

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

THE SENATE

Wednesday, 16th June, 1982.

The Senate met in the Senate Chamber, Public Buildings on Wednesday, June 16, 1982, at 11.05 a.m., today.

PRESENT

His Honour Senator the Honourable Sir ARNOTT CATO, M.B., Ch.B., LL.D., (President); His Honour Senator J. C. W. WICKHAM, M.B.E., (Deputy President); Senator the Hon. N. A. BARROW, (Minister of Information and Culture) (Leader of the Senate); Senator the Hon. O'BRIEN TROTMAN, (Minister of State in the Prime Minister's Office); Senator H. R. LINTON; Senator C. I. E. DEANE; Senator Mrs. E. M. LYNCH, G. C. M.; Senator C. A. GRIFFITH, (Parliamentary Secretary, Prime Minister's Office); Senator J. E. D. WILLIAMS; Senator Miss J. CLARKE; Senator A. P. L. REECE; Senator St. C. E. HOWELL; Senator Mrs. M. O. REECE; Senator E. E. GREAVES; Senator W. W. HALL; Senator A. W. A. McCLEAN; Senator Mrs. G. G. READER, M.B.E.; Senator C. D. SEALE; Senator the Rev. Can I. McK. JONES and Senator K. A. ROUSE.

Prayers were read by Dr. the Rev. L. Crawford.

ABSENT

Senator D. A. C. SIMMONS.

PRESENTATION OF PAPERS

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

The Annual Report of the Barbados National Standards Institution for the period November 1979 to October 1980;

Statements showing Net Customs and Excise Receipts for one (1) month ended 30th April, 1982;

The Duties, Taxes and Other Payments (Exemption) (No. 2) Order 1982;

Statements showing the sums advanced to the Postmaster General for the payment of Money Orders for the month of April, 1982.

INTRODUCTION OF BILLS

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to introduce the following:

A Bill to amend the Barbados Water Authority Act, 1980–42.

Mr. PRESIDENT: Let it be recorded in the Minutes that this Bill has been read a first time.

PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. President, I would be grateful if we could have Order No. 2 as the first Order.

Mr. PRESIDENT: If there is no objection, Order No. 2 will be taken as the first order of the day.

THE FINAL APPROPRIATION (1980-81) ACT, 1982

Order No. 2 was called – To move the Second Reading of a Bill to grant an additional sum of money out of the Consolidated Fund and appropriate the same for the service of the island for the financial year ended 31st March, 1981.

SENATOR THE HON. N. A. BARROW: Mr. President, Section 109(5) of the Constitution provides as follows:

"In respect of all supplementary expenditure voted on by the House of Assembly in pursuance of subsection (4), the Minister responsible for finance may, at any time before the end of the financial year, introduce into the House of Assembly a Supplementary Appropriation Bill containing, under appropriate heads, the aggregate sums so voted, and shall, as soon as possible after the end of each financial year, introduce into the House of Assembly a final Appropriation Bill containing any such sums which have not yet been included in any Appropriation Bill."

As you are aware, Sir, money resolutions are dealt with in the Other Place, and after the Appropriation Bill, sums of money are voted from time to time for the purpose of running the business of the country. The Constitution requires that these sums be all brought together in a final Appropriation Bill as soon as possible after the end of the financial year.

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

Mr. PRESIDENT: Just before I put the question on the Second Reading of this Bill, I wish, once more, to ride a hobbyhorse of mine — and that is that Supplementary Resolutions which pass the Other Place do not come to the Upper House until the final Appropriation Bill is sent up.

In the old Legislative Council, and in the early days of this Senate, such Resolutions did come before the Upper House so that members could at least make comments on them even though they did not have the power to do very much as far as the money was concerned. But, nevertheless, they were given an opportunity before the money was spent to make their comments on public expenditure.

It was discovered after some time that a strict legal interpretation of the Constitution made for a difference between money Bills and money Resolutions, and it is felt that money Resolutions of this nature did not have to come before this body.

It has always seemed to me that the Senate, as an integral part of the Constitution of this country, should at least have a say in the expenditure of public money of this nature, and I made representations on behalf of the Senate to the Constitution Review Committee in that regard.

If you will remember the Report of the Constitution Review Committee, you will see that the Constitution Review Committee agreed with me; and in their

recommendations they said they saw no reason why we would not revert to the original practice of having these Resolutions come before this body.

I hope that Senators, most of whom are new to this situation, will have a good look and a good think on it, and I hope that at some time some motion may be made in this Chamber asking when, and if, something is going to be done to implement the recommendation of the Review Committee.

It will certainly involve more work for the Ministers and for members in this Chamber, but I believe that the principle is one that we should fight for.

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

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that this Bill be not committed and be read a third time forthwith.

The question that the Bill be not committed was put to the Senate and agreed to.

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

On motion of Senator the Hon. N. A. BARROW, the Bill was passed.

THE AGRICULTURAL HOLDINGS (OPTION TO PURCHASE) ACT, 1982

Order No. 1 was called — to move the Second Reading of a Bill to make provision respecting the purchase by tenants of agricultural holdings for the purpose of facilitating agricultural development in Barbados.

SENATOR THE HON. N. A. BARROW: Mr. President, the legislation which we are now beginning consideration of is indeed legislation of great social and economic significance. This Sir, is the companion Bill to the one by which, last year, we gave tenants on the plantation a right to purchase the lots on which they lived.

As you will recall, Sir, in that particular legislation we had stipulated a pricing formula, and as a result of stipulating a pricing formula, the Bill had to be passed in accordance with the provisions of Section 49 of the Constitution, Subsections (2) (5) and (6), which are the sections which set out how a Bill intending to amend the Constitution must be passed.

The Constitution explicitly states in Section 49 that no Act shall amend the Constitution unless it is stated in the Act that it is an Act for this purpose. And when we talk about amending the Constitution, any change or alteration can be made by passing legislation which is inconsistent with the provisions of the Constitution, provided that legislation is passed with the requisite majority and in the requisite manner and form.

In the case referred to, the Bill, by the inclusion of a pricing formula, was offensive to Section 16 of the Constitution; which is the section dealing with protection from deprivation of property. It is a section which some people holding office in the Public Service might do well to read, since I am, aware, only too recently, of a particular instance of a Permanent Secretary who used his office, rather than his legal powers, to withhold salary in circumstances where he had absolutely no legal authority — and he was not really ashamed of the naked abuse of power even when the thing was pointed out to him.

I suppose, Sir, as long as you have to sue the Attorney-General, and no public officer therefore bears any direct liability, people will continue to abuse power like that, but more of that anon.

The point is that Section 16 quite clearly states;—

“No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except by or under the authority of a written law, and where provision applying to that acquisition or taking of possession is made by a written law —

(a) prescribing the principles on which and the manner in which compensation therefor is to be determined and given; and

(b) giving to any person claiming such compensation a right of access, either directly or by way of appeal, for the determination of his interest in or right over the property and the amount of compensation, to the High Court.”

In other words, Sir, if we wish to put a pricing formula in the law, then it affects a man's interest in his property; and that can only be done if the law is passed in accordance with the provisions for the amendment of the Constitution.

If, on the other hand, it is desired to give a right to purchase, which is what this law does, but without the

statement of a pricing formula, then there must be written law, and that written law must indicate quite clearly the principles on which, and the manner in which, compensation is to be determined; and it must further give access for the determination of a claimant's interest by the High Court.

I think, Sir, if we look at the present legislation, we will see all of these aspects stand out.

I may also add, Sir, that to many of us it might have been felt to be a better thing to have brought legislation again with a pricing formula, the circumstances being what there are. But there was really not much point in canvassing that point of view when there is on record a public statement to the effect that the party which constitutes the official Opposition is not prepared to co-operate in any legislation to amend the Constitution. So it does not matter how worthy the purpose, it would seem really to be a waste of time to use the device of a pricing formula.

I mention this, Sir, because a pricing formula has certain clear advantages. The land we are talking about is land which the plantations have not been allowed to sell. Tenancies in these plots of land have continued at a very low rate all along for a long time. In fact, there is ample reference to the Security of Tenure of Small Holdings Act, Chapter 237, and the reason for that is that we are dealing, really, with the people who not only hold these lots but we are dealing with giving them greater rights.

Our own experience is that this kind of legislation generally meets with the approval of both the tenant and by the land owner, and therefore we do not expect a problem in trying to implement this legislation.

But there are always exceptions to any general rule, and in the event that somebody saw an opportunity to make a sale of land which, otherwise, he would not normally be able to sell for a “good price”, a pricing formula would have dealt with that problem once and for all.

Therefore, just as in dealing with the house spots, a pricing formula was generally recognised as a desirable thing, in this particular case a pricing formula would also have been highly desirable.

But as I said there is really no point in talking about a housing formula if you cannot produce the votes that can make it stick. And while there are Independent Senators who would vote for the common good in this place, in the Other Place there are no such persons — but persons towing a party line. So, therefore, the hope of getting legislation with a pricing formula through is, of course, a very slim one; if, at all, it exists.

Sir, what this Bill therefore does is that it concentrates, in the first place, on defining, as it ought to, what an agricultural holding is and what a tenant is.

These are defined in the context of Chapter 237, Security of Tenure of Small Holdings where in Section 2 "agricultural holding" means "any parcel of land consisting of not more than ten acres, with or without buildings thereon, which is comprised in a contract of tenancy made (whether or not such contract expressly so provides) in contemplation of the land being used for agricultural purposes to provide thereby a source of income for the tenant from the sale of agricultural produce."

"Contract of tenancy" means "a letting or sub-letting of land or agreement for letting or sub-letting land, for a term certain or for any periodic tenancy, and includes a licence to occupy land. A tenant means "the holder of land under a contract of tenancy and includes the executors, administrators, assigns or other persons deriving title from a tenant.

Sir, what we are talking about therefore is the practice in which, on many plantations throughout the country, persons not only rented house-spots but also rented parcels of land on which they grew produce. And we still have that situation continuing in force. What happens therefore is that this legislation breaks new ground because it gives the right to such persons to purchase that land which, previously, they could expect to work for their lifetime — but never to own.

