
THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

THE SENATE

Wednesday, 15th October, 1980.

The Senate met in the Senate Chamber, Public Buildings, on Wednesday the 15th October, 1980, at 2.50 p.m.

PRESENT

His Honour Senator the Honourable Sir ARNOTT CATO, M.B., Ch.B., LL.D., (President); His Honour Senator the Rev. G. ANDREW HATCH, M.A., (Deputy President); Senator the Hon. N. A. BARROW, B.A., LL.B., (Minister of Information) (Leader of the Senate); Senator O'BRIEN TROTMAN, (Parliamentary Secretary, Prime Minister's Office); Senator Sir MENCEA COX; Senator H. F. G. ROCHEFORD, B.A.; Senator R. L. FIELD; Senator AARON TRUSS; Senator H. R. LINTON, LL.B.; Senator K. E. HINDS; Senator Miss O. A. LYNCH, B.A., Dip. Ed.; Senator C. I. E. DEANE; Senator K. R. HEWITT, B.Com., C.A.; Senator Mrs. E. M. LYNCH, B.A.; Senator J. D. S. MACKENZIE; Senator Miss M. I. St.C. BLACKMAN; Senator J. C. W. WICKHAM; Senator D. H. G. HUNTE; Senator the Hon. D. G. BLACKMAN, (Minister of Labour and Community Services) and Senator R. E. BRATHWAITE.

Prayers were read by Father L. Crawford.

ABSENT

Senator J. A. CONNELL.

PRESENTATION OF PAPERS

SENATOR THE HON. N. A. BARROW: Mr. President, I have the honour to lay the following documents before this Hon. Senate:

Report of the National Insurance Board and its operations under the Sugar Workers' (Provident Fund) Act for the year 1979;

Annual Report of the Department of Labour for the years 1976, 1977 and 1978;

Annual Report and Statement of Accounts of the Barbados Community College for the year 1st September 1978 to 31st August, 1979;

Annual Report and Statement of Accounts for the Insurance Corporation of Barbados for the year 1979;

Report of a Committee to investigate the causes for the deterioration in conditions and control at the Government Industrial Schools and to make recommendations for the better administration of the schools; and

The National Assistance (Amendment) Regulations 1980.

PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. President, I believe that hon. Senators will have observed from the Order Paper that Items 1 and 2 are put down as Second Readings; Items 3, 4 and 5 are put down as First Readings and Item 6 is also put down as a First Reading. I believe, Sir, that it is appropriate that we draw to the attention of hon. Senators that 3, 4 and 5 have already had their first readings and therefore should ordinarily fall to be proceeded with this afternoon, but because of the error in the Order Paper it is not my intention, Sir, as it has not been indicated to me that there is the kind of urgency that would require our doing these matters this afternoon, because the error on the Order Paper would undoubtedly have misled Senators, it is not our intention to proceed with Items 3 and 4. Item 5 we do not wish to proceed with for another reason in addition to that one, Sir, and that is that its companion Bill,

integrity legislation, is still locked in Committee in the Other Place and we would prefer when that comes out to proceed with both Bills on the same day if possible, because they are companion Bills.

So three and four we will deal with when next we meet, hopefully Sir in one week's time. Item No. 6 is legitimately a first reading, but Items 3 and 4 should indeed have been down for second readings. The items therefore which we propose to take this afternoon are Items 1 and 2 which will be dealt with by me and which are really law reform matters, and Items 7, 8 and 9 which are resolutions which will fall to be dealt with by Senator Trotman.

THE PROBATES AND LETTERS OF ADMINISTRATION (RESEALING) ACT, 1980

The First Order of the day was called – to move the second reading of a Bill to make new provisions for the resealing in Barbados of probates and letters of administration and instruments having similar effect granted outside Barbados and for related matters.

SENATOR THE HON. N. A. BARROW: Mr. President, this is one more in the series of law reform bills, some of which have had to deal with property, others with other things, and both the bills indeed this afternoon are matters of law reform.

In this particular one its purpose is to make up to date the provision whereby grants of administration or representation made in one jurisdiction may through a straightforward procedure be given effect in another jurisdiction where normally part of the deceased' estate is to be found without the need for the personal representative to spend time and money in seeking a fresh grant in that jurisdiction. I think the key to that is "without the need for the personal representative to spend time and money in seeking a fresh grant in that jurisdiction."

I say that, Sir, because as Senator Linton will no doubt confirm and be replete with examples relating to it, many estates have for one reason or other been settled in the Courts with not only a lot of time being spent, but indeed in the opinion of some people the lawyers getting the bulk of the estate. Therefore wherever there are procedures to be legislated which will make it easier and less time consuming for beneficiaries, whether beneficiaries by operation of law or by operation of gift, to receive what is coming to them with a minimum of delay and expense, any such procedures, I think, Sir, always will receive support.

The principle features of the Bill I shall not mention all, at least, Sir, I do not think I need to do that because when we talk about resealing and what not, we are really talking language which would make sense only

to a lawyer. Just let me say that what this relates to is simplifying the procedure and making it easier for people to receive their bequests where the property of the deceased is to be found in more than one jurisdiction. I think we are all aware that there are such cases and that in some circumstances the hurdles have been such because of difficulty of procedure sometimes and sometimes because of ignorance of the law that people did not even collect all that belonged to them. So that you will find here, Sir, where there is requirement to advertise, the lodging of caveats, and the documentation to be presented as prescribed by the law. There is no requirement of reciprocity. The privilege of receiving is given in respect of grants of administration made in any part of the Commonwealth without the need for reciprocal arrangements, and again in non-Commonwealth countries without the requirement of reciprocity.

Sir, this is legislation about which one cannot say a lot except precisely what has been said already, that where normally part of the deceased' estate is to be found in another jurisdiction then what we are trying to do is to simplify the procedures so that a lot of time and money would not have to be spent by the representative.

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

The question was put to the Senate and agreed to.

On motion of Senator the Hon. N. A. Barrow the Senate resolved itself into Committee on the Bill, Senator Reverend A. Hatch in the Chair.

On motion of Senator K. Hinds, the Bill was taken as read.

Clauses 1, 2 and 3 were called and passed.

Clause 4 was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I beg to move that Clause 4 stand part.

SENATOR H. R. LINTON: Mr. Chairman, I wonder if we could go back to Clause 3 for a moment because I would like to make a point on it.

Mr. CHAIRMAN: To be sure it is out of order, but if nobody objects in the interest of democracy. What would you like to comment on, Senator Linton?

SENATOR H. R. LINTON: I just wanted to bring a point to the notice of the Leader of the House. It is a point of which I do not want to make a big issue, but it has cropped up quite recently and is likely to crop up again, and which perhaps he can bring to the notice of the Attorney General. Clause 3 too states that an application in that section must be made by those listed under

(a) (b) and (c). There is a circumstance which is not listed where for example the personal representative and the grantees are all dead. This has happened recently and I believe that provision will have to be made in future to cover that situation, so that if the Leader could make a note of it officially and bring it to the attention of the Attorney General, he, I have no doubt, will rectify it by an amendment to this Act in due course.

The question that Clause 4 stand part was put to the Senate and agreed to.

Clauses 5 to 11 inclusive, were called and passed.

On the motion of Senator the Hon. N. A. BARROW the Senate was resumed and the passing of the Bill was reported.

Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. N. A. BARROW the Bill was read a third time and passed.

VITAL STATISTICS REGISTRATION ACT, 1980

The Second Order of the Day was called – To move the Second Reading of a Bill to make provision for the registration of births, deaths, stillbirths, adoptions, marriages, divorces and changes of name occurring in Barbados and for matters connected therewith.

SENATOR THE HON. N. A. BARROW: This is a rather important item of law reform although it is not my intention to introduce it at any length. This legislation has something to do with vital statistics and would have no doubt attracted the attention of a number of persons until they discovered what vital statistics really meant because, indeed, it can be very bitter, as dry an untitilating as vital statistics within the context of this Bill.

