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BARBADOS

The Official Gazette Part A
Act 2024-5

1st March, 2024

TRANSPORT AUTHORITY (AMENDMENT) ACT , 2024-5

Arrangement of Sections

1. Short title
2. Amendment of section 2 of Cap. 295A
3. Amendment of section 23 of Cap. 295A
4. Amendment of section 31 of Cap. 295A

BARBADOS

I assent
S. MASON
President of Barbados
27th February, 2024.

2024-5

An Act to amend the *Transport Authority Act*, Cap. 295A to make provision for the Transport Authority to cancel or suspend any licence issued in respect of authorising a person to drive or act as a conductor on a public service vehicle, motor omnibus, minibus or route-taxi.

[Commencement: 1st March, 2024]

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Transport Authority (Amendment) Act, 2024*.

Amendment of section 2 of Cap. 295A

2. *Section 2 of the Transport Authority Act, Cap. 295A in this Act referred to as the principal Act is amended by inserting in the appropriate alphabetical order the following new definitions:*

“ “licence” means

- (a) a driving licence to drive a public service vehicle, motor omnibus, minibus or route-taxi issued pursuant to section 23(1A); or
- (b) a licence or authorization to act as a conductor on a public service vehicle, motor omnibus, minibus or route-taxi issued pursuant to section 23(1A);

“permit ” means a permit issued pursuant to section 23(1) to operate a motor vehicle as a public service vehicle, motor omnibus, minibus or route taxi; ”.

Amendment of section 23 of Cap. 295A

3. *Section 23 of the principal Act is amended in paragraph (b) of subsection (1A) by deleting the word “it” appearing immediately after the word “licence”.*

Amendment of section 31 of Cap. 295A

4. *Section 31 of the principal Act is amended by deleting paragraph (f) and substituting the following:*

“(f) issuing licences in respect of public service vehicles, motor omnibuses, minibuses and route taxis;”.



LAW REVISION AND LAW REFORM (AMENDMENT) ACT, 2024-6

Arrangement of Sections

1. Short title
2. Insertion of new section 28A into Act 2019–6
3. Repeal and replacement of Part III of Act 2019-6
5. Repeal section 35 of Act 2019–6
6. Consequential amendments
7. Commencement

SCHEDULE

CONSEQUENTIAL AMENDMENTS

BARBADOS

I assent
S. MASON
President of Barbados
27th February, 2024.

2024-6

An Act to amend the *Law Revision and Law Reform Act, 2019* (Act 2019-6) to give greater independence to the Law Reform Commission in its operations and for matters related thereto.

[Commencement: by Proclamation]

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Law Revision and Law Reform (Amendment) Act, 2024*.

Insertion of new section 28A into Act 2019–6

2. *The Law Revision and Law Reform Act, 2019 (Act 2019 -6), in this Act referred to as the principal Act, is amended by inserting the following section after section 28:*

“Expenses in relation to law revision

28A. The expenses incurred for the purposes of the revision of the law under this Act and generally in respect of the administration of this Act in relation to law revision, shall be paid out of such money as may be voted for that purpose by Parliament.”.

Repeal and replacement of Part III of Act 2019-6

3. *Part III of the Law Revision and Law Reform Act, 2019 (Act 2019-6), is deleted and the following is substituted:*

“PART III

LAW REFORM

Establishment of Law Reform Commission

29.(1) There shall be a Law Reform Commission.

(2) The Law Reform Commission is a body corporate to which section 21 of the *Interpretation Act*, Cap. 1 applies.

Purpose of Law Reform Commission

30. The purpose of the Law Reform Commission is to promote reform of the law in Barbados.

Appointment of members of the Law Reform Commission

31.(1) The Attorney General shall by instrument, appoint a Chairman and such other persons as appear to him be suitably qualified pursuant to subsection (2) to be Law Reform Commissioners.

(2) A person appointed to be a Law Reform Commissioner under subsection (1) shall be a person who holds or has held high judicial office or a person who is an experienced legal practitioner or an experienced teacher of law in a university.

(3) A Law Reform Commissioner shall be appointed for such period, not exceeding 5 years, and on such terms and conditions, including compensation, as may be determined by the Attorney-General at the time of his appointment.

(4) A Law Reform Commissioner may at any time resign his office by notice in writing addressed to the Law Reform Commissioner and that person who ceases to be a Commissioner shall be eligible for re-appointment.

(5) Where a Law Reform Commissioner is unable to fully perform his functions, the Attorney-General may appoint another person to be a Commissioner in his stead.

