

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1994 - 99

HOUSE OF ASSEMBLY

Tuesday, February 21, 1995.

Pursuant to the adjournment, the House of Assembly met at the Parliament Buildings on Tuesday, the 21st day of February, 1995 at 11.20 o'clock a.m.

PRESENT

His Honour I. A. ROETT, (Speaker)

His Honour R. D. MARSHALL, (Deputy Speaker)

Mr. B. M. TAITT, B.A. (Hons.), M.P.A., LL.B.
(Hons.)

Mr. L. A. WEEKES, G.C.M., J.P.

Hon. O. S. ARTHUR, M.Sc. (Econ.), (Prime Minister, Minister of Finance and Economic Affairs, Minister for the Civil Service)

Hon. D. A. C. SIMMONS, Q.C., LL.M. (Attorney General and Minister of Home Affairs)

Mr. D. J. H. THOMPSON, LL.B. (Hons.)

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

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

Hon. Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc. (Econ.) (Minister of Tourism, International Transport and the Environment)

Hon. Miss B. A. MILLER (Deputy Prime Minister, Minister of Foreign Affairs, Foreign Trade and International Business) (Leader of the House)

Mr. J. O. TUDOR, J.P.

Hon. G. W. PAYNE (Minister of Public Works, Transport and Housing)

Hon. R. C. EASTMOND, J.P., B.A. (Hons), Dip. Ed., LL.B., (Hons), L.E.C. (Minister of Agriculture and Rural Development)

Mr. D. Carter

Hon. R. N. GREENIDGE, B.A., LL.B., (Minister of Labour, Community Development and Sports)

Mr. J. M. EDGHILL

Mr. F. J. STUART, B.A., LL.M.
Mr. W. C. C. CALLENDER, JP., B.A., Dip. Ed., B.Sc., (Chairman of Committees)
Mr. H. F. LASHLEY
Mr. R. St.C. TOPPIN, LL.B.
Mr. D. StJE. KELLMAN
Hon. Miss H. E. THOMPSON, LL.B., (Minister of Health)
Hon. Miss M. A. MOTTLEY, LL.B., (Minister of Education, Youth Affairs and Culture).

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: This House is now in session.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that the Minutes of proceedings of the Honourable the House of Assembly for the meeting of the 7th day of February 1995, which Minutes have been circulated be taken as read.

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

PAPERS

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I am commanded to lay :

The Annual Report and Statement of Accounts of the Barbados National Bank for the year 1991,

The Annual Report and Audited Financial Statements of the Barbados Development Bank for the year ended 31st March 1994,

The report of the National Insurance Board on its operations of the Sugar Workers' Provident Fund for the period 1st January to 31st December 1992, and

The Annual Report and Audited Financial Statements of the National Petroleum Corporation for the Financial Year April 1992 to March 1993.

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, I am commanded to lay the Annual Report of the Community Legal Services Commission for the year 1993 to 1994.

Hon. R. C. EASTMOND: Mr. Speaker, Sir, I am commanded to lay the Animals (Diseases) (Amblyomma Variegatum, Heartwater and Dermatophilosis) Order, 1994 and the Animals (Diseases) (Amblyomma Variegatum, Heartwater and Dermatophilosis)(Prevention and Control) Regulations, 1994.

GOVERNMENT NOTICES

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to give notice of the Health Services (Amendment) Bill 1995 and I further beg to give notice of a Resolution to approve the compulsory acquisition of land at Halls Road, St. Michael for the canalization and road improvement.

PRIVATE MEMBERS' NOTICES

Mr. D. J. H. THOMPSON: Mr. Speaker, I beg to give notice of a Resolution to note the 300th Anniversary of Combermere School and its place of honour in education in Barbados.

FIRST READING OF BILLS

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that the Health Services (Amendment) Bill, 1995 be read a first time.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

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

STATEMENTS BY MINISTERS

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I am pleased to announce that the Government of Venezuela has granted agreement for Miss Teresa Ann Marshall to be appointed Ambassador of Barbados at Caracas.

Teresa Ann Marshall, Sir, went to Queen's College, was awarded the Barbados Scholarship in 1969 and attended the University of Bristol in the United Kingdom and also the University of Bordeaux and the Institute Britanico at Barcelona. She furthered her studies, Sir, with international relations in cooperation with the Government of Australia in the Department of Foreign Affairs at Canberra.

Miss Marshall has been a foreign service officer in the Ministry of Foreign Affairs from 1974, so all of her working life she has spent in the Ministry of Foreign Affairs, variously as a Second Secretary. She has worked at almost every Mission. She has worked at Washington DC and has been our alternative representative to the Organisation of American States.

She has been accredited to a number of committees which had to be serviced for Barbados including the Inter American Council on Education, Science and Culture and the Inter American Economic and Social Council and the Inter American Commission on Women.

She has had responsibility multilaterally for development of technical cooperation issues and bilaterally for educational and cultural matters.

She was First Secretary at the Embassy of Barbados to the United States of America and the Permanent Mission of Barbados to the OAS. In 1982 she became a Counsellor to the High Commission for Barbados in Canada at Ottawa where she had responsibility for political and economic development issues including trade and export promotion, agriculture, technical cooperation, labour and immigration matters. She was concurrently Head of Chancery.

From 1985 to 1990 she was the Senior Foreign Service Officer in the Ministry of Foreign Affairs, Head of the Policy Planning, Research and Information section. So she has worked for a significant period at headquarters as well.

From 1990 to 1993 again a Counsellor. Permanent Mission of Barbados to the United Nations where she had responsibility for political disarmament, peace keeping and legal issues. From 1993 to the present, Mr. Speaker, Sir, she has been Deputy Permanent Representative of Barbados to the United Nations. In addition to previous assignments she assumed responsibility for economic development issues including the environment and sustainable development.

In essence, then Mr. Speaker, Sir, Teresa Ann Marshall is a well rounded, well deserving career foreign service officer who will do Barbados proud at her first appointment as an Ambassador at Caracas, Venezuela. She has attended a number of very important meetings where she represented Barbados and I was pleased to recommend this appointment to the Honourable Prime Minister. Thank you, Sir.