So, in fact, this legislation — it is quite far reaching legislation — gives them the right to purchase, and it gives them the right to purchase in terms of the Land Acquisition Act, Chapter 228 of the Constitution, which sets out quite clearly where the let me just deal, Sir, with the principle, it is the same principle that you find in Section 16 of the Constitution. You can compulsorily acquire or you can give somebody the option to purchase by written law, but his interest does not disappear. His interest shifts from the land to the compensation, and the court is the arbiter as to what compensation shall be. So if there is not a freely negotiated purchase price, then the matter can be resolved by the court, and the court will settle the compensation in accordance with certain principles. The Sections of 228 which are to be read in conjunction with that point are Sections 10 and 11.

It says that the basic principle on which compensation is to be given is that of the use to which the land is put at the time when the acquisition notice is served. In other words, if the use is industrial, then the compensation will be made along the lines which the market-place determines for industrial property.

But land in that law is classified basically as agricultural land unless it is either in other use or there is planning permission for it to be otherwise used. If you own the land and it has a potential use, in the principles of compensation one is not compensated for that potential use; one is compensated in terms of its actual use.

I think, Sir, we should stress this; because I remember at the time of the acquisition of the Wanstead Estate, around 1964, when the land was acquired for something like three cents per square foot, which was the price of agricultural land at that time, there was some out-cry and a certain amount of noise from some quarters on the grounds that it was clearly building land that was being acquired. The fact of the matter was that the twenty six acres at Wanstead was, according to this Act, agricultural land, in that it had never been put to any other use, nor indeed had there been any permission given for it to be used other than as agricultural land.

I have used that example Sir, because it is an example I think a number of people are aware of and I would therefore indicate the extent to which the point is being made — that potential use is not the criterion in giving compensation. The owner is compensated for the actual use of the land.

In these days, Sir, there is, I think, one practitioner among valuers whose business it is to do valuations which are rather high by most standards. In those circumstances, I think it is necessary for us to know what the law actually says about the principles on which valuations are to be made. I believe, Sir, we need necessarily to protect ourselves against the small minority of persons who might decide that they should call this particular individual and get a valuation in order to flog the land at as high a price as possible.

Therefore, Sir, in accordance with the Constitution, the law provides for the interest of the vendor to shift from the land to compensation and provides that compensation shall be given by the court in accordance with the actual use of the land.

This piece of legislation, Sir, also has a special provision in it to deal with the point Sir, where the landlord does not reside or have an agent in Barbados, where the landlord refuses to sell in accordance with the provisions of the law, and where the landlord cannot be found or his identity cannot be ascertained.

So where those three circumstances obtain, the law makes a special provision so that the tenant in those circumstances should not lose his rights. It provides in Section 6 that "the tenant may apply to the High Court and the Court should do all such things as are necessary in order to give the tenant a good title in accordance with the Act."

And in determining the purchase price, the judge is bound again to apply the principles laid down in Section 11 of the Land Acquisition Act. In such circumstances the money is paid into the court so that when a claimant who can prove his claim, eventually comes forward, then he may be able to collect his money.

Sir, I direct your attention to three additional definitions. One is in Section 3 where it deals with the tenant who may be able to purchase land under this Act, a qualified tenant; one who has been cultivating the agricultural holding for five consecutive years, or one who has been cultivating the agricultural holding for five out of the last seven years. So, in fact, it shows that the person has been an active tenant of the land in recent times and at present. That is in Section 3, Subsection 2 of this Bill, Sir.

I would like to remind honourable members that when they look at Section 3 (3) where it says, "a qualified tenant includes his spouse or child as defined by Section 2 of the Succession Act, living within the household of that tenant, that the definition of spouse, as defined in Chapter 249, has been amended by Act 1979-41 and it refers to either the male or female of a common law union of five years duration.

In the case of a child, if you go to the Equal Status of Children Act, you would find that the definition of child would now replace the definition which was previously found in Section 249. So, in order to determine in the case where a child is born out of wedlock, it is not now limited to evidence such as may be produced by an Adoption Order or by an order resulting from a paternity suit.

There are other grounds set out which may determine, for the purpose of succession, that the person qualifies the child. One of the grounds, for example, Sir, is the pattern of conduct which is established by child support over a period of time for example. I do not need really to bore Senators in going through the whole list of things. There are about ten of them which are grounds on which one can determine in the absence of an Adoption Order, in the absence of a paternity suit, in the absence of registration by permission, in the absence of based within wedlock.

Sir, Section 12 presently has a slight error and it is proposed, when we reach Committee stage, to amend

Section 12. The amendment, Sir, has been circulated. I hope, Sir, the Clerk gave you a copy of it. If he did not, one can see the amendment. It really relates to these sections of Cap. 237, an understanding of which is, absolutely vital to an understanding of this Bill, and that they really form part of the Bill.

For example, Sir, we are talking about tenancy. It was not necessary to repeat in this Bill the provisions for the form of notice which is necessary to terminate the tenancy, they already exist in Cap. 237; or the signature of the notices, the service of the notices in the Small Holdings Committees. These are things, Sir, which, as long as we are dealing with this kind of tenancy, will have to apply in this Bill just as they apply in Cap. 237.

The other point within this Bill, Sir, which I would like to make is that it would be noticed that Section 13 refers to the Schedule and the Minister is given the power to amend the First Schedule subject to negative resolution.

The reason for that, Sir, is that those tenancies which are listed in the First Schedule are but some of the tenancies which are going to be dealt with within the ambit of the scheme. There are a number of other tenancies which, as the programme continues, will be brought in. And I will just make a comment or two about the scheme in the next few minutes and that would put that, Sir, in context.

I would like to direct attention, Sir, to Section 9 in the form of conveyance and point out that it is absolutely necessary for there to be these short forms of conveyance and guarantee of title by Government in order to reduce the incidents of legal costs on the very poor, who cannot bear them.

I believe, Sir, that most of us know, even practitioners in the legal profession, fairly regularly admit that the scale of fees is a little steep. Some people will admit it is too high, others will just admit it is a bit steep; so let us take it at its lowest.

The fact is that with such legal fees as we have, it looks, Sir, as though there are one or two people who will not admit it, even though the truth may be staring them in the face, but the fact is that lawyers serve some fairly wicked fees for simple conveyances. Any time, Sir, you have to sit down and do the conveyance, that is one thing; but if you have to be the person paying the money when you purchase a property, and you miss and you have to have more than one mortgage, by the time you get out of the door, you are crippled. Legal fees in this country have long been too high. Much too high!

The point I want to make, Sir, anyway is that the fact of the matter is that if we are to do anything

about saving the very poor people who are involved in this Option to Purchase Bill, who it is intended to benefit, we must take the necessary steps to reduce the impact of these fees. Consequently, we have the provision in here, in the Bill, which refers to short form of conveyance.

The lands, Sir, which are the subject to this Bill falls to be dealt with within the — the scheme, Sir, falls to be dealt with within the context of the Rural Development Programme whose objectives, Sir, are to increase agricultural diversification and increase food production in order to meet the general demand for foodstuffs; to raise the productivity and incomes of those small farmers, both tenantry and small hold families, participating in the programme and, moreover, in the case of tenantry families, to provide a legal and institutional mechanism to permit them to acquire the lands upon which they reside.

This legislation, Sir, is that legal institutional mechanism about which we are talking. And until this legislation is in place, the funding, which is provided by the Inter-American Development Bank, may not then be drawn down for the Rural Development Programme.

There are about 30 rural development units consisting of contiguous groupings of tenantry in small hold families. The total area involved in this, Sir, is approximately 500 cultivated hectares and the number of families affected is about 1 500.

About half the land located in the low rainfall areas will be irrigated and the other 250 hectares, located in the intermediate and high rainfall areas, will be improved through mixed vegetables and root crop production, and some small livestock farming enterprises as appropriate.

The programme, Sir, involves costs totalling some \$6.1 million — money spent on the construction of wells, some 15 wells; the establishment of some 15 pumping plants, and there are the electrical installations; household water supplies, internal roads, construction of sheds and so on, vehicles and equipment and one important component of \$700 000 for research equipment. I should mention that there is also a component in there for agricultural credit to the extent of \$2 million or some one third of the funds.

It is estimated to run, Sir, for about four years, starting in the small holder areas like Roach Village, Market Hill and St. Helen's in St. George, that area of St. George on the sort of north western part of St. George.

Then, on the other side of St. George, there is what we call the St. Luke's area of Melverton, Waverley Cot, Brighton, Good Intent — there is a Cave Hill down there,

too, Sir, down by Good Intent — eastern Ellerton and Mannings Village.

Other small holder areas, Sir, are Marchfield, Six Cross Roads, Headings, Kirtons and Ebenezer in St. Philip; in Christ Church, Walronds and St. Patricks; St. John, Cottage Vale and Church Village.

The tenantry areas which are being started in this year are Hannays in Christ Church; Hampton B, Carringtons, Foursquare, Mangrove, Oldbury, Congo Road and the Hope in St. Philip; Brighton and Buttals in St. George; Applewhaites and Fisherpond in St. Thomas; Henley and Pool in St. John; and Sion Hill in St. James.

The IADB loan, Sir, is U.S \$4.2 million over 10 years, and then the Government puts in counterpart funds. There is in place a Project Office, for the execution of the programme, within the Agricultural Development Corporation, and the current staff is a Project Manager, an Agronomist, an Engineer, Chief Extension and Extension Officers — eight of them — a Marketing Specialist and a Draughtsman. Tenders for the irrigation systems are currently being prepared.

The position, therefore, is that when this legislation is in place — as it will shortly be, one trusts — it means that things are ready to move. Everything else is in place, we are ready to move, and we will begin the journey along the road that will complete that other aspect of the rights which go parallel with the rights given in the legislation affecting the house spots for plantation tenants.

I believe, Sir, that I have given as much information as I can. I have gone through the Bill in as much detail as I can. However, if there are further questions which fall to be answered in the course of debate, I shall be willing to see what more information I can call to mind.

