reasonable for them to stop each one of us as we are going. No, Sir.

Aside.

Mr. D. A. C. SIMMONS: "Reasonable" means that there must be a basis more than guess work, more than caprice or whim. There must be a basis of fact so you must know that the car you are looking for is a blue car, or whatever of such and such a make. You must have some kind of facts to tie to it. Then you can stop me and look for that particular car.

Aside.

Mr. D. A. C. SIMMONS: Sir, I am not lecturing today. The Honourable Member for St. Michael West is encouraging me to talk about what "reasonable" means. "Reasonable" is objective. I do not want to get into that and take advantage of the House's time with any personal interests or even dilations on matters of law but just to give an example, Sir.

There are two tests for conduct in the criminal area. There is the subjective test where you look and see what the particular individual has done and there is the objective test where you stand back and say, well from the point of view of the average person, the ordinary man in Eagle Hall, or Waterhall Land, how would he look at this conduct? Would he characterise this conduct as criminal or whatever? Similarly, when you are dealing with the question of acting upon the basis of reasonable information or with reasonable cause, it is how the court looks at it, putting itself in the position of the ordinary man in the street, not somebody at the top or at the bottom of society, but the average person, what the late Errol Barrow would call, the man in the 18 x 10. Perhaps, we have gone past those days now. The average person with a 3 bedroom bungalow, $100 000, one car and so on, when he looks at it what would he say about this particular situation. Is it reasonable or not? Is the information in the case of arrest such as the police could say amounted to a basic corporate of facts from which they could then say we knew it was a blue car. We knew it was a Ford. We knew it was an X car. We heard that it had arms in it and that is what we are looking for. We have some basic facts that we are looking for. Therefore, it would be unreasonable in those circumstances to stop M58, a tremendous big hearse. That would not be reasonable, Sir, because you are looking for a different vehicle with different characteristics. That really is it, Sir.

The police must have a reasonable basis that leads them to suspect that an arrestable offence has been committed, or will be committed, and that reasonable basis must be grounded in some fact. They cannot hide behind any so-called privilege to say that they are not disclosing it. Hogg and Walsh will mash up that argument. I say I have no quarrel at all with this legislation. I just hope that those who have power to exercise under this legislation understand that a necessary concomitant of the exercise of power is the use of discretion in a proper manner. All power should be exercised where there is no manda-

tory situation. Where you have a discretion exercise it reasonably. Do not bludgeon people because you have power and because you wear uniforms or whatever.

I am obliged to you, Sir.

Mr. L. R. TULL: Mr. Speaker, I am not going to be very long on this occasion. In respect of this piece of legislation I just want to make one or two comments about this whole question of arresting people. We have the problem all the time of copying British legislation. The whole purpose of carrying out arrests on the highways, for instance, and around the country, is to make sure that somebody is brought to court so the whole question of arrest has to deal with identification.

In the case of a motorist who is committing an offence, speeding and so on, it is not necessary to arrest the motorist because you can identify him and he can be brought to court by a summons. He presents a licence. He has a car number and so on. Even though it may not be the owner of the car who is driving it is easy to trace the man to bring him to court by summons a few weeks later or whatever. The whole philosophy behind the widespread arrest of people in Barbados over the centuries has been that the ordinary fellow had to be kept in his place. The laws were made by the establishment, a small cadre of land owners and people who operated privileged lives at the top of society. They passed the laws. The laws were in effect to make sure that they themselves and their property were protected from the people out there. I mention this, Sir, because as I said the whole idea of identification is a critical element in the law relating to offences. If you know who a man is you can summons him to court for an offence that is not a very serious offence. The laws in Barbados are fairly riddled with trivial offences where people can be manhandled by a policeman in public and humiliated over something that really should 'not be happening in this day and age.

3.55 p.m.

Look at the Vagrancy Act, Sir, because this particular legislation preserves the powers of arrest for people committing offences under the Vagrancy Act. Let us look at one or two sections of the Vagrancy Act as an example a person who:

> "pretends or professes to tell fortunes or uses or pretends to use any subtle craft or device, by palmistry, obeah or any such like superstitious means, to deceive and impose on any person;"

that person, according to this legislation is still subject to arrest. That is the existing law. But this is reformed legislation and the reformed legislation preserves the right of arrest in these matters of utmost trivia. In other words if somebody stands in a back street in Bridgetown and pretends to look in somebody's palm to tell their fortune that person can be arrested by the police, picked up and carried before the courts. I only give that as one example.

In the preservation of the law in relation to arrest, reference to the Vagrancy Act, we still have in the Vagrancy Act people who are deemed idle and disorderly, people who are deemed rogues and vagabonds and indeed who are deemed incorrigible rogues. All of these offences, according to the law, not my own humble opinion, the offences in most cases carry a fine of $5. So the law is saying how trivial these things are. You are fined $5 but you can be arrested for all of these things. All of them really bear some consideration when we are reforming the law in relation to arrestable offences.

When one hears from the Government that they spent a long time, a number of years reviewing this legislation before they brought it because it is accepted that the legislation was drafted many years ago – I have in my office copies of this draft legislation from about 1983. I have a copy 10 years old in which there is hardly a change in a comma. The draft has been around a long time. I thought that while the Government was pondering and taking all this time to bring the legislation to Parliament that it was perhaps looking at these aspects of it to ensure that when the legislation came before Parliament a number of the anachronisms in the criminal law in relation to what one can be arrested and not arrested for would have been changed. But after this long gestation period the Government has done nothing.

Mr. Speaker, Sir, I do not like to see people being arrested on Broad Street for doing nothing more than looking in somebody's palm and tell them when they are going to get married in six months' time or whether they are going to get married at all. Because that is the law.

Aside.

Mr. L. R. TULL: And when the Election will be called. Fortunately some people are smart enough to consult their palmist and their obeah people to find out when elections will be called in a private place. That, according to the Vagrancy Act constitutes an offence and you can be arrested for it.

I have no major quarrel, Sir, with the legislation. It is not trail blazing. It is only implementing legislation that was going on in Britain for over 20 years. But there is one other aspect that I want to make because, as I said, I do not want to be long on this one. In Britain there is need for more comprehensible powers of arresting for a wider

range of offences for the simple reason that it is not always easy to identify people. If you go into the City of London with 8 million when a police officer meets a man committing certain trivial offences, maybe he needs the power of arrest at the time, because that man is known by nobody. He could come from the north of England. He could get on a train later the same day and disappear and so on and it would be very difficult if not impossible to bring him before the court by summons. But that is not the situation in Barbados. Practically everybody knows everybody. If something happens and people turn up somebody in the crowd knows who they are dealing with. Therefore I feel very strongly.

I want to suggest I have a very strong feeling when I say that the range of offences for which people may be arrested in Barbados are unduly wide and work tremendous embarrassment to a large number of citizens in this country. Why should you be arrested for 'indecent language? Why should a policeman hold you and drag you through town with everybody looking and laughing for indecent language in 1992? That is just another example.

Although I accept and have no major quarrel with the gravamen of the legislation I believe that these little things need to be tidied up to show that, as the Attorney-General himself said when he was introducing the legislation, that the law has to adapt to changing conditions in a society.

I am submitting, Sir, that in parts of this legislation in relation to some of the offences for which one can be arrested, legislation is not developing in equal step with certain changes in the society.

Hon. M. A. KING: Mr. Speaker, there is just one brief point on which I would make a comment. The Honourable Member for St. George South has spent some time in relation to the powers of arrest under the Vagrancy Act and obviously in those comments are criticisms of the fact that legislation like the Vagrancy Act is still part of the statute law of our country. I think Honourable Members on all sides of the House are of the view that there needs to be some reform certainly of the Vagrancy Act to modernize – if you can talk in terms of modernizing – legislation. But that is one of the areas of legislation which has to be reviewed and updated and modernized. For the present time what we have done is, not to change the existing law as it stands but as the process of modernisation continues the Vagrancy Act is one of those bits of legislation which will inevitably come to be dealt with and will be modernised in the fullness of time. I don't think there are any further comments which I need to make except to move that this Bill be now read a second time.

4.05 p.m.

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

On the motion of Hon. M. A. KING, 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.

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 were called and passed.

Clauses 3 to 12 were called and passed.

The First and Second Schedules were called and passed.

On the motion of Hon. M. A. KING, seconded by Hon. B. M. TAITT, Mr. CHAIRMAN reported to His Honour, Mr. SPEAKER, the passing of one Bill in Committee 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 Criminal Law (Arrestable Offences) Act, 1992.

Mr. SPEAKER: Order No. 9.

THE EDUCATION (AMENDMENT) REGULATIONS, 1992

Order No. 9 was called – To move the passing of a Resolution to approve the Education (Amendment) Regulations, 1992.

Hon. B. M. TAITT: Mr. Speaker, Sir, earlier today I signed, in my capacity as the Acting Minister of Education, 2 orders which were with the kind permission of this House, laid in this Honourable House. As you are aware, Sir, it is necessary for one of those orders to be approved by affirmative resolution.

Sir, the Education Act came into force on January 1, 1983 and it makes provision for delegated legislation wherein the Minister from time to time may make amendments by way of regulations to make for a more orderly administration of the Act. Since the Act came into force there have been amendments in 1983 and 1984. These amendments, Sir, seek primarily to put certain facilities in place and also to take account of certain difficulties which have become known in the administration of the Act.

An attempt is also being made, and the opportunity is taken by the draftsmen since an amendment is being made,

to bring the language of certain of the Regulations into a more acceptably understandable relationship with the everyday functioning of schools in the country.

I think, because the Regulations are as lengthy as they might appear, filling some 6 pages, it is desirable that one should give as much information as is humanly possible in explanation of the particular regulations. In doing this, I am sure Honourable Members will take account of the fact that this is not a portfolio for which I have substantive responsibility but I shall try to the extent of my capability to answer all the questions that are asked when such questions are asked.

Section 2 of the Regulations seeks to define in better terms what a Board of Management is in respect of any school that it is appointed to administer and that would be established under the Act. The Board of Management will now be responsible to the Minister for, and the language here, Sir, does not change the substance of the responsibility which the Minister will have, but in some instances it makes the responsibility generally much clearer and better understood. For example, the phrase in sub-section (1)(a) "the general supervision and efficient maintenance of the school" replaces a somewhat cumbersome definition which had occurred in the original Regulations.

Throughout these definitions in 1 through 4 the only thing that is of major significance I submit, would be the need now of a "health record". Subsection 2(4) now would add the phrase "and health record". This means that in addition to the normal school record being kept at the school it is now being required that a "health record be kept. I doubt that there is anyone, who in all the circumstances which prevail upon us these days, would have any difficulty accepting that one of the desirable things in the record of a pupil as he or she goes through school would be to have a health record. This, Sir, would work to the advantage, not only of the more efficient administration of the school but to the pupil himself or herself.

It is desirable, Mr. Speaker, I think that as we move through various phases of our lives that we should have as accurate a health record as possible, but certainly if it is required it would be required in the period of school attendance of young people.

Section 5 seeks to bring more closely the work which a Senior Teacher does in line with the actuality of the school and so it is the Deputy Principal with whom the Senior Teacher would be working as opposed to the Head Teacher.

4.15 p.m.

Mr. Speaker, subsection (6) simply removes an attachment which appears in the old Regulations, as amended in 1988, which made specific reference to a section of the Act and which would encumber the Minister in the more efficacious administration of the portfolio. Hence the opportunity is being taken to remove the specific reference to a provision in section 4(a) of the Act.

Section 6(b) also takes the opportunity to redefine in a clear language what actually happens when a person takes the 11+ examination and so the reading is much clearer and one does not have to be a lawyer to understand. It says: "A pupil who during the school year preceding his attaining the age of 12 years obtains the requisite marks or grades...." A reference to the old form of language would show that there was some confusion, and indeed it is representation made to the Ministry of Education which has led to the necessity to make this as clear as possible.

Again, in section 6(c), we are taking the opportunity to remove the cumbersome references to specific aspects of the Act, "as provided for by the Minister pursuant to section 4(a) of the Act" appearing in paragraph 5.

Regulation 54 is dealt with in section 7, Sir, in which we are simply adding another category to the categories identified in Regulation 54 so that we take account of the fact that we have now added a health record. There is also the need to have "a cumulative record" of every pupil of the school. This is in keeping with the new trend by the CXC and other examining bodies which are using and requiring cumulative information as part of the examination of students. It also takes account of the need for transcripts and records.

Aside.

Hon. B. M. TAITT: The point I am making is that when one is going from one stage of education to the next stage of education these days, it is necessary for a transcript to be forwarded for the individual student and therefore a cumulative record of each student kept in the lower level – this is done at the university level – but now that we have a record being kept of students' performance academically through secondary school, for example, we are also recognising that it is necessary to put in the Regulations the need for a cumulative record.

Section 8, Regulation 73, begins something that will be found throughout the Regulations where we are deleting the word "must" appearing in the first line of what the Minister is required to do and substituting the word "may", thereby giving the flexibility that is necessary and desirable in an administrative system such as ours. Also, in subsection (b) we are removing the definitive description of "assisted private schools" and substituting "or any other school that provides special education". We are in

subsection (c) deleting the words "an assisted private school" appearing in paragraph 2 and substituting "a school referred to in this Regulation".

What we are taking account of here, Sir, is the fact that over the years it is not only the assisted secondary private school that now requires assistance from the Ministry of Education, but also those special schools, like the Language Training Centre or the School for the Disabled. Representation was made quite early throughout the last few years by those special schools that have come into their own in Barbados for assistance from the Ministry of Education and this will provide the Minister with the flexibility to provide that assistance and therefore make education in the mainstream available to all in Barbados, including the disabled which are called special education students.

Regulation 75 is tackled in subsection (9) and this is one which simply removes the definition of university and puts in a much broader definition of university. University in the old Regulation meant the University of the West Indies. The clause will now read: "University includes any institution for higher learning approved by the Minister." You are aware, Sir, that in the United Kingdom at the moment charters have been given to change almost all of the polytechnics into universities, and many of the institutions of higher learning which up until recently could only carry the name "polytechnic" will now be able to be called universities and in fact have been giving university level education for many years. This will now permit all the universities to fall within the category of university as defined in Regulation 75. I hasten to assure the Honourable Member that such excellence as may emanate from the Academy of Politics of the Democratic Labour Party or any other institution of similar high learning in the art of politics will not qualify as a university under this Regulation.