SUSPENSION OF STANDING ORDERS

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that Standing Orders 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the rest of this day's sitting.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

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

GOVERNMENT BUSINESS

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, on the last occasion when the House met, the Leader of the Opposition indicated that he was wishful of having the debate on the Vagrancy (Amendment) Bill 1995 broadcast live on radio and television. The Government indicated that it had no objection and I will await Your Honour's ruling on that. 1130a.m.

Mr. SPEAKER: I will take this opportunity to inform this Honourable House that the Leader of the Opposition has made a request to televise the Vagrancy Amendment debate and, after consultation of course between the two sides, I have given permission for this debate to be televised. We are hoping that this debate will be next week Tuesday.

Hon. Miss B. A. MILLER: Thank you, Sir. I am obliged to Your Honour.

ORDER NO. 3 - TO MOVE THE SECOND READING OF THE POLICE (AMENDMENT) BILL, 1995

Hon. D. A. C. SIMMONS: Mr. Speaker, the Bill under consideration of the Honourable House of Assembly today is a short amendment to the Police Act, Chapter 167. Mr. Speaker, the history of this Amending Bill dates back to September and October 1994. Honourable Members will recall that after the change of Government I made a number of visits to police stations and other properties under the control of various other Departments such as the Post Office, Industrial Schools and so on under my responsibility. In the course of my visits to several of the police stations, and I may have said in here already and I repeat, I was appalled at the physical condition of all of the stations that I visited and some were worse than others. But I was also appalled at the outward appearances of these stations and in particular the yards and the areas to which the public had access. I think it is true to say that almost every station that I visited the exterior surroundings of the stations told a sorry tale of lack of maintenance, lack of attention to what should be basic standards of cleanliness and hygiene. They were all overgrown with weeds, grass, and bush and I determined then that the first thing we had to do as what I call "necessary, urgent, emergency procedures" was to start cleaning up the yards to these police stations.

I am happy to report that that clean-up work has all been completed to the entire satisfaction of the members of the Force. But, Mr. Speaker, in visiting these stations, I

was astonished by the number of vehicles that were lying around in the yards of these stations. I was aware of course from my experience in private practice of the back yard at the Central Police Station which is cluttered up with a lot of motorcycles, bicycles, a couple of old vans and so on. It is a very unsightly and untidy situation. But at every police station there was evidence of these abandoned vehicles and so on just lying around. It prevented a very uncleaned and unsightly appearance to visitors or persons who had to use the station.

Sir, I asked the Commissioner of Police why is it that we have had this proliferation of abandoned vehicles in these stations. He agreed that the thing was out of hand and it was interfering with easy access through the police stations and so on. But he said that there was a problem in the existing legislation as provided for in Section 58 of the Police Act, Cap. 167.1 asked him what was the nature of the problem. He said that the nature of the problem was that the procedure for disposal under the existing Section 58 was too cumbersome and, added to that, he was having difficulty in getting the Government Auctioneer to function. Now we all know that the Government Auctioneer is a man who is in his 80's....

Aside.

Hon. D. A. C. SIMMONS: Do they have five? Well, the substantive one and they were not able to get him to function. I said to him that we will have to look at a means of certification of Section 58 to allow the Commissioner to have a greater freedom and a wider exercise of discretion in disposing of these properties. Now let me just explain.

There are two types of problems. The first type of problem which causes some congestion admittedly is that where the police holds evidence as a result of investigations pending the hearing of charges and the evidence thus held constitutes exhibits which will be produced in Court when the case comes off for trial at one stage or the other. That contributes to the problem because there are cases pending for years where vehicles are exhibits but the cases have not come up and the exhibits have remained there for 5 to 7 years. The Honourable Member for Christ Church South told me last night that he knows of cases that are 8 and 9 years where the cases have not been heard. Under the existing law in the Police Act, and more particularly under the Evidence Act including the new Evidence Act 1992, they just have to hold these exhibits until such time as the cases come on.

Now I say that situation contributes to the congestion. But by far and Members may be astonished at this, the largest element that contributes to the cluttering up of the stations with all of these vehicles is something that I do not think many of us are aware of and it is this, Sir.

The police are patrolling a night, or a day, it does not matter, they see a youngster doing something silly, or they suspect that he may be riding a stolen vehicle, or that it does not have the requisite light or whatever, and they go to apprehend him. He drops the bicycle and runs.... 11.40 a.m.

Aside.

Hon. D. A. C. SIMMONS: Yes, scratches off, so what are the police to do?

Aside.

Hon. D. A. C. SIMMONS: Well said by the Honourable Member for St. Michael West. They arrest the bicycle and carry it in and this goes on throughout the year interminably. The result is then that you have a build up of all these abandoned vehicles of all sorts which remain in the Police Station. What happens after that is this. Ever so often - and Honourable Members would have seen the Nation newspaper yesterday, there were pages and pages of advertisements - the police advertise these things for sale. Some are sold, I am advised by the Commissioner that very few are bought, and the result is that those which are unsold go back into the yard and remain there for ever and ever. There is no power, as presently exists under the Police Act, to deal with those things, so we have in the yard some vehicles which have not been offered for sale, some which have been offered for sale but have found no buyers and have gone back in, and then we just have this mass of steel or iron, whatever they are, in all the Police Stations and it is really unfortunate that we have this build up. It conduces to an appearance of disorder and chaos in the Police Stations, and I am determined to clean up the yards.

I have no basis for this, it is a pure value judgement, but I feel that one of the reasons, perhaps operating at the level of the subconscious, that prevents a lot of young people from paying the necessary respect to the police and evincing challenges to the authority of the police from time to time is that the physical conditions and the appearances of Police Stations are so shoddy, or in some cases disgusting, that the average youngster is not at the subconscious level impelled by the presence of the station to have any respect for the police. I believe it has something to do with it, "you are a big policeman of authority and look where you are working. This station has no windows." Like down at Belleplaine and so on.

I think we need to instil notions of discipline and respect in young people by attacking the problem of indiscipline at various fronts, and only one out of many approaches must surely be the rehabilitation, renovation of police stations at least, (a) to provide commodious surroundings within which the police themselves can

operate, and (b) to give an appearance of external order and discipline, cleanliness and tidiness to those who have to do business at police stations. This is one aspect of the matter only. During the Estimates next month we will be discussing others. And so, Mr. Speaker, I am bringing this amendment today in an attempt to clean up the exterior of police stations, to rid the surroundings of these vehicles which are so unsightly.

