

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1994 - 99

HOUSE OF ASSEMBLY

Friday, July 11, 1997

Pursuant to the adjournment, the House of Assembly met at 11.25 a.m. on Friday, July 11, 1997.

PRESENT

His Honour I. A. ROETT, B.A., Dip. Ed., (Speaker)
His Honour R. D. MARSHALL, (Deputy Speaker)
Rt. Hon. L. E. SANDIFORD, B.A., M.A., (Econ.),

J.P.

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

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

Hon. D. J. H. THOMPSON, LL.B.(Hons.) (Leader of the Opposition)

Sir HAROLD ST. JOHN, Q.C., LL.B.

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

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

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

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. G. A. CLARKE, B.Sc., Dip. Ed., (Parliamentary Secretary, Ministry of Public Works, Transport and Housing)

Mr. J. M. EDGHILL

Mr. F. J. STUART, B.A., LL.M.

Mr. W. C. C. CALLENDER, J.P., B.A., Dip. Ed., B.Sc. (Chairman of Committees)

Mr. H. F. LASHLEY

Hon. R. St. C. TOPPIN, LL.B., (Minister of State, Ministry of Foreign Affairs, Tourism and International Transport)

Mr. D. St. E. KELLMAN

Hon. Miss H. E. THOMPSON, LL.B. (Minister of Health and the Environment)

Hon. Miss M. A. MOTTLEY, LL.B. (Minister of Education, Youth Affairs and Culture)

Mr. C.A. MASCOLL, B.Sc. Econ. (Hons.), M.A. (Public Finance)

Prayers were taken by Mr. SPEAKER.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, July 8, 1997.

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to move that the Minutes of the proceedings of the Honourable House of Assembly for its meeting of Tuesday, July 8, 1997 which Minutes have been circulated be taken as read.

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

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

PAPERS

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to lay the following: -

1. The Duties, Taxes and Other Payments (Exemption) (No. 9), Order, 1997.
2. The Duties, Taxes and Other Payments (Exemption) (No. 12), Order, 1997.
3. The Financial Administration & Audit (Financial) (Amendment) Rules, 1997.
4. The Barbados Port Authority (Tariff Book of Dues and Charges) (Amendment) Order, 1997.

SUSPENSION OF STANDING ORDERS

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to move that Standing Orders Nos. 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.

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

GOVERNMENT BUSINESS

ORDER NO. 8 - To move that the House resolve itself into Committee of Supply to consider the grant of sums of money for the service of Barbados.

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to move that Your Honour would leave the Chair and the House resolve itself into Committee of Supply.

I further beg to inform Your Honour that the Chairman of Committees, the Honourable Member for Christ Church East, is not in his seat and seek Your Honour's leave for the Honourable Member for Christ Church East Central to sit as Chairman of Committee.

Mr. SPEAKER: If this is the will of the House, I would prefer that we have a motion so that we do not encounter the problems we did have in the past.

Hon. Miss B. A. MILLER: I will put it in the form of a motion, Sir.

I beg to move that the Honourable Member for Christ Church East Central take the Chair as Chairman of Committee in this matter.

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

Mr. SPEAKER: If there is no disagreeing voice I take it that the House with acclaim accepts that the Honourable Member for Christ Church East Central will therefore act as Chairman of Committee.

The motion that Mr. SPEAKER do now leave the Chair and the House go into Committee of Supply was put and resolved in the affirmative without division and the House resolved itself into Committee of Supply, Mr. D. CARTER in the Chair.

COMMITTEE OF SUPPLY HEAD 28 -

MINISTRY OF HOME AFFAIRS - \$140 000

Mr. CHAIRMAN: This Honourable House is now in Committee of Supply.

Hon. D. A. C. SIMMONS: Mr. Chairman, this Resolution is to provide assistance to the Government and people of Montserrat. I apologise for the lateness of the circulation of the Resolution but Cabinet took this decision yesterday as a result of the decisions of the Heads of Government last week in Jamaica and on Monday the Prime Minister called to instruct that we get the Resolution before Parliament as soon as possible.

Honourable Members on the Other Side would appreciate that it had to go to Cabinet first and Cabinet, of course, met only yesterday. I tried to alert members of the Opposition. It is a matter of urgency. It is an emergency situation and I am grateful for the cooperation of the Opposition in this regard, Sir.

Mr. Chairman, I think we all in this region have been aware, with a deep sense of sadness, that on Wednesday, June 25, 1997, there was an escalation of volcanic activity at the Lange Soufriere Volcano which resulted in serious pyroclastic flows on the northern side of the volcano.

As of yesterday, 8 villages have been destroyed in the island of Montserrat. To date, 9 persons are confirmed dead as a result of the activity of the volcano, 23 are missing and 11 are feared dead! A number of persons, of course, have been burnt.

The initial damage assessment report estimates the loss in the vicinity of \$65 million and counting. Montserrat, Mr. Chairman, is a member of CARICOM but also a dependent territory of Great Britain. It is Great Britain's primary responsibility. But having regard to its status as a member of CARICOM, all of the countries in CARICOM feel a sense of empathy with what has happened in

Montserrat and in the spirit of the brotherhood of CARICOM have decided to rally to the assistance of Montserratians, notwithstanding anything which the British Government is obligated to do having regard to the status of Montserrat as a dependent territory.

The Heads of Government in conference last week in Montego Bay had a number of meetings on this matter and were fully briefed by Mr. Collymore of Caribbean Disaster Emergency Response Agency (CDERA) and as a result of that meeting I am in a position to tell the House that the following is a summary of the assistance pledged to Montserrat following the violent eruption of the volcano. 11.35 a.m.

Anguilla is accepting 200 persons.

Antigua and Barbuda have been accepting persons and continue to accept citizens of Montserrat.

The Bahamas has pledged US\$50 000 and US\$20 000 in respect of shelter. I will explain that when I am finished with the list.

The Government of Barbados, in this Resolution is itself going beyond a pledge and actually seeking a disbursement from the Treasury of US\$50 000, approximately BDS\$100 000 plus another \$40 000 for the construction of two family housing units in that part of Montserrat that has been designated as 'Caricom Village'¹ in the northern part of Montserrat.

Belize has pledged US\$20 000 and US\$10 000 per quarter.

British Virgin Islands are financing ferry service for three weeks.

Dominica has pledged fruits, vegetables, toiletries and detergents. Of course, Dominica has offered to take in the whole of the population if there has to be total evacuation of Montserrat. Whether that will happen or not, one does not know but it is an offer that Dominica has made.

Grenada has pledged US\$50 000 and US\$20 000 for shelter.

The Governments of Guyana and Jamaica have not identified, as of yesterday when I was given this update by CDERA, the form of their assistance. They are to revert to CDERA shortly to let them know what specifically they are contributing.

St. Kitts & Nevis have pledged US\$50 000, heavy duty equipment, food and propane gas.

St. Lucia has pledged US\$20 000 and they are prepared to mobilise a construction crew.

St. Vincent & the Grenadines have offered assistance in securing a ferry.

Trinidad & Tobago have pledged US\$100 000.

Turks & Caicos Islands have pledged US\$20 000.

That is at the level of Government. In addition to that, a number of regional private sector NGOs have committed themselves to assistance in kind.

For example, B.W.I.A., Air Jamaica and L.I.A.T. have all committed to transporting emergency personnel. In the case of L.I.A.T. they have also pledged supplies.

Non-CDERA Governments, foreign Governments, for example the Government of Martinique has pledged US\$30 000 in assistance in kind and medical personnel.

The multilateral agencies are also contributing in the effort.

Canadian Investment Development Agency (CIDA) has pledged CAN\$100 000 for emergency assistance.

U.N.D.P. has pledged US\$90 000 for housing construction, a vehicle and funding for building experts and an additional US\$50 000.

PAHO is providing medical personnel as required.

UNICEF is contributing US\$40 000 for multi-vitamins for children and the development of recreational and community centres.

The British Red Cross is also contributing 700 000 masks to the Montserrat Red Cross.

Sir, that recital of pledges shows that there is a coordinated effort that is being developed to assist the Government and people of Montserrat by most regional and multilateral institutions and regional NGOs. Barbados is pleased to join in that effort in the sum sought in this Resolution this morning.

What has happened in Montserrat is indeed very traumatic for the people of Montserrat. It will require ongoing and sustained efforts on the part of all of us if Montserrat continues to be habitable and there is not total evacuation. I think we have to be concerned if it comes to a question of total evacuation because we will then have left in our midst an island which could be a haven for narcotics operations. I have read that the British Government, certainly up to last week, have been saying

that if the population that remains on the island numbers less than 4 000, it will be unviable to continue habitation. I presume that they will be prepared to maintain constant surveillance but essentially, first and foremost, this is a British Government matter but as Caribbean people, we have to assist.

A number of activities are ongoing. There is a core group which has been put together involving CDERA, CERO, Red Cross and so on to monitor on a daily basis what is happening. I have been told that up to yesterday there were eruptions and that it is predicted by scientists in Trinidad that the volcano may continue to show the kind of activity that it has shown for up to another five years. One hopes that that does not happen but that is the information I have been given and it is indeed depressing and frightening. 11.45 a.m.

I want to make it very clear that this supplementary this morning is not the first contribution by the Government of Barbados to the problems occasioned by the volcanic activity in Montserrat. We recall that the volcano first erupted in 1995. Ever since 1995 the Government of Barbados has been providing assistance, specifically in relation to education. We have been receiving into our educational system without any fanfare and contrary to what a member of the NDP said on the radio day before yesterday, we have been receiving in our educational system at all three levels, primary, secondary and tertiary, students from Montserrat. That offer is on-going but we have been receiving them on the same terms as local Barbadians, that is to say, they are not paying fees other than those fees which Barbadian students pay at school. I think games fees and those kinds of fees, petty fees they are called. They are not paying for their education and that has been happening since 1995.