Regulations 78 and 79 in the old Regulations are being deleted and this now deals with an area which I believe is the most important aspect of these new Regulations, the proposed place of study for award of scholarships and exhibitions and the new Regulations which signal some change in policy, and I am quoting them:

> **"78 (1)** An award of a scholarship is tenable at any university approved by the Minister."

That is basically the policy now, but it clears any doubt. When a person wins a Barbados Scholarship, that person is free to choose where he or she will go to engage in study. On the other hand, 78(2) will now mean that an exhibition is only tenable at the University of the West Indies. That is the new change in policy so far as where the exhibition per se is tenable. Subsection (3) however, takes account of the difficulty which would arise from such a regulation if it were left alone. Subsection (3) says:

4.25 p.m.

> "Notwithstanding paragraph (2) a person who has been offered an exhibition and who wishes to pursue a course of study at a university other than the University of the West Indies, may be awarded a grant of a sum equivalent to the sum that would have been awarded if the award of the exhibition had been accepted."

That is the key, Sir. Whereas before we have seen some of the most ingenious representations having to be made in order to fall within the four corners of the Regulation as it existed, where persons have had to have a very strange adumbration of subject matter in order to meet the Regulations, it will now be the simple task of saying that one proposes to study in university X or Y and the exhibition awarded will be the equivalent of the cost of study at the university and presumably it will be at the university given what is offered at the particular campus of the area nearest to the one he has chosen.

The Government believes that this is a fairer and much more democratic approach to the question of awards of exhibitions. We believe that it also takes account of the new economic situation which the country, like all other countries, has had to face and which will not allow us to cause pain to persons who, on receiving an exhibition, wish to study in the new Commonwealth states, some subject in Russian. Someone who wishes to do medicine in Rumania, someone who wishes to do medicine in Edinburgh, this would allow that person to proceed to do medicine wherever, without let or hindrance, in the knowledge that they will be getting a financial assistance the equivalent of going to the university of the West Indies.

The rest of the amendment is really to tidy up and take account of the particulars of such a policy but it allows us to look at this question of the scholarship and the exhibition in true perspective. It allows us to deal with this matter up front and without any further difficulties. The Ministry of Education has been inundated over the years. There is not a Minister of Education who will not attest to the difficulties which have been brought upon their decision making in the department because the quality of education in Barbados over the years, under both governments, has consistently and continually improved, the result of which has been that more and more persons have become eligible for university training and the cost of training has continued to rise at standards and levels which have been increasingly beyond the capacity, sometimes, of the individual.

Nothing in these Regulations will interfere with the grant of National Development Scholarships. Nothing

will interfere with the availability of student loans and therefore... Yes, the cost at Cave Hill will be the cost as worked out.

Regulation 79 which deals with the requirements of the person who wins an exhibition is being put in better language.

Regulation 80 of the principal Regulations is being amended to remove an anomaly which required "at the University or other tertiary institution" which took account of the definition which existed before, but with the new definition and the new methodology for the award of exhibition all that will be inserted here is the words "of study". This is an efficacy which is desirable.

Regulation 12 is also one that I think is of sufficient importance to spend some time on it. Section 12 in this order seeks to amend Regulation 83 of the principal regulations by changing the requirements for scholarship and exhibition.

"Regulation 83 of the principal regulations is amended

(a) by deleting paragraph (1)(b) and substituting the following:

(b) a scholarship, unless he attains passes in the examination in no less than 3 subjects and each of the three passes is at grade "A"; and

(b) by deleting from paragraph (1)(c) the words "B" and "C" and substituting " A and "B" respectively."

This takes account of the higher standards which have been exhibited over the last few years and which is desirable and which is attributable to the excellence.

All one is saying here is, as the Honourable Members on that side sometime ago raised the level of award to take account of the changes that were occurring the time has come when it is necessary to raise the level. Persons have been reaching those levels and will continue to reach those levels and the numbers will indicate. What one is saying, put in the simplest possible language, is that in order to get a Barbados Scholarship under these Regulations from this day forward a person will have to get 3 "A"s and similarly in order to get an exhibition... In the past it was possible to get a Barbados Scholarship with 2 " A s and a "B". We are now saying 3 "A"s. I do not think that any reasonable person, given the levels that have been achieved in the last few years, will have a quarrel with that. There was a time when a scholarship was awarded with 1 "A" and 2 "B"s. The Government of the day changed it to 2 "A"s and a "B" and the Government of this day is changing it as we move on to 3 "A"s.

Similarly, it follows that the exhibitioner will go from having 2 "B"s and a "C"...

Aside.

4.35 p.m.

Sir, we will now be moving the standard up and with deleting in sub-paragraph (1)(c) the word "B" where it says "The passes being not lower than Grade B" that will now read "not lower than Grade A". Two passes at Grade " A and the other being at least Grade "C" will be replaced by Grade "D". It will be 2 "A"s and a "B" for an exhibition.

Sir, in regulation 89 of the principal regulations and also regulation 95 we are seeking to move the words "must" and "will" and replace those words with "may". This is for flexibility. By Regulation 99 we are giving 3 months instead of one month to allow the exhibitioner or the scholarship winner to give information to the Ministry. It has been represented that one month was too short. We are taking the opportunity to make that 3 months.

Finally, we are doing the same thing with regulation 103 where we are moving the word "will" and putting "may" to give the Minister some flexibility. Those are the amendments to the Regulations which constitute the need for this Resolution. I think Your Honour will appreciate the necessity for having these Regulations in place before the examinations which are scheduled this summer, the basis of which forms the awards of scholarships. It is necessary that there be transparency in the decision-making about such matters. These Regulations seek to provide that transparency so that all and sundry know up front what are the ramifications, rules, regulations and hopes.

Mr. Speaker, the question of the award of scholarships and exhibitions is something of great import to almost every single Barbadian, those who are scholarship winners, and those who are exhibitioners, and those who are not. It is of importance to parents, children themselves who are taking the examinations, and to the country as a whole; I think these Regulations, whatever else might be said of them, constitute a statement of the quality of education which the country has steadfastly observed and reached in its progress from the days when there was one single scholarship granted no matter how good the persons who took those scholarships proved to be to the point where there is no limitation on the number of scholarships but there is only limitation on the level of excellence.

Some time ago in this Honourable House I had the privilege as a member of the Opposition to hear a prime minister say that striving for excellence in Barbados in various aspects of academic life at the secondary level had led his Government to change tactics to give a cash award to any student who would reach a certain level in certain areas. It was felt then that the policy change was

necessary to help bring on a certain direction in the academic life and, therefore, the development of this country. That followed earlier decisions by Governments that they would make certain changes in order to fulfil certain objectives. For example, once upon a time scholarship winners in Barbados would invariably be those who were, what they called, the classical scholars, or the modem studies scholars or the mathematics scholars.

Today, Sir, it is regularly seen that the scholarship winners are people who have such esoteric titles such as technical drawing. There is no necessity to identify any particular school and how it has been performing. It is sufficient to say that the children of Barbados who go to the Community College have demonstrated consistently from the first scholarship that was won that once there is a certain quality of teaching, a certain ambience within the environment in which the children are to learn and the....

Aside.

Hon. B. M. TAITT: The few of us who understand the new use of environment, the few of us who understand the use of language would recognise that especially in the discussion of academia, it is not tautologous to talk about ambience and environment. I could give examples. If the Honourable Members had the time, Sir, and this Honourable Member was wont to do so, we would be able to point out that, in fact, not every place that had ambience had environment. Honourable Members on the other side must remember that there was a school called Foundation that managed to get a Barbados scholarship way back in the 1950s when it had neither ambience nor environment.

Aside.

Hon. B. M. TAITT: You pushed me to it. The Honourable Member knows that the ambience was, in fact, there. It was there because of the love and interest which the teachers of the day were able to create even though the Government of the day might not have been able to provide the environment. Those who have had the opportunity to bask in the environment of the place where many of the scholarships were won should not raise questions about any difference between ambience and environment.

I shall not spend any time on it, Sir, because I do not wish to deviate from the import of these Regulations. I believe Honourable Members would be able to ask any questions which they have. I shall endeavour to answer them. Suffice it to say that these Regulations are deemed to be necessary for the good administration of the education system in Barbados.

I beg to move that this Resolution do now pass.

Hon. M. A. KING: I beg to second that, Mr. Speaker, and reserve my right to speak.

Mr. R. C. EASTMOND: Mr. Speaker, it seems to us on this side that of all the proposed amendments to the Regulations being changed, clauses 11 to 13 represent the principal thrust of these new Regulations before us now. We note that in Regulation 12, at paragraph (b), it now will require 3 Grade "A"s to earn a Barbados Scholarship. While it is true that nobody can question standards and we should always encourage our young people to aim high and to reach proper accomplishments, the proposed amendment coming at a time like this also raises the question of whether in terms of implementation by now making it harder to earn a Barbados scholarship if, at this time, bearing in mind the economic circumstances facing Barbados, it may not very well be a measure aimed at reducing expenditure, certainly, in the short run. I can put it better than that, Sir. I am urging that there are 2 possible interpretations. On face value one interpretation is that this Honourable House is being asked to underwrite and to approve higher standards in education.

4.45 p.m.

On face value one interpretation is that this Honourable House is being asked to underwrite and to approve higher standards in education. But in view of all that has transpired in this country in recent times, Sir, if one assumes that as it has now become more difficult to earn a Barbados Scholarship, would it not mean, that in the final analysis, Government might end up saving some money at a time when this is one of the Government's stated objectives, to reduce and to cut expenditure.

There is also another concern of this side and it is in Clause 6, paragraph 3. In Clause 6, paragraph 3 it reads:

"A pupil"...

It is Clause 6 (b)(3):

> "A pupil who during the school year preceding his attaining the age of 12 years obtains the requisite marks or grades in the secondary schools' entrance examination for admission to a public secondary school shall subject to the availability of space be admitted to the school for which he qualifies."

We are extremely concerned over here that, based on the wording of this a child can legitimately gain admission to a given school and be excluded from that school eventually because the school might argue that there is no space.

Bringing my own experience in here, Sir, in the real world out there in education many principals in secondary schools are not guided necessarily by considerations of how best to facilitate the inflow of new pupils. But what

some principals do is say the Ministry of Education is asking me to find space for 240, I have to get rid of 240 on the roll now. It has worked some injustice where there have been children among that 240 in fifth form of secondary schools in this country who really deserve another year in fifth form to improve their qualifications or to further benefit from education.

Sometimes a principal panics because the way the system works in the real world is that a lot of principals once they hear that the Ministry of Education has a particular wish they bend to grant the Ministry of Education its wish. Many principals hearing that they have to make room for an amount of new children coming in will in one fell swoop wipe out several children from fifth form many of whom deserve an additional year in school. Even though it might be argued that the age at which people can be made to remain in school is sixteen years, from experience there are children in many secondary schools especially the non-grammar schools, especially the so-called newer secondary schools who after one year in fifth form might get two or three subjects but show enough promise to earn a second year in fifth but have to go home to make room for children coming in.

Our concern is this, that bearing in mind what Clause 6(b)(3) is saying, it is saying that a little boy 11 years old can pass for Coleridge and Parry, can earn the pass mark for Coleridge and Parry and then be told there is no space for you at Coleridge and Parry. One must be realistic about this. Even though somebody might argue he may not get in at Coleridge and Parry, he might get in at another school.

Hon. B. M. TAITT rose.

Mr. SPEAKER: On what do you rise?

Hon. B. M. TAITT: On a point of order, Sir. The Honourable Member I am sure is aware that the methodology which is used for the allocation of places is determined by the number of places available. The marks are adjusted accordingly. So the Honourable Member is going down a road which I am sure he does not wish to go.

Mr. R. C. EASTMOND: Sir I was seriously hoping that the Honourable Member could have enlightened us further. On a close literal interpretation of what the thing says here, it says that very often the availability of space at a given...It is saying that subject to the availability of space a pupil can be admitted to the school for which he qualifies.

I am then fore saying, Sir, that one can understand that a fellow could qualify for a particular school and then be told that on the grounds of space he cannot get in. He might then be channelled to another school. In the type of scenario that goes on in this country people get very edgy and nervous about the results of the Common Entrance Exam. A lot of parents have it in their head precisely where they want their children to go. Let us say for argument's sake that a child who has won a place at Harrison College was told you cannot go to Harrison College because there is no space, go to Foundation or St. Michael's. The parents would take that hard. I cannot understand how some Honourable Members seem, from their facial expressions, not to be understanding these things.

In addition we have some very grave reservations about the proposed regulation 10. On first reading regulation 10 says that exhibitioners are to go to the UWI but in cases where they do not want to go to the UWI they can go elsewhere but will not, in terms of what is being said here, receive any extra assistance for going elsewhere. This is the way I understand it. The regulation is saying that if you are an exhibitioner you should opt for the University of the West Indies. If you do not want to go to the University of the West Indies and you want to go somewhere else your allocation would be nothing more than what you would have got if you went to the University of the West Indies.

We are saying that in view of the fact that the University of the West Indies is a very small University – growing yes, but at a slow rate – and not offering as many courses as bigger universities internationally, you will encounter Barbadian students who may have to travel very far overseas to pay expensive board and room, books, tuition fees and such like and where what they get, by way of allocation, will not be good enough to sustain them. The UWI despite being a university with high standards does not have as wide and varied a curriculum as some of our young people whose expectations to do the sciences and certain very technical areas would permit.

We are therefore saying, Sir, that even though you can read into these regulations a purpose on the part of Government to encourage people to go to the University of the West Indies as much as possible, I still think that a measure of injustice will occur to those whose courses are not being offered at UWI and whose pockets do not permit them to go to North America, Canada and England. England still has some courses which are in demand by some of our young people.

I know that the Honourable Member in reference to the aspect of the regulations that refers to the cumulative record of every pupil made reference to the fact that we are moving towards a system of education where record keeping is important especially as it affects what people call school days assessment. I believe when the Honourable Member for St. Michael West spoke about the need to have

proper records he suggested that there are several courses offered by the Caribbean Examinations Council which would require teachers to keep proper records of pupils for purposes of sending those records on to CXC for final assessment. But, Sir, we may very well too at this stage in our country's educational history argue a case for proper records to be kept on each child at every phase in the school system, not just secondary schools. My submission is that we need to have proper records of every pupil in the entire school system and even the primary school and nursery school system. Even though Government's Budget allocation has been more helpful to secondary schools than for primary schools, the system in primary schools in this country does not allow for able and proper record keeping. I cannot think of any primary school in Barbados that has a secretary or a typewriter. School principals, as they may be called, will tell you that sometimes the primary school needs to have something typed for proper record and has to borrow somebody's skills from outside the school and such like.