It deals, Sir, with the registration of vital statistics, births, deaths, stillbirths, adoptions, marriages, indeed divorces, options and changes of names. Fortunately or unfortunately these statistics are the tools of the planner and it is essential that our information be both up-to-date and also that the legislative framework within which it is kept should be such as to make retrieval of this information easy.

We do have a peculiar problem in our kind of society, Sir, that there are all sorts of information which happen to be important and which is stored but for all that is there, it is very difficult to retrieve and

therefore its general utility becomes a serious doubt. This is one of the points which a great deal was made of in the Conference of Ministers of Information last week, the need for national systems of information to exist so that we can both collect, store and retrieve information easily.

The operation of the Status of Children Act, the legislation, Sir, by which in 1979 we abolished any such thing as illegitimacy in the law, the need to simplify the administrative procedure regarding the registration of vital statistics, the simplification of procedure, the need to centralise the registration of vital statistics in a single statute as part of the simplification of the process is certainly to simplify the means by which one might find out what the law is and the need to economise the administrative and ministerial time in the administration of the system while improving efficiency. These are the principle factors that dictate that such a Bill should be before us today.

I have no doubt, Sir, that Senators in their own individual capacities would have individual points relating to this whole exercise and I certainly have no intention of going into the analysis of the kinds of problems which have arisen and which are likely to arise in the future and there be any delay in modernising our legislation.

We are in fact, Sir, doing one thing with this legislation which I think I should draw attention to because in a sense I think it is important and that is that almost alone – among Caribbean countries, Barbados has made Registration of Baptism obligatory and this, no doubt, was useful for a season but once you move to the more modern registration systems such as we have now, where all ID Cards are out, somebody can merely on the bus transportation hand a card to the bus conductor which can be obvious in the colour or by the last two digits, you can know whether a person is an old age pensioner or whether the person needs therefore to be facilitated by taking them on the public transport freely.

The fact that we have moved to a more modern system of registration in which we can do a whole lot of other things to make it no longer useful that Registration of Baptisms should be mandatory. It does nothing, of course, to prevent the Clerk from keeping his register but there are other compulsory registrations which now are what the public records will have to depend on. Therefore, it would seem an imposition on the citizen to continue to make the registration of baptisms mandatory. It will no doubt continue and therefore we would have additional records but the fact is that it would seem unreasonable to set up one own's system of registration and then make it obligatory for the citizen to go through another.

The Bill, Sir, is a short Bill but I would also like to say, Sir, that it is not only short, but it is a pretty simple and direct Bill and to that extent, therefore, it should not present any particular difficulties for anyone in my view.

I move, Sir, that this Bill be read a second time.

The question that the Bill be read a second time was put to the Senate and agreed to.

SENATOR H. LINTON: Mr. President, I could not help but rise to make a few comments on this piece of legislation.

Primarily because it is essentially a legal document, in that it relates almost exclusively to legal Registration of births, deaths, still-births, *et cetera*, people would not probably understand the social importance number one, of this piece of Legislation and secondly, the economic importance of this piece of Legislation. I would go so far as to say, that next to the Bill which was passed in this Honourable Chamber about two weeks ago the Tenancies Bill, this is one of the most far reaching and beneficial pieces of social Legislation ever passed by a Legislature in this country. I say that, despite the fact, that Bills such as the Status of Children Reform Bill and other pieces of social Legislation, such as that, also passed through this Honourable Chamber, because almost every day, if not indeed every day, hundreds of people pass through lawyers' offices in an effort, either to have the names of their children corrected, or to have their births registered, after the time is expired, or to have the names changed, or to add another Christian name. For one reason, or another, they have to come to the lawyers' offices and then, make a journey to the Registration Office.

It is time consuming, it can be costly and in countries which do not understand, or appreciate the concept of illegitimacy, it can be highly embarrassing and can even work against you. For example, if you want to hire — of course, they passed the Children's Reform Act in Barbados — if you were born out of wedlock and you wanted to journey, for example, to the United States of America, you had to have all sorts of affidavits. Sometimes, you even had to have a deponent drawn up, in order to show that the person whom their mother said is their father, is actually their father and you could not take his name because you were born out of wedlock.

It worked eternal hardships and it worked those hardships essentially, if not exclusively, on poor people, people who could least afford to pay for them. It is in that regard, that I welcome this piece of Legislation. I want, therefore, Mr. President, to take this opportunity to place on Record, my deep appreciation and sincere thanks, on behalf of the people of Barbados to the Hon.

Attorney General for having expedited the preparation of this Bill and bringing it before Parliament, during our first four years of office, particularly so, as the previous Government, knowing the difficulties which existed, did not see it fit to bring a piece of Legislation such as that, before Parliament within 15 years.

I think that the people of Barbados are going to benefit socially, as well as economically, in having this Bill on the Statute Book. It will now be that much easier to have the names of children corrected, altered, or what have you, the procedure will not be as rigorous and people would not have to be turned around as much. The Bill before us relaxes the severe, the rigorous and stric-tured Provisions of the Registration Act, Cap. 191.

I have a few specific comments to make on it, Mr. President and I should like to see a system such as exists in England, although the duty may be placed on the father, or mother, or both to have the children registered, where a system could be devised whereby, if children, for example, are born in the Queen Elizabeth Hospital, someone from the State, the Government goes around to take the particulars and have the children registered. It is a burning shame in Barbados, today, when where children are born in maternity hospitals, there is no primary responsibility, on those institutions, to make sure that children who are born within the walls of those institutions are registered. I know that Section 8 (d) makes a Provision, but the primary provision is not on the institution.

I would like to see a system, where there is some person who goes around to these hospitals and records the births. I know that there would still be a difficulty, Mr. President, where children are born in an institution, but I want to see a system whereby the State — it is in the State's interest to make sure that every birth is recorded and recorded in good time and I hope that the powers that be would give that thought to a procedural aspect of the matter, in due course.

I would like to turn my attention now, Mr. President, to Section 8 of the Bill because, I see what may probably be described as a dichotomy there. I can see the difficulty of a draftsman, in trying to reconcile the Status of Children Reform Act, 1979, with the concept that the duty of registering the birth of a child should be placed on the father. As you know, Mr. President, a series of Legislation starting perhaps, with the Succession Act has sought to place the male and female on an equal footing and I think that that was achieved in a degree of about 98%, if not 100%, with the passing of the Status of Children Reform Act.

But, if you look at Section 6, we see this difficulty of the draftsman in trying to reconcile the Provisions of that Act with the duty which he wanted to place

obviously, on the father, to see that the birth of the child is registered. Section 8(1), for example says that:

"Within 28 days after the birth of a child in Barbados

(a) the father;

(b) if the father is incapable, the mother;" and then it goes on to say:

"(c) if the father and mother are incapable" *et cetera, et cetera*. But, nowhere in that Section is an absolute duty placed on the mother, to see that that child's birth is registered. Now, I was going to take serious issue with that because if the opposite sex is going to be fighting for equality, liberation and what have you, whatever they call it, I could conceive of no good reason why this Act should not have placed an equal duty, on the mother and father to see that the birth of the child was registered.

Mr. PRESIDENT: Do you mean that they should both go together?

SENATOR H. R. LINTON: No, it could say:

"Within 28 days after the birth of a child in Barbados, either

(a) the father;

or

(b) the mother."

It says:

"(a) the father;

(b) if the father is incapable, the mother;" so, it does not place an absolute duty on the mother at all. It places an absolute duty on the father.

But, in seeking to resolve this difficulty of placing the duty exclusively on the father, I believe that the draftsman has got around it in two ways and it is for this reason, that I want to highlight the particular Section because I want it gotten through to the Police Officers who are in effect, the District Registrars, the Police Sergeants, the Clerks in the Magistrates' Courts, whoever will be responsible for registering the births in districts, mainly the country districts that, so far as, this Section is concerned, there is nothing to really hinder the mother from registering the child, even though the Act does not state so specifically.