I ought to mention to Honourable Members in advance of the Estimates, where I will deal more fully and in detail with what is happening at every station, that Honourable Members are free to visit Crab Hill Station in St. Lucy, District F Station in St. Joseph and see for themselves that since I promised at the end of last year to start a programme of renovation, repair, rehabilitation and maintenance, that I have kept my word and there is work going on at Crab Hill. We have already done all the termite treatment right through, all the stations, but the physical repair is happening at Crab Hill and District F. Last week, I think it was Tuesday, notices appeared in the Press inviting tenders for works to be done at District B and District C before the works will start, in some cases we think will be completed, before the end of the financial year. I will have more to say on that later on. Since September/October last year we have identified what urgent and necessary repairs had to be done, we have started that programme of repair, we have cleaned up all the stations and we have done the termite treatment. We are also making some renovations to the Magistrate's Court at District B and District C, in particular the Magistrate's Chambers.

I want also to say, Mr. Speaker, that since September there has been a substantial decrease in the incidence of crime. I said, and I was misquoted in one of the papers and I did not think I should trouble myself even to write a letter, but one of the papers quoted me as saying there has been an increase, there has not been an increase, there has been a decrease in crime by 14%. There are not many countries, if any, that can say that. England is showing, according to something I read last week, 6% decrease, we showed 14% and I have the statistics for January here with me. There is a small decrease also in January. Total crimes in 1994 at all stations were 979 and for 1995 January they were down to 907, with a decrease of 72 cases, but I will go into these more fully when we come to the Estimates, give some analyses and look at where we are still having pockets of trouble. Burglary still seems to be a bit of a problem. I will do that more fully later. 11.50a.m.

Mr. Speaker, Sir, the Bill, if I may briefly take members through it. The new clause 58(a) allows the Commissioner to sell property at auction after the

property has been in the possession of the Force for one month and has been advertised in the Gazette and in one issue of a newspaper. I ought to say for those who do research and so on that the precedent for this amendment is found in the Customs Act.

Clause 58(2) provides for set off of expenses and gives an owner the right to claim the proceedings within a year of the sale. In other words, you take my bicycle tonight and I am the substantive owner of the bicycle, I have the right to claim it back within a year. If I don't, it can be sold and the proceeds paid into the Consolidated Fund.

Clause 58(3) is the provision that that repeal would make a real difference with the existing situation, because very often, as I said, the vehicles are not sold and they end up back in the custody of the police and the police cannot get rid of them. So that there is that gap in the law which I am now plugging by giving the Commissioner the right to sell at auction whatever he can get for them and if he cannot get any buyers well, he ... I have included a wide discretion where he can dispose of them as he thinks, Sir.

The Polytechnic and the National Training Board are agencies which would be glad to have some of these bicycles and motorcycles for the trainees to work on. Sure, make some donations. In Barbados of 1995 the policeman does not particularly use bicycles and there is no harm in having two or three good ones at the various stations just in case of emergency or a policeman takes home a bicycle to ride through his district. That is good community policing. So we are giving the Commissioner a free hand and removing the restrictions under the pre-existing law for him to be able to dispose of these goods according to his best judgment and his discretion.

That, may it please you, Mr. Speaker, is the essence of this Bill. I am not going to make any long speech today. As I say, we are coming into Estimates and that is the time when I will submit myself to cross examination as it were from the other side and make whatever statements I deem appropriate then in respect of the police and my department in general.

I therefore beg to move, Mr. Speaker, that this Bill be read a second time.

Hon. Miss B. A. MILLER: I beg to second that.

Mr. L. R. TULL: Mr. Speaker, I am supportive of the general principles of the amendment that is before the House, but I do want to mention certain aspects of this legislation and, indeed, to ask of the Attorney General a few questions to satisfy myself that what he intends is really captured by the legislation.

First of all, Sir, I want to say that in relation to property that is in the hands of the police there are two kinds. There are the exhibits that are used in criminal cases and there are the other goods that come into the possession of the police but are not used as exhibits in criminal cases.

The Attorney General mentioned a second one. In respect of the second one, this is where the police find items of value lying around somewhere and take them in in the hope and expectation that they would be claimed by one or more members of the public. I am more concerned today, however, with those that are used as exhibits.

There are three major considerations Sir, in my view, and one is that there should be the protection and security of exhibits. Exhibits are nothing more or less the property of the citizens of this country and when they come into the possession of the police they must be treated as the personal property of an individual or company. My experience tells me that this is very rare. When exhibits land in the hands of the police, they are treated almost as if they had landed in the hands of a demolition squad.

The Attorney General's reference to motor vehicles. It is common knowledge that vehicles are from time to time taken up by the police, where they are used or suspected to be used in the commission of a crime, and these vehicles languish in the elements in police stations, in many cases as the Attorney General says, for many years so that at the end of it, it is no longer a usable vehicle. We cannot afford that.

I see vehicles valued \$30 000, \$40 000 and \$50,000 picked up by the police. The owner of the vehicle is not charged with an offence. It just happens that his vehicle somehow or other is used as an exhibit because it relates directly or indirectly to crime, but not that he is charged with the crime, and he is deprived of the use of his vehicle for a long period of time and by the time the case is heard and quite often not heard, because sometimes these cases are not even heard, and that explains the reason why the vehicles are lying around the police stations for many years. The vehicles become unusable after a period of time and there is no liability on the part of the Government to compensate the owners of those vehicles for the damage that has been done to them. If I am wrong in that interpretation, I am sure that the Attorney General's reply will put me right.

We have a situation to be the second consideration. I think also that there should be provision in law, not leaving anything in the hands and discretion of the Commissioner of Police. There must be provision in law for early restitution of property after it has passed through the court system. It is very difficult for someone to retrieve an item of property that has been in the hands of the police as

an exhibit in a trial even when the trial is over. Provision has to be made for that. It cannot be left to anybody's discretion. Attorneys who practise criminal law know that quite often they are being driven from pillar to post as they seek to recover the property of their clients to which the clients are entitled.