4.55 p.m.

A school like Westbury Primary School that has 960 pupils, they do not have a typewriter and a secretary and at this juncture not even a Vice Principal. I am saying, Sir, that in relation to this Government should bear these things in mind and realise that to be able to achieve proper records they will need to be able to give the schools the facilities that will permit proper records to be kept, Sir.

Sir, we feel that in the final analysis, that even though regulations will have to be reformed from time to time in keeping with the changing times we still think that there is nothing in these regulations and nobody on the other side has indicated that these regulations have a very, very limited purpose. Nothing in these regulations really points to an improvement of school management especially at the primary level. Nothing in these Regulations points to the question of provision of ancillary facilities, especially for primary schools, and nothing in these regulations is clearly seen to be addressing the question of the drift and the deviance which we are seeing in many of our secondary schools.

So, Sir, in looking at these Regulations, even though we understand their purpose we still have grave reservations that many of the important issues confronting education in this country are really disposed of by this legislation before this Honourable House. Thank you, Sir.

Miss B. A. MILLER: Mr. Speaker, Sir, I am greatly interested in this debate. In 1983, in the month of May, in fact on the 31st of May to be exact, today being the 26th – so almost exactly to the date there was debate in this Honourable Chamber on this matter – A resolution to approve the Education (Amendment) Regulations, 1983. Honourable Members are hiding their faces over there, Sir.

Mr. Speaker, Sir, at that time I was not only the Member for the City of Bridgetown, I happened to be the Minister responsible for Education. I introduced a Resolution in almost identical terms in an attempt to upgrade the Barbados Scholarships and Exhibitions. It was so bad at that time, Sir, that we had Barbados Scholars who were coming back, not for one year and after a second year but in some cases after a third and a fourth year asking for the scholarship to be deferred because the grades were so poor they could not qualify for a university which would accept them.

Honourable Members over there are saying I am correct but I want to read back to some Honourable Members over there what they had to say then, Sir. The Honourable Member for St. Michael West is saying they were ignorant then.

Hon. B. M. TAITT: On a point of order, Sir, the Honourable Member did not hear what I said from my chair which she could not. What I said is that we must have been as ignorant then as they are now. That is what I was saying.

Miss B. A. MILLER: This is quite unparliamentary. All Honourable Members are taken to be people of intelligence. It was the considered judgment and statement of Mr. W. O. Franklin then to say that he is wondering if this is not going to create an undue hardship. I am quoting from Hansard at page 3652. He said that it was true that we should try for excellence but he was certain that the Minister was only endeavouring to create an atmosphere where students must try a little more than they have been trying before to attain the level of the Barbados Scholarship. But despite that his main concern is that it would eliminate certain people from getting Barbados Scholarships.

We would not worry about a Dr. R. C. Haynes, he is no more. But I want to quote a Mr. L. E. Sandiford the Honourable Member for St. Michael South in May 1983. He said, Mr. Speaker, Sir: "Therefore, I am asking the Minister (that would have been myself at the time) to reconsider these particular proposals. They do not really achieve anything except to exclude Barbadians from being awarded a Barbados Scholarship. That is the only effect that this could have. It will not pull the level of the scholarship any higher. In fact the end result of this will be to exclude persons, who have demonstrated their scholarship ability, from actually being awarded a scholarship.".

Among other things he also said, Mr. Speaker, and I am quoting Mr. L. E. Sandiford, that he would like to

support the plea made by a colleague for greater measure of flexibility and he delivered himself of this:

> "In our desire to talk about standards and higher standards, we may be in danger of setting minimum qualifications that are too high. When we are talking about scholarship, scholarship is demonstrated in terms of a specific field of endeavour, and that is established by means of achieving a Grade 'A'. That is scholarship.".

What Mr. L. E. Sandiford is in effect saying here in his speech is that if you have got one "A" that is enough to demonstrate that you have scholarship ability, whatever else you have got, because at this point, Sir, you could get an exhibition with a Grade "E" in a certain paper and that is why people could not get entry into a university. Into some of the faculties of our own University of the West Indies in 1983 some of our exhibitionists could not gain entry because we were operating at the lowest common denominator at the time.

I am going to support this because we are to be fighting for excellence. I now want to come to another point and that has to do with common entrance examination. I am very interested to see at 6(b)(3): "A pupil who during the school year preceding his attaining the age of 12 years obtains the requisite marks or grades in the Secondary Schools Entrance Examination for admission to a public secondary school shall, subject to the availability of space", and this is the phrase, Sir, "be admitted to the school for which he qualifies."

The whole of Barbados knows I am against back door entries and I am yet to see a back door entry that was worth the effort. But I want to say this about the common entrance examination.

When the Barbados Labour Party left the Government in 1986 we had introduced something called a General Paper and all the educationists and the educators and as I recall at the time, Members from the other side were saying how important it was in the common entrance examination that pupils should be tested, not only in the traditional subjects of what we used to call English and Arithmetic – they now have high flown phrases for all of that – but that the social sciences and science, particularly if you were looking to point our children in the direction of the new technologies of the coming 1990s where we now are and the 21st century, it was important that those should be tested in the common entrance. When in 1986, the Democratic Labour assumed the reins of Government, one of the first things that a Mr. L. E. Sandiford, Honourable Member for St. Michael South, then Minister of Education, did was to discontinue the General Paper with the assurance that it would be replaced, not with the General Paper now, but with a separate paper, we were told, perhaps on science and certainly social studies would have to be a consideration. That was in 1986. This is 1992, Sir, and we are still waiting since 1987 for the replacements of the General Paper in respect of the Common Entrance Examination.

5.05 p.m.

Let me say this, Mr. Speaker. Thanks to the Barbados Labour Party there is now a secondary school place for every child of secondary school age in Barbados. There is never again going to be a need for competition for a seat in a secondary school, barring a population explosion in Barbados, and we would not want to contemplate that, Sir. There will never be need to compete for a seat, so the Common Entrance now can be part of a series of tests of excellence, on merit – functional competence. There should be no magic that there should be a test at 11+. Even way back when I was in the Ministry of Education we were discussing then that children's competence should be tested much earlier than 11, then again perhaps at or around the age of 11 and even at a later stage after 11. A child would have a series of tests and that is how every education system works everywhere in the world. No longer would there be a scramble for a seat, you would be looking now at the quality. The days of the scramble over quantity would have been long past.

It is a hard thing that at the very time when this has come to fruition in Barbados, Mr. Speaker, is the time when the Education budget is being cut back by the hand of the International Monetary Fund, guided by the Minister of Finance, and that the Minister of Education would be standing midwife – I use that term advisedly – when this savage operation is being carried out. This is really unfortunately the time when services and education are being cut, when children will have less access to books because the textbook loan scheme rental has quadrupled at one blow, at one fell stroke, moving from $20 to $80. This is happening at a time, Sir, when we are now striving for excellence to have ourselves tooled and ready for the takeoff that the Honourable Prime Minister talks about, when we are cutting back on these important areas in education.

The Government needs to be very clear and I do not need the Minister of Education to help me on that, so it does not matter that he is not here today. The Prime Minister has never ceased to be Minister of Education in this country. There is a rumour that he is taking over Tourism too. We know about the instruction that went down to say that certain files must come directly from Tourism to him and not come through the Minister either, but I digress, Sir.

Now is the time for us to hear from the Minister of Finance, because it is he who wields the cutting knife

over the budget of Education, as to exactly how we are going to achieve this excellence which we demand, this diversity. All of the plans that successive Governments have had for Education, now was the time when young people did not have to scramble for a place in a secondary school, when we had new, well equipped secondary schools, now was the takeoff time, but it would appear that we cannot get off the ground. I am therefore asking for assurances, at the very least, from the Minister of Finance as to exactly what is going to be the case with education, not only at the primary level.

The Honourable Member for St. James North has rightly made the point that we still under serve primary when compared to secondary on a per capita basis. What is he going to tell us now about this whole question of secondary education, now that there is no need to compete for a seat, what are the Government's plans now for us to achieve this excellence so that children can get to the point where they can win a Barbados Scholarship with these improved grades which are before us for our consideration? Now is the time.

There cannot be a better time for an important debate on education than at this time. Honourable Members are muttering on this side what is known everywhere. At the time when I served in the Ministry of Education it was a matter of pride for us that Barbados was always every year well paid up in respect of fees and dues owing to the University of the West Indies. Whatever was our fair share calculated to be so, we paid. At times when other countries in the Caribbean, who subscribe to the University of the West Indies and who shall be nameless today, were years in arrears, Barbados was always paid up. Barbados was a model and an example. Today Barbados is millions of dollars in arrears and we are hearing now from the cave in the hill and other precincts of the University of the West Indies that fees and increased fees are to become the order of the day.

There are all sorts of view on this, there are many opinions, there is need for an important debate on this subject. It is not something that should be done in an ad hoc manner because the IMF says that that is how it should be done. We need to hear from the students themselves, because this is an important matter concerning them and their future, on this matter. We need to hear from the University administration on this matter. Members of both sides of this House should wish to be heard on this matter, because this is supposed to be the springboard for the future, this is supposed to be the springboard for the takeoff that the Honourable Minister is talking about. The productivity increases that are going to come about, the magic that is to happen in manufacturing, the magic that is to happen in agriculture, the fantastic takeoff that is to occur and break through, as the Honourable Member for St. Lucy likes to say, in tourism and the other productive sectors are all underpinned by the social sector Ministries. You know I am backing a hobby horse here, Sir, but we are on education today.

One of those very important underpinnings is a good and basic education, something that Barbados has been known for everywhere in the Commonwealth. You could not limit it only to the Caribbean, everywhere in the Commonwealth this is our reputation. As I have said before in this Honourable Chamber, Sir, it is ironic and it is sad that it is the Democratic Labour Party who liked to boast over the past 20 to 25 years that it alone, without help from any other previous Government or succeeding Government, was the architect of free education in Barbados. It would be the easiest thing for us on this side to sit back now and say you can be the architect of the dismantling of that.

5.15 p.m.

We all live here and we wish to live here, and we would want our children and their children to be availing themselves of an education no less in quality than that to which we had the privilege to be exposed. You are trying to make a virtue out of the dismantling. Hitler was the architect of the dismantling of democracy in Germany. I do not think that any Member in here is in any doubt as to where the finger is pointing and if there is any blame to be laid at whose door it is to be laid on this matter. There is no getting away from the fact that this is important. Honourable Members came in here and said they want to rush this through this Honourable House in all of its stages today, but this should have been a platform for an important and wide-ranging comprehensive debate on the state of education in Barbados today and where we are going especially in the financial and socio-economic environment in which we are now forced to live. I wish to hear the Minister of Finance on this. I want to hear from him, not only in his capacity as Minister of Finance but I want to hear from him in his capacity as Minister of Education that he has never ceased to be.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I wish to reply briefly. I am not joining this debate. I do not normally speak on educational matters. Since I gave up the position of Minister of Education I have hardly spoken on educational matters in this Chamber so it is totally unfounded for the Member for the City of Bridgetown, not only on those grounds but also on constitutional grounds, to say that I have never given up the post of Minister of Education. It is totally unfounded and totally untrue.

Miss B. A. MILLER: On a point of order, Sir. The record of this House will show that almost every. important announcement that has had to be made on education since 1986 to the present day has been made by a person other than the substantive Minister of Education when that Minister of Education was not the Honourable Member for St. Michael South. So it is incorrect for him to say

that he very seldom speaks on education. He very seldom speaks on anything other than education. The record is there.

Mr. SPEAKER: Surely, that is not a point of order.

Rt. Hon. L. E. SANDIFORD: Not only is that not a point of order but it is one of the most rambling statements ever heard in this House of Assembly There is no logic at all to it and it flows very ill from the Honourable Member.

Mr. SPEAKER: I have said that it is not a point of order and therefore there can be no discussion on something that is not a point of order. I think the Rt. Honourable Member can proceed. On the other hand, I think the Honourable Member for the City would recognise that I deliberately made sure when she was speaking that she had enough quiet in the Chamber and I hope she will observe the same thing.

Rt. Hon. L. E. SANDIFORD: I will also categorically deny the tissue of lies emanating from the Honourable Member to the effect that I have given instructions that files should not come to the Minister of Tourism but directly to me. That is a tissue of lies.

Mr. SPEAKER: We have to be careful in drawing the distinction. The Honourable Member is not parliamentarily speaking calling the Member a liar. He is making a reference to her statement which, in my view, may be bordering the line of what one would call intemperate language which is not suitable to be recorded in Parliament.

Rt. Hon. L. E. SANDIFORD: I am very well aware of how carefully you have worded your statement there. Let me assure you that I do not intend to be intemperate and if any words I used bordered on the intemperate or if they are intemperate, I am very happy to withdraw them, but the intemperate language came from the Member for the City of Bridgetown as I perceived it. She made a statement, which is entirely, absolutely without any foundation at all, that I have given instructions that files should come directly to me from the Board of Tourism and not through the Minister of Tourism.

Miss B. A. MILLER: On a point of order, Sir, I said that came to our attention. I am glad to hear and I am sure the Minister of Tourism is very glad to hear you denying that it is true.

Mr. SPEAKER: What I also want to say is that in my capacity I am not always in the position to hear and interpret everything at the same time, but there is a provision within our own procedure in Parliament that any time...

Asides.

Mr. SPEAKER: I think it is disrespectful for a Member to be speaking while I am speaking. There is a provision for a Member, even if the Chair does not perceive any inconsistencies or any breach of the rules, to get up at the particular time and draw it to the Chair's attention. If the Rt. Honourable Member perceived that a breach was made during the Honourable Member's speech, inasmuch as I did not intervene, it was the Rt. Honourable Member's right to draw it to my attention so that that matter could be rectified at that particular time.

I want to make that observation simply because the Chair ought not to be accused of knowing something to be wrong and not acting correctly.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, lest there be any misunderstanding, I am certainly not accusing you, and I would not do so, of knowing something to be wrong and not intervening. Indeed, the record will show that you have been very protective of the rights of Honourable Members on both sides of the House. I certainly am not accusing you of any such thing. A Member has a right either to wait until he speaks in his own right or when making a substantive speech. I sat and listened to the Member carrying on with her particular statement and the things that she said which she has now confirmed came to her attention. Yet she repeats it uncritically, appropriating it as her own and giving it on the Floor of this House as though it is factual.