Firstly, it says:

"the father;"

or

"if the father is incapable, the mother;" but, nowhere does the Act define the concept of incapability. Who is to say whether the father is incapable? Is he being incapable by reason of mental illness, or must he be incapable by reason of laziness, or must he be incapable simply because he does not care?

I do not think the mother has to go to the Police Station and explain to the Police Sergeant or whoever why the father is incapable. I want them to know that once the mother comes and says the father is incapable, then that gives her an absolute right to register the child. That is no mean sport, because a lot of births have not been registered simply because the father could not care less and the Police Sergeant refused to accept registration by the mother.

Another way of course that the mother could do it is under subsection (e) of section 8 which states that any person present at the birth or interested on behalf of the child could register it, so that it does not specifically place an absolute duty on the mother to have the birth of the child registered it gives her the right under subsection (e) of section 8 because she is both a person present, as indeed she has to be, and also she is interested on behalf of the child. I am making this point so that it will be generally known that the mother has a right to register her child. When we leave the Senate and those in the Other Place leave that Place and these become law then they are subject to all sorts of interpretation out there to the extent that innocent poor people have to pay lawyers to have them interpreted, and therefore I am making the point now so that it will get through to those concerned that the mother always has a right under this Act to register the child, a departure I may say from the provisions in Cap. 191 of the old Registration Act, so that mothers now have no excuse. They want equality, they have got it.

The only small point I really want to take issue with — I am not going to ask to have it corrected here but I want to highlight it at this point because I am going to take issue with it later on, I am sure it is going to crop up although it does not happen too regularly in Barbados — I am talking about where someone finds a child, section 13(1), within seven days after the finding or taking charge of the child that person must give notice of birth containing such information as the informant possesses. I do not think that should be a notice of birth at all, that too is subject to a wrong interpretation, because chances are

that someone finding a child would be most unlikely to be able to give any notice of birth. A person should only be required to give a notice of such finding or taking, and I know one or two of these cases have gone to the criminal courts in recent times, although it does not happen that regularly, but I do believe that it is likely to crop up and we should take care that that particular section is not subject to a strained interpretation.

I am particularly pleased about section 14(1) of the Act, Mr. President, which states that a person interested on behalf of the child may request the Registrar to alter, change or insert a name in respect of the registration of that child's birth, period. It does not give any time factor, any time frame, it does not make any schedule for such registration of birth. That is another remarkable change of the Registration Act which stipulated a period of seven days. Of course subsection 2 of section 14 sets out the steps that must be taken if one wants to alter, change or insert a name.

This particular matter is a big problem in Barbados, because very few children are known by the names which they were given at birth or baptism. They are given one name or a set of names at birth, given a different set when they are baptised, and then they are known by, assumed, or are called by a different set as they grow up, and when the time comes when they want to sit O Levels or A Levels, later on in life they want to go to work, they want to apply for drivers' licences, passports, etc., they go right on through life, they want to get degrees and pensions and what not, they are then faced with all sorts of problems and they have to get deed polls, affidavits and the Lord knows what else, and therefore I am extremely pleased to see that that aspect of the matter has been simplified considerably and that you can now go to the Registrar and request a change of name and, subject to whatever he tells you he wants you to do, you can get it done and it would not be time consuming, difficult or costly.

Section 33(1) as well is also a very good section particularly for those persons who get divorced, because very often a woman finds difficulties with these names. They want to have double barrelled names on divorce, they want to drop the husband's name altogether and want to revert to the original maiden name, and they now find difficulty in terms of applying for passports and what not when they are told they cannot apply for them in their maiden names nor can they use hyphenated names or double barrelled names, they have to use their husbands' names, and not only have they reached the point that they hate the husbands but they reach the point where they hate the names as well, and section 33 provides us with a simplified system where they can revert to a former name without any difficulty and with little or no cost at all. It does

not only provide for divorcees but it provides for births as well, and I welcome that section because a lot of people now find difficulty with that.

Section 41 subsection 2 I hope will also reduce the delay in having clerical errors corrected at the Registration Office. The present officer there who deals with that tries his best, but he was hamstrung by certain provisions of the Registration Act, Cap. 191, and my colleague, Senator Rocheford, has just been telling me that he has personal knowledge of the difficulties encountered when one wants to have a clerical error corrected. I hope that section 41(2) will now alleviate those problems.

All in all, Mr. President, this is an extremely good Bill which will save poor Barbadians a lot of money, a lot of time and a lot of embarrassment. I think it will be welcomed by all those who have gone or intend to go to lawyers' offices to have names rectified, corrected or what have you. Very often we in Barbados do not realise that there are several ways in which a Government can put money into the pockets of people. If you have been experiencing a problem which has been causing you to incur great expenditure in trying to have it solved and you have to go into your savings to pay lawyers, doctors or other professionals to have that problem solved, and Parliament under the guiding force or enlightened Ministers decides to simplify that law so that no longer will you be faced with the difficulties, the expense and the trouble of having that problem rectified, then that too is a very valuable way of putting money into your pockets, and that should be lauded.

I am sure that if this particular piece of legislation, together with the Status of Children Reform Act, had been passed 15 or 19 years ago poor Barbadians would have saved themselves an amount of money running into millions of dollars, money which they could otherwise have spent on their children, so that once again we see that through a process of social legislation the Barbados Labour Party is rectifying several wrongs and is again leaning towards the side of the poor person in Barbados. To that extent, Mr. President, I welcome this Bill. Thank you.

SENATOR THE REV. A. HATCH: On page 22 of the Bill as it relates to the registration of deaths and burials, in section 27(1) (a), (b) and 27(2) and otherwise in this part of the Bill, repeatedly cremation is referred to and indeed on page 24 we have a definition that cremation means the disposal of the body of a deceased person by incineration. It is astonishing then since this matter has been in the public mind for at least 15 years that it is found in this Bill, and one wonders why it is in the Bill. Is it in the Bill certainly in a permissible sense so that if and whenever the

country decides on the wisdom of cremation the ability to cremate within the law will already exist, or is it a harbinger of the fact that the Government intends the establishment of a crematorium? I fail to understand how a Government or a country, rather let me say a country not a government, can for so long avoid the responsibility of the establishment of a crematorium in the island. At least between twelve and fifteen years ago in the then City Hall a meeting was convened by the then Mayor of Clergymen whom it was feared would be opposed to the establishment of a crematorium. If my memory serves me right, the clergy to a man supported the recommendation of the then Government for the establishment of a crematorium in the island. I do not know exactly what transpired thereafter. I believe the project at Warrens was to have been a crematorium. It may be that people were scared, but I understood that there were technical problems with the project at Warrens. But technical problems would not be sufficient reason to drop the proposal of a crematorium entirely, because whereas the burial of bodies certainly requires a suitable location, the disposal of cremated ashes is a relatively simple matter.

Mr. President, one would concede that the establishment of the crematorium itself would have some technical problem which one understands were confronted in the Warrens site, but the fact that that was a bad site and some money seems to have been overspent is not sufficient reason for a crematorium not to be established in the Island. The issue is once more in the public because I understand there is a Committee concerned with the fact that there is not the provision of burial rights and burial grounds for people of St. Andrew, St. Joseph, St. Thomas and I think a couple more parishes in the same area who do not belong to the Anglican Church. One cannot help but be concerned for those who are not members of the Anglican Church which by its long history has its own burial grounds and that some of the adherents of the younger and newer churches have not the same facilities and privileges and rights of burial for their relatives and friends. But I doubt that a sufficiently strong case can be made for the setting aside of yet further lands, and it is generally now understood that I am concerned about the scarcity of land in Barbados in general that a case can be made for the setting aside of further lands for the burial of the dead. Therefore the question of a crematorium is very pertinent. It would be of assistance to the members of the younger churches who do not for historical and traditional reasons have their own burial grounds, and therefore I urge that the fact that this provision is within this Bill should not be just permissive, so that if anyone at any time ever gets to the establishment of a crematorium the law would envisage it and enable it, but that in fact it should be a harbinger of a serious attention on the part of the

Government to pursue the establishment of a crematorium in the Island.