What the Bill, therefore, Sir, represents is legislation to give to those people who have been renting these lands from the plantations the right to purchase them; it represents the enshrining of the mechanisms by which they should be allowed to do so without having to face any of the higher prices or exorbitant expenses which may be the norm in the market place.

The legislation represents another step, therefore, in the emancipation of the agricultural worker in this country.

I move that this Bill be read a second time.

SENATOR A.W.A. McCLEAN: Mr. President, I was a bit disappointed with the reasons for not including a pricing formula into this Bill, having regard to the considerable merits for doing so.

I would not want to dispute the accuracy of Government's assessment of the situation, but there are certain times I believe when one must dare in the face of certain circumstances, and it is not yet too late, if Government has a tidy pricing formula, to attempt to try it on to see if it would get the support of the Opposition.

I say this, because without it we run the great danger that this Bill might prove to be ineffectual. And I say this because of the particular mechanisms which one must have to make sure that the tenant can obtain title at a fair price, that is, through litigation.

I believe that most tenants would hesitate to initiate litigation. And if they are not going to initiate litigation, it would seem as though they would probably have to back away from trying to close the deals, unless there is some provision whereby somebody will take up the cost of litigation to the tenant, and there is no explicit provision in this Act whereby Government, if the tenant should prove to be at the wrong end of the bargain in terms of the agreement, would pay his part. So the problems of litigation, I think, would deter tenants from wanting to enforce their rights under this Bill.

Even in circumstances where they have some type of agreement with the landlord, Section 8 would make the intelligent and cautious tenant think twice even about acquiring title to the land, because there is no guarantee that the landlord would not have second thoughts and then take it to the courts and win the case, so to speak, and inflict not only a higher price but maybe the cost of litigation on the tenant.

Section 8 reads as follows:

"Notwithstanding that the landlord and a tenant may have agreed on a price for the purpose of the sale of an agricultural holding, the landlord or the tenant may appeal to the High Court for a variation of that agreement or in respect of any other matter arising out of that agreement."

So it means, therefore, that the tenant, until some time has elapsed, is still in a situation of uncertainty as to what the final cost of acquiring the land will be. And for these reasons I would still like to urge that Government, as represented by Government Senators in here, should give consideration to whether or not the Bill should be amended to make provisions for a pricing formula.

I also want to suggest that there can be a distinction between a pricing formula and a pricing principle. We have been told that the pricing formula would be repugnant to the Constitution. I do not know if Government has a legal opinion on a pricing principle, which may only seek to elucidate what is already in the Constitution, to

identify something which is consistent with a fair and just recompense, which would guide the judge in determining how to decide.

I understand that Sections 10 and 11 of the Land Acquisition Act would address that particular point. I do not know what the precise provisions are, but I do not know if they are sufficiently specific to identify how one should determine these particular cases which are special cases in and of themselves.

Mr. President, I have taken note of the suggestion that this may be covered in Sections 10 and 11 and I take the Leader of the Senate's word for that, and in any event, however, it may still be possible to consider whether Sections 10 and 11 of the Land Acquisition Act cannot be further elucidated with particular reference to this particular Bill.

In the absence of that, it may still be possible that a judge, faced with the submissions of the counsel for the landlord, might be persuaded to agree to a price which might be out of line with what would be anticipated by Government and with what the tenant can reasonably pay.

So, in those circumstances, I really think that we should not foreclose the possibility of simplifying the process of ensuring that the tenant can have title to the land at a reasonable price.

There is one other question that I wonder a bit about. It has to do with the relationship between these tenant holdings and the larger properties or plantations of which they form some part.

Presumably, these tenancies are part and parcel of the larger holdings, by maybe companies, maybe individual landlords and so on, and I wonder whether or not the existing legislation prevents the transfer of title of that land to anybody else except the landlord in any set of circumstances whatsoever.

What I am speaking of here is that I want to distinguish between selling a piece of land, that is, the tenant, and selling the entire business concern, property or whatever it is. For instance, if a company is the landlord and the company divests itself, or somebody else buys out the shares in the company, and you have a new landlord for the old tenant, can the old tenant find himself with a new landlord?

The reason why I raised this is that if it were possible that the present landlord is stuck with the present tenant until he passes title to the tenant, this might sometimes force the hands of certain people who might otherwise be reluctant.

I note that the proposal is seen in the context of the Rural Development Programme and is involved with proposals for agricultural diversification and the production of more food and so on, and as such, it allows us to make contact with the business of agricultural land in Barbados, its utilisation and the transfer of title of that land and so on, which goes somewhat beyond the mere tenant holdings. And I think that at the moment it is fairly common knowledge that quite a bit of agricultural land in Barbados is up for sale, and I believe that this is a matter which Government should address with some urgency.

I know it has been stated by the Government's spokesman that the marginal sugar lands are important to the viability of the sugar industry and that if these lands are taken out of sugar it would jeopardise the viability of the sugar industry in Barbados.

I do believe that if that statement is to be accepted as true, it has certain clear implications as to how changes in ownership should take place.

I do not think that one can expect that marginal lands, which are operating at a loss in sugar, can remain in sugar under discreet ownership separate and parallel from the ownership of the sugar factories.

The only way it is going to work is if those lands are brought under the same corporate umbrella as the sugar factories. We cannot expect to punish a few individuals and have them operating marginal lands and making losses so that the rest of the sugar industry can remain viable.

If the sugar factories are vital, the other aspects of the sugar industry should be involved in the ownership of these lands so that those properties, in and of themselves, would not reflect losses, but a wider corporate entity would presumably be reflecting profits over a time.

Those are the observations which I, at this stage, would like to make on this Bill, Mr. President. I thank you.

Mr. PRESIDENT: Senator Hall.

SENATOR W. W. HALL: Mr. President, the Minister, in introducing this Bill, alluded to the fact that both tenant and landlord seem to meet with great approval in these matters, and, no doubt, he anticipated that it would be met with the same approval in this Honourable Chamber.

I must say that he has not forgotten his Boy Scout days; he has come very well prepared today, even if it meant that by doing so he had to come late. But I would say, Sir, that he stands today in magnificent isolation,

because his junior Ministers will do well to emulate his feat today, and he, himself, will do well to enlighten this Honourable Chamber in the Bills and Resolutions that he will have the honour of introducing in the future.

We are not going to be too controversial on this Bill. In fact, we seek only for clarification and, indeed, improvement, and in that case, whenever agriculture is discussed in this Chamber, we in Barbados have to understand that it will never be a nebulous issue.

We have to continuously remind Barbadians that agriculture has been the backbone of our economy, even from the days of slavery when settlers grew sugar cane and cotton.

We must remember, too, that after emancipation the freed slaves were given spots on estates where they could work the land. But, Sir, it was no great thing — the land — and it was not all that arable. It was the poorest land, but still the fact remains that they remained in agriculture, and that is important. They grew food crops and kept some livestock, and that has been their way of life even up to this day, a way of life that has been appreciated and accepted.

That is why when this Bill comes into this Honourable Chamber, we on this side, cognisant of its importance, will not seek to oppose it.

You may well recall that in the other place when the 1980 Tenants Act was introduced, it was claimed as one of the most, or the most revolutionary piece of legislation that had come on the Statute Books of this country. That was the claim, Sir. Subsequently, the Freehold Tenantry Act conferred options on all tenants on and off the plantation, to purchase lots.

This Act to my mind, Sir, simply alleviates the problems that these tenants endured for a long time. They are now given the opportunity as the Act says to purchase these holdings, thus facilitating agricultural development in Barbados.

As I understand it, Sir, the qualification is that one must have been cultivating the agricultural holding for five consecutive years, or have been cultivating the agricultural holding for five out of the last seven years.

In Section 3, Sub-section 3, as the Minister in a most erudite fashion explained, the Succession Act as it relates to this Section, it says, "for the purpose of this section a qualified tenant includes his spouse or child as defined by section 2 of the Succession Act, living within the household of that tenant."

Where I seek clarification is that, to my mind, this seems rather narrow, and I would like to ask the Minister,

Sir, if we can conclude that people living in separate and distinct holdings on the plantations would be included in this. I do not think that the Succession Act would cover that, but perhaps the Minister, when he replies, could elucidate a little further.

Why I say that, Sir, is because we have to understand that in Barbados you may well come up with a problem where a father or mother, having lived on the plantation for many years, and being duly registered, would qualify for this — but there may be children. In fact, there are cases where there are children from that household who have lived all their lives there and who, having improved themselves, having got married and things like that, would build a little house on these same holdings.

What I am asking the Minister is, in these separate and distinct holdings, if the people who have been living there for many years can also qualify. If they do not, it would seem to me, Sir, that in the Committee stage we would have to think in terms of having an amendment to this, because I think it would be grossly unfair for these people, having lived on these holdings for a long time, not to be able to purchase these holdings. I really feel so, Sir.

There is another thing that I would really like the Minister to explain a bit further. It is a known fact that there is a scarcity of qualified surveyors in Barbados and I wonder, Sir, if he knows, or if he contemplates at this stage, how long it will take for all of this surveying and subsequent conveyancing and things like that to take place. Perhaps, if he knows, he can give us a little insight into this.

So, I am actually calling on the Minister to clarify this area for us so that those people who, to my mind, seem to be rather disadvantaged at the moment may be given the opportunity to purchase these lots.

While we are at it, Sir, it may be a good time to look at the private tenancies because there are some poor people in this country who experience great difficulty when dealing with landlords. Now, raising rents three times in five years and threatening to sell the land over their heads has, to put it bluntly, Sir, left them living in limbo and not knowing what is going to happen from one day to the next, especially when they have lived on these lands many years — and so have their children.

I believe that there is provision whereby these tenants can call on the landlord to improve the development; and if he does not, the appropriate Ministry can call on him to do so. As for the raising of prices, my understanding is that only a Select Committee can do this.