In the Ministry of Home Affairs we have allowed citizens of Montserrat who have relatives in Barbados and who wish to come to Barbados, we have allowed them to reside and work in Barbados since 1995. But this is the first occasion on which a substantial financial contribution is being made and it is being made in the context of a CARICOM initiative. Prior to today, Barbados had contributed US\$6,000.00 in food, supplies and toiletries in 1995 and in 1996 a further US\$10 000.00.

Now, when representations were made to the Heads last week it was deemed necessary for the Governments, in addition to any financial or monetary contribution, to assist with the provision of shelter through 2 family size housing units and the \$40 000 which we are asking Honourable Members to vote affirmatively for today, Sir, is to enable these 2 family size housing units to be established in the

CARICOM village. And as I read out earlier a number of other governments are also contributing so that there would probably be 26 or 27 units.

I wish to make it clear that this is what Montserrat has asked for. This is what CDERA has represented to the Heads as an immediate need of the people of Montserrat and the Governments are therefore responding to what the people of Montserrat have asked for.

Mr. Chairman, the shelter population in Montserrat is now approximately 1,300 in 43 units. As we know the airport is still closed and will remain closed for some time but a ferry system is operational and Bajan Helicopters, as they are called, are up there ferrying people and supplies from Antigua across on a daily basis. I have a map of the island here that shows that the whole of the south side has now been cut off and is excluded to the public. That includes the capital of Plymouth and the Bramble Airport.

Now the northern side is safe, that is sheltered behind a large mountain. I say sheltered because that mountain apparently helps to protect the effects of the volcano from spreading into the northern side. What the people of Montserrat are trying to do, Sir, is to rebuild their lives on the northern side and hence housing and so on which was not there, we are trying to get that up and ready for them.

The support team, Sir, includes representatives of CARICOM, UNDP, CDERA, the CDB and the dependent territories organisations. There will be a need for technical personnel from individual countries and in fact only this morning Major Connell of the Barbados Defence Force but working in the Regional Security System, has gone down to see how the region could further contribute and specifically to examine whether engineering crews will be necessary to assist with construction.

Mr. Chairman, I hope that this Resolution finds favour with Honourable Members and that we show our solidarity with the Government and people of Montserrat in this period of disaster and trauma. Many prayers have gone up and are continuing to go up.

I wish finally to say that through CERO our local Central Emergency Relief Organisation, the Government will be launching a public appeal next week for further assistance to CERO. The representatives of CDERA who met with me yesterday evening suggested that it would be a nice gesture if as a minimum every Barbadian could contribute at least one dollar. We are going to have that effort launched in the course of next week and a bank account will be established at the Barbados National Bank to which contributions of cash can be made, but that does not exclude, of course, contributions in kind and I will take this opportunity to appeal to the public of Barbados

to contribute generously to the relief of the problems which afflict our brothers and sisters in Montserrat when the appeal is launched next week, Sir. 11.55a.m.

With those words, Sir, I am obliged to move that Head 28 in the sum of \$140 000 stand part.

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

Mr. CHAIRMAN: The Honourable Member for St. Michael West.

Mr. B. M. TAUT: Mr. Chairman, Sir, first of all I will begin by saying how pleased I am to see you in that position, Sir. I wish you well.

As the Honourable Member and the Attorney General said as he was introducing this Head, the Opposition will have no difficulty supporting this Resolution. We recognise that the lateness of it was precipitated by the nature of the circumstances and therefore we have no difficulty dealing with it in all of those circumstances and in so doing we will wish to say a few words about the whole issue relating to Montserrat.

Over the last two years we have had this difficulty in Montserrat and I think it is fair to say that, in keeping with an attitude which is available throughout the region but in which is manifested here in Barbados as well, unless something dire is happening or other, we tend to ignore the circumstances of that territory. Montserrat presents a peculiar problem for the Caribbean in that on the one hand it is a *bona fide* member of the Caribbean Community. It is considered a sister state or a brother state for all practical purposes. On the other hand it is administratively for all practical purposes within the bosom of the British Government and that constitutes a real difficulty. I believe that when the Caribbean Community was put into existence finally in 1974, it was always understood and expected that Montserrat would be treated as a full member and to the extent that members could bring to bear influence on the activities in Montserrat, that those members would so do.

Mr. Chairman, on Wednesday, I was on my way back from New York on an Air Jamaica flight and 104 children ranging from age 9 to age 17, joined the aircraft at Antigua. It so happened that I was sitting next to the new Prime Minister of St. Lucia, we were talking about Montserrat, we were talking about a number of things, but we both remarked at the tremendous show of discipline which those 104 children showed as they were coming on that aircraft which was waiting for them in Antigua. You

could not help but wonder how it was that these children who have obviously been traumatised over the last few years with what is going on in Montserrat, how could they show such discipline and such quality. The young people by their action, the way they behaved, the way they came on, they had the admiration of all of us who could observe them as they made the relatively long trek from the point where they were boarding and coming around the existing aircraft to come and board the Air Jamaica flight.

It was, for me, a manifestation of something which I have known since the 1950s; that among the finest people in the Caribbean are the Montserratians. They have a peculiar sense of hospitality which is different from anything I have experienced in the Caribbean. I also took a more than passing interest in what is happening in Montserrat because living right next door to me for the last couple of years is, in fact, perhaps the foremost medical person coming out of Montserrat; a person who is a lecturer in Surgery at the University and therefore attached to the Queen Elizabeth Hospital and who therefore has kept a running commentary of what is going on in Montserrat. And so my interest has been perhaps higher than it normally would. His mother and father had therefore come up from Montserrat and were living next door because their home had been affected. It happened to be in the South of the island. And so I have had Montserratians actively as my neighbours for the last two years.

One of the things which is apparent is that the British Government has not been taking a sufficiently keen interest in what has been going on in Montserrat. It is not easy for one to say that from the Floor of the House but I say it with conviction, Sir. Because when one follows what has been going on and recognises what is possible you cannot help but wonder at some of the strategies which have been applied in the context of the Montserrat problem.

Now it is true that the Government has changed in the interim and a different set of people are now running the Government in the United Kingdom. But the fact still remains that if they have responsibility for certain aspects of Montserrat's Government, then they should prosecute that much more forcibly and much more vigorously than it appears they have been doing in the last couple of years and especially since the volcano erupted.

There have been questions and doubts and anyone who has followed it knows there has had to be questions from the backbench in Parliament in the United Kingdom about Montserrat in order to force the Government in the United Kingdom to pay more than lip service attention to Montserrat.

There has been three or four individuals in the Parliament in Britain who have asked numerous

questions concerning Montserrat all of which are relevant to what has happened now, some of which predicted what has happened now₀

The question of the electrification of Montserrat is something which is bound to be a problem over the next few months. The generator which provides electricity for Montserrat is currently on the southern side and no provision is being made to put one on the northern side. So on the next occasion that the result of the volcano cascades down in the south, it may very well envelope the area where the present generator exists. That means, that it is entirely possible that the next eruption might see Montserrat totally without electricity.

I do not know enough about what is going on to make definitive statements. 12.05 p.m.

I feel that where the British Government has responsibility for administering the defence and security and the external affairs of the territory that there could be nothing more relevant in terms of defence and security than ensuring that the citizens of that territory have a sufficient land space in which they can enjoy some aspect of life. That has not been apparently the case.

I believe that the time has come for the Caribbean Community to call on the British Government in the context of what exists to make a clear definitive statement about Montserrat, what is their intention, what do they really intend. Snippets which we get in the newspaper are no indication of what they ought to be doing. Caribbean governments cannot slink back and say that this is a British problem because it is not a British problem. It is a Caribbean Community problem. We have to put pressure on the British Government if they are going to maintain the position that they maintain in relation to their dependent territories when those dependent territories exist in our territory. Therefore, we must speak to the British Government firmly, especially now we have a government that will lay claim to a better kith and kin with the ideological positions that exist in the Caribbean. We have to see it in action.

We do not wish to hear any more. We wish to see. When you look at the paltry sums which have been allocated for Montserrat over the last 4 years, when you look at the drawdown in terms of the expenditure over the last 4 years, you will see that even if there had been no further activity after the first set of activity that what is going on in Montserrat cannot be considered to be effective and worthwhile.

I was amazed to see the quality of those children. I did not anticipate that they would be able to show that kind of face in the light of some of the things which I

understand have been going on, or better put, have not been going on in Montserrat. The shelters where they have had to exist are just barely short of the kind of loose living which we would see the first or second day after Hurricane Janet in 1955. That is no place and no way for people to be living 3 years short of the millennium.

I would make bold to say that if this tragedy had occurred on British soil that the matter would have been dealt with in a much more fundamental and caring way. There is a lot of lip service which we get constantly from authorities elsewhere which seek to suggest that they have nothing but love for the Caribbean except when you see them in action.

I have no difficulty at all saying that the British Government has a responsibility and it is about time that we see its action with regard to Montserrat. I am heartened that the Government of Barbados is fulfilling its responsibility with regard to what Montserrat and CDERA have asked for, but I would offer to suggest to them that the Governments of the Caribbean must go further and understand that it may be necessary for them to go beyond what is coming out of Montserrat. The team that has been sent into Montserrat should be mandated if it has not now been mandated to give a realistic picture of how governments can help and the same demands we are to make about bananas we have to make about the home situation in Montserrat. Do not let the British tell us that that is their domestic problem because they do not treat it the same way that they would have treated the Hebrides or any of the other domestic problems they might have.

