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Contents

Bill re Family Leave Act, 2025.
Bill re Tourist Accommodation Act, 2025.
Bill re Barbados Tourism Product Authority (Repeal) (Transfer of
Assets & Liabilities) Act, 2025.
Bill re Juries Act, 2025.
Bill re Criminal Proceedings (Witness Anonymity) Act, 2025.
Bill re Police (Amendment) Act, 2025.
Bill re Interception of Communications Act, 2025.

S.I. 2025 No. 77: Shipping (Incentives) (Crystal Springs Property
Limited) Order, 2025.

FAMILY LEAVE ACT, 2025

OBJECTS AND REASONS

This Bill would

- (a) repeal the *Employment of Women (Maternity Leave) Act*, Cap. 345A;
- (b) make better provision for maternity leave;
- (c) make provision for paternity leave;
- (d) provide access for a family to have leave together at the birth of a child or in those essential early months; and
- (e) to provide for related matters.

FAMILY LEAVE ACT, 2025

Arrangement of Sections

1. Short title
2. Interpretation
3. Act binds the State
4. Grant of maternity leave to employees
5. Grant of paternity leave to employees
6. Duration of maternity leave
7. Duration of paternity leave
8. Additional leave
9. Protection of employment
10. Protection of seniority rights
11. Offences
12. Civil liability
13. Savings
14. Consequential amendments

15. Repeal

16. Commencement

SCHEDULE

Consequential Amendments

BARBADOS

A Bill entitled

An Act to provide for family leave for male and female employees, access for the parents of the child to have leave together at the birth of the child or during the essential early months of development and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Family Leave Act, 2025*.

Interpretation

- 2.(1) For the purposes of this Act,

“confinement” means delivery after pregnancy resulting in the issue of a living child or delivery after 25 weeks of pregnancy resulting in the issue of a child whether alive or dead;

“family leave” means leave granted under this Act to facilitate the birth and or bonding with a child during the period immediately following the birth of the child;

“maternity leave” means leave granted to a female employee in accordance with section 4 arising from or in contemplation of her confinement and includes additional leave granted under section 8;

“medical practitioner” has the meaning assigned to it by section 2 of the *Medical Profession Act* (Act 2011-1);

“midwife” has the meaning assigned to it by section 2 of the *Nurses Act*, Cap. 372;

“paternity leave” means leave granted to a male employee in accordance with section 5 arising from or in contemplation of the confinement of his spouse or partner and includes additional leave granted under section 8.

Act binds the State

3. This Act binds the State.

Grant of maternity leave to employees

4.(1) Subject to subsection (3), every female in addition to her annual holiday under the *Holidays with Pay Act* (Act 2017-3) entitled to maternity leave upon delivering to her employer

- (a) a certificate issued by a medical practitioner setting forth the expected date of her confinement; or
- (b) a certificate issued by a medical practitioner or a midwife setting forth the actual date of her confinement.

(2) Notwithstanding subsection (1), an employer may accept such other evidence in support of the entitlement of an employee to maternity leave as may be reasonable having regard to the circumstances of a particular case.

(3) A female employee must in order to qualify for a grant of maternity leave, be employed for at least 12 months in continuous employment by the employer from whom she requests such leave.

Grant of paternity leave to employees

5.(1) Subject to subsection (5), a male employee in addition to his annual holiday under the *Holidays with Pay Act* (Act 2017-3) is entitled to paternity leave upon delivery to his employer

- (a) a certificate issued by a medical practitioner setting forth the expected date of birth of the child; or
- (b) a certificate issued by a medical practitioner or a midwife setting forth the actual date of the birth of the child.

(2) In addition to the requirement under subsection (1), a male employee shall submit to his employer, a document signed by the woman stating that the male employee is the father of the child for whom the claim for paternity leave is being made.

(3) Notwithstanding subsections (1) and (2), an employer may accept such other evidence in support of the entitlement of an employee to paternity leave as may be reasonable having regard to the circumstances of a particular case.

(4) Notwithstanding subsections (1) and (2), a male employee must give his employer no less than 4 weeks' notice for a request for paternity leave before the actual date of the leave requested.

(5) A male employee must in order to qualify for a grant of paternity leave, be employed for at least 12 months in continuous employment by the employer from whom he requests such leave.

Duration of maternity leave

6.(1) Except where a female employee otherwise desires, maternity leave shall be of a period of not less than 14 weeks and shall be arranged that the employee is allowed

- (a) such period of not less than 6 weeks as she desires before the expected date of confinement; and
- (b) a period of not less than 8 weeks from the date of confinement.

(2) Where

- (a) confinement takes place without an employee having been granted maternity leave; or
- (b) the period of maternity leave before her confinement amounts to less than 6 weeks,

the period of leave after confinement shall, if the female employee so desires, be extended so that the total period of leave does not amount to less than 14 weeks.