There seems to be a problem not only for the younger churches, but increasingly for the Anglican Churches as a whole of space for the burial of the dead, so that one believes that the establishment of a crematorium would be supported by the majority of Christians, let alone the citizens in general. There has of course been some extremely bad theology about cremation, in particular what Christians mean by the resurrection of the body. Certainly sound christian theology does not envisage an eternal life of the flesh and bones which are buried or cremated, and by obvious observation are consumed by worms and deteriorate and eventually return to whatever primeval form in matter they held. The resurrection of the body in Christian theology simply means that there will be a recognisable continuation of person and personality in the future, and this does not therefore mean that Christians oppose cremation which would destroy the present physical form that each of us has. There may be arguments on traditions and custom that the citizens would adduce from unfamiliarity with the idea. In fact I remember on the occasion some twelve or fifteen years ago when the idea was being canvassed, those who may have had reasons to oppose it put about the slogan that they would continue to bury the rich and burn the poor, and that was a sufficient slogan to kill the idea; but it is rather a superficial and unwarranted and unjustified argument for anybody to use. In fact I believe that it is the very rich who would favour cremation, and that argument could hardly be adduced. Personally I believe that apart from the basic and most serious issue which is the one of the lack of space, the other ideas connected with cremation can be overcome. Personally I believe that having had the concern of maintenance of church yards with all the difficulties of graves and enclosures and headstones, economically it would be infinitely easier to keep an area set aside for disposal of ashes than it is to keep an area where bodies are buried, and this is a problem that faces this country in the very unwholesome and undignified condition of any and all of our burial grounds. It is not an easy problem to take control of. Some attempts have been made to prohibit people from, as they say in Barbados, building round the graves and to control the erections or to limit them to only a headstone whereby thereafter a motor mower can keep the grass in front level and tidy and in a dignified way without having to put somebody with a hoe or cutlass inside the wall, but this too has been resisted for traditionalist reasons and so on; so we have a problem of the physical maintenance of our church yards and burial grounds in any dignified way, and this is an economic problem for those concerned with it.

We have a problem of hygiene as well because I think it is incontrovertible that cremation is a more hygienic method of disposal of the dead than is burial, especially where as in some of the locations of some of our cemeteries bodies do not go down six feet because at six feet they would be in more than two feet of water. For example, at St. Mary's where sometimes when the tide is full and you go down three feet you are already in salt water, and certainly in terms of emotional cost my own opinion is that it is less emotionally weary to those concerned with the disposal of the remains of a loved person to have them cremated than to have them buried.

Despite the fact that one has participated in many burials; it is a harrowing experience when the sod hits the top of a coffin if the ground is hard and I think, therefore, with some explanation of the pros and cons of a Crematorium over and against burials, our people can be made to see, not only the wisdom and the necessity, but indeed the emotional justification for a Cremation rather than for burial and therefore I urge that the provision of this Bill should not merely be permissive against the time when somebody or the other may choose to establish a Crematorium but that Government should take serious steps towards the establishment of a Crematorium.

SENATOR THE HON. N. A. BARROW: Mr. President, I rise mainly to take note of the comments made both by Senator Linton and Senator Hatch. As Senator Linton spoke and he referred to page 33, Section 41, I just thought that before I give my undertaking to take his representations back to Cabinet that he would wish to assure us that the kind of clerical error that he has in mind is not by example where by a clerical error somebody else's name gets put down as the father of the children.

To Senator Hatch I think I would wish to give the assurance that there has been a great deal of debate as to the adequacies of the present provision of the burial of the dead and I was not aware until he spoke of it of the steps that had been taken in some places by way of attempts to restrict people in building around and their erection of headstones, but we can well understand where pressure of space is felt that this would take place.

I know that a lot of attention is centred on the St. Andrew Parish Church Cemetery and when last I heard anything of it, I believe that some element of compromise had been arrived at.

I am not sufficiently aware of all the difficulties to know at this stage whether this is all there is to the problem. What I can say, Sir, is that even though persons

like myself and Senator Hatch might well welcome a Crematorium and in fact I cannot see it is a matter of any dispute really, if and when a decision is taken, I believe such decisions are inevitable that there be a Crematorium because I believe it does not make sense.

It may well come, how soon I cannot obviously say, but the time will come when a decision will have to be taken as to whether to take lands which can be much better used and designate them in order to increase the areas available for the burial of the dead and since it will be the wish of many, just as it is the wish of some to be buried at sea it will be the wish of others to be cremated, I would say that it would make sense that there should not be any such provision but like most things, I believe that the timing of the provision will have to do with public demand. That is what I believe.

It may be that plans in this area are further on than I know but I am only aware of the discussions that have gone on relating to the availability of space for the burial of the dead particularly in the parish of St. Andrew. At any rate, I cannot see modern legislation of this sort which makes no reference to one of the best known internationally of the methods of disposing of the dead.

Mr. President, I think really this is all I wish to say. I think it is basically that the framework must be there to provide the legislation which is supposed to be modern and secondly with all of the discussions that have been going on I believe that it is almost certain that cremation will be one of the important decisions that will be reached.

All I can hope, of course, is that when it comes to future efforts at providing facilities for cremation, that care be taken not to find out after spending \$375,000 again, that what you are doing is the wrong thing. I believe we ought to be careful enough this time around, if we set out to provide facilities of spending money carefully and to provide that facility.

I move that the Bill be now read a second time.

The question was put to the Senate and agreed to.

On the motion of Senator the Hon. N. A. Barrow, the Senate resolved itself into a Committee on the Bill, Senator the Rev. A. Hatch in the Chair.

On the motion of Senator K. Hinds, the Bill was taken as read in parts.

Parts I to VIII inclusive were called and passed.

The First and Second Schedules were called and passed.

On the motion of Senator the Hon. N. A. Barrow, the passing of the Bill in Committee was reported to the Senate and Mr. President resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. N. A. Barrow, the Bill was read a third time and passed.

**RESOLUTION TO APPROVE THE VESTING OF LAND
AT PRESCOD BOULEVARD ST. MICHAEL IN
MILL REEF CO. LTD.**

Order Number Nine was called — To move the passing of the Resolution to approve the vesting of land at Prescod Boulevard, St. Michael in Mill Reef Co. Ltd.

SENATOR O'BRIEN TROTMAN: Mr. President, Sir, a few weeks ago, we considered several Resolutions dealing with the leasing, vesting of properties at Prescod Boulevard in several companies.

The Resolution which we are now considering is one of the last such Resolutions which we will have to consider. I have taken opportunity, Sir, to circulate the maps involved to Hon. Senators. The particular Resolution this afternoon, Sir, has to do with a parcel of land, in which the Mill Reef Company has an interest. One thousand, nine hundred and twenty-seven square metres of land, 1,466 square metres of which, we are about to vest in Mill Reef Company.

The Mill Reef Company, is an associate company with Chefette restaurants and the operators of that restaurant are desirous of moving from their present location to another sight, near the Cluster Block. Therefore, in keeping with the policy of leasing and vesting of properties on that street, to private owners, we are about to vest this in Mill Reef Company.

I beg to move, Sir, that the Senate concur in this Resolution.

Mr. PRESIDENT: It is proposed that the Senate concur in this Resolution.....Senator Rocheford.

SENATOR ROCHEFORD: Mr. President, the Hon. Senator who introduced the Resolution mentioned the question of the other sections of land, along that area, which we had dealt with previously. If my memory serves me well, we talked about leasing land to all these companies.

I understand, from seeing the Plan which was passed here, that this land was supposed to be sold. Is it a departure that we are going to sell to Mill Reef and we are only leasing to the other companies? Why? Can you explain?

Mr. PRESIDENT: Senator Field.