What about the future? I know we are in committee and hence I cannot speak in much detail as I would. We need to have a very clear picture of what is the future of Montserrat. We must not be reading an editorial of the possibility that Montserrat may come to a quiet end if enough people leave the territory. There should by now be a clear policy position for Montserrat assisted by Montserratians. I read in one of the editorials in the *Times* or one of the *Times* papers that the British Government have said that if the exodus from Montserrat reaches a certain level they would then consider what to do with Montserrat as an entity.

There have been all kinds of snide speculations of what is possible. There are already people who believe that entities like ours are too small to have sovereignty. Even some of the people who live in Barbados believe that we should not have sovereignty. We have already heard an attorney general in this Caribbean suggesting that sovereignty is now a new and different concept. So we have to be extremely careful to know what it is our brethren in other territories and more specifically Montserrat in this case might expect.

What might we come to expect in their regard since the British have responsibility for them and has taken responsibility? Then the British have a clear need and we have a responsibility as a Caribbean community to call on them to articulate their position once and for all so that we will know Alternative A,B,C and so that the people of Montserrat, both living in Montserrat and abroad, can participate meaningfully in decision-making about their future.

We ought not with the passing of this Resolution for \$100 000 and the suggestion by the Attorney General that each Barbadian should contribute a dollar must not be as is done in some religions where once you put some money in and do a few prayers you have absolved yourself of your sins.

We have a responsibility to stay with Montserrat through the entire experience which they are going through and I would humbly suggest to the Government that we designate appropriate persons and make them available. Because it seems to me also with no attempt at criticising them, that the Government of Montserrat, as it is currently constituted and it has been constituted over the last few years, is not capable of doing exactly always what is required. It has no experience in some fields and it is not beyond the Barbados Government to take the lead in offering to Montserrat and, by extension, the British authorities designating persons to work with CDERA and assist in ensuring that the quality of life of those who remain on Montserrat or in Montserrat is a quality of life that we would not be ashamed of as Caribbean people.

Mr. Chairman, the Democratic Labour Party Opposition is not pleased to participate in this discussion because we would have preferred the matter did not arise at all. We empathise with and sympathise with the people of Montserrat and their wider families outside of the immediate territory and we are very supportive of this and any other measure which will go somewhere towards restoring normalcy to the people of Montserrat. We will take a keen interest in what is happening and the Government can rely in this regard on our support over the next few months. Thank you.

Hon. Miss B. A. MILLER: Mr. Chairman, Sir, I want to offer publicly to you my sympathy with the people of Montserrat and particularly to the people who live in and around Plymouth.

Mr. Chairman, I have been privileged in representing the people of the capital city of Bridgetown in Barbados and it must be the most horrendous experience to actually have to watch your Capital disappear before your eyes.

Several months ago, flying over Montserrat, it was what the young people nowadays call "awesome". Just a

huge cloud and you could see the flows right down and you could see the damage being done on the reefs. 12.15 p.m.

Last week at the Heads of Government Conference I was there when the Minister of Education of Montserrat came at the very last day of the Conference to report to us and to make an appeal. They showed us a film of what obtained and it is not a pretty, sight. It is an awful thing.

The capital city of Plymouth is where most of the infrastructure of Montserrat is. The larger number of secondary schools are there. Their Parliament is there. Their petroleum installations are there. Their hospital is there. Their business capital is there as well. The pyroclastic flows have created a situation where Montserrat will soon be totally evacuated.

The information that was given to us in Jamaica last week showed us, and using the map as well, that in effect, two-thirds of the island of Montserrat is now uninhabitable on account of the flows. It is a small island. You are talking about an island with a population of not even quite 12 000 people.

The northern one-third of the island to which the Honourable Member for St. Thomas referred to is not a heavily populated part so, in effect, what the Montserratians are trying to do is to relocate themselves. Having to start from scratch in a part of the island - it would be - I cannot even think of a place in Barbados quite like that because of the way our population is distributed here.

Aside.

Hon. Miss B. A. MILLER: No. The Scotland District still has some people living in it but you are talking about a place that was virtually uninhabited so that means that sewage systems are knocked down and all the basic utilities like water, electricity and housing. They are trying to create this CARICOM village there.

I understand the feeling, to some extent, of the people of Montserrat. It has to be the most horrific thing to have to literally walk away. There are acquaintances who many months ago in occasional meetings have said to me: "I just shut the door. I did not bother to lock it. I packed the suitcases as though I was going on a vacation and I just walked away from it." It must be a horrible thing to know that possibly you may not be able to go back.

I do not think that we fully appreciate in the Caribbean that this Archipelago of islands really has within it - Barbados is different. We are almost exclusively a coral island. On the East Coast of Barbados we have

oceanic upthrust but Barbados is referred to as a coral island. Many of the islands in this chain represent the tips of a nexus of volcanoes many of which are still active. We must not forget a few years ago that the Soufriere in St. Vincent erupted and created a situation in Barbados, where, I remember that night so clearly, Barbados was at that time trying to be a peace broker in a row between the Guianas, Suriname and Guyana. We were at the Hilton Hotel and I remember coming outside and I could not find my car because it was so covered in dust.

The Minister of Education of Montserrat told us that in some parts of Plymouth the ash is 12 ft. The people who suffer with respiratory diseases are the ones they are trying to evacuate.

The two previous speakers quite rightly made the point that the major responsibility for assisting here and bringing some crisis management is that of the British Government. I know there has been an evacuation plan. The RSS is all part and parcel of it. The British have, in fact, just finished the building of a jetty at the northern part and incidentally the bid for that was won by a Barbados company. Edghill Associates have just finished that work. That jetty will be used in the event of a total evacuation.

The scientists are suggesting that it is not likely at this time that the volcano could erupt. Indeed, we pray that it does not because it would not only be damaging for Montserrat but we would all feel the sub-shocks and the effects of it. The ash would go far and wide.

When I was a child I remember very old people at that time recalling. One lady had a little vial with what she called May dust in it. When the Mt. Pelee volcano erupted in Martinique, the dust covered all St. Lucia and Barbados. We all felt the effect of it.

What this is saying to us too, Mr. Chairman, is that we live in a paradise in these islands and we must not take it for granted that we do not live on a daily basis with disaster. We live in a hurricane belt. We have been having earthquakes from Jamaica down. Hundreds of years ago an entire town disappeared. Port Royal disappeared under water in Jamaica. So we are subject to these mighty cataclysmic disasters.

Disaster preparedness is an important part of the responsibility, indeed, the obligation, Sir, of every Government in this area. I hope that we in Barbados will be nudged into some activity because we are at the beginning of our hurricane season. I hope this will urge some of us to become a little more careful about the way in which we prepare. The Government Information Service does its job. People must get in their canned foods, secure their houses, property and animals. Every Barbadian should

know where his or her hurricane shelter is so that in the event of bad weather we are not finding ourselves screaming at the last minute asking where is it but we are calm, strong and in a position to say, "Here it is. We are prepared. We are ready."

CDERA is doing tremendous work in Montserrat. The situation is being monitored on a moment by moment basis. The assistance which we are being asked to support, and indeed I am very happy to support is, as I understood it from what was put to us by the Minister of Education and the CDERA Head last week, it is very much a fluid situation in Montserrat so that they want to be careful about the nature of assistance. It may end up that this is very temporary or interim assistance. It can be long-term assistance too but you know how humankind is, Sir. It is very difficult.

Floods occur, huge floods. We see them on CNN and on the news. Whole villages are washed away in Bangladesh. We see it in the Midwest in the United States of America, everywhere in the world, the Philippines. People then re-establish their homes and their businesses on the old site and two years later it is washed away again.

We used to see that here in Barbados. I can remember the 1949 flood. I have a dim remembrance of that when all of Hall's Road houses washed away. When you get a lot of heavy rain in Barbados the people in Hall's Road and along River Road would have the water coursing through their houses but they never moved, even now the people at Ellis Village.

I remember in an earlier administration the late Tom Adams and myself going to Ellis Village and saying to the people: "The Government is willing to relocate you." "No, No, No. We do not want to move." Prime Minister Adams then said to them: "Every 2, 3 years you want the water coursing through your house?" But that is human nature, so I understand this need for the people of Montserrat to try to regroup and find a new way of life in the island.

If such a thing should happen in Barbados, God forbid, it is just too incredible. It is too hard for me to contemplate that I could be in a situation where I would not be able to live in Barbados, maybe for the rest of my life, or that Barbados would become literally an abandoned or a desert island in that sense. It is a mind boggling reality with which those people are living on a daily basis. 12.25 p.m.

As I said, the information is that total evacuation is not ruled out but people are struggling on. I think we have to compliment the bravery and the tenacity and the courage of the people of Montserrat at this time. I think, notwithstanding the responsibility of the British

Government, that as Caribbean brothers and sisters we have to stand with them. It is the beginning only of what we, over a time I am sure, will give by way of assistance to the Montserratians.

I expect to meet with Baroness Symons who is the person in the new British Government for the Caribbean. I expect to be meeting with her in a few weeks time and I certainly will raise among other matters the solidarity that we feel in the Caribbean with Montserrat and possibly other mechanisms for bringing relief.

In Barbados we bring it in many ways, even some unspoken. There are people that I know in Barbados, who are reaching out to friends in one way or another and this is just how we will have to continue to do it.

In those circumstances, Sir, I am very pleased to second and support this Resolution.

Hon. R. N. GREENIDGE: Mr. Chairman, it is with some sadness that I rise to speak on this Resolution as well.