But, Sir, I think people should know of their rights. I think it is the responsibility of the Government, through their public relation institutions, to let people know what are their rights, because far too often we find that people in Barbados are crying out, loud and clear, about the great injustice that has been meted out to them by what I would term "unscrupulous landlords."

I would just like to ask the Minister to clarify these issues and to reiterate that we on this side are not in any way opposing this Bill — in fact, we welcome it — but we do feel that there is some measure of explanation that can easily be forthcoming, and I know that the Minister will seek to enlighten us on this matter.

SENATOR C. D. SEALE: Mr. President, I rise to support this Bill because any Bill to do with facilitating agricultural development in Barbados must be supported by everyone.

Sir, this Bill deals mainly with the sale, I think, of very small plots to tenants, plots of agricultural lands, and therefore I do not think the land will be much used for the cultivation of sugar cane. It would probably be used for root crops and livestock development.

This brings me to the point of incentives being offered to agriculture. We learnt through the Budget of new incentives and, in theory, they looked excellent; but, in practice, I do not think you will find that anybody is going to use them, because of the method these incentives are given out. Sir, you must spend the money first and then get the grant.

On top of all that, most of it is used for irrigation purposes and you will find here that there is no irrigation equipment available retail for sale in Barbados. So it means that this equipment has to be imported and that you have to wait probably six months before it arrives, and then, after that, you generally find that a few bends or a few lengths of pipe have not come and you have to wait again for a couple more months before it arrives.

I believe that the best way to implement an incentive scheme that will have some meaningful effect would be to have either the Ministry of Agriculture, or the Barbados Agricultural Society, or even the ADC have irrigation equipment on the spot, available, and sell them at half price.

When one wants this, they actually go somewhere and collect these things at a cheaper price. This should be extended to manure. The small home owner should be able to buy this manure sold by the Ministry, Sir.

Sir, I have noted that the sale of fruit trees is taking place here in Barbados. Where does it take place? It takes place in the bottom of St. Andrew. Sir, what are we doing in order to sell these trees? We are not asking people to purchase these trees when you sell them in such areas. I think, Sir, if the Ministry of Agriculture would use a little better business effort, they would ask some of the small retailers in the supermarkets to sell these fruit trees; and in a matter of days or weeks every tree would be sold, and it would give the people an incentive to buy. We would save a lot of our exchange.

Sir, to discuss agriculture we must discuss sugar. Our sugar industry is in a turmoil situation. I do believe that the Government and the sugar Producers should take a good look at the situation because I am not sure that the reason for the problems is high labour cost.

I think that it has a lot to do with it, but the productivity of the sugar industry requires a check-up. Too much of the old traditions are going on and factories are managed as they were managed years ago. There comes a time when you need to shape up from the top, when you see a company in trouble. The sugar industry is in trouble because its managers have not moved with the times.

I feel that I am one for job motivation, but there is no motivation in working in the sun. And the fact is that if we gave an air condition along with the tractor, it would cost little or nothing. Also, too, I think the days of managers of so many acres of land will as a whole come to an end. We need some workers from the top.

Therefore, I say, again, that I support this Bill, and I believe there will be hardly any problems in conveying. I agree with Senator McClean in that I do not believe there will be any difficulty with this Bill, because I think the practical owners would welcome it at this particular time.

I thank you, Sir.

SENATOR C. I. DEANE: Mr. President, first of all, I would like to support this Bill, just as Senator Seale has done, but there is one remark which I take exception to. The same conditions that applied twelve years ago do not apply now. With regards to the management, the point is that there has been a change, Mr. President. The same methods are not used. Many members here will know that a great change has been made quite recently, within this last year, in respect to this same question.

I was at a factory meeting this morning and I emphasized the fact that, and the sooner the better, the sugar factories have to send proper representation to the Government because the price of sugar cane now is 8 cents a pound and sugar costs eleven hundred dollars (\$1100.00) to produce, and overall the overall price we

get for it is about \$800. So it is an absolutely impossible situation.

With regard to this formula to buy the land, I agree with it entirely. But do not forget, Mr. Speaker, in the old days, as soon as we were finished with the harvesting of the canes, we used to clear out and cultivate the land for the small farmers to produce more in agriculture. But my last question to one gentleman was why don't you plant canes anymore? His reply was "what is the use when the Rastas come and take them away." So restrictions will have to be imposed for some kind of protection.

Now with regard to a price formula, I also made a note of that, you cannot have a set price; because there are two distinct things involved. The first law was relative to house spots. This law now is in relation to productive land. Now a house spot is a house spot, regardless; but you might vary the price of tenantry land to be sold. We cannot expect the same price in the larger areas. But on the whole, the point in my mind has been concerning security.

Sir, I think it is a very good piece of legislation. As far as I am concerned, I do not have a great deal more to say than that of the situation of sugar in the island. It is terrible, it is dreadful, and everybody knows it. And as soon as the Government realizes this and the sugar industry makes proper representation the better we will be.

Remember this remark was made in this Chamber before — after sugar what? I would like someone to tell me the answer to the situation in Barbados as it is today. You know, Sir, and I know that we have twenty million tons of excess beet sugar in the world. The American States and Europe are making gains in sugar production, so our sugar is left out in the dark.

As I said before, I rise to support this Bill and congratulate the Leader of the Senate once again.

I thank you, Sir.

Mr. PRESIDENT: Senator Rouse.

SENATOR K. A. ROUSE: I rise to support this Resolution, Mr. President. If this Bill had been introduced some thirty or forty years ago, I wonder what the reaction would have been in any place in which a Bill like this would have been introduced.

I remember, Sir, the late Grantley Adams thought about this type of legislation in the early fifties or the late forties, and a member who sat in this Honourable Chamber and in the Other Place hastily decided to go to the plantation owners and say to them "Grantley Adams

is about to take their lands away from them and give the poor people."

You see, Sir, the Barbados Labour Party Government has always had the poor people in its mind and have always felt that some of the crop of Barbados and the land distribution in this country should undoubtedly go to some of the unfortunate people who have worked for a very long time.

I, Sir, wonder if people who owned these estates some thirty or forty years ago, heard of this legislation which is being introduced in this Honourable Chamber today, what would they do? And I wonder what the fore-parents of people like me, and other persons whose parents lived on lands in those days, would do if they could hear that their relatives are now able to purchase this land, I wonder what would happen.

But one of the things I would like to see, Mr. President, is Government take a greater degree of control on the purchase of freehold real estate by foreign persons or by companies should it be industrial. If necessary, a limitation should be made whereby such transactions are only possible on a lease-hold basis.

In other words, Sir, I would like to see, Sir, a restriction on lands sold to foreign persons in this country because if we continue to allow our lands to be sold to foreign persons, in a number of years to come, our young people would be unable to purchase land or have any place to live; so I would like to see Government taking care of this.

Mr. PRESIDENT: Just a minute. I would not like to stop you, but try and keep it a little bit more on the holdings.

SENATOR K. A. ROUSE: Yes, Sir.

Mr. PRESIDENT: The Bill that we are dealing with now is not the Bill that you are talking about.

SENATOR K. A. ROUSE: Sir, I know that I have travelled a little far, but in travelling far, I wanted to explain certain things to this Honourable Chamber. If one were to look at the Manifesto of the Barbados Labour Party, 1976, "Plantation Tenancies" — Sir, I will make this a document of the Honourable Chamber:

"The agricultural worker has traditionally lived on tenantry lands of the plantation without any hope of ever acquiring the land on which he lives.

"Social justice demands that every tenant of the plantation tenantry be given the opportunity to purchase the spot on which he lives.

"A BLP Government will, as an act of the highest priority, ensure that each tenant is given the opportunity of purchasing his house spot at a reasonable price.

"The purchase price will be calculated on a basis to ensure to the owners the same return as they are at present receiving on their investment. Based upon the above the cost of the spot will be an amount well within the ability of the tenant to pay."

Sir, I make those references because I heard Senator McClean make a reference that he hopes that Government would introduce measures whereby it would not cause burden on certain persons who were unable to purchase these lands.

Thank you, Sir.

Mr. PRESIDENT: Senator Greaves.

SENATOR E. E. GREAVES: Mr. President, I do not believe that anybody would seriously oppose this bit of legislation. Certainly, the Democratic Labour Party, I am sure, since I represent the Democratic Labour Party in this Chamber, sees this legislation as part of a continuum.

If you check through the Laws of Barbados, you will see over the years that there has been legislation relating to tenancies and to tenant holdings, house spots and what have you. So it is legislation which is built on legislation which has been in existence before.

I just want to say that the Democratic Labour Party had been looking at this legislation, at this kind of development, and to support this, I would just want to refer, Sir, to page 4287 of the Debates of the Honourable House of Assembly, a debate which took place some time in 1980, and the last paragraph on that page of a speech made by the Rt. Hon. E. W. BARROW — goes as follows — it was a Debate on the Tenancies Freehold Purchase Act:

"The history of the matter" — (That is, the matter of tenancies and freehold tenancies) — "is that the matter was then referred to a committee to see how best these properties could be transferred — ownership of both the agricultural land which I admit in most cases would have been marginal agricultural land, and the spots on which the dwelling houses were — could be easily transferred to the existing tenants, whether these tenants were still working on plantations or had gone into other areas merely to seek gainful employment outside of the plantations."

I think it is important that we pay regard to that particular paragraph and the implications of it in terms of demonstrating that this is legislation which is coming out of the whole question of a development of a policy towards tenants and tenancies.

Now, more specifically, Sir, if I can get on to this bit of legislation which we are looking at here today. It says in the "OBJECTS AND REASONS" of this Bill:

"This Bill seeks to promote the development of agriculture in Barbados by making provision for a statutory formula whereby tenants of agricultural holdings may purchase the freehold of those holdings and for related matters."

There are a number of points which I want to make on this particular bit of legislation because it touches a fundamental question and that question is on land ownership.

The ownership of land, and, indeed, the re-distribution of land, has caused problems in many countries around the world.

I am not at all suggesting that this will be the outcome of this particular development, because I believe that over the years, the progress which has been made in this particular area is such that one would find that there is general acceptance that some measure of transfer would have to take place as far as land is concerned.