SENATOR R. L. FIELD: Mr. President, this land I take it, is situated near to Chefette. I am wondering if the Government is going in for restaurants because if this is to extend a restaurant owned by Chefette, I wonder if this Government is really looking at industries in the area, or trying to open restaurants. Personally, I do not see why we should vest this into the hands of strangers just to open a restaurant. They are not even Barbadians, Mr. President. This is the thing that irks me. (ASIDES) Your Government put them in, Chefette people.

This is what I am talking about. I do not see why we should be involved in giving these people land to extend a restaurant. If it were to put up an industry like what we did to the other people on the Harbour site, extend land to put up industries, but not just for the purpose of extending a restaurant. Mr. President, I believe that we are going a little too far, bending backwards to suit people who come into this Island and spend a few dollars and trying to carry away the land of Barbadians.

SENATOR D. H. G. HUNTE: Mr. President, Sir, I really had not intended to say much on this, but after Senator Rocheford spoke, I too was a bit worried why we are leasing land to other places like the Nation, Bruce Hill and all those people for a period of time and now, we are vesting this in Mill Reef Company. The Plot says that it is being sold for the purpose of relocating Chefette Restaurant.

I would not, like the previous speaker, indicate that the Government should not do this because I believe that the restaurant provides a very useful purpose and it has also the effect of employing people and if they want to relocate in a new position, then, I see no reason why the Government should not assist.

The kind of remarks which Senator Field makes and I thought Mr. President, he had learnt his lesson two weeks ago, that he should control himself.

SENATOR R. L. FIELD: On a point of order, Mr. President, am I to understand that there is a lesson to be learnt about Mill Reef land? I do not know anything of being taught a lesson in Mill Reef land.

SENATOR D. H. G. HUNTE: No, Sir, perhaps, if we were debating this tomorrow, he would not speak the way he started this evening because I understand that he is meeting two of the brethren tonight, on "Community Line" and he might control himself. Do not get too flustered.

Mr. PRESIDENT: Let us stick to this particular Resolution.

SENATOR D. H. G. HUNTE: Yes, Sir, we are going to stick to this. The point I am making, Mr. President, is that Chefette provides employment for people and for Senator Field to just get up and dismiss it, that the Democratic Labour Party, my Party brought it in, I think that this is really looking at it from too narrow an angle.

If land is available within the Harbour compound and Chefette makes a reasonable request, to Government to purchase land, then, I see no reason why this should not be granted. What I would like to know from the Hon. Senator who introduced the Bill is if he can tell the Honourable Senate the price that is being paid for this land. Too often, we allow questions of acquisition to slip in here without getting any indication, as to the price and if Chefette is a commercial undertaking that Government should not be selling this land at anything under the market value.

I would like to know from the introducer of the Resolution whether he could indicate what kind of price is being paid for this particular area of land.

SENATOR K. R. HEWITT: Along the same wave length of the last few speakers, Mr. President, what is interesting me a little more is that to the best of my knowledge, and in making a statement I am also posing a question to Senator Trotman, the lands in the Industrial Estates to the best of my knowledge are leased, or the properties are leased to the industrialists. I am not aware that industrialists now can purchase the properties, and it would seem to me that this land is next to a cluster group and therefore is in the heart of the Industrial Estate, and the logical question is why the shift, not only the difference in selling here as opposed to leasing the other properties, but also the selling of land next to an industrial block, when as far as I know the people in that industrial block are not permitted to own.

The other question relates to Mill Reef Company and it is whether or not Senator Trotman can tell us something about Mill Reef. In other words, it is a national company or controlled by nationals as opposed to non-nationals? One would assume it is registered in Barbados and therefore resident, but from the point of view of ownership one could be influenced, bearing in mind the positions taken by some Senators in previous debates on property transfer tax, bearing in mind the whole question of alien land holding, etc., it would be of specific interest to us to know who in fact do control Mill Reef Company Limited.

In summary there are three points, why the departure from leasing as we did a few weeks ago to selling now? Secondly, why the change from leasing to industrialists to selling to a fast food chain? And thirdly, whether or not we can be enlightened as to the controlling interest in Mill Reef Company Limited, in fact,

whether or not the controlling interest in Mill Reef Company Limited is Barbadian or non-Barbadian.

SENATOR A. TRUSS: Mr. President, my understanding of the Resolution — and I would like the Senator who introduced it to correct me if I am wrong — is that Chefette negotiated originally with the Government to lease a piece of land in order to expand the business. It was taken into consideration that in that particular area there are several industries and that there were no real facilities to accommodate those industries, as well as the fact that Fontabelle has developed into a commercial area. Consequently to service that area you would need a larger and more modern Chefette, so it was proposed by Chefette Restaurant to the Government to lease a piece of land and the price of a lease worked out to be so expensive that the Mill Reef Company, which is the company leasing the land to Chefette, decided to buy the land and offered a proposal to Government to purchase rather than to lease, and the purchase price was based as far as I know on the market value of the property, because part of the consideration was that if they purchased another piece of land, according to the plot which was passed around earlier on I think was Mr. Cheeseman's land, that was inadequate for the facilities of Chefette, so if they committed themselves to buying that whether or not the Government would sell them an additional piece of land, this is at the front so that this would be a complex, and since in my opinion because the Government has agreed to vest the land in the name of Mill Reef, to sell it rather than to lease it, because Government deemed it more profitable than to lease it. It is a simple and straightforward matter.

I have no problems in voting for this particular Resolution, I think the Chefette Enterprise people are providing a service. Patsy Springer is no favourite friend of mine. I do not even like the man, but that has nothing to do with it. Patsy Springer is a Director of Mill Reef Company, I do not like him, I will say so publicly and I will say it privately, but that is beside the point. He is a Director of a Company that employs people; that is the point. He is in an area that has become more industrialised over the years and Fontabelle that adjoins the area is becoming more commercialised, and if they can provide a service for the people in that area I will support it.

SENATOR O'B. TROTMAN: Mr. President, my advice is that Chefette is a local company, and I am not getting into any quarrels about non-nationals and who doesn't like whom. On the other question as to why a change from leasing a few weeks ago to the selling today, it appears to me that as Senator Truss said, negotiations have been going on between the Government and Mill Reef Company on the basis of a lease. The rate was set at an amount of 6% of the value of the land per annum, and Mill Reef's and the Government's representatives

could not get together on what either side considered to be a fair and proper leasing arrangement. Mill Reef Company then made an offer to purchase the land. Government's position on land in that area is that it must at all times be used properly and kept in proper condition, therefore the selling of the land to Mill Reef does not in any way conflict with the Government's position on the land if Mill Reef prefers to buy the land rather than to lease for 50 years, as far as the Government is concerned the land will be used for a good purpose.

I do not know how many people Chefette employs but they certainly employ a lot of girls and they provide a service in the industrial block, so there is no conflict as far as we are concerned. If they want to pay the \$145,000 for the land we are quite happy to sell them the land, there is no change in policy as far as we are concerned. It works out at \$75 per square metre and that is considered to be the market price of the land.

SENATOR K. R. HEWITT: On a point of elucidation, Mr. President, I was asking if it were possible for the Senator to indicate who are the controlling shareholders in Mill Reef Company Limited.

I make a distinction between the company and the trade name Chefette; this has nothing to do with the individual Barbadians involved. I am not at that level. I tried to put it in the context of recent debate in respect of alien land holders and so on; so when I ask a question concerning the controlling interest of Mill Reef Ltd., I am not too interested in whether "A" is a shareholder of "B" a director, simply that X percent is owned by non-nationals and Y percent by nationals.

The second point of elucidation is that I myself am not too sure as to the exact location of the lot we are talking about; but if the lot in fact is next to the industrial block on the Harbour Road, the question I would ask is with regard to leasing and owning. Am I right, Senator Trotman, through you, Mr. President, in saying that the owners of the businesses in the industrial block even though they employ people and have been providing a service etc., am I right in saying that those lands are not for sale, but they are only to be leased, that is, the land and buildings? If so, then it would seem that if you are selling to a non-industrial company there is some conflict in your land use. I just want to warn in particular at the level of my question that I am not too interested in whether A is a shareholder or B a director, but whether in the context of a recent debate what percentage is non-national and what percentage is national, if you know it.