You also have to consider that as a third proposition the police themselves should be protected from themselves and I will tell you what I mean, Sir. There is creeping into the system a new habit of the police using exhibits that are in their custody. Even the exhibits. I can speak with absolute certainty about policemen in certain police stations who use radios picked up from people in the course of a police investigation and are to be used as exhibits and they use those radios in the police station to listen to cricket and other things. Mr. Speaker, Sir, they have a privilege we don't have, because they are playing cricket right now in Jamaica and we don't even know what the score is. The police use exhibits that fall into their possession in the course of duty. 12.00 noon.

I will give you another example, Sir. There is a case that went before the High Court, a civil matter, in which the plaintiff was alleging that he went to a police station after the police had carried out a raid with a search warrant and carried away a large amount of property. He went to the police station and saw a police officer wearing one of his rings, and one of his chains. The learned Attorney General knows of what I speak. I believe that the police must be protected from themselves and we have to be careful how we deal with these exhibits.

There is one police station, a rural country station, not the main station in Bridgetown, that this month had over \$1 million worth of exhibits for the public. It gives this House some indication as to the total value of exhibits that are currently in the hands of the police. I believe we have to tighten up on the legislation. I applaud the Attorney General for the measure that he has before the House. I see what he is trying to do but I believe that he has to go a step further. I hope that in the fullness of time those provisions will be taken.

Now, I want to mention also where perishable goods are in the possession of the police arising out of criminal activity. A classic example common to all of us is the question of praedial larceny whe/e persons go around and raid the fields at night and carry away hundreds of pounds of carrots. That comes up very often. The carrots are retrieved and taken to a police station. The case is not heard for a year or more and the carrots are allowed to stay in the police station and rot.

We have it with other perishables like fish. There is a lot of larceny of fish now and we see the fish is taken to the police station. The police stations do not have cold storage for storing these things.

The most ludicrous example is larceny of farm animals. There is a case that I know of where a man was charged with larceny of a calf. The calf remained at Boarded Hall Police Station until that calf had grown into a cow, the cow had calves and the case was not heard. By the time the case came off for hearing the owner of the calf that was originally stolen was in no position to identify the exhibit because his calf had now become a beaten, battered old cow.

Sir, these things may appear to be somewhat funny, and indeed they are, but it also points out the weakness in the system. We have to make provision for greater use of electronic and photographic machinery for the preservation of evidence in such cases. You cannot tell us that in 1995 we have not yet reached the stage where half of the House in here are lawyers and we cannot come up with provision to ensure the integrity of exhibits without keeping all these bits of items in the police stations and causing the kind of problems that I have just articulated to the House.

I also want very quickly to deal with the question of - maybe I should deal with it in committee but since the learned Attorney General has mentioned it I believe I may be allowed to do so. This is provision, 58A (3):

"Where property offered for sale pursuant to this section is not sold or cannot be sold for a sum sufficient to pay the expenses of sale and any charges or expenses due to the Crown, then the Commissioner may dispose of the property in such manner as he thinks fit."

I do not agree with that, Sir. With great respect, I would like to see the Attorney General in committee come up with an amendment to those seven words. It is putting in the hands of the Commissioner of Police a discretion that is far too wide and should not be granted to anybody in this country. This is a power that is not even granted to Ministers of the Crown. I do not hear of any accountability. A number of items are gazetted so we know what happens with them. We want to know that the Attorney General is responsible to the Minister of Home Affairs who is his Minister for the way in which he disposes of these items. I am not trying to impugn the integrity of the current Commissioner of Police or indeed any Commissioner of Police. But our system of jurisprudence requires us to make sure that certain constraints are applied to make sure that the law is applied in an equitable and reasonable manner.

Let us give you something far-fetched, Sir, and I say I am not attacking the current Commissioner of Police. If the Commissioner of Police puts up a video for sale by auction and nobody bids for that video, according to this amendment that is before the House the Commissioner can dispose of that video in such manner as he thinks fit. It does not say "in a reasonable manner". They do not use the words "reasonable" which is a word that is constantly used in the law. It is, as the Honourable Member for St James North is saying to me, subjective. There is a lot of judicial interpretation about what is reasonable. I do not know how much interpretation there is about "in such manner as he thinks fit". Therefore, I would suggest to the learned Attorney General with respect that we take another look at those, in my view, offensive seven words.

One other point, Sir, in relation to exhibits. After a matter is heard in the court, say a preliminary hearing in a criminal matter before the Magistrate, the exhibits relevant to the case are produced in court. Those exhibits must then be produced when the matter is heard before a judge and jury at a later stage. The exhibits are produced by the police. After they are produced by the police they should remain in the control of the court, not the police. We have a system here in Barbados that I think is all wrong. I have spoken against it vehemently in other places at other times, that to pass those exhibits after they have passed through the Magistrates Court back in the hands of the police to be produced at a later stage in the High Court is all wrong because it allows for all kinds of abuse.

I remember, Sir, some 20 or more years ago seeing a case, dealing with it myself, where an exhibit appeared in one manner before the Magistrate Court. A long cross-examination took place in relation to the state of that particular exhibit. At the end of the hearing before the Magistrate Court the exhibit went back into the hands of the police and by the time it reached the higher court the character of the exhibit had changed to the disadvantage of the accused man. I am suggesting, Sir, that exhibits when they are passing the court system should then remain under the control of the court rather than passing back in the hands of the police. It is trite saying that justice must appear to be done, you know the old saying, not only done but appear to be done. And it does not seem that way with the existing system. 12.10 p.m.

I want to make one final point, Sir, and this relates to the physical conditions of which the Attorney General spoke. A lot of exhibits are lost while they are in police custody and it has a lot to do with the cramped conditions that are made available for the safe keeping of these exhibits. I believe if they are going to be serious about this we have to get these things properly catalogued. Sometimes the people who keep the exhibits search for days and

cannot find them. These things should be properly catalogued and be in a position to be identified at short notice.

I said that was the last point, Sir, but I will just mention another one very quickly and this relates to the question of money. Now the Attorney General mentioned quite rightly in this legislation that provision is made for the sale by auction of items that come into the hands of the police and are not being used as exhibits. What about the question of money? You cannot auction money. We have a recent phenomenon, Sir, where a large number of people are being charged under the Exchange Control Act for seeking to carry large sums of United States dollars out of Barbados. They are met at the airport, picked up, the money is handled by the police for use as exhibits. Quite often, Sir, as in one case with which I am familiar the person who is accused dies before the case is heard. I am talking about one that came before the courts this year. The man who has this large amount of US dollars dies before his case is heard and his money is in limbo.