The people of Montserrat obviously are our brothers and sisters. We all have had the same common African heritage, we were in the bosom of slavery together and we shared the same colonial past. I believe that the West Indian community must therefore rise to this occasion. I think that it affords the Caribbean people a test of their own sincerity and responsibility because Montserrat should be, certainly in my mind, I have no doubt about it at all, the beneficiary of a total regional outreach programme where the Caribbean should come together as a unit to assist our sister island.

Mr. Chairman, although Britain has the ultimate responsibility for Montserrat, I do not think that as Caribbean people we can wait around and watch to see what Britain is doing or what Britain has done before we make our contribution. After all, I am a West Indian, you are a West Indian and the people of Montserrat are West Indian. They are our kith and kin and therefore I think that the world at large will be looking to see what this region can do as a unit.

Mr. Chairman, perhaps the best way to look at it is the way in which the Honourable Member for the City has done and to ask ourselves what we would be doing if we were in the same position, if we were in the same predicament what would we want for ourselves. If we look at it that way and we think about what is happening in Montserrat, then we can be more focused as to what we should do for this unfortunate island. We can just imagine the trauma, Mr. Chairman, as to what has gone on with

several villages destroyed, persons dead and a lot of people still not accounted for. Untold injury and suffering, Mr. Chairman.

I want to make just one basic point and it is this. Total evacuation, I am told, may be necessary but I do believe that total evacuation should very well be a last resort. This is my gut feeling, my personal feeling is that it should be a last resort. History has taught us, Sir, that countries have recovered from the ashe& of volcanoes. I do believe that once there is life, there is some hope and that there is some hope that some day Montserrat and life in Montserrat could be restored to what it has been. There is still hope for the people of Montserrat.

Like most Barbadians, Sir, I am concerned with the ones who are still there, the ones to the North. The sulphur or whatever fumes emanate from the volcano; what effects it will have on them, I am concerned about that, Mr. Chairman.

I want to say that if it is the desire of the Montserratians to remain on their island, then we have to see with them. We have to appreciate their point of view. I hope that a solution can be found to the problem with the people of Montserrat still on the island of Montserrat. As I said, that is my personal view. If Barbadians were in that position, as the Honourable Member for the City has said, then I would want the solution to be found with Barbadians remaining in Barbados. As far as possible we must allow Montserratians to exercise their right to stay. If they want to stay, we have to allow them to exercise that right.

I do not think, Sir, that we can be party to any big stick policy which tell them that you have to leave. They having to leave should not come in the form of any directive to them. Leaving should be their choice because we cannot stay at this distance and say what is best for the people of Montserrat, if they think that something is best for them.

Sometimes, Mr. Chairman, in trying to do good, we do more harm than good because history has also shown that often people who flee from their country end up by being resented in the country in which they seek asylum. Millions of refugees the world over will tell you that in the place which they thought would have been a haven, they are not well treated. I would rather a solution to the people of Montserrat be found with the people of Montserrat still being in this island.

As the Honourable Attorney General and the Honourable Member for the City have said, this is not the full extent of the Barbadian contribution. The Attorney General has already detailed the other measures that we have taken to assist the people of Montserrat and I

do believe that there will be more Barbadian fund-raising as well. I do believe that other NGOs in Barbados, the churches and so on will come together and have other fund-raising events to assist the poor people of Montserrat. There will be much more of a national response beyond what Government is seeking to do in this particular Resolution. Barbados, it must be remembered, is not bearing this alone. Barbados is one of many regional contributors in this particular matter.

Mr. Chairman, as I said, it does give me a bit of sadness and as I reflect I can think of a dozen friends in Montserrat. As I think about them, it is with a tinge of sadness that I rise to give my support to this Resolution. 12.35 p.m.

Hon. D. A. C. SIMMONS: Mr. Chairman, I am grateful to Honourable Members who contributed to the debate and to the Honourable Member for St. Michael West for some of the suggestions which he made. CDERA has in fact suggested that some expertise in project development would be needed particularly to execute projects in the Northern Zone in order to develop that zone which the Honourable Deputy Prime Minister spoke about.

As I indicated CDERA is monitoring this problem in Montserrat on a daily basis and updating all of the Governments. I am sure we could in Barbados look at persons from the Ministry of Agriculture, the Ministry of Health and the Ministry of Economic Affairs and persons from the private sector who could be made available to contribute to the rehabilitation effort. That is something that CDERA and CERO will obviously be looking at because it is being monitored and the work of CDERA will change from just supplying reports to coordinating effort and organising for a structured and systematic management of the disaster.

I can only say, Sir, before closing, in relation to the British Government, that it was made clear to me when I was in Britain on official visit last month I met Baroness Symons twice, that she was well aware of the problems of Montserrat. In fact the second day I met her she was leaving to come out to Antigua. The Foreign and Commonwealth Office is monitoring the situation and preparing alternative contingency plans.

The present British Government is very sensitive to the situation in Montserrat. I am aware that they have blamed the previous administration for neglect of the issue. They did it in the House of Commons three weeks ago but the present Government is very sensitive and the Member of Parliament who spoke here in Barbados during May, Ms. Dianne Abbott is up there leading a constant and concerted effort on behalf of the region for the British Government to get active.

Mr. Speaker, I am therefore grateful for the support for the Resolution and I beg to move that Head 28 stand part.

The question that Head 28 stand part was put and resolved in the affirmative without division.

On the motion of Hon. D. A. C. SIMMONS, seconded by Hon. G. W. PAYNE, Mr. CHAIRMAN, reported the passing of one Money Resolution in Committee to Mr. SPEAKER and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. D. A. C. SIMMONS, seconded by Hon. G. W. PAYNE the Resolution was read a first and second time and agreed to.

ORDER NO. 2 - LIMITATION OF ACTIONS BILL, 1997

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, before the House is a Bill entitled the Limitation of Actions Act 1997 and I will ask for the amendment of Clause 1 in due course.

Sir, this Bill was laid for some time now. It was introduced here on the 14th January and we have delayed second reading of the Bill to allow for comments. We received one comment from a lawyer in private practice and I referred the matter to the Law Reform Committee and had meetings as recently as Monday on this Bill because the only difference between this and what was circulated originally is Clause 22, as a result of the comments which came from counsel.

When I read the original Bill closely Clause 22 was in rather convoluted legalese and I felt that there had to be a simpler way of expressing. We met on Wednesday and did a redraft in the Ministry. So that the only change to the Bill is that we have simplified the language of Clause 22 but not altered its effect.

Sir, this is a technical Bill, something that lawyers will appreciate but on the other hand the broad principles of the Bill are important for the ordinary litigant. The law believes, Sir, that there should be an end to litigation at some time, that actions, claims or proceedings should have a time limit; that you should not hold over a person's head a legal proceeding forever and ever. And, so the law has developed various time limits for various types of actions. 12.45 p.m.

For example there is great doubt in Barbados and there is divergence of view among practitioners as to what is the time limit for bringing an action in tort. There is one school of thought that says six years and after that you

are barred. There is another school that says four years. And to try to make an argument, not that you are right because I do not know who is right, whether the four-year school or the six-year school, requires you to go back to the Elizabethan statute and look up some old, old law, and one's interpretation of the legal materials is that it is six years. Now as I said the other one is four years.

Now, that creates a lot of uncertainty and it can also create great hardship for litigants. What we have tried to do in this Bill for all the verbiage is to create certain time limits and I have tried not to have too many to make the thing complicated. So that when the Bill is finally passed, what will happen hereafter in Barbados if you have an action for breach of contract or an action for tort, except personal injuries, nuisance or breach of duty, I will explain them when I get to them, you have six years within which to bring your case. The contract tort other than personal injuries, negligence, breach of duty and nuisance, six years for that.

If you have an action claiming adverseness, vestry title to land, no change in the existing law, you have 10 years. If you have been on land for 10 years and nobody has ever challenged your right, you can acquire a title to the land. And insofar as limitation we are using the 10-year rule because everybody will remember it. Now where there has been the greatest hardship - is in claims brought against a Government department represented by the Attorney General or a statutory board. The average person in Barbados and many lawyers, at the beginning of their practice do not appreciate that if you have a claim against government or a statutory board you have one year in which to bring your action. File your writ. The vast majority of Barbadians, 98% of the population does not know that. A lot of people have been disadvantaged because they got injured in a Transport Board bus action, they got some whiplash or whatever and they have not filed their case against the Transport Board within a year. You know that many persons have not been able to get compensation because of that technicality that they have not started the case.

Insurance companies take the point, the lawyers on the other side take the point, and the Government from time to time has taken the point. Since I became Attorney General, I gave instruction. I am not taking the point unless it is an outrageous situation. If somebody comes four years after an accident and then wants to institute a claim against the Government, unless the person has been out of the island, necessarily so, I will take the point, I will plead limitation. But, I have told the lawyers in private practice who have written to me, where they have failed to file within time, I am not taking the point. If you come 15 or 18 months after, I will not let the Crown take the point and that is the stance that we adopt in Chambers, because I

think it has worked a lot of injustice in the past and they are often very good reasons why people have not been able to file in time.

One of the best reasons, especially in personal injury actions is that it takes a long time to get the medical reports.

Asides.

Hon. D. A. C. SIMMONS: I have had that. Insurance companies will tell you, "don't worry to file" and you do not file and then they take the point against you later on. I say in those cases they should be charged for fraud.

Asides.

Hon. D. A. C. SIMMONS: I feel that the one year rule is too burdensome on the average person and so we have changed that to say that you now have three years to bring an action against the Government or any statutory board. I think that is reasonable.