SENATOR THE REV. A. HATCH: Mr. President, I just want to follow up on one point which Senator Hewitt made which is a point that has been made here before. I know my way around plans, but when you put a plot plan in front of a person even who knows his way around plans without some indication of where

the plot is in the locality, it amounts to not giving him any information. If we have an open Government and we are assured by the Minister of Information that we are entitled to information, then if the Town and Country Planning Department can require that if the public wishes an application considered the public not only has to supply a plot plan but has to indicate on the overall plan of the Island where the plot is, I think it is not too much for Senators to require the Government to provide us with information which we can use, and not to put in front of us only a plot plan which even for one who knows Fontabelle which I do to some extent does not indicate where this land is, and Senator Hewitt is in the same position, that we request Government in future to bring down to us, which is easily obtainable from the Town and Country Planning Department the section even if it is only a tracing, which indicates where the plot in question is.

SENATOR THE HON. A. BARROW: Mr. President, rather late into this debate, but it is true that the plan which I have seen is not the plan which one would like to see which sets everything out, but I think that all members of this Honourable Senate know that we are talking about that bit of land running behind the properties coming from Manning, Wilkinson and Challenor right up bounded by properties like N. E. Wilson's house and so on on one side and by a drain on the other; I think there is a drain between them and the highway. The problem which the Government has faced with these lands is that generally they are of no utility except to the people who own property immediately adjoining them. It is a narrow strip which people have found generally speaking not to be attractive for the purpose of erecting any sort of business, and which generally continues to be kept in a very unsightly condition.

The situation with the Mill Reef Company which as I understand it is a local company incorporated under the laws of Barbados, if I understand what is meant when we talk about when there are foreigners buying land, I believe that the law recognises a company as a personality and attaches certain rules to determine whether it qualifies as a local company. If the people who own more than 51% of the shares in Mill Reef cannot qualify as locals, I believe that that would affect the status of the company. I believe that if it is accurately described as a local company, it must mean that if people who are not born Barbadians own more than 50% of the company, they must somewhere along the line have taken the necessary steps to become Barbadians, and as of the moment when they so become I do not know what you can do about it. These after all are not particularly the friends of this Government; they are people who were brought in under the last Government and whose business associations and social linkages are with the members of

the previous administration; so I want to make it very clear that our treatment of the lands in this area has to do with making these lands useful in so far as this can be done, and also ensuring that they be kept in some kind of reasonably sightly condition.

Sir, it was not a matter of wishing to part with any lands which were owned by Government, but you will notice that we have systematically dealt with all the lands behind there. My concentration, Sir, is not as good this afternoon as it could be, and it is not going to be any better if the noise on my right does not stop.

The point I am making, Sir, is that we have managed to lease the lands behind Manning, Wilkinson and Challenor to them for the expansion of business, to Bruce Hill for the same purpose and Homex coming right up the line. If nobody but Chefette has expressed an interest in that land and Chefette as I understand it had also entered into an agreement to purchase other adjoining land, the Government was likely to be left with this piece of land unused and left entirely with the responsibility for its upkeep.

It was considered by the owners of the Company to be good economics on their part having negotiated the purchase of other adjoining lands to enter into agreement to lease lands which they now had less need of, that if they owned the lands they could reshape their expansion programme. That is as I understand it.

We are talking about an expansion programme which, when first mooted, was supposed to cost \$350,000 and they did not see themselves paying on top of that cost a costly lease which no longer concerned lands that were vital to their operation and as I understand it, the Government therefore had to take the decision as to whether to hold on and so lease without having a lessee or to sell lands which really had little value to them and from which it could get at least a reasonable price. That to me is the only issue that I know the Government to have been faced with because we did not like the idea of Government's parting with real estate.

The approach, however, all along has been to lease land but we have faced the fact that where along that strip, since we do not have the same flexibility as we might have with other lands along that strip, that if we are in a position where the man prefers to buy rather than sell and the price is going to be a price in accordance with the Commissioner of Valuations prices as set out, then it would make sense in the circumstances to sell the land so this in itself does not suggest either that Government is embarking on a policy to divest itself of property nor does it suggest that somebody wishes to do Chefette or anybody else a favour. It is simply a matter of how we approach those lands which are all in that thin strip.

Are we going to look at them and say, let them stay there sightly unkept and harbouring mosquitoes and being an eye sore or are we going to do something with them which will permit them to be brought into productive use and which would permit them to be properly kept. That is the question that faced the Government in this decision.

Mr. PRESIDENT: Do you wish to clarify a point on something you made, Senator Hunte? I have certainly allowed a lot of cross-talking and latitude on this thing, I think you will admit. If you have a point to clarify on what you have said before, so be it. The Minister has replied and the Leader has made use of our Standing Order which allows a Minister to reply to a debate on anything that is critical of the Government but we cannot go on forever.

What certainly emerges as far as the Chair is concerned from this debate and from the disquiet on the part of Hon. Senators is that in future the Government when they are introducing Resolutions of this nature should make provision of a proper, clear and understandable plan for Senators to look at. It seems to me that this is the main thing that has emerged. I hope that they will adopt that in the future.

The question is that the Senate concur in this Resolution.

Does Senator Field want a division or does he want his vote recorded?

SENATOR R. FIELD: Yes.

Mr. PRESIDENT: Please record a negative vote on the part of Senator Field.

The Resolution has been concurred in (Asides).

I asked if you wanted a division. If any member claims a division, I will have a division.

The question that the Senate concur in the Resolution was put to the Senate with members dividing as follows:—

AYES: Senators the Hon. N. A. BARROW; O'B. TROTMAN; Sir MENCEA COX; K. HINDS; R. BRATHWAITE; A. TRUSS; H. LINTON; D. HUNTE; C. DEANE; J. MACKENZIE; Mrs. E. LYNCH and J. WICKHAM — 12.

NOES: Miss A. LYNCH; R. FIELD and Miss MARJORIE BLACKMAN — 3.

ABSTENTIONS: C. ROCHEFORD; K. HEWITT and Rev. A. HATCH — 3.

Mr. PRESIDENT: This Resolution has been concurred in.

**RESOLUTION TO APPROVE THE COMPULSORY
ACQUISITION OF LANDS AT ST. BARNABAS
AND MOUNT FRIENDSHIP, ST. MICHAEL
AND UPTON, CHRIST CHURCH FOR
THE PURPOSE OF HIGHWAY
IMPROVEMENT**

The Eighth Order of the Day was called — To move the passing of the Resolution to approve the compulsory acquisition of lands at St. Barnabas and Mount Friendship, St. Michael and Upton, Christ Church for the purpose of highway improvement.

SENATOR O' B. TROTMAN: Mr. President, this morning I was careful to ask for the plans for this road as well as the plans for the Spring Garden Road when I saw the front page of one of our newspapers and I was assured, Sir, that there has been great difficulty in getting the plans to me for the Senate this afternoon since there has been a lot of damage done to the documents in the Spring Garden and St. Barnabas Road Project Office.

However, Sir, there are some of the site plans which are available. They would not make a lot of sense, I am sure, because there are some 18 pieces as I see it in one case, approximately, which are affected and the great difficulty in putting together such a waste will not really make complete sense so in those circumstances we have no plan to work by.

As I understand it, Sir, the road will start at the junction of Highway 5 and Cable and Wireless building and will end somewhere 15 metres East of Chapel Gap Road as it comes out on the other side. It would therefore mean that when the road is passing West of the Pine Hill Dairy and the Polytechnic that it will affect several persons as it goes through the St. Barnabas area and those are the plots of land that we are trying to acquire this afternoon to make the road passable.

Work has not yet started on the road, Sir, and it will be financed, as I understand it, by the Inter-American Development Bank in due course. However, it is necessary to get the acquisitions done for the purpose of negotiating with the Banks and getting other documentation ready for the beginning of the Project.