The Commissioner of Police may take the position that the matter has not been determined by the courts and therefore he is not in a position to pass the money to anybody else. There is no provision for escheating to the Crown. There is a lot of money, Sir, that stays in the police hands that literally rots. The money is in the hands of the police for so long, with no provision to pass it on that the money literally rots.

I am a little concerned about another aspect of it, Sir, and that is, if there is no continuing case, as in the instant case, the case I just mentioned - there is no continuing case because the accused man has died. The case would not be resolved in the courts. The money stays in the police possession for eternity. There is no point of time in law at which there is an audit of the goods in the possession of the police and you will check to see if that money in relation to that case is still there or not. Sir, when I say that the police have to be protected from themselves this is part of what I am talking about and I would suggest to the Attorney General who is very exuberant in bringing about these amendments that are so necessary and vital.

Aside.

Mr. L. R. TULL: You may call it that. I believe, Sir, and I give the Attorney General credit, that he has made a fairly major assault on a number of things that needed to be put right in relation to aspects of the law in Barbados and I applaud him for that. But I do want to caution him that maybe we from time to time in matters relating to these substantive areas like police operations administration that we come with wholesale amendments at one time because when we bring one part it makes sense standing by itself but it does not quite often look as sensible when it is seen against the whole.

On all other regards I support this legislation but would wish that in Committee the Attorney General use his better than average drafting skills to deal with the words in such manner as he thinks fit which appear in section 58(3) of this draft Bill.

Hon. R. N. GREENIDGE: Mr. Speaker, Sir, initially I was not going to speak on this particular Resolution but because of a few points which have been made I rise to lend my usual two cents worth to the matter before the House.

I want to begin by commending the police and in particular the police at Central Police Station for what I have always considered to be a very safe and efficient keeping of exhibits. I believe, Sir, that one of the most crucial elements in all this is the fact that the person who is supposed to be the exhibit keeper there has been in that position for well over 20 years and is supposed to be the longest exhibit keeper ever in the history of the police force. I think, Sir, it used to be a practice when they used to switch them around but I believe that because of the efficiency of no less a person than Station Sergeant Lawrence Maxwell, he has been kept therefore some 20 odd years now. From my knowledge of exhibit keeping there I know there is a system of double checking in the exhibit book where not only the signature of the person who hands over the exhibit is recorded, but also the signature of the policeman who receives it is recorded in the exhibit book. Therefore you can always trace an exhibit, virtually trace its history, how it got there, who brought it there, who received it and so on.

I believe that in Barbados, in spite of our shortcomings of physical conditions and so on, we can hold our heads up high in this region as having a safe and efficient system of exhibit keeping.

Now, one of the things that brought this home to me, Sir, a few years ago I worked for an estate where an old man in St. George who many thought was a man of means in spite of his being very, perhaps, miserly in appearance, he was murdered by some young men and obviously thinking that there was some money around, they were disappointed, I believe, when they found nothing. But when that body was at the morgue, Sir, the old man's son and a very close friend of mine just walked into the morgue and said that I know my father well and I know exactly where he would have his money. He proceeded to unbutton his clothes and unstrap the money from off of him. That money was pretty near \$4 000 and the police took that money and kept it as an exhibit. That surprised me because knowing that it was murder that they were investigating and not a robbery and money was not taken, I did not think that it was necessary for them to have taken it but they did. Sir, to this day, no one has been arrested for that murder. 12.20 p.m.

Sir, the point in all of this is that that money remained in the police custody for many, many years. It would mean therefore, Sir, that that money would have been there until somebody was charged and, if nobody was ever charged, it might have been there for eternity. But I want to say that I was able to intervene in that matter to make direct contact with the Commissioner of Police himself and he agreed that the money should have been returned. The point that I am making in all of this, Sir, is that having remained there for some 8 years the money was safe. The other thing about it is that by then the dollar notes were no longer in existence. Silver dollars were now in existence. Therefore, the sum of about \$200 of these that he had were of no avail.

Sir, the point that I want to make is that we do have a reasonably safe and efficient keeping of exhibits in Barbados. I want to say, too, that the police to my mind do a good job and they do a good job in spite of their poor facilities. Sometimes, Sir, when you walk into the very choked up and cramped rooms in which they operate, you are taken aback because there is no limit whatsoever to the types of articles which form exhibits in this country. There is absolutely no limit. You come across things like bloody shirts. You come across even blood. You come across underwear, under garments and so on and the odour in the room can be very offensive at times, a very musty odour because of the choked up surroundings at Central.

I believe, Sir, that we need to improve on those conditions. Indeed, as the Honourable Member for St. George South said, there is no cold storage. I do not know, Sir, if within the last couple of weeks this was provided but certainly when I was practising I know there was none. Sir, I happened to have done a matter which related to a young man who was alleged to have been attempting to blow up his girlfriend's house and as part of the exhibit there was some gelatin. Because there was no cold storage there, this melted and the only thing left when they came to produce the exhibit was the piece of paper that it was in. That provided a missing link in the case and it completely weakened the case for the prosecution. It just goes to show, Sir, what can actually happen when we have a situation where we do not have the best facilities. In other words, it can mean perhaps the winning or the losing of a matter.

Now the Honourable Member for St. George also mentioned what is going to happen in cases where we have money being kept as the exhibit. But from my knowledge of what goes on in that particular instance where someone is at the airport and so on, I was always of the view, and I may be corrected if I am wrong, that Customs usually would be the guardian of that particular money and not necessarily the Police. Certainly, what I do know from these particular matters is that they take years and

years and it is a fact that very often you do not know where the money is exactly and you cannot trace it and so on. It provides a very sore point and I know that the Honourable Attorney General will address this when he comes to reply.