Those are three of the basic principles of this Bill. Notwithstanding the time limits which we have as six, three and ten, if there are very good reasons, you can now ask the court under section 52 to enlarge the time. For example, I said, if in an odd situation where you were not able to file for one reason or the other or your lawyer died just before the expiration of three years and you could not get a new lawyer to take on the case, or you were out of the island and he died and you came back a little time after and you wanted to start a case you could apply to the court for the court to exercise its discretion to enlarge the time and I am sure in circumstances like those the court will agree to an extension of its time. 12.55 p.m.

This Bill, Mr. Speaker, is based on the English Act of 1980, the Limitation Act of 1980, with an adaptation to suit our conditions and having regard to existing law in Barbados such as the Accident Compensation Reform Act and so on.

I am not going to conclude. I am going to just make a point about clause 20 in relation to personal injury and then we can take the suspension for lunch.

When I first read the draft that was sent to me I had written on it 6 years instead of 3. That was an instinctive reaction but, then I discussed it with the parliamentary council and others who advised me and I was persuaded that we should leave personal injuries at 3 years. I was tending to look at it and I am quite prepared to admit my own failings only from the point of view of the plaintiff.

In fact, one should look at it in a comprehensive way. You have to look at it from the point of view of the defendant. I was too narrow in my view.

Perhaps it is not fair to a defendant to have a case hanging over his head for 6 years. An incident happens and somebody believes they have a case. It might be a 50-50 situation an incident in which nobody is sure who is right and who is wrong. You do not do anything about it for 6 years. The person who is ultimately sued has made no preparation and from the point of view of evidence witnesses may have died or disappeared and certainly will have forgotten and most probably are going to give untruthful evidence, some deliberately, perhaps some are not deliberate.

It would not be fair to have such a long period and I therefore was persuaded that looking at it in the round, it is perhaps fairer to have a reasonable time limit like 3 years with the provision of section 52 which allows for an enlargement of the time if good grounds are provided.

I just wanted to explain why we have allowed the 3 years to remain even though negligence and nuisance are in themselves torts for which generally there will be 6 years. Other torts will be 6 years but these will be 3. We make it clear in subclause 4 of clause 20 that the time limits prescribed in sections 6 to 19 shall not apply to action to which this section applies.

I have a few other things to say on resumption and to take members through the Bill. I will not delay the House on it. With those few words I beg to move that further consideration of the Bill be postponed until after lunch.

Hon. G. W. PAYNE: I beg to second that.

SUSPENSION OF SITTING

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to move that this Sitting be suspended until 2.00 o'clock in the afternoon.

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

The question that the Sitting be suspended until 2.00 o'clock in the afternoon was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.

RESUMPTION Mr.

SPEAKER: This Sitting is resumed.

Hon. D. A. C. SIMMONS: I shall not be much longer, having given the principles which underpin the legislation, I have indicated specific clauses of interest.

In respect of tort there is a 6-year limit now. Clause 6, clause 14 for contract - 6 years. Clause 16 there are some special awards which could apply to arbitration awards - 6 years, special contracts - 12 years. This is the old law being reproduced. Something recoverable under statute - 6 years and I have explained personal injuries and death already.

The Accident Compensation Reform Act of 1980 allows for a 3-year limitation for fatal accidents and we therefore had to make this legislation in clause 20 to harmonise with what already exists and we have provided in clause 20 for the harmonisation and 22 we have provided that a dependent or personal representative under the Act cannot profiteer from the death. It cannot purport to bring the action after the limitation period has expired. In other words, the personal representative or the defendant does not get a better right than the English parity would have had.

We provide for the matter of knowledge specifically in clause 24 and the members who have had to deal with limitation matters know that knowledge is a key element in seeking to have a cause of action accrue after the limitation period. If you knew of it, then you are out.

Actions to recover land and rent - 10 years. Clause 25. Adverse possession is in clause 31.

More particularly I would like to draw members attention to clauses 52 and 53. These clauses give the right - I suppose that is the word - to a person who may be outside the time limit still to have an opportunity to prosecute a claim if it would be equitable to allow the action to proceed. It is a discretionary act.

They might be able to make use of this especially where an insurance company has been clearly guilty of conduct unbecoming. Then the insured should not suffer because of the delinquency of the insurer and you will be able to come under section 52. You make out an affidavit and come under section 52 to get the time limit extended.

We try to give guidelines to the courts as to the matters that should be taken into account when the court comes to exercise its discretion. We set out those in clause 53. The court must have regard to all the circumstances of the case and then to particular matters. So that this is important for the lawyers because when you are drafting your affidavits for extension you should make sure that you come within these specifics that are set out in clause 53.

Sir, the part of the Bill that gave us the greatest difficulty in drafting was that part dealing with latent damage. It is a very difficult area in the law and though generally the Bill is based upon the English 1980 Act

we found that the best legislation that we could find was in the Australian law, The New South Wales Statutes. Clause 54 is to a large extent based on Australian law.

Those, Mr. Speaker, are the main features of the Act but I am constrained to repeat because the Press was not here when I introduced the Bill and I wish the public to know that this new law, the Limitation Act, enlarges the rights of persons who are injured or who have claims against the government or a statutory board. They now have 3 years within which to bring the action whereas under the present law it is limited to one year.

With those remarks, Mr. Speaker, I beg to move, having regard to all I said before, that this Bill be now read a second time.

Hon. R. C. EASTMOND: I beg to second that.

Mr. F. J. STUART: Mr. Speaker, I shall not be very long. This is an uncontroversial piece of legislation which will get the full support of the Opposition. The Honourable Minister in his introduction dealt fairly expansively with the provisions of the Bill and therefore it is not necessary for me to traverse territory which has already been traversed.

The concept of limitation had its genesis in Roman law, and English law inherited the concept from Roman law. The justification for having limitations at all was grounded jurisprudentially in the fact that the passage of time can have an adverse effect on the ability of a court to adjudicate accurately. As the Minister quite correctly said, witnesses can die, evidence can be destroyed and therefore the internal logic of the law responded to those possibilities by coming up with a constant limitation which made it incumbent on persons who thought they had claims to bring those claims within a specified period of time.

The other justification for a concept of limitation at all is the right of potential defendants, persons who could be sued, to know in good time whether they would have to answer a case in court or not. It is thought unfair to expose potential defendants to the prospect of having to go through their lives looking over their shoulders wondering if or when they would be sued for wrongs which they might have done.

There is a good jurisprudential basis for the existence of a doctrine of limitations. The law of Limitation in Barbados had its genesis at the time of settlement when the English Statute of Limitation of 1623 was received here in Barbados. That statute has remained a part of our law until the present. This legislation of course repeals its applicability in Barbados.

So you have the ludicrous situation where in 1997 lawyers still have to apply and advise insurance companies on the basis of a piece of legislation that basically has a medieval echo, the Statute of Limitation of 1623.

Any deviation from that Statute, when the need to deviate from the provisions of that Statute has arisen, Parliament has had to intervene and to pass laws to specify what limitation periods could exist in specific cases. This has been the case with statutory corporations in particular.

There is very good reason why this legislation is necessary at this time because, truth to tell, as has been acknowledged by the Minister in his second reading speech the law is in chaos. It is scattered all over the place. Sometimes you have to go back to the English 1623 legislation and even when you go back there there is no consensus on the interpretation of the provisions of the 1623 legislation. So it is necessary to clarify the law and to put those issues beyond doubt.

The Minister, quite correctly, says that there are those who believe, for example, that in some cases the limitation period under the 1623 legislation for personal injury is 6 years and there are others who believe it is 4 years. Up to recently I had to deal with a situation where an insurance company was advised that a man who got into an accident, not his fault, driving his own car along a road in St. Philip, his claim was statute barred after 4 years. So the legal advice went, because he was driving the car himself. Had an agent of his been driving it that agent would have had a limitation period of 6 years. The reason had to do with the distinction between trespass and case.

Even in 1997, those ghosts from the Middle Ages are still summoned from the vast deep and, as one judge said, still clank their medieval chains in our time,, 2.20 p.m.

It is necessary for a modern consolidating piece of legislation to put these issues beyond doubt. The 1623 legislation creates more confusion than is fair to litigants at this time and all in all issues of limitations are too scattered in disparate pieces of legislation. For the first time since 1623 lawyers can now go to one piece of legislation and get clear guidance as to when time begins to run and what the limitation period in particular situations is.

The first benefit I think that will be derived from the passage of this Bill is that that ancient piece of legislation with its medieval echo in the 1623 Statute of Limitation will cease to have effect in Barbados. That is a very important development, in my view, having regard to the state of confusion in which the law finds itself on the issues to which it still relates and the differences of interpretation which result from that confusion.

The second benefit I see has to do with the enlargement of the limitation period where actions against the Crown and statutory boards as well are concerned. Now, the one year limitation period which this Bill now repeals in respect of claims against the Crown, reflects the mind set of a period that is long past in Barbados.

There was a time when it was perceived that the Crown and the agencies of the Crown were omnipotent and that the private citizen had to respect that omnipotence of the State and its agencies. Relations between the State and the citizen have now largely become more horizontal as distinct from the vertical relationship which has existed from the time that there was a Barbadian State.

Increasingly, citizens of this country have had reason to call into question the conduct of the State on a versatile range of matters and the State no longer overawes the individual. That this legislation recognises that fact and reflects the change that has taken place is, in my view, enough to recommend it to me, for a lot of hardship has been wrought against litigants who have had wrongs committed against them by the State or its agencies and have consulted lawyers too late or have not known of the limitation period and in some cases...

Aside.

Mr. F. J. STUART: Investigating the injury itself is manifested late. That is particularly the case in certain types of injury in that when you have a whiplash sometimes it manifests itself much later than the date of the accident. In my view, the State has been too rigid and unyielding in its response to such persons.