It is therefore not practical Sir, even though we do not have the Plans for St. Barnabas Road to delay the acquisitions which are necessary for that road. It is unfortunate that we had the fire, but it will take some time before new plans can be drawn, but the Ministry is quite sure, as to exactly where they want to acquire and there-

fore, I see no real difficulty Sir. I thought that Senator Deane was unhappy Sir, that is why I paused.

This Resolution has 18 pieces effected, as shown in the body of the Resolution and without much ado Sir, I beg to move that the Resolution be concurred in.

Mr. PRESIDENT: It is proposed that the Senate concur in the Resolution.....Senator Hunte.

SENATOR D. H. G. HUNTE: Mr. President, while I welcome the decision of the present Administration to carry on the negotiations for these areas of land to improve that corner with Cable and Wireless and Courtesy Garage on either side there and I think, that it is Mr. Hobson's property, to the right, on the other side and the Goddard's property to the end.

Accidents occur at that junction pretty regularly and this morning on my way down, there was an accident, at that point and if you went up there at 2 o'clock this afternoon, there was still a car just pulling off there, by the Courtesy Garage. I however, Mr. President find it fairly difficult to think, that just because a site office was destroyed yesterday, that that is enough reason why we cannot have these Plans. Surely, these Plans should have been submitted in my humble opinion, to the Ministry of Communications and Works, which is the Ministry responsible for road improvements in this country. Surely, they should have gone to the Town and Country Planning Department and I believe, that if a greater effort were made, the Introducer of this Resolution would have found, that he might have been in a position to get some kind of Plan to bring to us.

The junction, as we know it, Mr. President, that entire stretch of road leading from Upton, Wildey across St. Barnabas presents great problems and I am particularly concerned about the number of children who attend Parkinson School and coming from the St. Barnabas section of that road, find great difficulty with the heavy trucks passing in that area, in getting to school safely. But, it appears to me, from the Schedules which we have in front of us, that land on both sides of the road has been taken and I am glad that the Government has been able to get Mr. Hobson to agree on to the amount of land, which is absolutely necessary because I remember, that during a meeting of the C.P.C., during the last Administration, we had great difficulty.

Mr. Hobson did not only want to sell just the area of land which was involved to the previous Government, but he wanted us to purchase his entire property because he felt that by taking off the 116.8 square metres, that I see here has been taken off, that it would have devalued his property and things of the sort. I do not know what was the reason for his sticking out, on that occasion and why it is that he has acquiesced to the re-

quest of this present Administration, but I also notice, that land on the other side of the road, where Mr. Brathwaite is living, he is just on the corner, before you turn down to get to Wildey, I also notice that some of his land is being acquired for the purpose of this road improvement and that is why Mr. President, that it makes it fairly difficult to find out extremely exactly what is happening and where the road is stretching and things like that, without a proper Plan.

I believe that the Hon. Minister should be able to get some kind of plan, they must be in M.C.W., they must have some up there, they must have some in the Town and Country Planning Department. It is not good enough because a fire occurred yesterday — you do not tell me that these things should be in the Ministry before hand. A file is being prepared within the office. You went to the Honourable House of Assembly, what did you go to the Other Place with when you sought to acquire this land? Did you anticipate the fire? There must have been some Plans which went to the Other Place, which we should have access to, this evening.

If no Plans went before the Other Place, then, it is my contention, that the whole exercise of going through this is being done, we are putting the cart before the horse. The Government is not prepared for it and they are just trying to pull wool over our eyes because it went to the Other Place, before the fire and I feel, that if it went to the Other Place before the fire, the Plans should be there in the file somewhere. If the Plans are not in the file which the Hon. Minister has in front of him, then, something is wrong somewhere. It cannot be, that the fire is responsible for the proper Plans not being presented here, this afternoon.

I do not want to get involved in this question of fires, I will not do, Mr. President, like the present administration did when the last administration was in power and there was a fire and accusations were made. I am talking about the Hilton fire. The kind of wild accusations which were made, I do not want to get into that, but all I am saying is that if the Plans went to the Honourable House, to the Other Place, then, there should be some kind of plan showing us the road improvement. They cannot blame the fire which occurred yesterday, or something like that, for the failure to bring a proper plan before us, this evening.

That is what the introducer said, that because of the fire, he could not get the proper plan to bring before us. I am saying, that it went to the Other Place before the fire and there should have been proper plans showing them what you wanted to do before the fire. That is all I want say on it.

SENATOR THE HON. N. A. BARROW: Mr. President, may I say something Sir about this business of

Plans? The fact of the matter is that even in court, land can pass without a plan. Most of the plantations in Barbados were sold without a plan. If the Government recognises that hon. members are entitled to information and insofar as it is possible, we give all the information, you mean to say, Sir, that when in good faith, we come in here and explain, that our advisers have informed us, that for reason a, b or c, no plan is available, you mean now Sir, we are going to try to make some big lot of Federal case out of this.

Sir, Senator Hunte is accustomed to our coming in here with Plans and when we, ourselves are not satisfied, that the Plans which we have are communicative enough, we say so, to the Honourable Senate. We do not hide anything, so I do not understand what is this big hullaballo Sir, just because on this occasion, we do not have plans and I do not think that we should get side-tracked.

SENATOR D. H. G. HUNTE: The point is Sir, if the introducer to the Resolution had said for some reason, or other, that there are no plans, but, do not tell us that the fire my point is that the Resolution went to the Other Place. Did it go to the Other Place without the plans, which are supposed to have been destroyed in the fire. It is a simple question. You mean that it went to the Other Place without the plans and all I am saying is, if the plans were not ready, say that the plans were not ready, but do not blame it on the fire. That is all I am saying.

Mr. PRESIDENT: I would certainly like to keep hon. members along proper guidelines, when it comes to what was done in the Other Place. Just make sure that your remarks do not criticise what was done in the Other Place. It would be extremely out of order. I am not saying that you have, I just wish to put a word in season. Senator Barrow.

SENATOR THE HON. N. A. BARROW: The plain and simple answer to Senator Hunte's question, did it go to the Other Place without plans, is I do not know, nor Sir, does Senator Trotman, nor Sir, does Senator Sir Mencea Cox, nor Sir, does Senator Hinds, nor Sir, does Senator Hunte indeed.

The plain and simple point Sir, is that we cannot take any responsibility for what information is provided for the purpose of debate in the Other Place and we must not pretend that we take this responsibility. I am using the word 'pretend' in its original sense.

The point which we are making, in relation to this, is that when Senator Trotman went through the files and discovered that the plans which would have been used in this debate were not on the files, he asked and he was given an explanation, which he has

been kind enough to make public. That is all that has happened Sir and I do not understand what has suddenly gone wrong. We are not accustomed to doing business normally in here, without people taking people's word because I think we operate in a very open basis and Senator Hunte knows that I would never mention the Hilton fire here, nor anywhere else.

You know, Mr. President, it seems most strange to me that all of us in here I believe are practical business people and I cannot understand after all the hazards that have taken place on these roads, and each one of us knows precisely what we are talking about, I do not need any plan, most plantations in Barbados are sold and we have no plans for our plantations and I will say that nobody in this Island, in this world, could go wrong and say this is X plantation or Y plantation. All of us in here know exactly which road we mean. Are we for the sake of quibbling going to prolong the period of accidents that are happening on that road? Sir, I know because Courtesy is often involved and this is one reason why I am so sorry, if I may say so with Senator MacKenzie's permission, Sir, that we are so much closer to that road than MacEneaney's Garage is. I would like him to be in that position, but I cannot understand for the life of me what is going on.

I appreciate Senator Hunte's quibbling, it is a business deal, most of them are business deals, but it was unfortunate I admit that Senator Trotman mentioned the fire that took place recently, Mr. President. I am very sorry, Sir, I am going to say exactly what I think, it was very unfortunate, but on the other hand I cannot see how a whole gathering of grown people can sit down and quibble over the absence of plots or plans or whatever when everyone knows exactly the road and the area involved, and I for one will hasten to support this Resolution because I want to see the statistics for deaths by accident reduced in the Island, not increased. Thank you, Mr. President.