Sir, I would think that the ideal thing for having exhibits which are out in the open like motor cars and so on would be to have a very spacious yard and if possible to have it covered. This is idealistic and whether we in Barbados are able to do this type of thing at the moment is something which we will have to consider. But the police do have a very high responsibility when they take someone's car. Here again, I can speak from experience of having represented a client whose car was taken by the police in very strange circumstances. Because he had bought the car from someone who had bought it from someone and the initial person had stolen the car, and he had given his good money for it. Then his car was kept at the police station and it was kept there for years on top of years. When he actually went for his car after the Restitution Order was made, the car would not start, the four tyres were flat and the car was in poor condition and so on. I do believe, Sir, as the Member for St. George South said, that we will have to look into these matters. Because let us not fool ourselves that one of the most crucial aspects of any criminal case is the production of the evidence and you really cannot play around with it. I do believe that the time has come when we will have to ensure that persons whose properties would have been taken from the police do get some kind of compensation or at least there is something there to let the people know that their cars, motor bikes or whatever will not deteriorate.

Sir, this is the contribution which I will lend to this debate. As I said, I did not intend to speak on it at all but I hope that I have been able to make a point or two. Thank you very much.

Mr. SPEAKER: The Honourable Member for St. Lucy.

Mr. D. St. E. KELLMAN: Mr. Speaker, as you are aware, on the West Coast of this island we have a police station which is commonly referred to now as the "hotel" for policemen. That is the Holetown Police Station.

Aside.
12.30 p.m.

Mr. Speaker, after listening to the speeches by the Honourable Members on the other side, I am convinced that we have a situation where we should build some place for these vehicles and exhibits to be stored. I do not think that you can take a place like Holetown and continue to store things in the condition they are stored in. We cannot

have a piece of real estate like that and have it in a couple of years in a situation where it will affect the value of that particular property.

Aside.

Mr. D. St. E. KELLMAN: We know that there are some Members who would not like to see the policemen in such a nice police station, but we have no problem with that. One must point out that having a police station in Holetown is very important, as the Honourable Member for St. James North will tell you, because the Holetown Police Station is right on the beach.

Mr. SPEAKER: I am not going to allow the Honourable Member to stray from the Bill.

Mr. D. St. E. KELLMAN: That is right. We are dealing with exhibits and some of these exhibits come in through the sea and the Holetown Police Station is on the beach, Sir. In this day when you have exhibits which can come into Barbados by the sea, we must have a police station to make sure that those exhibits are well stored and also to make sure that those exhibits, when they come on the west coast, that you have a police station in the right location that you can get those items and that the policemen can do their job and you do not have to call the policemen but they will be right there on the beach to make sure that your children and my children are protected.

I am saying, Mr. Speaker, that what we need to do, instead of storing these things at all the police stations, that we build something, a building, whatever you like to call it, at a central location for all of these things. When you think about it, Sir, there are probably about nine policemen looking after records, these exhibits, and you will probably need one or two and you will be able to relieve some of the policemen who are looking after exhibits now to go and man the streets.

I am saying, Mr. Speaker, I support the Bill, providing that we are going to have the amendments as mentioned by the Honourable Member for St. George South. I also would hope that instead of having exhibits all over Barbados that we will have a central location for them and we would be able to get rid of the exhibits as soon as possible, and if we need to draft additional legislation to make sure that these exhibits do not necessarily have to remain in the custody of the police for a long time, I am calling on the Attorney General to ask his consultants, his experts, whoever, to get the necessary legislation before this Parliament so that we can have a situation where we would not have to come back in here and talk about the conditions at the police stations because of exhibits.

We also heard of situations where money is being stored and is rotting or disappearing. We do not want to have this situation. Money is important. If the money is going into the Consolidated Fund or is being used for something else, we have no problem with that, but we cannot have money that we cannot account for.

Mr. Speaker, I will say to the Honourable Member for St. Thomas that he should make the necessary amendment and that we on this side are prepared to support anything that can expedite efficiency in the legal system of Barbados.

Thank you.

Hon. D. A. C. SIMMONS: Mr. Speaker, I will wind up on this Bill now. A number of very important points were made by those Honourable Members who contributed to the debate. Some of the answers to those points will be found in existing legislation and some of the answers will require me to condescend upon some of the matters which I had reserved for the Estimates debate.

First of all, Mr. Speaker, I will respond to the Honourable Member for St. George South. Some of what he has said ties into what the Honourable Member for St. Lucy said and I will deal with the two of them together. There is no doubt that the conditions under which exhibits are kept at the various police stations are not satisfactory, have not been satisfactory for donkey years. Shortly a tender notice will be appearing in the newspaper for work to be done at the Central Police Station by way of the construction of a new exhibits room. The old exhibits room has outlived its usefulness. It was the work of a magician to be able to identify those exhibits where they were stored and how they were stored in the old room there under the CID building, but now that we have moved the vehicles and the workshop out of the backyard behind the Magistrates' Courts in Bridgetown up to District A, there is some free space available under the barracks in that newish looking building - it has been there some 14 or 15 years - but where the vehicles were repaired formerly. What we are going to do is to enclose the bottom section of that building where they used to do repairs. All we need to do is to put up some blocks, block it in, put in your Dexion shelving and so on, and that will also enable us to have the space that is being used in the east wing for the keeping of exhibits.

After the original exhibits room became too congested, what is called the east wing, which is really the Central Police Station building that you see as you drive along Lucas Street and Coleridge Street, the floors of one section of that were used for storing exhibits when the senior officers moved out and went into the National Bank building at the bottom of James Street, so at the moment

we are keeping exhibits on that top floor. That is also not satisfactory. That building needs a lot of rehabilitative work and we are going to move the exhibits down in the backyard in the new facility and then in the new financial year do some real serious work of renovation on that main building, so that we give that Central Police Station a new lift, a new look.

I can therefore promise Honourable Members that there will be a new exhibits room satisfying all the needs of District A, and it has this importance, that it will assist us in getting accreditation for the Royal Barbados Police Force internationally. I will talk about what we are going to do about the cells and so on during the Estimates, but we will have a new exhibits room, and by this time next year I do not expect there will be any complaints about storage for exhibits. 12.40 p.m.

Now that takes care of the exhibit room in St. Michael, but in the country districts and the other stations we are also going to be doing, as part of the repair work, to be fixing the exhibit rooms that exist at those stations.

A second point made by the Honourable Member for St. George South, Mr. Speaker, related to the circumstance where the police have a vehicle as an exhibit and they keep it for years and they leave it in one of the yards exposed to the elements and the case does not come on or when the case comes on, the car is no longer usable and is suffering terrible deterioration. In the view of the Honourable Member for St. George South there is no liability on the Crown. I would hesitate to disagree at the level of legal principles with my colleague the Honourable Member for St. George South, who was himself a former Attorney General, but I would wish to say that I don't share his view of the law and I will give legalistic reasons and concrete examples.