Some time this kind of statement must stop in this country. All that is happening is that they are raking up all kinds of untruths, distortions and creating all kinds of misunderstandings and misapprehensions in the minds of people and propagating them as the gospel truth because it is said, perhaps, from a source that one would expect to give leadership to the country. One can say anything that one wishes with or without impunity in other places. In here, we have to respect the Rules of the House and I seldom intervene in debates when things are said about me because sometimes I have the feeling that that is part of the give and take of politics. I have been very solicitous of the welfare of Honourable Members.

5.25 p.m.

One Honourable Member was sick, Sir, and I kept asking about his well-being. I had not seen him on the Floor of the House for a couple of meetings. I was very solicitous about his welfare because I was genuinely concerned. I hate no one, Sir, and least of all the Honourable Member for the City of Bridgetown. We sing together sometimes. We sing praises to God and yet this venom spews forth.

Mr. L. R. TULL: On a point of order, Sir. The Right Honourable Member is totally irrelevant to this debate. He has not said a word yet on the amendments to the Resolution.

Rt. Hon. L. E. SANDIFORD: You do not want me to lay the foundation of what I have to say? That is the beauty of what I am saying and you will see it now, a well-crafted speech of reply. The first thing the Honourable Member for St. Thomas did was to attack me today after I was asking about his welfare.

Mr. D. A. C. SIMMONS: On a point of order, Sir. I am very grateful to the Prime Minister for enquiring after my health. I have been suffering some severe pains in my shoulder, neck and head for about 4 weeks. I really did not attack him, Sir. He should not construe my first speech today as an attack. I was only telling the House the truth about his management of the finances of the country so that is not an attack.

Rt. Hon. L. E. SANDIFORD: I felt, Sir, that the Honourable Member wanted to transfer his pain from his shoulder to my shoulder. That is how it appeared to me.

I have said, Sir, that I am not really getting into the substance of this debate. I have spoken in the way that I have spoken simply to set the record straight on those 2 issues. The Government has taken a decision on these matters. This is the position that we will support.

Thank you.

Mr. L. R. TULL: Mr. Speaker, we will get the debate back on course. These amendments to the Education Regulations contain a number of questions that must, of necessity, be answered by the Government if they are asking for our support.

The Honourable Member for St. James North, the shadow spokesman for Education on this side, made a number of important points that I believe need to be supported. I would want to deal with a number of them. The first relates to the question of scholarships and exhibitions. The Government in Opposition, as has been pointed out by the Honourable Member for the City of Bridgetown, took a position in relation to the question of raising the requirements for scholarships in 1983 that is entirely inconsistent with the position they are taking today which does not surprise me. This is a natural characteristic of this Government. Repeatedly week after week we see the Government taking positions that are inconsistent not only with their spoken word but with their written words.

In their Manifesto of the last General Election, 1991, Sir, this party made a big song and dance about education and put it in terms almost to suggest that they alone had made significant contributions to education in Barbados, and that the Barbados Labour Party in Government, so far from making no contribution of note, had made efforts to stop and curtail important developments in education over the years. Specifically they had the tremendous audacity to put it in written words that the Democratic Labour Party Government, after the 1991 Elections, will

> "Enhance and expand nursery education as it is critical to the development of children, particularly those from deprived homes.
>
> Continue to provide training for our teachers and public servants, and encourage private industry to provide training support for their employees.
>
> Maintain a fully taxpayer funded university education at the Cave Hill Campus of the UWI for all Barbadian students who qualify for entry."

Mr. Speaker, listen now to the monstrous and diabolical lie:

> "Under the BLP all of the above were either stopped or drastically curtailed. During their last term in office they developed a scheme which would have required all Barbadian students (excluding scholarship holders) to pay a percentage of their economic cost in order to attend the UWI. Such policies are not only socially unjust but counter-productive in development."

I do not believe, Sir, that a political party that puts those words in a written document and handed it to the people of this country as the basis on which they should be supported in a general election had the moral right to rule. When is it that the Barbados Labour Party stopped or drastically curtailed nursery education in this country? When was that, Sir? When did the Barbados Labour Party stop providing training for teachers and public servants and encouraging private industry to provide training support for the employees? When was that? When was Erdiston Teachers' Training College closed down during the Barbados Labour Party's term of office? It operated at maximum capacity, all year round. When is it that the Barbados Labour Party either stopped or drastically curtailed the maintenance of a fully taxpayer university education at the Cave Hill Campus of the University of the West Indies? When was that?

This is what they put to the people and they got elected. Now they come in here today with something that one should not be surprised about. The position they took in 1984 was saying why raise the level of qualifications for Barbados scholarships and exhibitions. At the time the present Prime Minister – and I thought when he got up earlier he would have dealt with this – said that all you should require was one " A . If you had a "B" in something else it would show that you had general competence in another area but the "A" showed that you were scholarship material and it was unfair and wrong for the Barbados

Labour Party Government to raise the requirements for scholarships.

They come in here today with all this gall, high on insensitivity to introduce a similar measure without in any way showing penance for the wrong they articulated in 1984. We on this side are far more responsible than they are. We are not going to make the kind of criticisms they made then, reckless and irresponsible such as they were. We are not going to do that because we well understand the importance to make adjustments as we go along.

The Honourable Member for St. James North has made a very telling point that these changes are not born out of any serious consideration that standards should be raised at this particular time. It is born out of the economic problems Barbados finds itself in that the Government can no longer find the money to pay for a large number of Barbadian children enjoying scholarships. You do not have the money to pay. Right after the exhibitions and scholarships were announced last year the present Minister of Education made a public statement giving us some idea this would come because it costs a lot of money. This is a money consideration, not an education consideration. I want to go on, Sir, because there are one or two things that trouble me. I am not going to blame the Honourable Member for St. Michael West who is only holding on for the Minister of Education for not being au fait with certain parts of the Education Act and Education Regulations.
5.35 p.m.

But one of the things that we have to be clear about is that the situation in relation to exhibitioners is less well off than it used to be. The Honourable Member obviously did not understand that. I said I am not faulting him. He does not deal with these things on a day to day basis.

What happened in the past is that exhibitioners were asked to go to the University of the West Indies where the University of the West Indies offered the course of study that they wanted to pursue. These new regulations are saying, and the Minister introducing it said it as almost a great new thing was happening – page 4 – that with an exhibitioner, an exhibitioner must – I am not reading the words specifically but summing it up – pursue a course of study at the University of the West Indies. But if they want to pursue a course of study at a university other than the University of the West Indies that exhibition may be awarded a grant of a sum equivalent to the sum that would have been awarded if the awarded exhibition had been accepted. Do you know what this means, Sir? It does not say that if the course is being offered by the University of the West Indies you must go there. But if you choose not to go there we will only give you what you would have got if you had been to the University of the West Indies, where there are courses not offered by the University of the West Indies. This is the important difference, Sir.

I give one example, Architecture. An exhibitioner gets an exhibition and he or she wants to study architecture. It is not offerred in the University of the West Indies because there is no faculty of architecture in the University of the West Indies. This new regulation is saying that if that student has to study outside the region, which you must of necessity do – The standard places are Canada, the United States and the United Kingdom – that all the money that student would be given is what it would cost to do a comparable course in the University of the West Indies. In other words a mere fraction of what would be required to study overseas. That was not the position before, Sir.

The position up to the time this Amendment is being brought is that the economic cost, the university fees of that student would be paid and his living allowances would be something like 2/3 of what a scholarship winner got. This is putting a blow on exhibitioners. I believe that this has to come out because this whole set of Amendments is so structured as to make sure that the Government can cut back on money they spent in higher education. Look at the shall and the may. The law had made provision for the Minister. He had to award National Development Scholarships every year.

These amendments say that the word "must" should be replaced by "may". In other words now the Government is going to use the device of a change in word to cut back on the grant of National Development Scholarships or not to grant them at all. They do the same thing, Sir, in relation to bursaries. The law required, up to now, that the Government must grant a number of bursaries each year. The Amendment now says that the Minister may grant them which means he need not grant any at all. As far as I recall – and the Acting Minister could probably put me right or anyone else who is conversant with these things – there used to be as many as 2 900 bursaries granted a year. By a change in the law the Minister may now not grant one single bursary. This is the important significance of these things. He had to grant them before. But now they are saying he may grant. The Minister operating under the exigencies of the financial restraint coming from the Ministry of Finance is going to make the children of Barbadian taxpayers lose benefits that they have been accustomed to in this country for over two decades.

I want to ask another question, Sir. The question in relation to the Certificate of Health from a registered medical practitioner. A student is awarded a scholarship and it says that after he is awarded the scholarship he must, within three months, submit to the Minister the name of the university that he proposes to attend – I have no quarrel with that, Mr. Speaker – the particulars of a particular course of study for the approval of the Minister. This is another new measure introduced in this thing. This has never happened before. No Barbados Scholar in the

history of Barbados Scholarships in this country has ever had to get the approval of the Minister as to his proposed course of study. That has never happened before, Sir. And now – He can tell me it is not true. Get up and give me the examples – no Barbados Scholar has ever been told by a Minister of Education that he cannot pursue the particular course of study he wants to pursue.

They are sneaking in today in these Regulations...

Hon. B. M. TAITT: On a point of order, Sir. It is impossible for anyone to sneak in something which has been brought here in the full face and given to the Honourable Member. I introduced the Regulations. I object to the words sneak in, Sir.

Mr. L. R. TULL: What is he interrupting me for, Sir?

Mr. SPEAKER: I think we need sometimes to pay a little closer attention and I think I will do from time to time. The Resolution we are dealing with is a Resolution that has been introduced by the Honourable Minister for St. Michael West. It is the responsibility of that Minister to take charge of that Resolution. One has to be very careful in making reference to that Resolution as introduced by the Minister as not to suggest that an Honourable Member in this House, because the Resolution is brought in by an Honourable Member in this House and not a member outside. Therefore the Rules clearly state that if a Member objects to something that offends him and that is a breach of the Rules then that Member should be very careful. I think the Honourable Member will do better to just rephrase it slightly. Rephrase it in a better way.

Mr. L. R. TULL: Mr. Speaker, Sir, I am at a loss, Sir, but I will be guided by you. I will remove the word sneak although I understand that is what it is.

The Government circulates important Amendments to the Education Regulations at today's sitting of this House, seeks to get the Amendments passed today and we co-operate. Then there is an introduction of the Regulations by the Government. I am not dealing with the particular Member who introduced them, Sir. The Government introduced these measures and some of the most important elements in the Amendments are not mentioned during the introduction before the House. When you take all of that into consideration, I do not know what is offensive about the words sneak in.

I am referring to it. I am saying again that a Barbados Scholar is now required to submit to the Minister what he proposes to study for the Minister's approval. I am willing to sit down and be put right by Members on the other side but there is no recollection anywhere with me that a Barbados Scholar has ever been required to get the approval of the Minister of what he proposes to study. If the Minister who introduced this Resolution from his body language has evidence to the contrary, I am inviting him to put me right because I do not want to argue...

Aside.

Mr. L. R. TULL: You tell me do not backtrack. You have also a Certificate of Health from a registered medical practitioner. I know that this has been in the law. I am questioning this too, Sir. If you get a scholarship why do you have to get a certificate of health from a doctor? Is this to suggest, Sir, and I don't want anyone to tell me it is the law because when you are amending it you should take out all of the offensive parts of the legislation you are amending, in this case the regulations. Does this mean that if someone is suffering from some kind of illness that they will be disqualified from gaining a scholarship even though they have acquired the 3 A's. Can I have an explanation on why this certificate of health is necessary?
5.45 p.m.

Now, 2 other quick points, Sir. In relation to the situation of fee paying at Cave Hill, I know the Government has made no statement on it. But there is ongoing debate in Barbados and in the region about the payment of some part of the university fees for students attending university at Cave Hill.

The present situation, Sir, puts an exhibitioner, if he must go to the University of the West Indies, in no better position than someone who is not an exhibitioner, because if you do not have an exhibition you can go to Cave Hill and study for free. If you are an exhibitioner and you must stay in the system you go to Cave Hill and study for free. The difference is that there is a modest allowance and it is a very modest financial allowance that is given to the exhibitioner. This is no different for someone who has no exhibition. Up to now, Sir, someone at Cave Hill, can apply to the Minister of Education for a bursary or an enabling grant and those who got bursaries and enabling grants are not tremendously different in a situation from an exhibitioner. What this boils down to now, Sir, is that the exhibitioner is reduced now to a position of status, not a distinction from the others.

Now I want to deal very quickly, Sir, too with this question of the common entrance examination. The Honourable Member for the City has made some reference to it. The Government has provided the means whereby everybody of secondary school age can have a place in secondary school. Not a Government secondary school but a secondary school. In other words the private secondary schools are part of the overall educational secondary plan and there is now room for all.

It brings me back to the question which I raised last year when a Resolution came before the House, what was

the need for the St. Thomas Secondary School? What is the need? I don't understand it. I said at the time that I believed that it was an unnecessary expenditure because there were enough secondary school places. If you look at the present statistics given out by the Registration Office you would see that there would have been no increase in the number of children coming into the system. Why was there a need for the new secondary school?

Now, the Manifesto of the Democratic Labour Party is very voluble on the point, Sir. We promised the people of St. Thomas a secondary school, so we gave them one. That is all they are saying, as if that is all you have to do. Yet we are understanding that without the St. Thomas Secondary School you have enough secondary school places. $20 million, is that the figure for the St. Thomas Secondary School? Something in that region? That $20 million could have paid off the University's arrears. That $20 million could have made sure that exhibitioners would not now be exploited by the Government. That $20 million, Mr. Speaker, Sir, would have made sure that there would not be any need for debate on additional fees for textbooks.

Aside.

Mr. L. R. TULL: Mr. Simmons went to school at Lodge, he does not need a St. Thomas Secondary School. He went to school already. Mr. Speaker, I cannot understand the rationalisation of these measures in relation to education, that the Government is bringing before us.

One final point, Sir. The people in Education, the Education Unions, the BUT, the BSTU, and a number of thinking people in the society have been making out an argument over the years, not only with this Government, Sir, but the Government before that, more power should be left in the hands of the Principals, at that time the Head teachers of the schools and the Boards of Management of the respective schools.