The Minister said in his speech, and I can confirm this, that his policy has been not to insist on a litigation period in matters of personal injury where cases against the Crown are concerned. His officers have confirmed that and it is well known that the Crown does not plead and insist on the limitation as of now. So the Bill is only coming into line with the existing practice in Barbados today and that is to be commended. I think that it is only fair that relations between citizen and citizen should now be put on the same footing as relationship between the State and the citizen. That is a democratic advance and, as I said, recommends the Bill readily to me.

The third benefit which I see is the benefit conferred by clause 52 which vests the court with a discretion to entertain applications to exclude the time limit. Now, this has been a fact in the English 1980 legislation. I am happy that it is now going to be a part of the law of Barbados because there is again a versatile range of situations in which people do not get to court in time. They cannot get

to court in time and it is really not fair for people in situations sometimes beyond their control to be denied their remedies because of the fact that they have not complied with a procedural requirement such as not filing a case in time. That kind of harps back to the days of the forms of action and Maitland's famous statement that the forms of action are dead but they still rule us from the grave.

This innovation in our law which vests the court with the discretion to exclude time limits is a forward looking development. As I said, it is already a fact of the 1980 legislation in the United Kingdom and is for the benefit of the litigant, in this case the injured litigant or the dependents of persons who have died as a result of somebody else.

There are situations in the real world of practice nowadays. In fact, there is a kind of corporate banditry which is manifested amongst some insurance companies in recent time where they actually inveigle you not to start any legal proceedings representing to you that liability is not in dispute and then at a convenient time once the limitation period is past, you are then told that the issue is statute barred...

Aside.

Mr. F. J. STUART: Not only that particular insurance company. There are others as well. This clause will put an end to that kind of corporate banditry. It is wicked. Every lawyer can tell you of having received correspondence from insurance companies saying: "We are investigating the matter. You do not take any further action." The language is "we will revert to you in due course." You wait on the insurance company and then once that limitation period is past, you are then told that your claim is statute barred and some are not even generous enough to discuss an *ex gratia* with you. I have known the agents of some of these insurance companies even to tell lawyers, your client should sue you because you should have been sensible enough to issue a writ within time. So, Mr. Speaker, clause 52 will deal with that kind of banditry.

There are other situations where the circumstances are beyond the control of the litigant himself, for example, where an insurance company runs into difficulty and it is not the fault of the injured person but the insurance company is not able to satisfy claims because it is in difficulty. There have been litigants out there who, if and when these matters are reported can relate to this point that all they have done wrong is to be on a Transport Board bus at a time when it was insured with the wrong company. That is all they have done wrong and because of that, it becomes a circumstance entirely beyond their control. Now that everything has come out in the wash, the insurance company cannot satisfy their claims and to issue a writ, they meet with the claim that the action is statute barred.

It is unfortunate and I hope that when the Minister winds up that he might want to tell the House whether the Government has any plans to alleviate the distress of litigants who find themselves the victims in this particular situation. 2.30 p.m.

The number of litigants is not small and litigants have done nothing wrong. All they have done is to be involved in accidents involving a vehicle of the Transport Board, at a time when that vehicle was insured with a particular company. It is really not fair to them to have to go without their just entitlement on those grounds alone. Were this to happen again, they would have recourse to Clause 53 and they would be able to apply to the court for an enlargement of the period of limitation so that their just claim can be addressed.

On the whole, Mr. Speaker, the legislation as I said is uncontroversial, it is a consolidating piece of legislation. For the first time since 1623 you can go to one piece of legislation and find the law of limitation in Barbados. It covers every aspect and all the major issues relating to the law of limitation and on that basis alone it recommends itself to the Opposition. It preserves a lot of the existing periods of limitation, as the Minister said but so far as the innovation which gives the court the discretion to enlarge the limitation period in circumstances where hardship could work against litigants. That is an innovation which pleases the Opposition and in those circumstances, the Bill has our wholehearted support and we look forward to the benefits which must result to litigants with the proclamation of this Bill in due course.

Asides.

Mr. F. J. STUART: I spoke on that. That is a benefit. It equalises the relation between the State and the citizen and the citizen and the citizen.

Mr. Speaker, the Bill will have our support. I do not think that I can be of any further assistance to this House. The provisions of the Bill is quite clear, the Bill speaks for itself and the three benefits as I see them, the repeal of the 1623 legislation which is really a medieval legislation, the enlargement of the period of limitation in action against the Crown and the discretion given by the Court to enlarge the period of limitation in cases of personal injury and death. I think that these are positive developments in the law and should get the entire support of the House. I think that it is a benefit that all of this law is now contained in one document to which lawyers, who will need it most can go for guidance which is at present denied them having regard to the fact that the law is now scattered all over the place in disparate pieces of legislation.

I am obliged to you.

Hon. R. N. GREENIDGE: Mr. Speaker, I rise to lend support to this Bill as well. Indeed, it might surprise people to learn that I have actually heard a lawyer argued against the whole question of limitation. His position was that it should be open-ended. When people want to sue, you should be allowed to sue. He had only argued this after he was burnt by a limitation point and therefore that was his argument.

Mr. Speaker, I am in general agreement with the idea that there must be some form of limitation on action in court. You cannot expect to have an incident and then want to initiate court proceedings some 20 years after that. You cannot have people going through life with something hanging over their shoulders for 20 years. Your windshield is broken in 1961, Mr. Speaker, and then someone wants to initiate the action in 1997. This cannot be right. The time must be managed properly, especially the court's time. We may not be aware of it but our daily lives are regulated in some form or fashion by limitation periods.

What I really mean by saying that, Mr. Speaker, and you would know this as a cricketer that even a batsman has a period of time that he has to get out on that field. Even in writing examinations, Mr. Speaker, you have a three-hour limit.

Asides.

Hon. R. N. GREENIDGE: You have a five-year term. Mr. Speaker, what I am saying is that without really realising it, our daily lives are actually regulated by limitation. The court really and truly should be no different or else people would always have this question of litigation hanging over their heads.

Mr. Speaker, it also reminds me of something which goes on in the United States very often, I do not think it goes on so much in this region, where when people get involved in public life then we get the journalist and the investigator and all the rest of them trying to sweep and to vacuum the four corner of that person's private life and they go back to years and years before when the person was at University or when the person had two girl friends and they use that against them. This is something which I am opposed to. I believe there has to be some cut-off point.

Indeed, Mr. Speaker, when we passed legislation recently concerning the Minor Offences Bill, we were saying that people who have convictions five or seven years before, that this is no longer part of your record. This is more in line with the way I am thinking rather than the whole idea of delving into somebody's past and looking back to see if they had two girl friends in 1964 and that type of thing that happens.

Mr. Speaker, the limitation is really the codification of the law of the doctrine of relations which is one of the main planks on which the law of equity is based. In other words it is simply saying that there should be no delay. When the Attorney General spoke he mentioned the whole question of possessory title, adverse possession and the law as it relates to prescription. A lot of Barbadians do not realise it but if you own a parcel of land and you do absolutely nothing on that land for a period of ten years and in the meantime somebody else goes and take possession of the land for the ten-year period, whether you are in Barbados or whether you are overseas, it does not matter. 2.40 p.m.

The point is, if the person takes possession and you do absolutely nothing to assert your right of ownership then when you come after that 10-year period has passed and you try to say, I am the owner of this land, and the person goes to court and says, well I am in adverse possession, I was here for a period of 10 years and nobody interrupted me, that person could very well end up having title to your land and leave you there because you delayed and did absolutely nothing about it.

As it is, Mr. Speaker, that is why you find that years ago, I do not see a lot of it happening now, but years ago you used to find that every first day of the year a lot of Barbadians used to put some obstacle to stop people from passing along a particular road or entering a particular piece of land because what the person was saying there, is, I own this and clearly I am doing something to show you that it is my land and it is not yours. In a way these people actually understood what the law of adverse possession was about because they were trying to block the people from passing across the land. So like the Limitation Act what the law there is saying is that if you do not do anything in a particular period of time that you are going to pay the price.

As has been said before, Mr. Speaker, very often a case is won or lost on the limitation point. In other words that the matter has come to court after the expiry of the limitation period and depending on the nature of that matter in civil matters, Mr. Speaker, it can be 4 or 6 years as the case may be. Sometimes, Mr. Speaker, it is the fault of the client who comes to the lawyer a long time afterwards. Sometimes he comes after the limitation period is over.

I remember, Mr. Speaker, having a case with two chaps who were dismissed from a furniture company that operated in St. Philip. One chap came to me in good time, the other chap came late. It so happened that even though you applied to the tribunal for a date of hearing for both of them they were heard on the same day but they got

different decisions and the facts were the same. One chap got his pay because his was in time. The other chap did not get anything at all because he was out of time and it was clearly the fault of the client who had come late. Even though the facts would have been the same and the hearing day would have been the same, the point is that having initiated his action more than a year after, he was out of time and therefore he did not get his compensation.

Now, as has been said, Mr. Speaker, insurance companies seem to know the law of limitation better than most lawyers and many a lawyer has been burnt by an insurance company on this limitation point, in particular, Mr. Speaker, where it relates to places like the Transport Board as has been said already.

Personally, Mr. Speaker, I think it is virtually immoral for someone to take this particular point with citizens of the country with just one year's limitation period with things like personal injury on the Transport Board.