I think the particular point which Senator Hall raised about the quality of the land which is held by the tenants, and which we are now seeking under the legislation to make it possible for those tenants to own by way of purchase, has to be taken in the entire context of land distribution.

What I am saying is that we are here looking at legislation which is going to give ownership to persons who already occupy holdings of some sort or other of varying sizes, but it would seem to me that it has been admitted — and I am trying to find this out — by the Government that basically the land is marginal land.

So whereas I see this as a useful policy to pursue, I am wondering whether the time has not come for us to embark on a more meaningful strategy of land redistribution in this country. I think that it is something which we have to look at very carefully, bearing in mind the kind of role which we all acknowledge agriculture should play in our developmental process, and I am speaking of agriculture in its broadest sense.

It would seem to me, Sir, that we ought to be, at this time, looking beyond this particular point where we, to all intents and purposes, are really not going to be making any meaningful change in terms of agricultural production by making people owners and giving them the opportunity to purchase these lands.

We are not making any meaningful change in agricultural production, because presumably the land which we are talking about is already under agricultural production. We are making a change in ownership.

I remember we are talking in the Objects of the Bill about the development of agriculture, and therefore it would seem to me that if we are going to be serious about the development of agriculture, and about involving small land owners, and seeking to make small land owners play a meaningful role in the development of agriculture in this country, then it seems to me that our policy of land redistribution ought to be more carefully thought out and that we will have to do something radical in this regard.

That is my suggestion on this particular point, and I would hope that we would be able to have a situation at some point in time where some very serious consideration could be given to this.

I recognise that the ownership of land is important, and certainly tied in with any fundamental approach to land redistribution in this country ownership will certainly be involved, and we will have to be looking at plantations and the entire plantation system in Barbados in the context of agriculture to see whether or not we can continue in the way and with the kind of system that we have existing at the present time.

There are a number of problems which we are experiencing in agriculture in Barbados. Some of these have been identified by Senator Seale. I do not necessarily agree with everything that he has said, but certainly the question of the management is one which has to be looked at.

The question which Senator McClean and Senator Hall raised about marginal land, and the role of marginal land in the entire context, is one which has to be looked at — that is marginal for sugar — and we are just, as it were, beating around the bush in this particular arrangement.

I do not think that the Government is getting to the crux of the matter; we are on the fringes all the time. We are making adjustments here and adjustments there, but it does not seem to me as if we are prepared to have the will to get into the heart and the crux of the matter.

And I think that this is something which we have to look at very carefully.

In looking at this bit of legislation, the whole role of the small farmer, and indeed the whole question of the Rural Development Scheme, ought to be looked at. I do not want to really embark on any long debate on agriculture — certainly this would be a good opportunity to do so, but I am sure there will be other opportunities which will present themselves for us to look at this — but today let us just look at the role of the small farmer in the society and the plight which he has.

There is no doubt that the small farmer is experiencing tremendous difficulties. One wonders, for example, how many of them will be able to continue to produce sugar or to plant sugar canes because of the experiences, particularly the attitude and the policy which was pursued by the Barbados Sugar Factories Limited on the payment of monies for the last sugar crop, and the fact that they have been made to pay back money which was paid to them for the crop which they delivered to the factory.

I think it makes a very serious point about the management of a very important sector of our agriculture and the whole question of the development of attitudes towards this particular sector.

Of course, there are other problems about deductions from sugar prices. I think they have had to undergo some 3 per cent deduction on the prices which they were paid — for trash, or some other nonsense.

The point is that what is clear is that there is need for a modernisation of management techniques in overall agriculture in this country, including, of course, the sugar industry, because the small farmer is being squeezed out of existence.

But if sugar is one area which creates problems for him, there are other areas — the fact, for example, that the Government, in its wisdom or otherwise, seems to have discontinued the advisory service, or it just does not function, to the farmers by way of the agricultural stations which existed years ago.

If you take, for example, in the north of the island, you would find that the agricultural station at Jerusalem, which used to service that part of the island, no longer functions.

In St. Philip you can get very little out of the Home Agricultural Station. I know this for a fact because I had made certain requests there to get some advice on an area of land; not that I own, but for which I have some responsibility. It is almost two years now, and, in spite of repeated calls, no kind of response has come from there.

To talk about the Agricultural Development Corporation, that is one of the biggest jokes at the present moment in Barbados. It simply is not functioning, nor indeed fulfilling the role which it was set up to perform.

But the point is that small farmers need advice. Agriculture is a very scientific activity. I do not like to talk about the old days. Senator Deane is famous for referring to the old days, but certainly in the past, agriculture in Barbados was dealt with on a hit and miss basis and I suppose the question of experience and what have you. But hardly any scientific approach was adopted to agriculture.

I think that within recent years it has come home to a number of countries of the world — and slowly, I suppose, to this country of ours — that agriculture is a very important science and that it needs a scientific approach.

And if, therefore, we are going to be able to improve the lot of the small farmer, to involve him in a meaningful way in the development of agriculture, then the Government ought to play a very important role in providing advisory services to ensure that the small farmer is able to get the best out of his land by practising proper techniques, by applying various fertilisers, taking advantage of the proper time for planting, etc.

I think this is very important, and this is not happening at this point in time.

Small farmers around Barbados, and particularly in the north, complain about the lack of ploughing services. Now some people may laugh at this, and consider that this is nonsense, but it is very important; because no longer will you be able to find people who practise the art of digging cane holes.

As a matter of fact, we have moved beyond that stage to a large extent, so that a lot of reliance is placed on ploughs. And one would have expected again that this is an area which the Government would have seen as an important area for small farmers in this country, and would therefore develop a service which would enable small farmers to call on.

And I think that this is a very serious criticism which can be levelled, of course among others which can be levelled, at the Government and the practice of its agricultural policy at this point in time; if, indeed, one can see any kind of policy emerging.

What seems to be coming out, Sir, is that in this country there is need for a very strong small farmers organisation, because it is only through small farmers being able

to organise themselves into a force to be reckoned with that they would be able to stand up to the Government and demand that certain facilities be made available to them.

It is only through a strong small farmers organisation that they would be able to fight a colossus like the Sugar Producers' Federation and Sugar Factories' Limited to prevent them from taking advantage of them in the way that they are being taken advantage of at the present time.

And certainly there are certain benefits which would derive from a strong and very viable small farmers' association, and I would think, Sir, that this is nothing for the Government to get involved in.

The Sugar Producers, I understand, have appointed some officer who is a small farmers' officer and whose role is to go out and organise the small farmers. But for whose benefit? Not for the benefit of small farmers, but for the benefit of the Sugar producers.

So I think it is time that the small farmers in this country should come together and form a strong and viable organisation in order to represent their particular cause. And I would hope, Sir, that with, I suppose, more ownership, and going in this particular direction through the legislation which we are looking at here, that we would see an emergence of that kind of organisation in the not too distant future.

Senator Seale referred, Sir, to incentives to agriculture and to the fact that any viable agricultural policy will have to depend on the provision of proper incentives to people who are involved in agriculture.

I think this is a very important point, and certainly I have not been able to look entirely at the proposals and at all the implications of the proposals in the last Budget, but it would seem to me, Sir, that these proposals are to a large extent not really for the people who we identify and whom we, generally speaking, recognise as small farmers, but they are for people with plantations, 100 acres and that kind of thing.

Because if you are going to be talking about giving incentives for the planting of fruit trees — and I think the minimum number of fruit trees which you have to plant, from my recollection of the Budgetary Proposals, in order to begin to get some kind of rebate on, would be 50 fruit trees — you can imagine the area of land that a person would have to plant for that.

So I do not get the impression that these are for small holdings. And if you look at the other provisions like the irrigation provision, these are not provisions for

small operators. And again I think that this would come back to the point that if small farmers were organised, maybe they would be able to do some of these things on a cooperative basis. So we have to have a proper policy which would grant meaningful incentives to small holders in this country.

This brings me on to another aspect of this whole situation, the question of marketing and prices, which raises its head over and over again. These are two of the very serious problems which also confront the small holders in this country since most of them are in the area of vegetable, poultry and, generally speaking, pork production. The question of beef production and the other areas of operation are more large scale.

I think we have to think in terms of developing a strategy to see if we can possibly iron out some of the very serious price fluctuations which develop from time to time, both from the point of view of the consumer and the farmer; because sometimes the price of certain products rises to astronomical heights, and, at times, from the point of view of the small farmer, some prices really hit rock bottom.

It would seem to me, Sir, that the Government must become intimately involved in trying to devise a strategy in the context of our whole agricultural development for dealing with this particular problem of pricing and marketing.

I shudder to think, Sir, in the overall context of the disarray, which at present exists in our whole marketing arrangements, what will happen, I believe later on in the year or sometime next year, when produce from the Springhall Project comes on stream; whether we will be able to handle that kind of bulk added to what is already normally produced and what normally goes on the market.

There was some talk recently, I think the Minister of Agriculture talked about tapping the Trinidad market and about certain arrangements which have been made to get produce into the Trinidad market.

If my information is correct, I gather that is a "no go", that the Trinidad importers have stated very clearly that they will continue to bring in their produce from Miami.

So this is going to be a very very serious problem for us, and I hope that the Government will be able to come up with a strategy to deal with this particular point.

I said that I did not want to deal too much and to really spend too much time on debating agriculture, but I could not really make a contribution to this debate without dealing with some of those aspects which I have

dealt with, particularly in view of the fact that the Bill indicates quite clearly that part of the background to this is to permit the development of agriculture in Barbados. And I would like to see that some attention is paid to the areas to which I have indicated.

I know that there will be, I suppose, the response that everybody feels that the Government has to do everything, and has to take the initiative in everything and what have you. It is not so. I have certainly identified an area where I believe small farmers in Barbados, themselves, ought to take a lead – that is, in forming a strong organisation and doing things for themselves – but the Government has to create the climate. It has to be in there assisting with advice, assisting in other areas, with equipment and what have you.