If I look at the amendment in relation the first page of these Regulations. Paragraph 1 of regulation 2 which is deleted and substituted the following suggests to me, Sir, that so far from giving greater autonomy and increasing the powers of the Boards of Management and the Principals of those schools that something has been taken out. If this is just a use of language, I believe I know language as well as anybody else. But what is taken out is the question of conduct and management of the school which is deleted. It seems to be suggesting to me, Sir, that the Minister is now abrogating to himself greater powers than hkretofore existed and I would like to hear something on the Government to see whether my interpretation of this new section is correct, because that is the way I see it.

I also see, Sir, under Regulation 25 which is being amended that a pupil, who during the school year preceding the age of 12 years, obtains the requisite marks or grades in secondary school entrance examination for admission to public secondary schools shall ....

I have never known that any requisite marks or grades were required for children to enter public secondary schools. I have never known of it. I know that the words in the amendment up to now are different but the change to put in the requisite marks or grades, I would like the Minister to explain to me what are these requisite marks or grades. The system has been that everybody goes into secondary school whatever their marks and that there was no such thing as a passing mark or passing grade and therefore I want to know what does this mean in the circumstances.

One final point, Sir. I have said this is the final point 3 times but you must bear with me. They keep coming to me. The Student Revolving Loan Fund has to be looked at again to make sure that those in the lower socio-economic levels of our society who have children who are qualified and capable of benefitting from higher education are given the maximum accessibility to those funds, because a number of things are flowing together that are going to make things more difficult for them from here on in. One is the income of those parents, to a very large extent is being cut, by a number of measures instituted by the Government and by other factors. Secondly, the opportunities available to them through the grant of scholarships, exhibitions, bursaries, enabling grants and National Development Scholarships are being limited by these Regulations.

5.55 p.m.

I am asking, Sir, that the Government, rather than treating these things with the feckless disregard that is being exhibited by the Honourable Member for St. John – typical, Sir, he has climbed up the exhibition ladder and is quite willing to kick it down now. I know how their reaction is and I am a little surprised at it, but I would like the Government to give serious consideration to a new look at the Students Revolving Loan Fund to make sure that it is made available to those who need it most on the basis of equity. I do not want to get into all the messy politics of these accounts and these funds and so on, the Government knows what I am talking about, I am not going to deal with them at this stage, Sir, but I hope that my exhortation in that regard will not fall on deaf ears.

I thank you, Sir.

Hon. D. J. H. THOMPSON: Mr. Speaker, I do not want to describe this debate as remarkable, but I have not paid a lot of attention myself to the papers which came before the House other than when I saw them previously. The Honourable Member for the City, however, sought to lighten the darkened corners of my mind and she

began her presentation by saying that many years ago when she had the great fortune of serving as Minister of Education, which misfortune befell the people of Barbados, she moved a Bill in almost identical terms – those were her words – to this Bill. If she said that and then went on to say that it is ironic or poetic justice and then sat down, she would have made a useful contribution to this debate.

It seems strange to me that an Opposition which is ad *idem*, or was ad *idem*, with the proposals that this Resolution seeks to put in place could now make so much noise and bluff over these Regulations which are now being amended. I cannot imagine, Mr. Speaker, that it could end up being a discussion about dismantling. If it is dismantling now, it was dismantling of the education system then. If it is wicked now, it was wicked then. That is all I am trying to say, and it seems strange to me that we are being asked on the one hand to do penance for an error made, according to the Honourable Members, in 1982 but in 1992 when we seek to do what they said they wanted to do, we are being attacked and being accused of feckless disregard, sneakiness and other such epithets and other nonsense like that. It could not be sneaky if it is the same thing they wanted to introduce. They had notice ten years ago, Mr. Speaker.

Mr. L. R. TULL: On a point of order, Sir. Is the Honourable Member in place to be talking about contributions in this way? As nonsense? Is that all right, Sir?

Mr. SPEAKER: I have been trying to get that through to Members, that the rules really relate to Members themselves and we have a little latitude with what Members say. Therefore I would only rule if a Member feels that he is offended, and I will so do. What I want to say is that the Honourable Member should not proceed down that path, since I have already asked the Honourable Member for St. George South to moderate his language in such a way that it will not form that part of the debate, so I hope the Honourable Member will not continue m that way.

Hon. D. J. H. THOMPSON: I appreciate that, Sir.

Miss B. A. MILLER: On a point of order, Sir. It is not correct to say that we brought the same amendment. It came by way of legislation. We did not at that time seek to downsize exhibitions, in fact quite the opposite. The Resolution at that time had nothing to say about Common Entrance and a whole host of other matters which have just been raised by the Honourable Member for St. George South, so it is not fair to say it is the same amendment. It had a similar component, but this is a far larger thing which I have said deserves a far larger debate.

Hon. D. J. H. THOMPSON: Mr. Speaker, I have used her words and if now the Honourable Member is arguing with herself, that is a pastime which she enjoys and may continue. I am not going to let her interrupt me any more.

The Honourable Member went on a personal note. He said I am a former exhibitioner...

Aside.

Hon. D. J. H. THOMPSON: .... exhibitionist, if you want to use that description. I would not dignify the Honourable Member, however, with an exhibition. The point is, Mr. Speaker, is that I know how the Honourable Member feels about educational policy. She went through the Ministry of Education like a hurricane. My old school was completely devastated by acts of wanton disrespect for the institution I went to – I am not saying by her – by the policies of the Barbados Labour Party. I opened a newspaper one morning and saw a child crying at the gate of Combermere School when a ministerial edict indicated that he was not to go to school there any more.

Aside.

Hon. D. J. H. THOMPSON: I do not want to listen to anything the Honourable Member has to say about educational policy. She did more damage to it than anybody else. Let us be frank. They talk about dismantling. The Honourable Member forgets her contribution to the debate on education in this country. In 1982 or 1983 when we were involved in the question of restructuring of the University of the West Indies, I was then the National Affairs Chairperson of the Guild of Undergraduates and invited the Honourable Member to participate in a discussion. A lot of people were there, the Honourable Member for St. Michael South was then the shadow Minister of Foreign Affairs and Defence and Security, but attended as a participant in that discussion. The Honourable Member for the City is the only person who does not recall that she suggested that the time would soon be nigh – and that was 1982 – when students would have to pay for university education in this country. Everybody else in the room remembers that the Honourable Member made that particular...

Miss B. A. MILLER: On a point of order, Sir. It is easy to pull that out of its context. I was making the same point then that I made earlier today, that if countries who contributed to the University of the West Indies would not pay up, the day would come when... Put it in its context. 6.05 p.m.

Hon. D. J. H. THOMPSON: She has added an interesting academic argument now, but she did not have the foresight at that time to say any of those things. Perhaps her cerebral processes were not working in the way that they function now, but I recall what she

said and I recall the attitude of the university students to the policies of the Barbados Labour Party, particularly its attempts to dismantle the arrangements which had been put in place decades ago with regard to the functionings of the University of the West Indies as a regional institution.

Asides.

Hon. L. R. TULL: The Honourable Member is misleading this House by suggesting that the Barbados Labour Party at the time of the restructuring of the University of the West Indies sought to dismantle arrangements that were put in place decades ago. That is not true.

Mr. SPEAKER: It seems to me I am having a double problem on my left. I have only given the Honourable Member for St. John leave to speak and yet still I cannot hear him. Just observe the Rules.

Hon. D. J. H. THOMPSON: I am speaking of this Resolution. I am not speaking to get a job anywhere or for any other purpose and therefore I am dealing with the specifics relating to this measure which is before the House. Attempts were made in the 1980's, Mr. Speaker, to pursue the decentralisation and the restructuring of the University of the West Indies and those were part of the policies of the then Minister. That is all that I am saying. That involved the regional framework of the administration of the University.

Mr. L. R. TULL: On a point of order, Sir. I was the then Minister of Education and that was not the policy of this Minister or the then Government.

Asides.

Hon. D. J. H. THOMPSON: Whenever there is a big issue involved with the Ministry for which the Honourable Member for St. George South is involved and a big issue comes up they always put somebody to act for him or deal with it - CARIFESTA, Grenada, whenever. So I am not surprised that this big issue of moment passed him during the time that he was the Minister of Education. The point is this...

Mr. L. R. **TULL:** On a point of order, Sir. If these things go on Hansard people will read them and believe them. From the time CARIFESTA was conceived and the time it was executed there was one Minister of Culture. All during the Grenada thing he is talking about there was one Minister of CARIFESTA. I do not want to talk about malice, Sir, but I wish the Honourable Member would stop misleading the House.

Asides.

Mr. SPEAKER: Now that we all understand. Rule 33(6) - Behaviour of Members not Speaking. Perhaps I have to conduct a class again.

> "A Member whilst present in the House during a debate..."

Are we having a debate? I assume we are having a debate.

> "... must maintain silence except when called to speak by the Chair."

If we put the 2 things together I am sure we will not have any more problems. Continue now!

Hon. D. J. H. THOMPSON: Thank you, Mr. Speaker, for protecting the debate.

The Honourable Member for the City indicated that these are substantial or almost identical provisions to those which the Barbados Labour Party had in mind in 1982. A couple of points have been made in this debate that are of great interest. The first is that it is almost ironic that we are now debating provisions of the Education Act which relate to actions which take place pursuant to students going through the process of "A" level when almost every country which has followed the British educational model is now questioning the relevance of " A level in the lives of students. This is an important debate and I do not think that we need to tarry on it because I suspect that great changes will be wrought in my lifetime to make more useful adjustments to the educational policy to eliminate that wasted 2 years of the lives of young people. There is plenty of literature which Honourable Members who like to read, although on that side there are so few, could look at and determine whether they feel that the question of "A" levels in the educational system are relevant any longer.

We have had a lot of what I would call nuisance changes. In the 1980's there was a $10 000 award made in respect of the "A" level students who received, as I understood it, 2 "A"s in language subjects. I do not think that particular award has made any substantial difference to the results which have occurred at Advanced Level. I do not think that they have added any more scholars. In fact, I do not think it came at a time when the majority of Barbadian students or the educational system itself was geared towards producing scholars in those particular areas. Then we have had other changes.

It amazes me that in 1980, for example, persons who qualified for a Barbados Exhibition - and this point would be relevant to the things that the Honourable Member for St. George said - were told that if they wished to do Law they had to do it in Barbados. We were given the impression in this debate that when the Barbados Labour Party was in office that exhibitioners could pursue

any course outside of the University of the West Indies even if that course is offered at UWI. That is not so. Persons who wanted to pursue studies in Law were told by letter that the Minister had approved the course of study and that they would be required to study Law in Barbados. So I want to dispel this idea that there was any freeing up of the total system and whoever wanted to study overseas with an exhibition could do so. That was not the case. There is no lawyer who was an exhibitioner and there were about 2 or 3 that I would know of in my time who were able to study outside of the region. Therefore, there were resmctions in place then and those restrictions, I would assume, would have the sanctions of a Minister of Education because they would be matters of policy.

There has also been a lot of beating of the system where people have added all kinds of minor sub-courses on to the university degrees that they wish to pursue so that they could study overseas. People who may have added Arabic...

Miss B. A. MILLER: On a point of order, Sir. The Honourable Member is misrepresenting the situation. That is not what was said at all. The question is, in important areas of study like computer science and the technologies that we need for the future and that are not now available at UWI, whether Barbadian students would ever have Had access to them then as an exhibitioner – that was the point that was being made – without supplementing the cost of an exhibition.

Hon. D. J. H. THOMPSON: Mr. Speaker, I thought that computer science was offered here in Barbados at the University of the West Indies. Anyway I am not getting side-tracked by that.

As I said, there was a lot of beating of the system and it has evolved to such an extent that perhaps we need some clarity and transparency. This is a point that the Honourable Member for St. Michael West made. We need transparency in the system. There are people who were permitted to go overseas on the pretext that they were studying languages, most of which were offered here. They would add one like Arabic or Portuguese so that they could study overseas at full cost to the Government of Barbados. They were exhibitioners in my time. So let us be clear about that.

Asides,

Mr. SPEAKER: It is getting beyond what I consider the dignity of the House for Members to be behaving as they are. Not all Members, but I am very concerned about 2 Members.
6.15 p.m.

I hope Honourable Members will take my warning. There is a limit one can take to that kind of exercise. I am losing my patience. The Honourable Member may continue.

Hon. D. J. H. THOMPSON: Mr. Speaker, I am speaking about beating of the system. We have had in Barbados from time to time laws passed in some areas to accommodate individuals. We have now come to the time where we need greater transparency. This is all the Government is saying. The concept is that people can use the system in such a way to give advantage to themselves when in very many cases, as the Honourable Member for the City quite rightly said, their competence during the period they are receiving the exhibition funds is never questioned. I believe if you are going to give an award like an exhibition or a scholarship, there should be a very clear monitoring process to ensure that the standards of the particular awardee are maintained throughout that period. As it stands now, we have a system where we award the scholarship or the exhibition but there is very seldom any effort to monitor the development of the student to see if the award is in...

Mr. L. R. TULL: On a point of order, Sir. The Honourable Member knows not of what he speaks. As far as I know the exhibitioners have to send their grades annually to the Ministry of Education so that the Minister can look at them and see whether he is making proper progress or not and can act if he does not. I do not know what he is talking about.

Hon. D. J. H. THOMPSON: Mr. Speaker, I thought that I was, in fact, confronting and dealing with an issue that was raised parenthetically by the Honourable Member for the City, that there were concerns that some of the scholarship and exhibition winners did not maintain the standards or the high quality which she said are desirable. Now I am hearing that is not so. Perhaps, there is no reason for the Honourable Members on the other side to be raising any issues about this particular piece of legislation. It improves the element of transparency. It gives the Minister power in relation to the award of the scholarships and the exhibitions and it does all of the things that Honourable Members seek to raise in relation to this particular matter.

As I said, many of the awards almost end up like gifts. I want to give examples. Students who are exhibitioners, the awardees, who study in Barbados are given approximately $6 000. I am familiar with it. That $6 000 does not go in any way towards the direct cost of tuition or otherwise at the university. It is essentially spending money. Therefore, those persons who receive...

Mr. SPEAKER: It seems to me very clearly that I will have to take a stronger position in this kind of debate. I have allowed Honourable Members to speak, as I

understand it and as the Chamber allows Honourable Members to speak. I cannot accept now that Members who may have spoken should want to speak 2 and 3 times without my permission. Other Members who do not want to speak, I have no difficulty with their taking the right move. One should not disrupt other Members from speaking. That is the point I am making. I just read the Rules hoping that Honourable Members would understand where we are. I would wish that Honourable Members continue to keep as they are now and let the Honourable Member continue.