(6) The appointment of a Judge as a member of the Law Reform Commission does not affect the Judge's tenure of the judicial office and for all purposes, the Judge's service as a member shall be taken to be service as a Judge.

Functions of the Commission

32.(1) The Law Reform Commission shall systematically keep the law under review for the purpose of developing, modernizing and simplifying the law.

(2) The Law Reform Commission shall have the following powers:

- (a) to receive and consider any suggestions or formal proposals for the reform of the law which may be made to the Commission;
- (b) to prepare and submit to the Attorney-General from time to time, programmes for the examination of different branches of the law with a view to reform, including recommendations as to whether such examination should be carried out by the Commission or some other body;
- (c) to undertake pursuant to any recommendations approved by the Attorney-General, the examination of particular branches of the law and the formulation of proposals for reform;
- (d) to provide at the instance of the Attorney-General, advice and information to Ministries and Departments of the Government and other authorities which are concerned with proposals for the amendment or reform of any branch of the law;
- (e) to obtain such information as to the laws and legal systems of other countries as appears to the Commission likely to facilitate the performance of any of its functions.

(3) In the exercise of the functions specified under this Act, the Law Reform Commissioners shall be subject to the general direction of the Attorney-General.

Director of the Law Reform Commission

33.(1) The Law Reform Commission shall, with the approval of the Attorney-General, appoint a Director of the Law Reform Commission for a term not exceeding 3 years on such terms and conditions as the Commission may determine.

(2) The Director of the Law Reform Commission shall perform the functions conferred on him by this Act and such other functions as may be conferred on him by the Law Reform Commission.

(3) The Director of the Law Reform Commission is subject to the directions of the Law Reform Commission and is responsible to the Commission for the management of its day-to day operations.

(4) The Law Reform Commission shall pay the Director of the Law Reform Commission such remuneration and allowances as the Commission determines.

Staff of the Law Reform Commission

34.(1) The Law Reform Commission may employ such staff as it considers necessary for the proper carrying into effect the provisions of this Act.

(2) Staff of the Law Reform Commission shall be

(a) employed on such terms and conditions; and

(b) paid such remuneration,

as the Commission determines.

Pension rights and service

34A.(1) Subject to sections (2) and (3), the employees of the Law Reform Commission shall be granted pension and related emoluments under the *Pensions Act* , Cap. 25 as if they were public officers.

(2) Where

- (a) a public officer is transferred to an office in service of the Law Reform Commission; or
- (b) an officer of the Law Reform Commission is transferred to an office in the public service,

the *Pensions Act, Cap. 25* shall apply to that officer as if that officer's service with the Law Reform Commission were other public service within the meaning of that Act, and the *Pensions Regulations, 1947* (1947-20) shall apply to that officer accordingly.

Experts

34B.(1) The Law Reform Commission may appoint or engage persons having special or technical knowledge to assist the Commission in carrying out its functions.

(2) A person engaged pursuant to subsection (1) shall receive such remuneration as the Law Reform Commission determines.

Specialized committees

34C.(1) In performing any of its functions under section 32, the Law Reform Commission may appoint committees to provide advice and information, and to consider and report on any matter referred to the Commission.

(2) In appointing persons as members of a committee under subsection (1), the Law Reform Commission shall not restrict consideration to members of the legal profession.

(3) Persons appointed to a committee under this section shall receive such remuneration as the Commission determines.

Law reform programme

34D. The Chairman of the Law Reform Commission shall at the beginning of each year, prepare a programme for Law Reform for that year and submit it to the Attorney-General no later than 31st January of that year.

Submission of report by Law Reform Commission

34E.(1) The Law Reform Commission shall, in respect of every calendar year, submit a report of its proceedings in respect of law reform to the Attorney-General.

(2) The Attorney-General shall cause the report referred to in subsection (1) to be laid before Parliament with any comments he thinks fit.

(3) The report referred to in subsection (1) shall be published by the Law Reform Commission after consultation with the Attorney-General.

Funds of the Law Reform Commission

34F. There is established a Law Reform Commission Fund, the resources of which shall comprise of

- (a) such amounts as may be voted for the purpose by Parliament;
- (b) all other amounts which may become payable to or vested in the Commission in respect of any matter incidental to its functions; and
- (c) such other moneys as may become available to the Commission from any other source approved by the Minister.

Application of funds

34G. The resources of the Fund referred to in section 34F, shall be applied towards discharging the obligations and the performance of any function of the Law Reform Commission under this Act.

Accounts and audit

34H. The Law Reform Commissioner shall keep proper books of account of its revenues, expenditures, assets and liabilities and implement International Accounting Standards and practices in accordance with the accounting standards and standing instructions issued by the Accountant-General under the *Public Finance Management Act, 2019* (Act 2019-1).