Sir, let us turn more directly to the Bill, on page 2. There is reference, and certainly the Minister, Senator Barrow, in his introduction, referred to the Security of Tenure of Small Holdings Act, Chapter 237 of the Laws of Barbados, and I wonder if the Minister could give us some indication as to the impact of this particular piece of legislation on Chapter 237.

I have not studied Chapter 237 in its entirety but it seems to me that there will be need for some consequential amendments in this 237. This is how it seems to me. Time will tell. I hope he would be able to give us some indication on that particular one.

The other point I wish to raise, Sir, relates to the first Schedule. Now we have, in the first Schedule, a list of plantations in the various parishes to which this Act specifically applies. I also recognise that the Act makes provision for the Minister to add to this list from time to time.

But I would have thought, Sir, that, in introducing this legislation, the Minister, in addition to laying the legal foundation for this bit of legislation, would have been able to give us some information regarding the extent of these holdings. How much land are we talking about? How many holdings are they? I believe that we ought to know the amount of land we are talking about. The Government must have some idea about this.

For example, we should be able to know overall how much of the land would be in house spots, the total area of land which would go towards house spots, and the total area of land which we are talking about that is agricultural land or land which is used for agricultural purposes *per se*.

I think this is important in terms of getting the overall picture of what we are talking about, because right now we are merely talking words and without an idea of what this will mean in terms of the point which I made

originally about ownership and redistribution of land in this country; because, for all I know, we might not be talking about very much land. I really do not know. So I think that the Minister might be able to give us some general ideas about what we are talking about.

I think, Sir, this is all I would want to say at this point in time, but I might want to raise some other matters when the House go into Committee on this Bill. Thank you.

SUSPENSION OF SITTING

Mr. PRESIDENT: I think this is an appropriate time to have a suspension. This sitting will be suspended for 45 minutes.

On Resumption:

Mr. PRESIDENT: This sitting is resumed.

SENATOR Miss J. CLARKE: Mr. President, at the risk of repeating some of the points made already, I want to take this opportunity to make this small contribution to the debate on this Bill.

Firstly, I would make the point that in supporting this Bill we are in fact giving emphasis to two areas of concern. On the one hand we are providing a mechanism by which land ownership can become a reality for a number of Barbadians. We all know that it is part of our heritage for people to seek to own their own land and home. So I think that this very basic issue of land ownership is very commendable coming as it does after the 1980 Tenantry Freehold Act.

The second focus as I see it, is the one relating to agriculture. I think that any mechanism which seeks to encourage agricultural production is important. Now it is true that most of the land immediately affected by this Bill will already be in agriculture, but I think that the depth of the Bill relates to the fact that it is linked to the security of the tenure of Small Holdings Act, which builds in a guarantee for continued agriculture production.

My concern in this area, however, is that I do not believe that the majority of small holdings presently in existence, as will be effected by this Bill, are necessarily of sufficient size as to become truly viable in the way of agriculture production. I say this because I do not think that the eventual owners, the present tenants, will be able to provide for themselves adequately solely on the basis of their production. Nevertheless, I believe that in building in a guarantee which will require this land to continue in agriculture, according to my interpretation, is of serious concern.

I think, too, that the point made by one of the other speakers, with regard to the difficulties encountered by the potential owners of these lands, requires serious attention: I refer here to the matter of praedial larceny which is a menace to those people who toil and labour and plough the land — only to find at the time of harvest that there is little return for them. However, I believe action is already in progress which will seek to reduce that evil and I can only hope that real progress will be seen.

Having said that I believe that the present tenants, who would immediately benefit, may not be able to derive a complete living out of the fruits of the land, let me also say that I believe that the real impact, in terms of the future, of this particular Bill will be in connection with the rural agriculture programme, since this would definitely seek to ensure that the size of holdings is more meaningful and therefore more likely to produce a viable operation. So in the future I can see greater benefits being derived by the owners than would be immediately possible. At the same time I would like to say, unlike at least one speaker, that I do not believe that the lands immediately affected can truly be described as marginal lands in the strict sense. But I would like to add that I would hope that the extension services presently being provided by the Ministry of Agriculture, the Agricultural Society and the Sugar Producers Association will be expanded to the point where a new impetus can be given to the holders of these lands in order to ensure a measure crop rotation and diversification which will then make it possible for communities, working together on a cooperative basis, to derive a more viable result from their neighbours.

I have nothing more to say on this except to say, Mr. President, that I do not think that it is a major issue — I am happy to hear that it is not a controversial issue — and I think the fact that it is happening today augurs well for the future, and that what we now need to do is to provide further inducement and encouragement whereby people who live close to the land can do more for the country and for themselves.

Mr. PRESIDENT: Senator Howell.

SENATOR St. C. E. HOWELL: Mr. President, I am particularly happy in rising in support of this Bill since, for one thing, this Bill arises out of Barbados Labour Party lands use policy which this Administration first introduced to the country, and pledged to put it into operation if it was given the mandate, in 1976.

Sir, I do not agree with one speaker that this Bill does not go far enough. I think it is a step in the right direction and it is an on going programme, a continuation of the various measures that have been put forward by the present Administration.

It has been said in this Chamber from time to time — it has not been said today — that the Barbados Labour Party Administration has no agriculture policy and that, by and large, there is on the whole a lack of planning in those measures taken by the Government since 1976. I reject that contention, Mr. President.

I think, as has been outlined in the Party's Manifesto of 1981, that the agricultural policy of the Barbados Labour Party is quite clear and basically it is, as I understand it, to make agriculture, as far as practicable self-sufficient in this country, giving, of course, the various constraints of inelasticity of land and so forth.

The Bill comes at a time when we in this country are experiencing, year after year, both under the present Administration as well as under the Democratic Labour Party, increases in the cost of our food imports. This is really serious, we cannot treat this as something lightly. The result, Sir, is that for the first half of 1981 this country had a food import bill of some \$85 million, and that is something, to my mind, which should be taken seriously.

I am also heartened, Mr. President, to see that the Bill is not controversial. I could not envisage this Bill as a controversial Bill, and it has had the support of every speaker. But the Government's agriculture policy, through the presentation of this Bill, has not been subjected, as I said earlier, to some of the more serious criticisms.

And while it is not for Opposition Senators in this Chamber to put the case before the Government, I cannot understand how an Opposition Senator, or anyone from the Democratic Labour Party, could make criticisms which would appear as though we have just started, that in six years this Government has done nothing, at least nothing serious, in relation to an agricultural policy, and that if the other side, the Democratic Labour Party Administration, had been given the opportunity they would do better, they would certainly do more.

The fact, Sir, is that this is the reverse, because they had been in power for fifteen years — this is now history — and up to this day — fifteen years in power, and almost six years now in the Opposition this 20, 21 years — they have failed to come up with a comprehensive agricultural policy. Anyone can criticise.

It is true that under the Democratic Labour Party, agricultural output fell in real terms, and it had to, Sir. (ASIDE: Not true.) We will see that the Democratic Labour Party actively encouraged land speculation, and, as a result, Sir, much agricultural land was taken out of production, it was chopped up, divided into lots and building programmes were implemented.

At the end of the day, Sir, some 12 000 acres of agricultural land were taken out of active production by the Democratic Labour Party — 12 000 acres, Sir! — and the programme implemented by the Barbados Labour Party is to see to it that a lot of the land that was lying idle had been encouraged to go back into production. (ASIDE: What programme?)

As a result, Sir, the Barbados Labour Party has introduced tax incentives which would encourage owners of agricultural land to take it back into production. And at the same time, in addition to the tax incentives, there are penalties for those people who continue to let their land remain idle.

The Barbados Labour Party, Mr. President, when it first came into office, and the present Agriculture Minister, like his two predecessors, readily recognised that the fight to restore agriculture in this country was an uphill struggle because of the way it was allowed to run down under the Democratic Labour Party.

Various Committees have been set up, Mr. President, and various difficulties in agriculture, in particular in relation to sugar, have been positively identified. And one Committee at least is actively making recommendations as to how we can tackle the problem.

Again, I like most of the speakers who have taken part in this debate do not think that it is necessary to go on and on and regurgitate other speakers because we are in agreement that the Bill is essential; it gives an incentive to small holders or potential small holders to have a sense of belonging, of feeling that they can have a piece of the cake of this country.

As one speaker in the Other Place said, I think it was last week, and there can be no doubt about it, Sir, when a man owns his land, he can think more positively, he can plan for the future. It is not good enough to have a word of mouth agreement between a landlord and a tenant. Sometimes he would like to put down a wall and he is given the permission to do so — only to find out, subsequently, that there is nothing in writing, and he is asked to remove it.

Even if this land is marginal land, I think it is significant for a person who has been living on land for a long time to know that he can make plans for the future. He can build his house and he can purchase the land, not only the land on which he has his house, but the agricultural land which he was working while he was living on that spot.

Sir, it is one thing to criticise. It is a fact that when the Democratic Labour Party was in power, for 15 years, there was no incentive whatsoever for people to go into agriculture, or for those in agriculture to remain in

agriculture. All movements in relation to agriculture were movements out of agriculture. And, today we hear a lot about the present Administration merely scratching the surface; not going far enough!

There is a real need for land redistribution, and none of this was done in 15 years. They have not even produced a comprehensive policy for the six years while in Opposition to say, "this is what we think should be done and this is the way it ought to be done." Nothing! Just emptiness. Anyone can get up and say we think they should be done. How are you going to do it? You had 15 years to do it. Why did you not do it? There are no answers to these questions, Sir. There is no answer to these questions at all.

I think that today, Mr. President, notwithstanding the present situation, the price of sugar on the world market, and the problems which face agriculture in general in the world, that the Barbados Labour Party should be commended for taking steps to see to it that the people of this country are encouraged to grow more food.

I do not agree with Senator Greaves that these lands are marginal lands — I am not quoting him verbatim, but this is my understanding of it — and that this would make little or no impact.

I think that as soon as a man knows the land is his, his brain is sent jingling; he can put various ideas into practise and there is more incentive for him to go out and work harder and produce more. He is motivated because he is now a land owner.