Hon. D. J. H. THOMPSON: For students who are studying at Cave Hill who receive this $6 000 in cash every now and again, I think it is every year for the 3 years, that is basically spending money. You have a full discretion of how you spend it. Nobody ever looked over my shoulder.

I also want to say that I heard a lot of talk in here about people receiving their contributions up front. That is not absolutely correct. Exhibitioners in Barbados are at a tremendous disadvantage because the policy, whether it is an administrative one or not, is such that everybody else is paid first and sometimes nearly the middle of the year passes and the Barbadian exhibitioners do not receive their money.

The Honourable Member for St. George South, once received a complaint from me on the telephone when I was but a student about the fact that exhibitioners in Barbados – that was under the Barbados Labour Party which apparently paid all of its money up front and had all of these resources flowing to the University – 9 months after the start of the October term had not yet received any money at all and the argument was they were paying people overseas first and we could wait because we were in Barbados.

We have heard a whole set of things as if there was a policy in place before that was so rosy and conducive to excellence by the Honourable Member for St. George South. We have heard from the Honourable Member for the City that it was, in fact, not all rosy and that she sought to bring amendments to deal with issues like this. We have heard from the Honourable Member for St. James North that the problem is really an economic one even though substantially these amendments are the same as those the Barbados Labour Party wished to bring. He is now arguing that it is only economic circumstances that have brought them and, obvic usly, finds it difficult to accept them. I find that the entire debate really does not seem to address the substantive issues that arise in the legislation. I believe the question of transparency is very important.

It is true to say that under this legislation exhibitioners will be less well off. I believe that some years we have had as high as 50 awardees. In my year there were 22 exhibitioners and 16 scholarships. Twenty-two persons, along with me, some of whom were at Cave Hill, were basically receiving this $6 000. It is a substantial cost to Government. Nobody seeks to deny this.

One would think that the University of the West Indies should also be given, through the exhibition mechanism, an opportunity to get some of the better students from the system. If you take the top students and give them x scholarships and exhibitions and tell them that these are tenable overseas, it means that the University of the West Indies is really not getting some of your better scholars for undergraduate programmes. I think that, perhaps, this adjustment in the legislation may enhance the intake of the University of the West Indies. That, to me, is desirable, particularly in respect of the Cave Hill Campus. On that basis, Sir, I am going to give my support to this particular piece of legislation understanding that the issues of education do, to some extent, need a wide ranging debate and the kind of comprehensive discussion that has been called for.

Once again, I will say that comprehensive discussion does not have to begin or end in here. If Honourable Members feel strongly about education and they have all of these qualification, past service and other international contacts in that area, they can initiate their own discussions in public on issues such as this and sensitise the public to the grave concerns they have in relation to the educational system. I think that is part of our duty as parliamentarians. We should not assume that every time an issue comes before the House, particularly a trifling matter like this, which adjusts some of the existing legislation, it should receive this kind of criticism and comments that have been made.

I want to make one last point that I have not brought to this debate my own personal disposition with regard to the fact that as an exhibitioner I went through the system already. I do not think that in relation to students studying in Barbados the exhibition is necessary. In a sense it is a luxury due to the fact you can spend that money as you wish. I would wish to see as many students as possible having the opportunity for university education. That is the principal point on which I stand.

The question of awards and so on, are separate. There are going to be those in the educational system who are going to peak at a particular time of their lives and who are going to benefit from those awards. We still have to look at others who at that particular stage of their educational development did not peak.

6.25 p.m.

There are very few Barbados Scholars who peak at the Scholarship level and and also peak at university level. And there are many Barbadian students who were poor "A" Level candidates but who had good "O" Levels who go into the university system and emerge with First Class Honours Degrees. There are students who are my contemporaries who left school before me in Fifth Form, did not go through the "A" Level process, entered the Social Sciences programme and won First Class Honours Degrees. So that we have to understand that there should be no view that any attempt to curtail one aspect of the educational policy means dismantling or damnation for the entire educational policy in Barbados. I think that is the important consideration that should be brought to this particular debate, rather than the kind of criticism that we have endured.

With those few words I want to give my support to these Amendments which are before the House. Thank you.

Mr. DeL. O. BRADSHAW: Mr. Speaker, I wanted to ask a few questions or have a few questions answered. One of these questions was that I wanted to find out what was the cost of a Barbados Scholarship as opposed to the cost of an Exhibition. Honourable Members from this side were wondering whether there is going to be a reduction of the monetary award in relation to these Exhibitions.

After hearing the Honourable Member for St. John who alleged that he was an Exhibitioner, and I take his word for it, if I had to support a reduction based on the performance of an Exhibitioner I would just have to support it. Because his contribution does not say very much for an Exhibitioner. In other words it was a very poor advertisement for an exhibitioner.

I want to move on, Mr. Speaker. There are some questions which I also would want to have answered. I would want to know if and why this Honourable Chamber has not been made to benefit from reports on the Scholarship holders as well as the Exhibitioners. I am aware, Sir, that there are records which are submitted to the Ministry of Education from time to time on the performance of these awardees. But I am not aware that after these people have qualified that there are any reports submitted to this Honourable Chamber.

I want to suggest and recommend that the way forward is for us to know and assess the performance not only in terms of qualifications, having the academic qualifications, but also the contribution of these people who have benefitted from the taxpayers of Barbados' money. This is very important. When we award Scholarships and Exhibitions to these people, it is expected or it should be expected to have them return after they qualify and offer their services to this country. I do not know of any report, I have never seen any, I know of none which I could refer to or that has been referred to me to say that these people have come back and have served 3 years, 4 years, where they are working, so that people in Barbados would know that when their money goes towards educating these people that some input is put back in the society. I think that this is serious. I think the time has come when we have to demand this.

In some other debates we have questioned whether people who have got money through some other fund have paid back and whether their services have been lost to Barbados and whether the Revolving Fund money has been recouped or not. It is a similar thing, Mr. Speaker, because these Scholarships cost us a lot of taxpayers' money. I feel the time has come now when we must demand and closely monitor the services that each and everyone of them render to this country after they are qualified. I think it should be a condition. As I said we should have reports. I think I am not asking too much, if it is not being done, to have the Chief Education Officer submit a report through the Minister and laid in Parliament for each and everyone of us to see how our taxpayers money is spent and how the recipients have responded to developing this country. Because the main aim of having Scholarships is to make sure that we promote a group of academics who would in turn return to society and assist with the problems in nation building and to avoid the brain drain. I said in the absence of any reports no one can say that justice is being done to the taxpayers' money.

Another point that must be taken – I have heard all of this debate about education. I am not going into the sophisticated language that some of my colleagues are accustomed to using. I am a practitioner. But we must not feel that because someone has gotten a scholarship that he is the best thing ever to happen to Barbados. We must not feel that way.

Mr. Speaker, there are pupils who at Common Entrance stage have not done very well. There are some who excel, they come tops and they go to the cream schools. But when they come to "O" Level results we see something different. Those children who were considered to be in the B and C stream have done better than those persons who have done tops. We want to see that sort of analysis. We want to see how those persons who have done well in the Common Entrance, how they perform over the years and whether they have been consistent. I am sure if you read the records, there has been a great inconsistency in their performance.

What is being done in the educational circle? We need, in the Ministry of Education, something like that to analyse the performance of people in those stages. You will find something, it is an unusual thing, how people can

do very well in the Common Entrance, go on to do reasonably well in the "0" Levels...

Hon. B. M. TAITT: On a point of order, Sir. I am trying to hear the Honourable Member. I am having a little difficulty. I would not be able to respond and make notes properly if I cannot hear him, Sir.

Mr. SPEAKER: Especially when the Honourable Member is backing the Chair. Members should not sit and back the Chair like that. I think that is a very grave thing to do in the Chamber. I understand what you are saying. I have been trying to get some order for a little while and I think I understand what you said.

Mr. DeL. O. BRADSHAW: Mr. Speaker I will restate the point. I was saying that we need to monitor, if we are going to look...

Asides.

Mr. DeL. O. BRADSHAW: Mr. Speaker, the point that I said I would restate is as simple as this. We do not have any ongoing system put in place surely that I know of, and I think that I ought to know, as to how pupils perform and we would have a trend. Can anyone say for sure what is the trend?

Mr. SPEAKER: The Honourable Member for St. Peter, I have a little difficulty. The Honourable Member next to you is speaking to you, he is facing myself. I do not think the Honourable Chamber is a place for fine chatting. I do not know how you all feel about Parliament but I have a very high, dignified, feeling about it and I would say to those Members, as I have said already, if you need to side chat there is a lobby outside where Members can go and chat. The Chamber is not a place to read newspapers either. I have seen it gradually creeping in. While a debate is going on people are reading newspapers. All of those are breaches of the Rules of the House and I am going to ask Members to observe the Rules as they are. Please continue.
6.35 p.m.

Mr. DeL. O. BRADSHAW: Mr. Speaker, I will continue to make a point that we have to reach a stage where we are able to identify how people arrive at the top academically. For instance, Sir, people take the Common Entrance Examination. We have to look at how they perform. When they reach a second stage at 'O' level we need to see and look at their performance. When they go to the 'A' level we also need to look at them and when the Scholarship or the Exhibition results are known we need to see how they have performed over the years. We have to look at that trend. There is nobody who can tell me and point to a trend as to how things are being done and how people performed and why they performed and what can be done to improve that.

I heard some arguments talking about the cream of the brains at the 11+ going to the top grade schools but it is not something that you can take and say this is lacking. Why? You cannot follow it, Sir, because there are people who go to schools like the St. George Secondary and end up at the Cave Hill or they may go on to the Community College and win an exhibition or even a Barbados Scholarship. So there would have to be something wrong.

We are dealing with regulations on this occasion but we have to go a little further and try to understand what is going on. If you do not want to go back to analyse and study what has gone on you have to ask yourself, how is Barbados benefitting from these scholarship holders and exhibitioners? In what areas have they gone? They have gone overseas and studied and come back here. What services are they offering to the community? Is this the direction in which Barbados should be going in the future? That is what I want to know.

I have no quarrel with looking at the exhibitions that are awarded. I understand one of the reasons for doing this might not be so stated by the Government but I understand they have to cut back and this might be a means of cutting back because we know, over the years, Mr. Speaker, that is why I was asking for reports. Let us have the reports because the reports would tell us how many people, over the years, have gone on to get their 'A' levels. How many students that have got exhibitions as well as scholarships have got 'A',s? How many have got 3 'A',s? If you were to take the last 5 years you will see that the there are very few who have got 3 'A',s but have been the recipients of scholarships. It would tell us how many people we can anticipate getting scholarships because we can look at an average and we would have a clue as to what we are talking about.

Now we have to be realistic about this. It is all right for people to talk about this. I can understand people getting up and making contributions, very intellectual, but it does not have any bearing at all on reality in this country. Absolutely none. I don't want to hear about whether you are having university this and that and what grants were made. I am interested and the bottom line is, I am not failing to understand and grapple with the reality. It is that these people are offered scholarships so they can come back into the society on completion of their studies and help with the total development of Barbados. If that is not the aim then there is no sense asking for support or having scholarships. It is not a matter of giving them and we are going to find we must take another look at this and find out who are the recipients and look at the percentage of the better off as compared with the not so well off. Because you can find in these days people may not be

able to get books and they may have to stop because of some financial reason to go on and complete the studies and someone who was a mediocre student, doing worst than that student, because they are in a better position financially go on to schools where they are then able to take exams.

We have to look at that. Nobody can say this does not exist. There are bright people who have never got into Lodge School, Harrison College, Queen's College or St. Michael's and they end up as doctors and lawyers, outstanding people. We have got to understand what we are looking at. We have got to review this whole thing of scholarship. It is time we look at it and find out what is going on.

There are some subjects, Mr. Speaker, and let us be realistic, in which it is almost impossible to get an 'A'. The marking system in some subjects is difficult that you cannot get an 'A'. It might have been easier for the older scholars, some of them are here, to do Latin and Greek and get A's and then go on and get a Barbados Scholarship. Some people may take science, biology, mathematics, physics but they may not be able to attain the same levels. It is even difficult to get a Grade 'A' in English. So what are we talking about? Somebody must be disadvantaged.

I have seen from the results over the passage of years that students who have gained Barbados Scholarships most of them come from the sciences. We see that and are we not seeing that we are disadvantaging those persons that are handicapped, people who are doing subjects other than in the sciences. It is obvious that if we are going to talk about the Barbados Scholarships that we will now see reasons why Harrison College and Queen's College are always tops, because the facilities at those schools are different from the facilities at the other schools. We have to be realistic. Are we going to blind ourselves to these realities? All is not like. I am telling you. I am saying that we are talking about who is academic, it is just a matter of being in the right place at the right time, that is all it is. It does not tell me that anybody who wins a Barbados Scholarship is brighter than anybody else. All this means is that the person is given an opportunity at that time to do so.

I would like to see the whole thing reviewed. Let us look at this thing more realistically. Things are getting out of hand as people would say nowadays. We can't continue with this. Everyday you see scholarship holders from this school and that school but they are not giving the other schools an opportunity to compete on equal terms. They don't have the same qualified teachers. They don't have the same sort of equipment in the schools so what are you going to tell me? You are going to continue with this sort of thing, to award exhibitions and award scholarships and then you are going to tell me this is an equitable system?

The other point I would like to make, Sir, is one relating to the cost. I am saying where people have passed and have been awarded an exhibition, if they want to study overseas an area that is not being conducted at the university, the Government should look at special cases. I am not saying they should make it an all embracing one but in special cases the Minister should be given power in this Act. He does not have any. There is not much flexibility. He has to award just the money. But I am saying that some consideration should be given to awarding that person because the courses at some of the universities overseas may be a bit more than what it is here in Barbados. And, since in the Minister's considered opinion it merits that consideration, I see no reason why an extra $1 000 or $2 000 could not be given to that particular student. I trust the judgment of any Minister on this and he should be given that flexibility and latitude. If we are going to amve at education as a regional exercise we are wrong, full stop. We are wrong. There must be some flexibility because I have said over and over again you might be a bright person going on to 'A' Level but you can't make the Barbados Scholarship, you might be a bright child at the common entrance, Grade 1, top of the class, but when it comes to 'O' Level, you are a failure. Are we making accommodation for these things? It is time that we link zoning to this question of scholarships. We will get out of it in years to come, right now we have to follow and we have to creep along certain paths, but you have to consider the question of zoning seriously. Not only because of transportation, but because, as I said, all schools are not equal in terms of the sort of teaching, the sort of equipment and whatever you call the sort of thing you attach to the school. Some schools are still regarded as less than others, and we have to recognise this. This is real.