Financial reports

34I. The Law Reform Commission shall submit such reports and information as required by Part IX of the *Public Finance Management Act, 2019* (Act 2019-1).

Interpretation for the purposes of sections 34J and 34K

34J. For the purposes of sections 34J and 34K, “former commission” means the Law Reform Commission established before the commencement of this Part.

Transfer of assets and liabilities

34K.(1) All

- (a) assets vested in the former commission before the commencement of this Part are transferred to and vested in; and
- (b) liabilities incurred by the former commission before the commencement of this Part are transferred to,

the Law Reform Commission to the same extent and interest and in the same manner as they were vested in the former commission.

(2) All contracts entered into by or on behalf of the former commission shall be deemed to have been entered into by or on behalf of the Law Reform Commission.

Appointments

34L. All appointments made by the former commission before the commencement of this Part, shall be deemed to have been made on behalf of the Law Reform Commission and shall continue to be of full force and effect until the date fixed in the instrument for the termination of the appointments.”.

Repeal section 35 of Act 2019–6

5. *Section 35 of the principal Act is repealed.*

Consequential amendments

6. The enactments set out in Column 1 of the *Schedule* are amended in the manner specified in Column 2 of the *Schedule*.

Commencement

7. This Act shall come into operation on a date to be fixed by proclamation.

SCHEDULE

(Section 6)

CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
Enactments	Amendments
1. <i>Public Finance Management Act, 2019</i> (Act 2019-1)	The <i>First Schedule</i> is amended by inserting immediately after paragraph 13A the following: "13A. Law Reform Commission".
2. <i>Statutory Boards (Pensions) Act, Cap. 384</i>	The <i>First Schedule</i> is amended by inserting immediately after paragraph 9 the following: "9A. <i>Law Reform Commission</i> State Counsel". The <i>Second Schedule</i> is amended by inserting immediately after paragraph 9 the following: "9A. The Law Reform Commission (established by the <i>Law Revision and Law Reform Act, 2019 (Act 2019-6)</i>).".



LABOUR CLAUSES (CONCESSIONS) ACT, 2024-7

Arrangement of Sections

1. Short title
2. Interpretation
3. Labour clauses
4. Conditions applicable to concessions
5. Appeal
6. Regulations
7. Amendment of Schedules
8. Consequential amendments

FIRST SCHEDULE

Concessions Enactments

SECOND SCHEDULE

Labour Clauses

THIRD SCHEDULE

Labour Enactments

FOURTH SCHEDULE

Consequential Amendments

BARBADOS

I assent
S. MASON
President of Barbados
27th February, 2024.

2024-7

An Act to make provision for the conditions applicable to concessions granted to employers.

[Commencement: 1st March, 2024]

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Labour Clauses (Concessions) Act, 2024*.

Interpretation

2. In this Act,

“Barbados Revenue Appeals Tribunal” means the Barbados Revenue Appeals Tribunal established under the *Barbados Revenue Authority Act* (Act 2014-1);

“concession” may include

- (a) an exemption, waiver or remit of a tax under an enactment set out in the *First Schedule*; or
- (b) a benefit granted to an employer having received an approval of
 - (i) the status of the employer as an approved entity as defined in an enactment;
 - (ii) the status of an approved product or an approved project, as defined in an enactment, developed by the employer; or
 - (iii) the status referred to in subparagraphs (i) and (ii);

“employee” means an individual who has entered into or works under a contract of employment;

“employer” in relation to an employee means

- (a) the person by whom the employee is employed;
- (b) the person in whose organization the employee is employed; or
- (c) the operator of an establishment where the employee is engaged to work;

“Employment Rights Tribunal” means the Employment Rights Tribunal established under the *Employment Rights Act, 2012* (Act 2012-9);

“tax” means import duty, consumption tax, income tax or any other tax, duty or impost.

Labour clauses

3.(1) The labour clauses set out in the *Second Schedule* shall have effect in relation to employees and employers referred to under this Act.

(2) A Minister referred to in the *Second Schedule* shall carry out such actions as are required in relation to the employers and employees referred to in subsection (1) in accordance with the labour clauses set out in the *Second Schedule*.

(3) The Chief Labour Officer shall carry out such actions as are required in relation to the employers and employees referred to in subsection (1) in accordance with the labour clauses set out in the *Second Schedule*.

(4) Where a dispute arises as to what wages ought to be paid or what hours or other working conditions ought to be observed in accordance with the requirements of paragraph 1 of the *Second Schedule*, the dispute shall be referred to the Employment Rights Tribunal by the Chief Labour Officer.