If he is bedeviled by the idea that no matter what he does the land is marginal, and some day he is going to die, and whatever happens neither he nor his relatives will be able to use this land; his enthusiasm must obviously be dampened.

I think the Bill is a good Bill. I think it would go a long way in stimulating the people of this country to grow more food, it would stimulate the people to become more productive and by so doing, it must, in the final analysis, even in the very long, long run, help to reduce our import Bill in relation to food. And if that is done, I think this Bill would have gone a long way.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, in introducing the Bill, I referred to the need to provide a mechanism whereby the tenants may become owners of this land and so the land may be brought within the context of the Rural Development Programme, what used to be called the Integrated Rural Development

Scheme. That point, I think, Sir, was not fully appreciated.

When I talked about the Rural Development Programme and the scope of it being 500 hectares and some 1500 families, and its being funded by the IADB; perhaps I should have gone on to mention then that within the context of that programme funding to assist with the purchase of these lands will immediately become available through the IADB funds deposited through the Barbados National Bank.

Also, it is the Rural Development Programme within which the machinery will be established, both for production on these very small farms which will then be organised into some 30 units, and for the overall agricultural exercise, including marketing. I did refer, for example, to the existence already of some eight Extension Officers.

Now, it seems that the identification of the new name, Rural Development Programme, with what used to be called the Integrated Rural Development Scheme was not clear in members' minds; otherwise, Sir, I do not think that Senator Greaves would have found it necessary to speak even for 30 seconds, because indeed the Senator's speech raised, in the first instance, a couple of questions which related directly to things I have just said, such as the scope for this scheme, and then he went on to talk about the need for marketing and the need for advisory services and so on.

All the questions which he raised, therefore, are directly answerable by reference to the point that these lands and other small holdings are to be the lands under the Rural Development Programme. So the points which Senator Greaves raised were points really already made once that linkage is understood.

There is a point which has been emerging, Sir. It is a point first mentioned by Senator McClean, then a point which was made also by Senator Greaves, in a way in which he sought to hang the point on the Government, and then fully accepted by Senator Howell.

I was listening to Senator Howell making the point that even if lands are marginal, the very fact of being the owner of the land will serve in some way as a motivation. You do not just throw your hands up and do nothing.

I am referring to this point, because if I remember correctly what Senator McClean said, he was referring to the fact that in many cases these would be marginal lands. I believe if those are not his exact words, that that was certainly the point that came through to me as he said it.

Then, it became this point as made by Senator Greaves. "It has been admitted," said Senator Greaves, "I think by the Government, that these lands are marginal." The Government has not admitted any such thing, nor had I heard anybody in here admit it — until Senator Howell fell hook, line and sinker for this hanging of something on the Government by the goodly Senator.

Those of us who know the country know that all the lands are by no means marginal. We also know that in some cases the lots are rather large, and therefore we are talking about lands of varying quality and lands of varying size. I wish to make that point clearly because a few people say something, and one person says he thinks it is said by the Government, I do not think he should be allowed to.....I will give way, Sir.

SENATOR A. W. A. McCLEAN: Mr. President, on a point of elucidation. My reference to marginal land was not specific to the lands under discussion here. I had taken the opportunity to make reference to the fact that certain estates were coming up for sale and that we must be concerned with the utilisation of all the lands, not only the ones that would be subject to this Bill. And it was at that point that I indicated that in the context of the production of sugar it is evident that certain lands would become marginal, and that was a problem which had to be addressed.

SENATOR THE HON. N. A. BARROW: I want, Mr. President, to thank Senator McClean for that, but I fully appreciated the point and I was going to come back to it, and I was going to make the point that lands which are marginal for sugar may not be marginal for a number of other things. So I was, in fact, going to come back to the point.

Because Senator McClean made reference to marginal lands, we have gone off on a trip in which we are supposed to accept that the lands we are dealing with here are all marginal lands. I merely said what I happen to know, because if you grow up in an agricultural community there are certain things that really should not escape your knowledge.

I can indeed go right back at the start. Most of Senator McClean's comments indeed were directed at the point that if we talk about keeping marginal lands in sugar, then it is going to be necessary to develop some mechanisms where people are not to suffer because they are keeping their marginal lands in sugar while the owners of the better lands prosper. I am again paraphrasing.

I think that that is a comment which really reflects in a very real way much of the problems within the sugar industry today, because there are some plantations which are so located that even if the cost of production were

higher than it is now, they would still, in all likelihood, be making money; but it has now become a fact that on a very large number of the plantations marginality or loss is now a real fact of life, whereas that used to be a case really on a very, very few plantations. So the situation has now turned around.

I understand the point which Senator McClean is making, but, naturally, particularly when I am not charged with responsibility for a subject, I will not attempt to make policy on my feet. But the Government is looking very hard at agriculture as a whole, and sugar in particular, and anyone who heard the last speech of the Minister of Agriculture, in terms of the amount of monies which will be needed for starting up the crop in the next year, can really have little doubt about that.

Senator McClean was also making a point which I drew to his attention in Sections 10 and 11 of the Land Acquisition Act, Cap. 228, because the same point he was making was really answered there to a very substantial degree, when he says that the Bill should contain a pricing principle.

The point is that compensation is paid according to the principle set out in Sections 10 and 11 of the Land Acquisition Act. That is the pricing principle which applies and this Bill specifically refers to that formula in the event that there has to be compensation.

The important thing we have to grasp is in Section 11, talking about rules for assessment:

- “(a) The value of the land shall, subject as herein-after provided, be taken to be the amount which the land, in its condition at the material time, might be expected to realise if sold at that time in the open market by a willing seller for the purpose of being put to the same use to which such land was being put at the material time;
- (b) in ascertaining the value of such land, regard shall be had to the net amount of any income derived from that land at the material time and, where no income is derived therefrom at that time, to the rent at which the land might, at the material time, reasonably be expected to be let from year to year for the purpose of being put to the same use to which it was being put at that time;”

And then (c) for the purposes of this subsection —

- (i) land shall be deemed to be used for agricultural purposes unless the party claiming compensation proves to the satisfaction of the Judge that at the material time such land was

being used for a purpose other than agricultural purposes;

- (ii) the expression “agricultural purposes” includes all purposes directly connected with the use of land as arable, grazing or pasture land, or for dairy farming or for any other purpose of animal husbandry including the keeping or breeding of poultry or bees or for the growth of fruit, vegetables or flowers;
- (iii) “the material time” is the date of the first publication in the Official Gazette of a notification under section 3 with respect to the land;”

(3) “The special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it could be applied only in pursuance of statutory powers or for which there is no market apart from the requirements of any Department of Government or any local or public authority.”

The point, I believe, is quite clear, that there is not the slightest chance of land which we are talking about being treated as anything but agricultural lands. Once that point is clearly understood, then I believe we will be able to understand that the value, the price which is likely to be negotiated — and I frankly believe there will be very little difficulty in negotiating prices — is likely to be a reasonable one, and that if it has to go to court then the award of a court is unlikely to be to owners.

So if you take that into consideration, and take into consideration the fact that there is financial assistance available under the Rural Development Programme to the intending purchaser, then I think we can understand that the Bill is not really defective in that regard.

The other point which Senator McClean made was that if too many of these acquisitions have to be litigated, the fact of litigation, or the promise or threat of litigation, may prove to be a deterrent. Sir, I believe that Government is not going to sit by in the event of active steps to frustrate the working of the Act. I do not believe one needs to say anything more on this point.

Senator Hall made the contribution of a would-be representative of an urban constituency. Plots of land were to him house spots. The Senator really was talking about the Tenancies Freehold Act and not about this Bill at all, because the question which the Senator posed, and which seemed to worry him quite a bit, concerned children bettering themselves and building a house on the same land.

I believe, or I should like to believe, that this confusion in the Senator's mind springs from the fact that had he had a chance he would have voted for the

Tenancies Freehold Act. But that chance has already passed, and he is now seeking to have this Bill do something which we have already taken care of in relation to the Tenancies Freehold Act.

The point is that where people had both a house spot and land, which they were working, the business of the house spot does not really arise, because already under the Freehold Act the house would have been separated and that area of land bought as a house spot.

So we are dealing now with the land which you work which, in many instances, was separate and apart from the land on which you lived — not always, but in many instances. This is the land we are dealing with, and somebody has to be the tenant of the land; and once you are the tenant of the land, then the Act begins to operate in your favour.

So it is not anything, at all, to do with the kind of situation which Senator Hall raises. The problem which he raises really belongs to the discussion under the Tenancies Freehold Act and which, as I have intimated, I am sorry he did not have a chance to vote for. His colleagues who had a chance to vote for it, did not.

The difficulty with surveyors, while it would be relevant to this particular Bill also, is seen again as a more crucial point in the Tenancies Freehold Act, and this is why the Ministry of Housing and Lands had to put together a team of surveyors in order to ensure that the surveys are carried out at maximum speed, and they are pressing ahead with this. But there are so many more house spots than agricultural lands, and therefore the difficulty really can be readily seen if you are talking about agricultural lands.

There were points made about management in the sugar industry and so on. That has been ventilated.

Senator Rouse was also referring..... in fact I am not so sure he could have been referring to land generally. I believe that much that has been done more recently in relation to the business of foreign purchasers might be said to have come too late; but since 1976, one will notice a very not so creeping because it has gone from something like 7.5 per cent to a total now of something like 25 per cent of the tax on the transactions where land is sold to a non-Barbadian.

Again, Sir, without having prepared my mind to talk about that point, it is not going to be easy for me to give Senator Rouse any information as to whether the increase in the tax has been having the kind of bite which he would probably anticipate, because my mind was directed largely to what the Bill is strictly about.

I should like, Sir, to return now to Senator Greaves' speech, because it is a speech which I find interesting

in many respects. As a matter of fact, I found that I was writing down things which the Senator was saying and then suddenly found that when I added them all up I was not getting very much benefit from writing them down.