6.45 p.m.

Do you know one of the worst things that could happen to this country? Hearing a former Prime Minister say that the best in the world comes from Harrison College. That was not doing Barbados any good. That sort of thing should not be perpetuated in Barbados. It is sending the wrong signals. I am very glad to see people who have not been to those schools still excel, because there is a certain degree of snobbery existing in this country and the Barbados Scholarship will help to perpetuate it if something is not done, and done as of now, to correct it. We have to know where to start. Who said the Honourable Member for St. John could not have been a Barbados Scholar? I have no doubt that he could have been one. I have great respect for his ability, but I am saying that certain things are denied you and sometimes we do not get the best as a result of these exams.

I want to say to the Government a matter such as this requires the input of the educational people who know about education. It is not fair to me or to this Honourable Chamber to bring this measure just today and debate it.

I feel that some input could have been solicited from some, the Teachers' Unions and even from the students so that we would be better placed to make a contribution. Views could have been solicited from former Head Teachers.

I am asking the Government not to make these mistakes too often. It is a big mistake. When people can read of an educational debate, which is so important, that took place today and they had not heard about it before, you will hear them asking why it had to be rushed through like this. Members on the Government side as well as on the side of the Opposition will all be talked about in certain language. I am voicing the concerns of people. This should have been circularised so that some debate could have taken place among the people, interested parties. This is too important and we have to be mindful of our responsibility. We are sending the wrong signals and I have repeatedly called on the Government to amend its ways in dealing with these matters.

I do not agree that this is a trivial matter, as said by the Member for St. John, but then again I do not know what he was saying, because he said it was important at first and then he said it was a trivial matter.

Hon. D. J. H. THOMPSON: Mr. Speaker, on a point of order. There is a gulf, in my view, between trifling and trivial. I said it is a trifling matter and I mean in relation to the content of the amendments. I am not saying it is trivial, I never said so.

Mr. DeL. O. BRADSHAW: I do not want to get on to that sort of thing. Mr. Speaker, this is a very important debate. It has far-reaching consequences for the development of this country. When we are removed from this Honourable Chamber we are going to see on the Statute Book Regulations that are made by us governing the behaviour and the future pattern of this country. That is important, so we cannot treat it in this manner, it is serious. We should have had some input. I can understand the Government.

We have just had a Common Entrance Examination. Are these Regulations going to govern the Common Entrance Examination? They must have some bearing on it. Proper briefing is important. Some questions I would want to ask the Minister of Education. He is not here. In these matters every effort should be made to have the Minister here. The Government might say it is not always possible, but in matters like this one does not expect the Acting Minister to be aufait with all these things. We want on the spot answers and we cannot treat this in such a cavalier manner. It is all right for us to sit down and talk, as I say we have to be conscious of what is going on.

I hope the Government takes me seriously. I want the Government to look at the level of performance of scholarship winners, because we have never heard of some scholarship winners who are failing. Some have probably failed but we do not hear when they fail. I want to know if they have done what they set out to do, if the money I pay in taxes is well spent. We do not know whether they have passed or failed. I cannot call and ask an Education Officer for a report on a particular person and I feel that the proper place for it is here in Parliament. Let us understand that this is very serious. It affects the whole of Barbados.

We have to look at the children taking the Common Entrance Examination, whether we have enough room, whether we have too many schools, whether the Government can afford to build more schools, pay more teachers. We have to look at that. We have the St. Thomas School. We have heard that we have enough places. We know over the past couple of months or years that the private assisted schools have been phased out. The Christ Church School is the last one. We would have set out over the years to accommodate X number of people at the St. Thomas School. If that was not the rationale, something is wrong with our heads, so we want to know now if it is necessary to continue or whether we should change plans. I am saying to the Government it should announce very early whether it wants that school to be another secondary school or whether it is going to be a trade school. Say that to the public of Barbados. We have to tell you what to do. People are asking the question out there. What is it there for? We have no objection on this side to supporting you. We want to support you on it but we want to make sure that it is put to good use. We say now is the time, especially in these times, when we need a trade school up there to teach the people, re-educate them, retrain and retool them. We have a building in St. Thomas. Explain to the people in St. Thomas because they were told in a manifesto pledge, a sacred document, that it was going to be a secondary school. I am saying there is a way out of it now for people to stand tall and for us to be respected for our words. Tell the pebple now that you have achieved something that you had never anticipated, that is, there are places for all the 4 000 children going into secondary school. It is time to make some adjustment in the use of the school that is being built in St. Thomas. I am giving you a way out of it.

6.55 p.m.

You can build now and the Government and the taxpayers will be saving much money because if the adjustments are made now you may very well find that what you are providing for an institution like a secondary school you might be able to save some money by adjusting some of the class rooms. The layout could be different. So it has a lot of implications. Let us understand what we are doing. It is all right for people to sit down in an office and talk about planning, but practical experience out there

teaches me that you have to go out and see and you have to be in tune with what is going on.

Mr. SPEAKER: The Honourable Member has one minute.

Mr. DeL. O. BRADSHAW: So, Mr. Speaker, as I said, this particular matter before the Chamber offers the Government and all of us an opportunity to reflect on what is wrong and where we are going. We need to correct some things. The Government cannot afford to proceed in a piecemeal ad *hoc* manner. It is doing this country no good. We know we have to make structural adjustments. The structural adjustments necessitate our changing the whole philosophy of education, physical changes and new thoughts. I would like to see it start with this matter. Let us see now that the thoughts go hand in hand with the changes we are looking forward to achieve in this particular measure.

Mr. D. A. C. SIMMONS: Mr. Speaker, Sir, I shall not keep the House long, but it is difficult for me as I am not an expert on educational matters to speak with the same degree of confidence as the Honourable Member who just spoke. That was a ***tour*** de ***force.***

About 2 years ago, I complained in here about what was going on at Coleridge Parry School and part of the reason for the problems at that school was to do with the respective roles of the Board and the Principal, and what appeared to be a collision between the role of the Headmaster of Coleridge Parry and the Chairman of the Board of the same school. I drew attention then, Sir, to a need to amend these regulations and I am grateful that today I was promised by the Minister of Education that he would be bringing new Regulations. I am glad that he has brought the Regulations today for this reason.

Under Regulation 2 of the document before us the Board is no longer responsible for conduct at the school. That is very important. It means that the responsibility for the day to day conduct resides with the Headmaster because under Regulation 2 – this is how I understand it, Sir – of the existing rights of the S.I. 1982 No. 43 it says that:

> "A Board of Management is appointed to administer and be responsible to the Minister for
>
> (a) the conduct, supervision and efficient maintenance of those schools;
>
> (b) the expenditure of grants to the school;
>
> (c) dealing with charges of serious breaches of discipline..."

What they have done here is to take out from paragraph (a) the word "conduct" to substitute the "general supervision and efficient maintenance of the school" rather than "those schools".

You have to read Regulation 2 together with Regulation 17 and this is where the conflict came in the old regulations and that is why I drew it to the House's attention at the time. Regulation 17 says:

> "Subject to the policy of the Minister and the general direction of the Board every Head teacher
>
> (b) has control of the building premises, apparatus, equipment and furniture of the school".

Under Regulation 5 there was this provision:

> "Subject to the Act the Board shall
>
> (a) manage, conduct and supervise the buildings, premises and grounds of the schools".

So there was a conflict between those 2 regulations insofar as the jurisdiction of the Board and the Headteacher went in relation particularly to supervision and management of buildings, premises, grounds and apparatus and so on. They seemed to be both responsible in a general way for building, premises, apparatus and equipment and furniture of the school.

I feel very strongly that the Headmaster should be responsible on a day to day basis for all the apparatus, buildings, premises and so on. The overall supervision, the setting of policy in relation to the use of buildings and so on should reside in the Board as a matter of policy. I think that some effort is being made in this new amendment to take account of that.

Regulation 3 at the top of page 2 amends Regulation 5 which reads from the old Act... The old Act said that the Board shall manage, conduct and supervise the buildings, premises and grounds of the school including the youth at extra-curricular and community activities. This has now been rewritten to say that they shall "supervise the buildings and premises of the school" not "manage, control and supervise" and it continues:

> "shall be responsible for their use for community activities and other activities."

I do not like how this finishes. "... and other activities that are not under the control of the school" has to be amended. I know it means extra-curricular. It used to say extra-curricular in the old regulations. I do not like this because they are not under the control of the school. The school is not in control of anything. It is not an entity that is recognised as having any functions under the Act. So

we need to change this to write in precise language to something like "that are not under the control of the Board or the Principal or the School authorities". The school itself is not an entity that has any power or any jurisdiction under the Act. Other people have responsibilities and jurisdiction for the school.

Asides.

Mr. D. A. C. SIMMONS: There is no definition section in the Regulations. I looked it up.

Asides.

7.05 p.m.

Mr. D. A. C. SIMMCNS: Sir, this all goes back to the principle in the introductory sentence "subject to the Act the Board shall (a) supervise the buildings and premises of the school and shall be responsible for their use for community activities and other activities that are not under the control of the school."

Aside.

Mr. D. A. C. SIMMONS: What I am saying is the school has no authority. The board has the authority.

Sir, I said I would be brief. My point is that regulation 3 is too imprecise and needs to be fine tuned. Secondly, I welcome the separation of powers between the Board and the Principals. If you read these new amendments with the old ones you would see that there is a clear distinction, as I understand it, in the function between the two principal authorities. We should not, in future, have the kind of criss-crossing we have had, I think, to the disadvantage of Coleridge and Parry School. That is one example. There are other things that can be done to ensure that does not happen again as the school progresses. That is not in my control. That is for the Minister. He can deal with that shortly, within the next month.

Aside.

Mr. D. A. C. SIMMONS: All the other points have been made by my colleagues on this side. I hope when the Minister replies he can tell me if my interpretation of the new regulation 2, in fact, provides for what I call the separation of powers between the Board and the Headteacher so that the Headteacher will now have general control on a day-to-day basis of the school property whereas that was not clearly established under the old regulations.

I am obliged to you, Sir.

Mr. SPEAKER: I am sure the Honourable Member for St. Philip North did not hear my observation on reading papers in the Chamber.

Hon. B. M. TAITT: Mr. Speaker, we have had, in spite of some protestation, a good debate bearing in mind the purpose of the amendment. I wish to draw to the attention, especially the Honourable Member for St. Michael South East, that whereas I support and agree with the view expressed by him and some other Honourable Members that matters of education ought to have a full and complete debate and that there should be a wide circulation of issues, there are 2 important things.

First of all the Honourable Member for St. George South indicated in his presentation that as long as a year ago the substantive Minister had indicated that it was his intention to bring a number of these issues to this point in amendment to the regulation. I am very grateful to the Honourable Member for St. Thomas who assisted in that view by pointing out that the Minister had made an indication some time ago that he would bring these regulations.

Regulations by definition will emerge in this way because Parliament in its wisdom determined that it would, in fact, delegate this responsibility to the Minister so that the Minister would make the regulations but Parliament also required the Minister to bring such regulations as he might make to Parliament for debate. It is very difficult in our methodology for the Minister to be circulating regulations before they are made. Even so many of the issues which are being taken here are issues which have been in the market place for some time. Nonetheless, I give Honourable Members the assurance that as soon as it is practicable there will be an opportunity for a fuller debate. There are other aspects of legislation relating to the Education Act which should soon be coming before this Honourable House.

I wish now, Mr. Speaker, to respond more specifically to the points raised by Honourable Members. The Honourable Member for St. James North raised the question about section 6 (b) which might be used to deprive a child of a place on the basis of there not being a place for that child. Sir, on the face of it that may sound like a reasonable argument but it is actually a very specious argument if one is familiar with the methodology that is used in the allocation of places in the 11+ system.

The number of places available is determined before the pass mark for each grade is decided. It is impossible for a person not to get a place because there are no places. This was compounded further when the Honourable Member for the City said that the Barbados Labour Party had made sure that there was no possibility in Barbados of there not being enough places in the secondary schools. If we take the point made by the Honourable Member for the City that there is now a sufficiency of school places

by virtue of the physical arrangements then it would be impossible for a child not to get a place in the system. If we take the method that is used for allocation then the point made by the Honourable Member is not valid.

The Honourable Member for the City spent some time pointing out that regulations of this kind would come to the House from time to time. She lamented the fact that when in 1983 such regulations were brought to the House the Opposition of the day did not have the sagacity necessary to understand why the regulations had been brought.

It is interesting to note that even with the experience which the Honourable Member for the City now has in these matters, she and her colleagues on the other side were still able to advance the same kinds of arguments 10 years later as had been advanced in 1983. Suffice it to say, Sir, there is no divide in the House on .the recognition that from time to time as we move ever upward that there will be changes in the standards, levels and requirements upward. That is a sign that Barbados continues to make significant progress as it strives for excellence in its education.

The Honourable Member made the point that children's competence should be tested at various points along the way. It is fascinating that in the United Kingdom at this very moment there is a raging controversy because Her Majesty's inspectors appointed to examine their experiment with the testing of children at age 7 have reported that it has proven to be an abysmal failure. That is coupled with another controversy which is going on in the United Kingdom, even now, where many of the local authorities responsible for education are exercising their right to opt out, as it is called, which is causing some of them to seek to return to the 11+ examination. It is interesting, Sir, that the United Kingdom apparently had gone through the process of taking the point made by the Honourable Member, that children should be tested at various points along the way, and have now reached the point where they have gone full circle, where many of the councils and other local authorities are seeking permission, from the Secretary for Education, to opt out of the system and some of them are seeking to allow the 11+ examination to become the method by which children are allocated to secondary schools.

7.15 p.m.

It seems that what goes around comes around and the debate continues and in the search for excellence and in the search for what is good for the children as perceived by the parents it seems as though there is a tendency to have a circle where one point that is valid 10 years ago becomes invalid as perceived by them 10 years later.