I believe, Mr. Speaker, that no respectable, decent insurance company should take that point when it comes to personal injuries on the citizens of Barbados. But the whole question of the Crown, I was never comfortable with having just one year in which to sue the Crown. As a matter of fact, Mr. Speaker, there are lots of Barbadians out there who do not approve of the point that when you owe Government you have to pay up in time or else you get penalties and interest and all those things added on to you. Take for instance your property tax, income tax returns and so on. If you owe the Crown you get penalties and so on added on in a hurry but on the other hand if the Crown owes you, you have to sit down and wait more than a year or more than 2 years for the Crown to pay you and there are lots of Barbadians out there who are not too comfortable with that particular point.

I believe that with the whole question of public sector reform and so on, we have, as a Government, to be more customer friendly and clearly a lot of people out there are pretty unhappy about it.

I believe, Mr. Speaker, that in any situation where the Crown gets into the market place and does the same thing as the citizens of Barbados, I mean for instance in a situation where the Crown is a hirer it has its Transport Board, where the Crown is an employer, where the Crown is a legal person in the market place, an agency carrying on commercial business, if you are behaving as a Government like the citizens behave, you should not be treated any differently from the citizens. In other words if it is a 3-year limitation period for the citizens, it is a 3-year limitation period, for the Crown and therefore, Mr. Speaker, I welcome section 59 of this particular piece of legislation which rectifies this.

You have situations as I said, where a Transport Board accident is the same morning as an accident with a motor car and the Transport Board has a one-year limitation period but the other chap has a 4 or 6-year period and it just cannot be fair. As I said I have always been very uncomfortable with the one-year period.

Mr. Speaker, I agree too that sometimes it is the fault of the lawyer. Perhaps the lawyer anticipates an out of court settlement and does not want to saddle his client with expenses like filing a writ or incurring other filing charges and therefore the time gets away. The attorney as you know, Mr. Speaker, is not dealing with one matter he has a variety of matters in his office to deal with. Sometimes as I say, it is his fault. In law the time goes pretty quickly in things like exchange of letters and so on and you find that in the twinkling of an eye that one-year period is up. The lawyer is human and very often he cannot or does not remember the actual cut off date.

I have known, Mr. Speaker, of occasions where lawyers had to pull their pockets simply because the expiry period passed and they did not file a writ in court to preserve the claim. I have known of instances where lawyers had to actually pay because they did not file the writ on time. So, Mr. Speaker, I fully support the Bill. 2.50 p.m.

As has been said, it can only be of benefit to the citizens of Barbados, a lot of whom have been crying out before, in particular that point, the whole question about the Crown and the one-year limitation period.

I am obliged to you.

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

Hon. Dr. R. L. CHELTENHAM: I want to join with Honourable Members in welcoming this measure introduced by the learned Attorney General.

Ever since I came to the Bar in 1970, soon after I came I had the experience of having as a client a luckless lady from the Belle Gully whose husband was knocked over by a Transport Board bus and lost his leg. When she came to see me the 12-month period had passed and even though it was a case of clear negligence on the part of the driver of the Transport Board bus that resulted in the death of her husband and the only bread winner in the family, she was not able to recover. The limitation point was raised against her by the lawyer at the time, who was lacking in compassion, he did not even consider an *ex gratia* payment. He simply delighted in telling me that the money was not his money and he could not give it away, she had to come within the law or she failed.

As a result, when I first came to Parliament in 1976, I started campaigning, as it were, for this very piece of legislation and successive Attorneys General assured us that it would soon be coming, work was ongoing on this measure in the Attorney General's Chambers. So, I want to congratulate the Attorney General in bringing this measure and to say that he is operating in the tradition of the great reforming Attorney General of recent years, the Honourable Member for Christ Church West and the other measures which he has promised of a reforming nature we very much look forward to welcoming them. I do not wish, Mr. Speaker, to retrace the steps of the Honourable Attorney General himself who gave the rationale for this measure, and I thought that the speech of the Honourable Member for St. Philip South - those reasons were very eloquently supported and for those reasons, I wish to lend my support to this measure and to make simply one or two comments.

The first has to do with the position of the Crown and the position too, of statutory corporations. The limitation applying in circumstances where John Citizen had to bring a case against a statutory corporation, used to be one year and for reasons already indicated that has turned out to be of enormous hardship to many would-be litigants and to many fellow citizens.

Equally, if the action was against the State represented by the Attorney General, for example, there was a negligent operation carried out at the hospital, the action too had to be commenced within one-year or the victim of the operation would find himself statute barred. The situation is that in many circumstances, the wrong done is not manifested until beyond the one year period and so many people only became aware of the fact that a piece of the equipment was stitched up inside of them, well after a year had passed and yet they were not able to bring an action. That is to give just one illustration. That has now been enlarged to three years. But, it is in my view still not enough and still does not put the Crown on the same footing as John Public. Let me illustrate.

If, Mr. Speaker, an agent on your behalf is driving your car and through his negligence he knocks over another, the period within which he can bring that action is six years. If however, the agent of the State does the same thing, it is only three years within which the victim can bring that action. So that the State is still not on the same footing as John Citizen.

Now, I say that is not quite as it should be, not only because notions of equality have so overcome our jurisprudence that the State has no advantageous position. But particularly in dealing with the State, the period should be larger, because if, as I have known, a school meal's worker, to give an illustration, sits down on a chair in the course of duty and the chair collapses and her back is destroyed, after one year, there still is no report in

the Ministry of Education, or none before the Attorney General with respect to that incident, although the headmaster was present on the scene within minutes.

You cannot get public servants to put pen to paper and to write quickly and honestly about the circumstances surrounding accidents that take place within their departments. Often you have to wait, as I am reminded, two or three years to get that medical report. So that you may not have the raw material with which to work in launching a case until a period of two or three years is passed.

What is true, Mr. Speaker, is that there is no, and I will quote the language of the Honourable Member for St. Philip South, jurisprudential justification for any distinction today, 1997, between the State and the individual. To that extent there can be no valid case made for the State taking three years, but in relation to the two, Mr. Speaker, it is six years. There is no justification.

In your case you go within 24 hours and make a report to the insurance company and indicate that you were going down the road last night, or your messenger was driving the car and he has been unfortunately involved in an accident and the report is that the victim has had both his feet broken. And you are asking the insurance company to follow up the matter and you would much prefer if you heard nothing more about it.

But in relation to the State, that accident that took place in the School Meals Department or in the Registry or wherever, the Attorney General's office cannot get a report to admit liability or indicate their position even after two years have passed.

My criticism is that there is no basis in law in 1997 but it is in conflict with the trend toward the quality of informing areas of our jurisprudence that the State should claim three years for itself in circumstances which you can move against John Citizen within six years.

My second point has to do, Mr. Speaker, with the importance of the provision which allows you to approach the court and say, "notwithstanding the fact that the time period has passed, there are special circumstances which would demand that my particular case be heard, as it were, out of time."

There are many cases, Mr. Speaker, involving whiplash injuries and others that do not manifest themselves until long after. I have known of many nurses who have worked for years lifting heavy patients and sometimes only after a period of four or five years do they recognise their backs have virtually been destroyed. Or they might have had a slip. A slip disc might appear after a few

weeks to have resolved itself, but no longer causing difficulty, then four, five or six years down the road they suffer crippling pain with disabling effects, traceable directly to the slip, six, seven years ago. In those circumstances, under the provisions of section 52 they would be in a position to go to the court, swear an affidavit, ask the court to exercise its discretion because they are within time because time has been enlarged for their benefit in proceeding against their tort-feasor, in this case the Government. 3.00 p.m.

My final point has to do with the fact that unless the provisions of this Bill are simplified and made known to the public through a series of programmes on GIS, CBC, Rediffusion, Voice of Barbados, the public media and the call-in programmes, all the effect will be lost.

Somehow John Public knows that when you are up against the Government you have a year and that is not even always strictly correct. Unfortunately many lawyers themselves do not even know the correct position. Unless, for example, the negligence complained of takes place when the statutory corporation is carrying out its statutory duties the 1-year period does not apply. Let me simplify that, Mr. Speaker,

If CBC decides to put up a shed in the back to accommodate the staff at lunch-time or break-time. They go under the shed and have their break and the roof of that shed happens to be negligently put on or not properly maintained and it falls down one day at break time and breaks the necks of 2 or 3 members of the staff the 1-year period does not apply. The reason being that that negligence did not happen when CBC was carrying out one of its statutory responsibilities.

That point is not widely appreciated even by lawyers, but the general view is that one year applies in all circumstances. That is not true. Unless John Public knows of these enlargements of time as set out in this consolidated Act it is likely that they will not seek legal advice. They will rely on what they believe to be their knowledge of the law that one year still obtains.

I am appealing to the learned Attorney General to ensure that the provisions are simplified and they are widely decimated through all the existing media to members of the public. It is an important measure that affects our citizens in multiple ways on a day to day basis and unless the effect of this is known widely, not only in the legal profession but among the citizenry, I am afraid that this initiative will be partially lost.

I am much obliged.

Hon. R. St. C. TOPPIN: Mr. Speaker, I am not going to be long at all. I support the Bill. It is a very good piece of legislation. The speakers before me have spoken very broadly and very well on the matter.

I do, however, have one concern which I would wish to air now. When I look at section 59(1) it says:

"Subject to this Act and without prejudice to section 61, this Act applies to proceedings by or against the Crown in like manner as it applies to proceedings between subjects".

The concept of reciprocity.

I fully support the concept of reciprocity. I believe in the concept of reciprocity of rights but I also believe in reciprocity of loss of rights. This is where section 59(2) comes in. It says:

"Notwithstanding subsection (1) this Act does not apply to

(a) any proceedings by the Crown for the recovery of any tax or duty or interest on any tax or duty."