Conditions applicable to concessions

4.(1) Notwithstanding anything contained in any enactment, where an employer fails to comply with

(a) the labour clauses set out in the *Second Schedule*

(b) the enactments set out in the *Third Schedule* or any other enactment relating to labour,

a concession granted under any enactment may be suspended or revoked by the Minister responsible for the enactment under which the concession is granted on consultation with the Minister responsible for labour.

(2) A decision made under subsection (1) in regard to an employer shall be communicated to that employer, in writing, within 7 days of the making of that decision.

Appeal

5. A person aggrieved by a decision made under section 4(1) may, within 7 days after receiving the decision, appeal to the Barbados Revenue Appeals Tribunal.

Regulations

6.(1) The Minister responsible for labour may make regulations generally for the purposes of giving effect to this Act.

(2) The regulations made under subsection (1) shall be subject to negative resolution.

Amendment of Schedules

7. The Minister responsible for labour may, by order, amend the *First Schedule*, *Second Schedule* and *Third Schedule*.

Consequential amendments

8. The enactments set out in Column 1 of the *Fourth Schedule* are amended in the manner specified in Column 2 of the *Fourth Schedule*.

FIRST SCHEDULE

(Section 2)

Concessions Enactments

1. *Duties, Taxes and Other Payments (Exemption) Act, 2023* (Act 2023-14)
2. *Shipping (Incentives) Act*, Cap. 90A
3. *Small Business Development Act*, Cap. 318C
4. *Special Development Areas Act*, Cap. 237A
5. *Tourism Development Act*, Cap. 341

SECOND SCHEDULE*(Sections 3,4 and 7)**Labour Clauses*

1. An employer shall pay the rates of wages and observe hours and other conditions of employment that are not less favourable than those established in the trade, industry or sector for which he has been granted a concession pursuant to any enactment.
2. The rates of wages, hours and conditions of employment shall be established by agreement or arbitration between the most representative organisation of employers and the most representative organisation of employees engaged in the trade, industry or sector to which the concession relates.
3. Where there are no established rates, hours or other conditions as defined in paragraph 1, the Chief Labour Officer, after consultation with representatives of employers and employees, shall establish and publish in the *Official Gazette* a schedule setting out fair and reasonable rates and conditions which are to be observed by the employer, having regard to persons employed in a capacity and in general circumstances similar to those engaged by the employer.
4. An employer shall keep records of wages and records of time worked of an employee in the execution of tasks or duties under the award of the concession or other benefit and the records shall be kept in electronic form or otherwise to be made available for inspection of any person authorized by the Chief Labour Officer in accordance with the provisions of the *Labour Department Act*, Cap. 23.
5. An employer shall treat an employee pursuant to a grant of concessions as a person insured under section 12(1) of the *National Insurance Act*, Cap. 47.
6. An employer shall recognize the freedom of their employees to be members of a registered trade union and recognize their right to bargain collectively.
7. Where there is a default in the payment of any money in respect of wages or other entitlements of an employee, that employee may make a claim for the payment of unpaid wages or other entitlements in accordance with any enactment governing the protection of wages or other entitlements in Barbados.
8. The employer shall from time to time furnish to the relevant Minister under a relevant enactment such further detailed information and evidence as the Minister, on consultation with the Chief Labour Officer, may deem necessary in order to satisfy him that the conditions set out in the provisions of this *Schedule* have been complied with.

THIRD SCHEDULE*(Section 4 and 7)**Labour Enactments*

1. *Employment Rights Act, 2012* (Act 2012-9)
2. *Employment (Prevention of Discrimination) Act, 2020* (Act 2020-26)
3. *Employment (Sexual Harassment Prevention) Act, 2017* (Act 2017-21)
4. *Labour Clauses (Public Contracts) Act*, Cap. 349
5. *Labour Department Act*, Cap. 23
6. *Protection of Wages Act*, Cap. 351
7. *Safety and Health at Work Act*, Cap. 356
8. *Shops Act, 2015* (Act 2015-30)

FOURTH SCHEDULE

(Section 8)

Consequential Amendments

Column 1 <i>Enactments</i>	Column 2 <i>Amendments</i>
1. <i>Barbados Revenue Authority Act, 2014</i> (Act 2014-1)	In the <i>First Schedule</i> , delete paragraph 12 and substitute the following: “12. <i>Labour Clauses (Concessions) Act, 2024</i> (Act 2024-7).”.
2. <i>Employment Rights Act, 2012</i> (Act 2012-9)	Section 7(2) is deleted and the following is substituted: “(2) The jurisdiction of the Tribunal is to determine complaints made to it under this Act or under any other enactment that provides for enforcement by the Tribunal or the determination of disputes referred to the Tribunal under any enactment, and subject to section 48, to make awards and other decisions in relation to those complaints in accordance with its powers.”.