It seems to me that when the police come into possession of property which is related to criminal offence and the offence has not been dealt with - nobody has been convicted - they keep it there. The police are at that stage an involuntary bailiff of the property and in that contract of bailing there are implied terms as to safe custody, reasonable protection and so on. It was precisely on that premise that I will tell Honourable Members of a case which I did many years ago when I was in private practice.

Two prisoners escaped. One was Ruff-Ruff, Cameron Ferguson. They were out for days. They went to Melrose in the dead of night, stole a vehicle of one of my constituents - I won't call his name - and they were running around the Island in this vehicle for a couple of days. The police identified them in what was the Lower Green bus stand or near there in a vehicle. A chase

ensued that ended up in St. Joseph in Horse Hill and the police ran them off the road and the man's car was damaged. They were re-captured and brought back in with the vehicle as evidence. The vehicle was kept in Central Police Station yard for about two or three years exposed to the elements. It deteriorated. The man was able to prove the value at the date when it was stolen, and there was no argument that it was stolen. We were able to get a valuation done on it subsequently. In the meantime, I issued proceedings against the Attorney General and recovered, I think about \$16 000, for my client.

So I don't agree that there is no liability. I think the police have a duty implied by law to properly protect the property that is in their custody.

Now that scenario poses a number of problems. I suppose some people might run off now and start suing the Attorney General, having got this piece of legal advice just now; but that puts the position starkly to you that we have at most police stations vehicles which are exposed to the elements and they haven't been dealt with by way of introduction as evidence in cases.

The Honourable Member for St. Lucy has a solution to that, that we should build one large building and store them. I am sorry to disappoint him. I wish to say....

Aside.

Hon. D. A. C. SIMMONS: ... even if we had the money. I wish to say, Mr. Speaker, that there must surely be a more cost effective, and with all due respect to the Honourable Member, a more sensible way - I didn't say you didn't have any sense - another way of dealing with this problem of vehicles. It is not only vehicles. It is the cocaine and the marijuana that is confiscated on the arrest of a person and that is kept for a couple of years before the case comes on for trial. It is money and so on.

When the Evidence Bill of 1992 was sent to Select Committee I was then in Opposition on the Select Committee. I urged the then Government head on to tackle this question of exhibits in the hands of the police which have the potentiality for corruption. We know that cocaine and marijuana is a temptation even to policemen. The Honourable Member for St. George South spoke of protecting the police against themselves. I am in agreement with him.

I urged the Government then as we were amending the Evidence Act - because I have been making that point in here for years in Opposition - nobody took me on to let us build-in a provision for dealing with these exhibits. They would not take me on. I refused to go back to the Select Committee meetings. And I want to tell this Honourable House I will be bringing amendments for the Evidence Act in due course to deal with that.

Let me show you how it can be done. Yes, you have to amend the Evidence Act. Very simply, I don't see a problem where you hold a car tonight, it is related to an offence of some sort which is not going to be tried until next year or the end of this year. What prevents the police from photographing that car and producing the photographs as evidence that this is the car? Give back the man his car. If somebody stole my car and they caught the Honourable Member on my right with it - besides, he can't drive too well so he is always hitting his car....

Aside.

Hon. D. A. C. SIMMONS: I withdraw that, Sir. Anyhow, Mr. Speaker, I want to submit that there are techniques which would be more cost effective. We would save a lot of money. We would not build big buildings. Photograph the car. In the case of drugs, take a sample in the presence of the accused, his lawyer, make him sign, see that they are weighed there, bring the Government analyst or whoever. She takes a sample and weighs three grams or whatever and we sign for that and forthwith dispose of the bulk. Produce the sample. We have to amend the Evidence Act, but that is all we need and we will remove the temptation.

There is videotaping that is done in relation to statements of accused persons. We have provision in the Act for videotaping. What prevents us from videotaping exhibits and then we don't have the problem of keeping these things stored for long periods exposed to the elements with the possibility of litigation against the government. I suggest that that is perhaps the neater way of doing it. Certainly, the cheaper way of doing it.

I give the House the assurance, Mr. Speaker, I have already discussed this matter with the DPP and I have sent to the Chief Parliamentary Counsel my thoughts on this matter and how I see the matter can be done by amendments to the Act 12.50 p.m.

I believe that legislation exists in New Zealand, maybe in Australia, but certainly in New Zealand, something I read in the Commonwealth Law Bulletin some months ago, if my memory serves me right about what I read, so we should not have any difficulty in getting a precedent. In due course, we will remove these present impediments.

Now, Mr. Speaker, the Honourable Member for St. George South mentioned difficulties involved with the storage of money and perishable goods. Money first. There is on the statute book a Proceeds of Crime Act, 1990, which deals with money which is recovered as a result,

for example, of drug crimes. That money must be paid into the Consolidated Fund. Under the same Act which we are amending today, under section 58 of Chapter 167, I will read what it says about money at subsection (3):-

"All property which has come into the possession of the Force under the circumstances mentioned in subsection (1) and all property which has otherwise come into the possession of the Force in respect of which the owner has not been ascertained and no order of a court has been made, shall be dealt with as follows: "-

It goes, (a), (b), (c) and (d). I will read (b):

"when such property consists of money, the same shall be dealt with in all respects as hereinafter provided with regard to the proceeds of sales hereby authorised after it has remained in the possession of the Force for three months;¹¹

How is it dealt with? You have to go to subsection (4).

"The proceeds of sales hereby authorised shall, after deduction of expenses, be paid forthwith to the credit of the Police Reward Fund."

That is how money which is not payable into the Consolidated Fund is dealt with, the Police Reward Fund which is a special fund established under section 52 of the same Act over which the Commissioner has some control, and there must be an account.

In relation to perishable goods, many of us know the story about the calf which grew into a cow and so on. All of that is true. Again, Sir, if we photograph or videotape we would be able to allow the cow to go back to its owner or let the plantation owner sell his carrots or whatever.