It is interesting to note too that the Secretary in England had said that it is not the Government's policy to return to the 11+ exam and they will have to seek some other method because now that the inspectors have said that testing at age 7 does not seem to be the panacea that it was put up to be by the experts, whether as it was seen by some as a benchmark, by others as a panacea, by others as the solution, the point is that those who now have been called upon to examine it and to evaluate it are saying that it has been an abysmal failure. I say that, Sir, not to indicate that one has on this side the answer to what is the benchmark for testing children but merely to make the point that testing somebody at age 7 is not going to carry you anywhere if you have not laid other foundations. We do not know and we are going to have to...

Asides.

Hon. B. M. TAITT: What will no doubt happen in time is that because of the debate and discussion we will continue to move forward and we will arrive at an equitable system that takes account of the need for competitive placement or placement in facilities of equal capacity while, at the same time, recognizing that children have a tendency to advance at different stages of their development.

The Honourable Member for the City said there is need for an important debate, that we need to hear from the students of the University and she went on to say that the DLP, the Democratic Labour Party is the architect of dismantling the University. I think the Honourable Member for St. John dealt with that expeditiously and demonstrated that the Honourable Member for the City, apart from not quite understanding the use of an architect, after all an architect is a builder and not a dismantler, the Honourable Member for the City was sufficiently dealt with by the Honourable Member for St. John for me not to repeat that.

The Honourable Member for St. George South said that the Democratic Labour Party Government had a natural characteristic to be inconsistent with their utterances and even in their words and he quoted the Manifesto. He quoted the Manifesto but managed to leave out a substantial part of it, the important part that governs what he said. And he went on to ask a number of questions. It is necessary for the record to say the full part of page 18 of THE SOCIAL PROGRAMME of the Democratic Labour Party Manifesto. It said:

> "Under the BLP all of the above were either stopped or drastically curtailed. During their last term in office they developed a scheme",

and this is the part he left out, Sir:

"which would have required all Barbadian students (excluding scholarship holders) to pay a percentage of their economic cost in order to attend the UWI."

When the Honourable Member read it, Sir, you got the impression...I am merely setting the record straight of how the Honourable Member managed to read it.

The Honourable Member went on to make some reference in the same vein and the Honourable Member said that never in the history of Barbados or words to that effect had any scholarship winner been called upon to get approval by any Minister of any course. The Honourable Member in that manner in which he does so well went on to suggest that these Regulations were being brought in – in fact he used the word sneak – into this House and somewhere we were going to be taking something from the Scholarship winners or requiring something of the Scholarship winners that had not been done before. I sat here and I started to wonder where I had seen this. It did not make sense to me, Sir. I went back for the Regulations, the Regulations that were made in 1982 by the Barbados Labour Party. The same identical Regulations not Amendments. In Section 78 it reads:

"A scholar or exhibitioner must within 3 months after being notified of the award of a scholarship or an exhibition as the case may be submit to the Minister:

(a) particulars of a proposed course of study at the university for the approval of the Minister;".

Mr. L. R. TULL: Mr. Speaker, Sir, if the Honourable Member for St. George South unwittingly says something that was not correct, I wish that the Government when they say something wittingly that is not correct would get up and do exactly what I am doing, Sir.

Hon. B. M. TAITT: It would be impossible to get up and say what he said. He was pontificating and giving the impression and used words like sneak to suggest that we were somehow doing something that had not been done. You said it was the first time.

Mr. L. R. TULL: Mr. Speaker, Sir, on a point of order, Sir. When I made reference to sneaking, I was refemng to the fact...

Mr. SPEAKER: I have already ruled on that. I am not entertaining that any more.

Hon. B. M. TAITT: Sir, I am responding to the debate. I am going to respond to it because the Honourable Member left the impression to all who would hear, including this Honourable Member, that these Regulations...

Mr. SPEAKER: My understanding from the Honourable Member was when I drew it to his attention, I asked him to rephrase what he had to say and I thought he used different words. I am not getting into that.

Hon. B. M. TAITT: I am withdrawing sneak, Sir. I was describing the manner in which he was making the point.

Mr. L. R. TULL: On a point of order, Sir. When I made the point the Honourable Member said that that was not the position, I said well if that was not the position and you inform me I will withdraw it. And the Right Honourable Prime Minister volunteered that I should not backtrack, Sir. If what I had said is not true I am quite prepared, if they point it out to me, to withdraw it. Do not make a big song and dance over it. That is an honourable way to behave.

Hon. B. M. TAITT: The only point I am making, Sir, is that when Honourable Members come in and Honourable Members seek because and I will grant him this, let us say that it is this side's fault that the Honourable Member did not have a chance to do the kind of research that would have prevented him from making such a fundamental error when he suggested that seeking the approval – this is the point I am making, Sir – of the Minister for a course of study by a Scholarship winner was somehow an innovative novelty which should not happen in a country like this, the only point I am making is that that is a policy that was determined by the Barbados Labour Party in 1982 and we are continuing it.

7.25 p.m.

Asides.

Hon. B. M. TAITT: Sir, if the Honourable Member wants to go home all he has to do is bow to the Chair and leave. It would not be the first time, Sir.

Mr. Speaker, Sir, I am replying to debate. The Honourable Member for St. John made a point that is very important and worthwhile reinforcing, that the quality of student going to the University of the West Indies needs to be enhanced from time to time and that these regulations will go some way toward ensuring that the University gets its fair share of the so called high flyers. But more particularly, I think it is important that we make the point which the Honourable Member seems to feel that we are afraid to make or incapable of making. The fact is that this country does not now have at its disposal the kind of resources, bearing in mind the numbers who win scholarships and who win exhibitions, to have as free a policy that allows you which ever direction you wish to go as it could have had in the past. It is necessary, as we have said on more than one occasion, that we pay attention to how we spend the resources which we have. This forms part of the policy of looking at how we spend those resources that

we have and that we do not spend more than we can afford to spend. That is part of the parcel.

If the Honourable Member wishes to lay that at the feet of the IMF that is the Honourable Member's business. The fact is that all over the world, whether it is in Britain, whether it is in Europe, whether it is in Barbados, whether it is in St. Vincent, whether it is in Trinidad and Tobago, all countries, all over the world, because of the worldwide recession which seems intractable and incapable of being brought to heel in spite of the recommendations and the statements by every economist, everywhere in the world, all countries are required to see that they get every ounce of result out of the resources they have. In Barbados we are called upon ...

Asides.

Hon. B. M. TAITT: I have to finish this because the record has to be straight. Mr. Speaker, Sir, there is nothing that will stop us from letting the population know, including the Honourable Members on that side, that we have to cut our suit to fit the cloth. But we can do that without in any way interfering with the laudable concept which the substantive Minister outlined in this House more than a year ago, that excellence requires that we continue on an ongoing basis to raise the standard. Honourable Members know that when they were going to their respective secondary schools that a person who jumped 6 feet was considered to be giant. A person who ran 100 yards in 10 seconds was considered to be a giant. Today young people at the same age levels now take these things for granted because the standards have moved on. The Honourable Member for Christ Church South ...

Asides.

Hon. B. M. TAITT: I said 100 yards. They now do 100 metres. The Honourable Member does not even realise ...

Asides.

Hon. B. M. TAITT: Sir, that is unworthy. I am not going to be sidetracked down that road, Sir. Sir, we are coming to the wire now.

The cost of scholarships: The Honourable Member for St. Michael South East made an important speech, one that should not be left a-begging. The Honourable Member for St. Michael South East is one of the few educationists in this Honourable Chamber. As a matter of fact the other educationist on my left is drawing to my attention that this is a matter which requires no special knowledge because it has been so for a long time. The Honourable Member has always brought to education debates in this House, a fresh and different approach that is not moribund or bogged down by the stereotypical advances made by other Honourable Members who pride themselves on knowing about education but whose experience in the practice of education is somewhat limited.

The Honourable Member for St. Michael South East raised the question about evaluation. He is saying that expenditure in education should by now be at the point where it can be properly evaluated by ordinary citizens. That is the cry that is going forth all over the world that expenditure put out on behalf of the people should be evaluable and so it is difficult not to agree with him. I think that he is right. It does not now form part of the responsibility of the Chief Education Officer but I can think of no reason why the Chief Education Officer could not, in his Annual Report, seek to give some indication of how scholars and exhibitioners have responded to the wider world. This information, no doubt, will become available in due course.

The Honourable Member for St. Thomas raised questions about the Coleridge and Parry School, some of which I am able to answer and the others, I think, would have to wait for the substantive Minister. I think it is reasonable to say that his general interpretation of the attempt, on our part, to respond to the problems by way of these Regulations ...

Mr. SPEAKER: Order, please.

Hon. B. M. TAITT: I am saying, Sir, the Honourable Member will understand therefore, that we have made an attempt to deal with the issues. I must say this finally, Sir, the Education Act makes the assumption that all the people who work in the system will be reasonable.

7.35 p.m.

The Education Act makes the assumption that Headmasters, Headmistresses, or Principals as they are now called, and Chairmen of Boards will behave as reasonable people and there is no legislation that can be fashioned in this or any other Chamber that can be made palatable and acceptable to deal with unreasonable people. What we need is legislation such that when people are not behaving reasonably in either the capacity of Board Member or Principal that such breach of commonsense and decency in the administrative system can be dealt with swiftly.

It is fascinating, if I may end with this, Sir, that the Prime Minister of Britain is saying that one of the bulwarks of his administration in the next five years will be the capacity of the Ministers to eliminate inefficiency at the highest levels. It is something which we will come back to and it is not specifically germane to these amendments and I will not go down that line, but the truth is that

until we are able to deal with these matters we are going to have to continue with them in the manner we are attempting to deal with them in these Regulations.

I am grateful to all Honourable Members.

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

ORDER NO. 2 (resumed)

THE CRIMINAL LAW (ARRESTABLE OFFENCES) BILL, 1992

Hon. M. A. KING: I move, Mr. Speaker, that this Bill be now read a second time.

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

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

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

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 were called and passed.

Part I (Clauses 3 to 9) were called.

Hon. M. A. KING: Mr. Chairman, in moving that Part I stand part and consequent on the debate which took place in Second Reading, Clause 9 has been amended, a draft of which has been circulated to Honourable Members which, after some consultation, is acceptable on all sides. I am moving that Clause 9, as appears in the original, be deleted and that the amended draft as circulated be substituted. It would then read, Mr. Speaker:

"9. (1) A person guilty of arson under section 3 is liable

(i) on indictment to imprisonment for 20 years or to a fine of $20 000 or to both;

(ii) on summary conviction to imprisonment for 2 years or to a fine of $2 000 or to both.

(2) A person guilty of an offence under section 4, whether arson or not is liable on indictment to imprisonment for 20 years or to a fine of $20 000 or to both.

(3) A person guilty of any other offence under this Act is liable

(i) on indictment to imprisonment for 10 years or to a fine of $10 000 or to both;

(ii) on summary conviction to imprisonment for 2 years or to a fine of $2 000 or to both."

I move that Part I as amended stand part.

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

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

Part II (Clauses 10 to 18) was called and passed.

The Schedule was called.

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

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

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

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

On the motion of Hon. M. A. KING seconded by Hon. B. M. TAITT, the Bill was read a third time and passed.

ADJOURNMENT

Hon. B. M. TAITT: Mr. Speaker, that brings us to the end of such Government Business as we can do today and I beg to move that this House do now adjourn until June 9, 1992 at 12 o'clock noon.

The question was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.
7.47 p.m.

CONTENTS

MINUTES

Confirmation of Minutes of Tuesday, May 12th 1992 2060

MESSAGES FROM HER EXCELLENCY THE GOVERNOR-GENERAL

Mr. SPEAKER 2060

Message No. 1/1992 informing The Honourable The House of Assembly of her absence during the period 1st to 9th June, 1992 and that The Hon. Sir Denys Williams, GCM, has been designated to be Governor-General's Deputy during the period.

PAPERS

Hon. P. M. GREAVES 2061

Thirty-second Annual Report and Financial Statement of the Barbados Board of Tourism for the year 1990-91.

Hon. B. M. TAITT 2066

1. The Education (Amendment) Regulations, 1992.

2. The Education (Amendment) (No. 2) Regulations, 1992.

GOVERNMENT NOTICES

Hon. P. M. GREAVES 2061

Certain measures, notice of which would be given later in the sitting.

Mr. H. deB. Forde, 2061.

Hon. B. M. TAITT 2066

Resolution to approve the Education (Amendment) Regulations, 1992.

SUSPENSION OF STANDING ORDERS

Hon. P. M. GREAVES 2061

GOVERNMENT BUSINESS

THE DISTRICT AUCTIONEERS (AMENDMENT) BILL. 1992 2061

Hon. N. K. Simmons, 2061, 2065; Mr. H. deB. Forde, 2064,2066.

CRIMINAL DAMAGE BILL, 1992 2066

Hon. M. A. King, 2066,2072,2073; Mr. D. A. C. Simmons, 2068,2069,2070,207 1.

CRIMINAL LAW (ARRESTABLE OFFENCES) BILL, 1992 2073

Hon. M. A. King, 2073,2078,2105; Mr. D. A. C. Simmons, 2074,2075,2076; Mr. L. R. Tull, 2077.

RESOLUTION TO APPROVE THE EDUCATION (AMENDMENT) REGULATIONS, 1992 2078

Hon. B. M. Taitt, 2078,2079,2082,2101,2102, 2103, 2104; Mr. D. A. C. Simmons, 2100; Mr. R. C. Eastmond, 2082, 2083; Miss B. A. Miller, 2084; Rt. Hon. L. E. Sandiford, 2086,2087; Mr. L. R. Tull, 2088, 2090, 2091; Hon. D. J. H. Thompson, 2091,2092, 2093, 2094, 2095; Mr. DeL. O. Bradshaw, 2096,2097,2099.

SUSPENSION 2071

Hon. P. M. Greaves, 2071.

ADJOURNMENT 2105

Hon. B. M. Taitt, 2105.

SPEAKERS IN THIS ISSUE

BRADSHAW, Mr. DeL. O. (St. Michael South East)
EASTMOND, Mr. R. C. (St. James North)
FORDE, Mr. H. deB. (Christ Church West)
GREAVES, Hon. P. M. (St. Michae?North)
KING, Hon. M. A. (Christ Church West Central)
MILLER, Miss B. A. (City of Bridgetown)
SANDIFORD, Rt. Hon. L. E. (St. Michael South)
SIMMONS, Mr. D. A. C. (St. Thomas)
SIMMONS, Hon. N. K. (St. James South)
TAITT, Hon. B. M. (St. Michael West)
THOMPSON, Hon. D. J. H. (St. John)
TULL, Mr. L. R. (St. George South)