To give an example, Sir, according to him the Bill will not be making any meaningful contribution in agricultural production. Now the Bill is supposed to be a mechanism within the Rural Development Programme, so I do not quite know how he can make that statement.

Policy on land distribution has to be clearly thought out. Now if he had said that this Bill had nothing to do with land distribution in the sense that the same people who will now become owners are already the tenants, I could understand the point.

If you talk about enfranchising people, why in the context of enfranchising people do we need now to go into a wholesale land reform legislation, which Senator Greaves and his party have had a great deal of time to embark on if they wanted to.

But even this little little bit that we are doing, according to him — I do not think it is a little bit, but he thinks it is a little bit — even this so-called little bit is monumental compared with what they managed to achieve, because I think in the name of the legislation which was brought in by that side in 1965 was the Tenancies Control and Development Act. That merely had to do with security of tenure. I did not give to anybody rights of purchase.

It is important that we understand that when Senator Greaves refers to this legislation, which he says he is supporting, as legislation which he is supporting because it is legislation built on legislation in existence before — I do not know what that means, but that is what he said, Sir, — what legislation that was in existence before is he talking about?

It is important that we did not just amend the Security of Tenure Act. It is very, very important; because the provisions of that Act, which is an Act of 1955, I believe, relate to security of tenure and not to the acquisition by the tenant of the freehold in the property. And as soon as you move from security of tenure to acquisition of freehold, you are dealing with a totally different concept, both in Law and in the general framework of society.

It is a completely different concept we are dealing with. The Tenancies Control and Development Act of 1955 could say to the landlord, "you cannot put those people off." The Tenancies Freehold Act of 1980 says to the landlord, "you must sell those people the land on which they live."

Similarly, we are now dealing with an agricultural tenant, a tenant of agricultural land, and the principle again is that you must sell to the man the land which he is renting from you and working.

So it is not a matter of, as he puts it, legislation built on legislation in existence before. It is, I believe generally recognised to be a departure from the thinking that characterised the approach to these matters hitherto.

The Senator quoted from the House of Assembly Debate of 1980 on the same Tenancies Freehold Purchase Act. He quoted the remarks of his party Leader, who was not only the Leader of Her Majesty's Loyal Opposition, but for the purpose of that debate, he was also the leader of opposition to the passage of that legislation.

And in opposing the legislation — and this is why I do not understand why the Senator quoted it — on page 4287, which Senator Greaves referred to Senator Greaves is making the point that it is legislation he is supporting because it is legislation built on legislation in existence before and he is saying that the Democratic Labour Party is looking at this kind of legislation.

Sir, how were they looking at it? If he had quoted the two paragraphs instead of just a part of one paragraph, this is what you would have found, Sir. In fact, Sir, three paragraphs because we need to see what it is we are talking about.

The Leader of his party is saying, Sir, at Page 4287:

"Way back in 1961" — (that is 18 years earlier) — "in the Manifesto of the Democratic Labour Party it was stated quite clearly and specifically that it was the intention of that party, or this party to which I still belong, to take over the plantation tenancies and to make the people who lived in the plantation tenancies owners of the lots of land which they were renting from the respective plantations. This is contained in a written document. It was not contained in a document of any other political party prior to that time and I cannot remember whether it was in the Manifesto of the Democratic Labour Party in 1956, because I do not have a copy, but it certainly was in the Manifesto of the Democratic Labour Party in 1961.

"In 1962-63 the Ministry of Agriculture, in pursuance of the avowed declaration of the Democratic Labour Party, instituted a comprehensive survey of the plantation tenancies in Barbados. Mr. James Cookston King was at that time the Permanent Secretary in the Ministry of Agriculture, and the

result of that survey disclosed that there were some 4,900 acres of plantation lands which had been rented out in tenancies. I wish to make my definitions clear. The 4,900 approximately — it could have been 4,980, I cannot remember the precise amount but 4,900 and it was not quite 5,000 acres — the 4,900 acres were of varying size lots, some was agricultural land and some of the land could be described as what we call in Barbados house spots. Some of these plantation tenancies like Kendal in St. John, were well laid out tenancies with services available, and other plantation tenancies like Springhead in St. Thomas, St. Andrew, St. James border, but mostly in the St. James area, were almost inaccessible and had no services whatsoever.

"The history of the matter is that the matter was then referred to a committee to see how best these properties could be transferred — ownership of both the agricultural land which I admit in most cases would have been marginal agricultural land" — (that is where the thinking came from, Sir,) — and the spots on which the dwellinghouses were — could be legally transferred to the existing tenants, whether these tenants were still working on plantations or had gone into other areas merely to seek gainful employment outside of the plantations."

I should read the paragraph following:—

"We are dealing with the time frame that with an election in 1961 December, a survey carried out between 1962 and 1963, a very comprehensive survey, a copy of that report I do not have unfortunately but I remember many of the outstanding recommendations and details to that report carried out by Mr. King. Some time late in 1964 as a result of some of the difficulties of the time that it would take to implement the policy of the then Government, the Democratic Labour Party Government, and because of certain dislocations which were taking place right in the metropolitan area here in Bridgetown, we introduced a Bill to deal with the setting of the persons who lived in tenancies, not only plantation tenancies but all tenancies, and this was the Tenancies (Development and Control) Bill of 1965, and this Bill was debated during the month of I believe July, 1965 and passed in that year."

I read all of that, Sir, because if I am to understand that speech, and we are talking about the same thing, I cannot understand why that party was so adamant in voting against that same Bill.

If you say that it was legislation built on legislation, if you can relate this legislation of Tenantry Freehold Purchase Act to the Tenantries (Development and Control) Act, as Senator Greaves and Senator Seale wish to do today, then how could you vote against it?

To say that it is a Constitutional amendment, for people who introduced and voted against an amendment in 1974 — the debates on attitudes against Church and the Courts — would be the biggest joke that anybody ever heard in the history of Parliament.

I can only presume that it is merely a deduction from their conduct. When the tower in that party lags in relation to matters pertaining to tenantries, they are merely going to be wagging to a tune that might sound sweet at the time.

I cannot see how one can oppose the Tenantry Freehold Bill of 1980 and support the Bill of 1982. The two Bills are essentially about the same thing. The Tenantries (Development and Control) Act is more in line with the Act of 1957, Cap. 237, in that you are talking about security of tenants. We are talking about vesting in the tenant the freehold of the property.

As Senator Greaves continued, there are other comments he made — Government not getting to the cradle of the matter. This is something we have to look at very carefully. He says that the whole development scheme should be looked at, and that was when he went on to call on things that are specifically provided in the rural programme. The connection has not been fully understood, and it was all in the context of the Rural Development Programme, in order to get other small holdings to be productive.

There were comments made about sugar factories. To tell you the truth, Sir, I do not want to get into that.

Reference was made to the closing down of agricultural stations. I would like to make a comment on that, and not because anybody would criticise the management of agriculture, as Senator Greaves has joined Senator Seale in doing. I listened very carefully, and I would have to say for Senator Seale to turn around and tell us that he waited for two months for advice, I don't think that would be a very good management record. I do not think Senator Greaves was serious when he was waiting for two months concerning the whole agricultural situation in St. Philip.

We cannot behave in this country as though because our agricultural station was established at Bullens, St. James, when the character of the area it was servicing changed directly to a tourist area, that that agricultural station necessarily should continue at Bullens.

It may be that the work that is being done is still important work to be done. I would believe that it would be better to examine exactly what the stations are doing and then come up with a plan which says where it should be best located in today's Barbados. I do not have any quarrel that one or two stations had to be closed.

The second thing is that there had been a great deal of criticism by members of the public of the contributions these stations had been making. Therefore, the Government has to listen to the public to see whether they can still serve the public in relation to the expectation of the public. So we must look at that aspect of agriculture and see what really needs to be done. As a matter of fact, if we listen to Senator Greaves, and if he was waiting for at least two months, that is a complaint that he should not have to wait that long to hear something on it.

The question raised about the impact of this Bill on Cap. 237 as whether there should be consequential amendments. As far as I have been able to see, there are no areas between the two pieces of legislation. If you look at Section 12, you will see that Section of Cap. 237, which is a direct application of this Bill, becomes incorporated into the Bill. With the definition which is used in Cap. 237 I do not believe that this Bill will have the effect of amending, in any way, Cap. 237.

The question raised about how much land there is, is a question I sought to meet in my opening remarks. Senator Greaves probably did not hear me very well when I said something about some hectares.

I think it was Senator Seale who referred to the inability to buy irrigation equipment. Again, within the contents of this Bill, the provision on the Rural Development Plan is one that removes that kind of difficulty. I am referring briefly to the envisaged fifteen wells, fifteen plants, tractors, auxiliary equipment, and so on for irrigation.

I am just making sure, Sir, that if there is anything I have not answered, I would pick it up before, Sir. Oh, yes. Since we are talking about agricultural lands and not about the house spots, it is not relevant to ask how much of the lands will be going into house spots and how much of the lands will be remaining in agriculture. We are talking about lands for agricultural use.

I think, Sir, that those are all of the questions, certainly all the points of which I made note and I have tried to respond, I hope satisfactorily, to the questions which were raised.

The question that the Bill be now read a second time 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 J. C. W. WICKHAM in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Clauses 1 to 11 inclusive were called and passed.

Clause 12 was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, in relation to Clause 12 there is an amendment which has been circulated. It is as follows: That the words "and 23" should be deleted and that the substitution therefor shall be as follows: "23 and 27 (a) and (c)."

I move that Clause 12 be amended in those terms.

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: I beg to move, Sir, that Clause 12 as amended do now stand part.

The question was put to the Senate and agreed to.

Clauses 13 and 14 inclusive were called and passed.

The First Schedule was called and passed.

The Second Schedule was called and passed.

The Third Schedule was called and passed.

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

On the motion of Senator the Hon. N. A. BARROW the Bill as amended was read a third time and passed.

Mr. PRESIDENT: The Clerk will take the necessary steps to send the Message to the Other Place.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that the Senate do now adjourn *sine die*.

The question was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly at 3.20 p.m.
3.20 p.m.