Under the same section 58, there is existing law that deals with perishable goods. It says:

"when such property is a perishable article or its custody involves unreasonable expense or inconvenience, the same may be sold as soon as convenient after it has come into the possession of the Force."

So there is provision for it.

Now, Mr. Speaker, the final two points that I need to make relate to the need for a comprehensive Police Act and the question of the exercise of discretion.

Aside.

Hon. D. A. C. SIMMONS: Mr. Speaker, I may not have said it in this session of Parliament - I certainly said it during the election campaign proceeding - that we need to look at the existing legislation for the Police Force, promotion rules, disciplinary regulations and so on and modernise them. I had a meeting with the Police Association and I asked them to give me some draft promotion rules reflecting their thoughts. They are working on that. The disciplinary regulations will be modernised. We have a first draft which I am not too happy with. We will have to look at it again and then in due course send it out to the relevant interest groups to be consulted.

However, of more general importance is the fact that we have, as I said in here in November, the report of the Deputy Commissioner, Allen, of the Royal Canadian Mounted Police. He did a study into the Police Force and made, subject to my memory - I think there were 138 recommendations. It might be 158, either 38 or 58, but a large number of recommendations. That report is in the hands of the Commissioner and his senior officers. I have requested of them an analysis and evaluation of that report. It does touch on things which will call for an amendment of the Act but just as in the Public Service we have to bring new legislation to modernise the Public Service legislation, we will have in due course to bring new legislation to modernise the Police Force. That may take 18 months to two years. I cannot wait so long to clean up the backyards. When we come with a comprehensive new Bill all of these amendments will be dealt with, rationalised, and so on.

This amendment is necessary because it will allow us speedily to move towards the cleaning up of the Police Station, getting rid of bicycles, getting in some revenue and generally freeing up things a lot more than we have been able to do in the past.

Mr. Speaker, Sir, I am prepared to entertain an amendment to put some little petter on the discretion of the Commissioner of Police as is mentioned by the Honourable Member for St. George South. He must not believe, however, that the discretion given to the Commissioner of Police is unique. I indicated to Honourable Members that the precedent for this amending legislation already exists in the Customs Act, Cap. 66, section 169. Among other things, the Comptroller of Customs is given the authority to deal with goods in his possession and within his discretion. It does not say "as he thinks" but it says he will direct how the things are to be disposed of, which gives him a free hand.

However, I agree, Sir, if members are concerned, there can be some provision for consultation. It may be unhappy to include the phrase "Permanent Secretary". I

will put "Minister" instead on the understanding that as things are done in our system of Government it will come to the Permanent Secretary who will then refer it to the Minister and advise the Minister. When we come to it I will give the small amendment that I have accepted from the Honourable Member for St. George South. 1.00 p.m.

I think, Mr. Speaker, that that covers all that I had to say, other than also to let Members know that even though there has been a general decrease in the level of crime and in the month of January, in relation to crime against visitors, there has also been an increase from 48 in January 1994 to 70 in January 1995. Twenty two of those related to burglary in hotels, no major crime. No sex crimes. No serious wounding. Minor woundings. No murders. Nothing like that.

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

Hon. Miss B. A. MILLER: I beg to second that, Sir.

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

On the motion of Hon. D. A. C. SIMMONS seconded by Hon. Miss B. A. MILLER, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. W. C. C. CALLENDER in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clause 1 was called and passed. Clause 2 was called.

Hon. D. A. C. SIMMONS: Mr. Chairman, Sir, I beg to move that Clause 2 stand part and, in so moving, I draw attention to the new Clause 58A (3) and I move that Clause 58A (3) be amended as follows:

By inserting after the word "Commissioner" in line 4 comma and these words:

"after consultation with the Minister,"

Asides.

Hon. D. A. C. SIMMONS: It will read now as follows, Mr. Chairman:

"then the Commissioner, after consultation with the Minister, may dispose of the property in such manner as he thinks fit."

I should like to hear the comments of the other side on that, Sir.

Mr. B. M. TAITT: Sir, I should like to suggest to the Honourable Member that the intention is clearly good intention but in terms of the actual drafting of the Clause, as it stands now, it is probably better than the Amendment which could go in because if the Amendment is passed it means that we would have initiated a very strange consideration where the Minister...

Aside.

Mr. B. M. TAITT: The Honourable Member has now indicated...! think he has taken the point and will do it by Regulation and that will take care of that Otherwise we will have a very strange piece of legislation. The phrase requiring the Commissioner to consult with the Minister would, in fact, be passing legislation to put in practise what already exists.

I think that most people do not realize that the Commissioner of Police, except in the prosecution of his work, as Commissioner of Police, in relation to the prosecution of crime...But this is an administrative measure and in all administrative measures the Commissioner of Police is answerable to the Minister. That is the difference. If he is answerable to the Minister then the Minister may direct how he wishes any function which the Commissioner must carry out. The Minister can so correct. To put it in the law would be to create a little monster. I do not think it is necessary.

Hon. D. A. C. SIMMONS: Mr. Chairman, Sir, I will be cautious because the Chief Parliamentary Counsel of course has more expertise in this area than myself.

The Act provides for Regulations to be made with the approval of the Minister. The Commissioner may make Regulations with the approval of the Minister. Of course the Minister can make Regulations for certain parts of the Act. I have a limited choice under Section 79.1 will deal with this matter administratively and prepare the Regulations in relation to disposal of goods. We have to prepare them in any event. But since the Commissioner is the person charged with dealing with indisciplined force, he is the person charged with responsibility in the Act for disposing of goods and so on. He is answerable. He is accountable on this matter.

I know the theoretical point that was raised behind and so on but we also have to understand that discretions are included in the law on the well-known principle that a person who has a discretion must exercise it judicially and reasonably, otherwise there is no exercise of discretion at all.

I beg to withdraw the Amendment as proposed, Sir, and we will deal with it by Regulation instead.

I am obliged to you, Sir.

I beg to move that Clause 2 stand part, Sir.

Hon. Miss B. A. MILLER: I beg to second that, Sir.

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

On the motion of Hon. D. A. C. SIMMONS. Mr. CHAIRMAN reported to Mr. SPEAKER the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

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

ADJOURNMENT

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that this sitting be now adjourned until Tuesday, February 28, 1995 at 11.00 o'clock in the morning.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

The question was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the sitting accordingly at 1.10 p.m.

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