This subsection has in effect exempted the departments, at least 2 departments that I can think of Inland Revenue and the Land Tax Department. Now prior to coming into Government I had grave concerns about that and having now come to Government my position has not changed. I am very concerned about that because it gives quite a lot of ambit for abuse, harassment by these various departments. It means that in effect a number of persons have had and I am not saying that that has been happening but certainly the ambit is there for it to take place.

It means that people have to retain in their possession for an indefinite period of time bills and receipts, more so receipts for payments that they have made to those departments. I am very concerned about that. I know of a case, practising as an attorney working for someone selling property. To sell property, of course, you have to ensure that all the taxes from gone by have been paid to get the land tax certificate.

I know of a case where last year a man was selling land and when he went back it was alleged by the Land Tax Department that he had not paid land taxes for the land for 1973, 24 years ago. The man maintains to this day that he had paid the land tax, could not find the receipt and had to pay what was due again if he was to be able to sell the land.

If you have a receipt you do not pay. I will deal with that now. I have in my left hand a receipt from the Inland

Revenue Department in relation to me for the income year 1989 and in my right hand I have a notice from the Department of Inland Revenue dated August 12, 1996 addressed to me stating: Our records indicate that you have not filed returns of income tax for the income year 1989 and 1995. Now I have a receipt saying I have paid and this says I have not paid. If I did not have this receipt, what position would I have been in? I would probably have to pay again and not only pay again but pay penalties and interest from 1989 until this day.

It also went on to say I had not filed returns for 1995. I have taken no action in relation to this. I feel annoyed about it and I would leave it to them to pursue me in the matter. I have taken no steps but yet they say I did not file for 1995 but only 2 days ago they sent me an assessment for the income year 1995 based on my return.

These are things that I am mortally afraid of. People have to walk around keeping receipts for an indefinite period of time and the problem can perhaps be simply solved if you are going to maintain this in the legislation by ensuring that every time a receipt is issued by any of these departments it has a section on it stating arrears outstanding and if it says no arrears the department ought to be bound by that particular statement or provision in the receipts. That should happen because it means that you have to keep receipts now for years and years especially in relation to income tax and land taxes.

The Income Tax Department is a very powerful department. You must remember history. You will recall that a man by the name of Al Capone could have killed at will and never face a trial or if he did he got off every time. The one man that crippled him was the tax man.

I am very concerned. I am not here to knock the Bill. I think the Bill is...

Asides.

Hon. R. St. C. TOPPIN: They are very powerful people and when you give power to people they must be better organised than they are now in light of the case I have just outlined to you. 3.10 p.m.

Mr. Speaker, I am saying I support the Bill. The Attorney General has done very well to now provide us with a piece of legislation, as the Honourable Member for St. Philip South said, who spoke very well on the matter, and one piece of legislation to which we can now look to have all of the positions. That is a very good and noble gesture but I just wanted to be consistent with my

position that I have always had a coftu^ jis, the perpetual right of the Crown through one or^rWb of its agencies to come after you indefinitely and there is no reciprocity as far as that is concerned. When they owe you, they take their time to pay you and they need not pay you any penalty or interest so it is all one way. I support the concept of reciprocity but I also support the concept of reciprocity of loss of rights.

Mr. Speaker, with those few words I want to say I support the Bill with that one very serious concern.

Hon. D. A. C. SIMMONS: Mr. Speaker, I am grateful to the Honourable Members who have contributed to the debate, for the kind words they said and the comments in relation to the law reform process.

The Barbados Labour Party's Manifesto had committed the party to bringing this legislation and, as I have explained elsewhere, I feel I have a social contract as far as my part of the Manifesto is concerned, and I am just doing what I have to do to make sure that the promises are kept.

Mr. Speaker, I accept what the Honourable Member for St. Joseph has said. It is a pity that the Press was not here this morning. I have no intention of repeating what I said then. We will have a Press Release or something next week just explaining the time limits for easy dissemination to the public.

I think all of us who are lawyers are aware of injustices that have occurred in the past, hardships suffered by many people particularly in claims against Government and statutory boards. We will try and get it across to the public that they now have enhanced rights when they are claiming against Government or statutory boards. We have enlarged the time from one year to three.

Now, a case is made in sound jurisprudential grounds that the State should be in no better position than the ordinary citizen since the English Crown Proceedings Act of 1947 which we subsequently enacted as Cap. 197, and that is true because the Crown was liable to be sued in tort, contract and so on.

We have tried to provide for an equation of the rights between the ordinary citizen and the State. Most of our experiences, I believe, most of the examples cited relate to personal injury actions. I am absolutely in agreement with the Honourable Member for St. Joseph, that Government takes too long not only to make up its mind about a claim, but to process that claim to a conclusion.

I have come in here when we bring things for supplementary provision to top up the vote to pay personal injury claims. I remember one last year, the Honourable

Member for St. Michael West was saying, "Hurry up and pay." It was a claim going back to 1984 or something like that. I think it was brought by the Honourable Member for St. Joseph. The processes of Government are just too long.

There are some departments which feel that even if they are wrong, they must not admit they are wrong. They are not paying the claim. Nobody is going to lose a job and what you find is that facts are deliberately doctored.

Two years ago a Barbadian living in London came home for Crop-Over. His wife was walking down there by Nelson. Road repairs were being done. This was the lady's first visit to Barbados. She stepped badly in a hole in the road. It was the Government's fault. People saw. There were statements to that effect. You know that the Government Department concerned will not admit that it was wrong and that the hole was there and so on? It is a fact. The woman broke her ankle.

All of us that practice have seen it. The facts are there staring you right in the face and there are functionaries in departments who bend things and we have the greatest difficulty in getting the truth and getting a sufficiently accurate brief for the lawyers then to make a judgment whether to go to court or whether to settle.

The situation, however, is also compounded by the vast number of claims which are filed, quite legitimately, and there are only so many persons on the establishment of the Attorney General's Chambers. We have some increase in staff and only two weeks ago we were discussing as a group that perhaps the time has come when we must give serious consideration to putting into effect another pledge of the Manifesto, that is, to have in-house lawyers in certain Government departments to help speed the delivery of services to the public. That is all it is. We have to make Government more customer friendly. We have to deliver services more speedily and it will, I am sure, help. What I am saying is not exhaustive. Income Tax clearly is a department which should have not only highly skilled accountants but a lawyer or two, Customs, Immigration, M.T.W, the Ministry of Education, perhaps, and we can think of others.

We feel as a matter of principle that there has to be a movement towards the creation of posts for in-house lawyers in certain departments. What has to be worked out now, and we hope to have a meeting within the next couple of weeks among certain departments, M.T.W, for example, we have to discuss how those lawyers will function in relation to lawyers in the Attorney General's office. Should they only be limited to giving advice and settling matters for which the Crown admits liability and then leave contested matters for representation by officers from the Attorney General's Department?

These are the kinds of things we have to work out but we are thinking actively about creating some additional opportunities within the public service for lawyers and at the same time trying to deliver a better service because Honourable Members are right. It just takes too long to get some of these matters concluded. What I do not like to hear is that it takes an inordinately long time for a response to come from the initial letter. Once you have sent a letter to the Attorney's General Chambers, I think we are under a duty to acknowledge receipt and at least tell you that we have to go to M.T.W. or Immigration and find out the facts and get back to you in due course, but receipt should be acknowledged and the person should be asked to hold strain for a month or so while we investigate. But to hear that there is no reply from certain departments for months is discourteous to say the least. 3.20 p.m.

Sir, most of the examples cited were in relation to personal injury matters. What we have said is that personal injury claims, generally, have a time limit of three years. To carry this to six years, I think would create an anomaly in the legislation and I could not attempt to concede the amendment on the Floor because of what Section 20 says and what the Schedule says. In any event, I do not think anyone would be disadvantaged because you could apply under Section 52 for an extension. I give the Honourable Members my assurance that we will keep it under review and as I said earlier the policy since September 1994 has been that if there is a claim against the Government and you are out of time we do not take the point unless it is an outrageous situation some four or five years later.

If Members have difficulties, they know that they can get hold of me or the Solicitor General and we will deal with the matter in the best interest of justice. We will keep it under review and if after a year there is still a problem and we are not making any progress towards speeding up the system and people feel that we need to expand to six years, I will look at it again in a year but I would like to give it the opportunity to work for the time.

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

Hon. G. W. PAYNE: I beg to second that.

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

On the motion of Hon. D. A. C. SIMMONS seconded by Hon. G. W. PAYNE the House resolved itself into Committee of Supply, Mr. W. C. C. CALLENDER in the Chair.

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: This Honourable Chamber is now in Committee.

Clause 1 was called.

Hon. D. A. C. SIMMONS: Mr. Chairman, Sir, in moving that Clause 1 stand part I beg to move that "1996" appearing in Clause 1, in the short title, be amended to read "1997". The Bill was circulated at the end of 1997.

Hon. G. W. PAYNE: I beg to second that.

Clause 1 was passed.

Clauses 2 • 5 inclusive, were called and passed.

Parts 1, 2 and 3, were called and passed. The

Schedule was called and passed.

On the motion of Hon. D. A. C. SIMMONS, seconded by Hon. G. W. PAYNE, Mr. CHAIRMAN reported to His Honour, the SPEAKER, the passing of one Bill in Committee with one amendment and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. D. A. C. SIMMONS, seconded by Hon. G. W. PAYNE the Bill was read a third time and passed and cited as the Limitation of Action Act 1997.

ADJOURNMENT

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to move that this House be adjourned until Tuesday, July 22, 1997 at 11.00 o'clock in the morning.

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

The question that the House be adjourned to Tuesday, July 22, 1997 at 11.00 o'clock in the morning was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly. 3.30 p.m.

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