FINANCIAL INSTITUTIONS (AMENDMENT) ACT, 2024-8

Arrangement of Sections

1. Short title
2. Amendment of section 43 of Cap. 324A
3. Repeal and replacement of section 95 of Cap. 324A
4. Repeal and replacement of section 114A of Cap. 324A
5. Amendment of section 115 of Cap. 324A

BARBADOS

I assent
S. MASON
President of Barbados
27th February, 2024.

2024-8

An Act to amend the *Financial Institutions Act*, Cap. 324A.

[Commencement: 1st March, 2024]

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Financial Institutions (Amendment) Act, 2024*.

Amendment of section 43 of Cap. 324A

2. *The Financial Institutions Act, Cap. 324A in this Act referred to as the principal Act is amended by deleting section 43 and substituting the following:*

“Financial statements

43.(1) A licensee, in relation to its operations, shall on a solo basis and also on a consolidated basis if applicable, submit to the Central Bank in the prescribed form,

- (a) not later than 21 days after the end of each month, or such other period as the Central Bank may in any particular case determine, a monthly statement showing the assets and liabilities of the licensee accompanied by a statement showing the amounts of all outstanding unsecured advances or unsecured credit; and
 - (b) not later than 21 days after the end of each quarter ending on 31st March, 30th June, 30th September and 31st December respectively, or such other period as the Central Bank may in any particular case determine, returns containing statements of
 - (i) assets and liabilities;
 - (ii) loans and advances; and
 - (iii) earnings and expenses.
- (2) The Central Bank may require a licensee to submit within such period and in such manner as the Central Bank determines,
- (a) any financial data required by the Central Bank; and

- (b) such returns in addition to those specified in subsection (1) as the Central Bank requires.
- (3) The Central Bank may require a licensee to submit such information that it considers necessary
 - (a) to facilitate an understanding of any statement or return furnished by that licensee under subsection (1) or (2); and
 - (b) in respect of any holding company, financial holding company, subsidiary or affiliate of the licensee,and the information shall be submitted within such time and in such manner as the Central Bank requires.
- (4) The Central Bank may require a licensee to show separately, amounts of unsecured credit.
- (5) A licensee shall disclose all large exposures to the Central Bank.
- (6) The assets that a Barbados bank which is a licensee holds for its own account shall be shown separately; and its equity interests in subsidiaries shall be separately disclosed.
- (7) The Central Bank may publish in the *Official Gazette* and in a daily newspaper published and circulating in Barbados information submitted on the quarterly returns of each licensee under this section but no information in respect of the affairs of a particular customer of a licensee shall be so published.”.

Repeal and replacement of section 95 of Cap. 324A

3. *The principal Act is amended by deleting section 95 and substituting the following:*

“Fees and charges

95.(1) Where, in the opinion of the Central Bank, a licensee is imposing a fee or charge that is unreasonable, the Central Bank shall require the licensee to disclose the basis for the fee or charge.

(2) Notwithstanding subsection (1), a licensee under Part II that intends to impose a fee or charge or vary an existing fee or charge shall submit written notice to the Central Bank of its intention 60 days before the proposed date that the licensee intends to impose or vary the fee or charge.

(3) Where the Central Bank receives written notice in accordance with subsection (2), it shall, within 30 days of receiving the notice, inform the licensee in writing whether it objects to the fee or charge to be imposed or varied and shall issue a directive to the licensee stating any action that the licensee is required to take, if any, in relation to the proposed fee.”.

Repeal and replacement of section 114A of Cap. 324A

4. *Section 114A of the principal Act is deleted and the following substituted:*

“Power to issue guidelines and directives

114A. The Central Bank may issue guidelines and directives on any matter that it considers necessary

- (a) to ensure the safety and soundness of licensees;
- (b) respecting the operation of common trust funds;
- (c) respecting the information to be recorded in relation to trust accounts of a licensee;

- (d) approving the manner of using, investing or managing any property or funds outside or within Barbados by a licensee;
- (e) in respect of loans and other assets; and
- (f) generally to provide for the conduct of licensees.”.

Amendment of section 115 of Cap. 324A

5. *Section 115 of the principal Act is amended by deleting paragraph (j) and substituting the following:*

- “(j) in respect of the imposition of fees and charges; and
- (k) generally for giving effect to the provisions of this Act.”.