SENATOR THE REV. A. HATCH: Sir, I wish to say that I am going to support this Resolution but I hasten to dissociate myself from Senator Deane's last comments. I do not feel that the Senate has been given understandable information on many occasions, and a particular instance is the previous Resolution we dealt with. When somebody commented or when the Resolution stated that we were dealing with the Chefette property, I took it for granted it was where I know Chefette to be, which is across from Motor Services, but it was only when the Leader of the Senate spoke, very late in the debate, did I for the first time understand that we were talking about a piece of land adjoining Manning, Wilkinson and Challenor, so we have to get information that we can understand.

SENATOR THE HON. N. A. BARROW: On a point of order, Sir, I said that it was from the southernmost

tip, it starts by Manning, Wilkinson and Challenor right down and I said that portions of it, Bruce Hill and so on, had been leased. As we went down we preferred to lease, as we did with this one but could not.

SENATOR C. I. E. DEANE: On a point of order, Mr. President, I did not mean to imply for one moment, and I do not think I said anything which could be implied like that, that we do not desire or deserve the plots, but I weighed the presentation of the plots with the increase of accidents. Which would you choose?

Mr. PRESIDENT: I really think we have emphasised this question of the plots sufficiently, and as your presiding officer I have intervened in the debate and have myself said on behalf of the Senate that the Government should try as far as possible to send plans down when these plots are being considered so that members can look at them intelligently. I think that should cover the issue of these plots and things of that kind for the moment.

SENATOR THE REV. A. HATCH: Sir, I just wanted to say that I am sure every Senator feels a moral responsibility to exercise his vote responsibly. For us therefore to approve Resolutions when we do not understand what we are approving is irresponsible, and the last interjection by the Leader of the Senate leaves me even more confused, because when I thought that the Resolution, fortunately from which I abstained, concerned a piece of land next to Manning, Wilkinson and Challenor, the latest piece of information is that it is one now down by the Board of Tourism. If there is more information the Minister has I would be glad to have it. You see, I am glad I abstained in that because I do not like to support a Resolution when I do not know what I am talking about.

The question that the Senate concur in the Resolution was put to the Senate and agreed to.

**RESOLUTION TO APPROVE THE COMPULSORY
ACQUISITION OF LANDS AT WALMER LODGE
PARADISE, DANESBURY, SPRING GARDEN,
BRIGHTON AND EXMOUTH GAP, ST.
MICHAEL FOR THE PURPOSE OF
ROAD DEVELOPMENT**

SENATOR O'B. TROTMAN: Mr. President I have circulated the plans which I have available, as well as the designs for the Spring Garden Road which by now should have gone the rounds in the Senate.

I beg to move that the Senate concur in the Resolution.

SENATOR THE REV. A. HATCH: Mr. President, I wish to compliment the Government that on a former occasion they did lay on the table of the Senate an extraordinary large piece of paper, but I think that is one of the

chief times when we could really understand what the Spring Garden Road was all about, and it showed us the beginning down at Fontabelle and it showed us the end down by Walmer Lodge, and this was really extremely helpful. I do not really think they needed to bring it again this afternoon, but I hope they will do it like that in future.

Mr. PRESIDENT: I think the gravamen of what Senator Hatch has said is what has been said before, that whenever it is possible for the Government to send down a large plot they should do so. I myself find these little bits of paper plans very difficult as a layman to understand, and where it is possible to send the whole plots so you can see exactly where pieces are coming from, it would be a great help to legislators considering the Resolution.

The question that the Senate concur in the Resolution was put to the Senate and agreed to.

PRIVATE MEMBERS' BUSINESS

Mr. PRESIDENT: Hon. members will remember that we were dealing with the Resolution moved by Senator Wickham and seconded by Senator MacKenzie concerning the Report of the Constitution Commission. It has been suggested to me, and I support it myself, and it is a matter for Senators to decide, that on a matter of such extreme importance as the Constitution Report it would be better if we set aside a particular day so that Senators can debate that question or that Resolution without the interference of other measures, particularly other Government measures, and I have discussed this with the Leader of Government Business.

I have discussed this matter with the Leader of the Government Business, and he is agreeable to our setting aside a day on which we can indulge ourselves in debate on that Resolution, subject of course to any emergency situation that may arise, and it seems as far as the Order of the Government Business is concerned, that Wednesday after next, 29th October, would be a good day for us to set for continuation of that debate on the Constitution. It would give members time to prepare themselves and it would certainly serve to notify the public and the Press who were regrettably in my view absent when this motion was moved two weeks ago, a motion of extreme importance to the community and one that rightfully originates in this Upper House. If that is agreeable to members, and it certainly is agreeable to Senator Wickham, we will make Wednesday 29th a day on which to continue as a primary subject on the Agenda, and as I say subject to any emergency matter that may arise discussion of the Resolution on the Constitution Report. Is that agreeable to hon. members? (No dissenting voice.)

SENATOR D. MACKENZIE: Mr. President, I beg to give notice of a Bill to repeal and replace the

Barbados Chamber of Commerce Incorporated Act, 1868, and beg that it be read a first time.

Mr. PRESIDENT: This Bill has been printed and circulated in accordance with the Standing Orders. Before I put the question for the Bill to be read a first time and just to clarify any doubts that may be in hon. members' minds, we have a Standing Order, Standing Order No. 75, which requires that in the case of Private Bills a clause should be included saving the rights of Her Majesty the Queen etc. and all others except such as are mentioned in the Bill. I am advised that although that Clause does not appear in the Bill, it is covered in the Interpretation Act where if this Clause is not mentioned it does not intrude on the rights of which this Standing Order speaks; so that the Bill is in order.

The question that the Bill be now read a first time was put to the Senate and agreed to.

Mr. PRESIDENT: The Clerk will put this Bill on the Order Paper for second reading at the next ordinary meeting of the Senate.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, when you were speaking a little while ago in relation to setting aside a date for the debate on Senator Wickham's Resolution, I heard you quite clearly at this end, but apparently Senator Hunte thought you were talking about a dissolution, so I thought that in moving the Adjournment.....

SENATOR D. H. G. HUNTE: On a point of order, Mr. President, I do not know how he could be reading what is in my mind. You said any emergency and it is left to me to decide what the emergency may be. I do not know what he is worried about. We know what is going on.

Mr. PRESIDENT: I hope it was not taken that I was suggesting anything about a dissolution. I merely wished to cover the situation where a matter may be of urgent necessity to be passed and therefore we would put it on to the Agenda, otherwise we would just debate that Resolution. That is all I meant.

SENATOR THE HON. N. A. BARROW: All that I wanted to do in reference to that was to repeat, Sir, the assurance which I gave you earlier which is that only in the event that there was some urgent matter of public business would any of the time allocated for the debate be intruded on, and that if for example we had any matter of urgency which came out of the House next Tuesday and it was not complex and which members felt could be done at the same time in order

to clear the way for the next Wednesday, that then we would probably be quite willing to invite members to consider whether they were going to treat it that way. Of course, Sir, matters of dissolution do not fall to be considered by Parliament; they merely fall to act on Parliament.

The other thing is that I believe members should give some attention to the hour at which we would wish to meet on Wednesday after next so that when we adjourn next week we should adjourn to a specific hour agreed on rather than automatically to the 2.30 p.m. as we are accustomed to. I believe, Sir, that is all I wish

to say relating to that sitting. As I explained, we have a number of things outstanding from this.

I therefore beg to move that this Senate stands adjourned until Wednesday, October 22, 1980, at 2.30 in the afternoon.

The question that the Senate do now adjourn until Wednesday, 22nd October, 1980, at 2.30 p.m. was put to the Senate and agreed to, and Mr. President adjourned the Sitting accordingly.
5.10 p.m.