(3) Where a female employee has been granted maternity leave and the date of confinement is a later date than the date stated in the certificate issued pursuant to section 4(1) as being the date on which confinement was expected, her maternity leave shall be extended to include the period that elapsed between those dates.

(4) Where a female employee has been granted maternity leave and has multiple births arising out of that pregnancy, she shall be entitled to maternity leave for a period not less than 17 weeks.

Duration of paternity leave

7.(1) Paternity leave granted to a male employee shall be for a period of not less than 3 weeks and may be taken as a continuous period or be arranged in a manner where the male employee is allowed

- (a) a period of not less than 2 weeks, as he desires within the first 3 months of the birth of the child or children as the case may be; and
- (b) a period of not less than one week before the child or children, as the case may be are 6 months old.

(2) A male employee shall be entitled to only one paternity leave benefit within a 12 month period.

Additional leave

8.(1) In addition to the maternity leave to which an employee is entitled under section 6, such additional leave not exceeding 6 weeks shall be granted as recommended by a medical practitioner in the following circumstances:

- (a) where the employee, after confinement suffers from an illness arising out of the confinement; or
- (b) where the newborn child requires specialized medical care.

(2) A male employee who is eligible for paternity leave, may extend that said leave beyond 3 weeks for an additional 3 weeks if the mother of the child dies during confinement or immediately after confinement.

Protection of employment

- 9.(1) Subject to subsection (3), no employer shall
- (a) dismiss or give notice of dismissal to an employee at any time between the date of her delivery to him of a medical certificate under section 4 and the date of the expiration of her maternity leave or additional leave granted under section 8;
 - (b) give notice of dismissal to an employee so that it would expire during her maternity leave;
 - (c) dismiss an employee or require an employee to resign on the ground that she is pregnant; or
 - (d) require an employee to resign during any of the times referred to in paragraph (a) or (b).
- (2) Subject to subsection (3), no employer shall
- (a) dismiss or give notice of dismissal to an employee at any time between the date of expected date of delivery of the child on the delivery of notice for paternity leave under section 5, the date of the expiration of his paternity leave under section 7 or additional leave granted under section 8(2);
 - (b) give notice of dismissal to an employee so that it would expire during his paternity leave;
 - (c) dismiss an employee or require an employee to resign on the ground that he has requested paternity leave; or
 - (d) require an employee to resign during any of the times referred to in paragraph (a) or (b).
- (3) Subsections (1) and (2) does not apply where
- (a) there has been serious misconduct or gross negligence amounting to abandonment of duty on the part of an employee;

- (b) there has been an expressed contract of service for a fixed term between an employer and an employee which has expired; or
 - (c) the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where the employee was so employed, have ceased or diminished or are reasonably expected to cease or diminish; or
 - (d) the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed.
- (4) For the purposes of subsection (3), "cease" means cease either permanently or temporarily and from whatever cause, and "diminish" has a corresponding meaning.

Protection of seniority rights

10.(1) Where a female employee has been granted maternity leave under this Act she is, on her resumption of work after such leave, entitled to

- (a) her seniority rights; and
 - (b) re-instatement in her former work or equivalent work, and she shall not by reason only of the fact that she went on maternity leave, be paid a smaller remuneration than she received before she went on maternity leave.
 - (c) her vacation, sick days or any other entitled leave; and
 - (d) any training or promotion on resumption of duties.
- (2) Where a male employee has been granted paternity leave under this Act, he is on the resumption of work after such leave, entitled to
- (a) his seniority rights;

- (b) re-instatement in his former position or equivalent position and shall by no reason only of the fact that he went on paternity leave be paid a lower remuneration, than he received before he went on paternity leave.
 - (c) his vacation, sick days or any other entitled leave; and
 - (d) any training or promotion on resumption of duties.
- (3) Every employer shall ensure that a male or female employee who has been granted paternity leave or maternity leave as the case may be, shall be re-instated at a level no lower than was previously held before the grant of the leave.

Offences

- 11.(1)** Any employer who contravenes or fails to comply with any of the provisions of this Act is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of 24 months or to both.
- (2) An employee who knowingly gives false information pursuant to sections 4 and 5 is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 24 months or to both.

Civil liability

- 12.** Nothing in this Act shall deprive an employee of any civil remedy to which he or she may be entitled to under any law for the time being in force in Barbados.

Savings

- 13.** A claim or application for a maternity benefit or a maternity grant submitted to the National Insurance and Social Security Service before the commencement of this Act, shall be processed in accordance with the regulations for granting a maternity benefit or maternity grant and shall be so processed as if this amendment had not been made.

Consequential amendments

14. The enactments set out in Column 1 of the *Schedule* are amended as set out opposite thereto in Column 2.

Repeal

15. The *Employment of Women (Maternity Leave) Act*, Cap. 345A is repealed.

Commencement

16. This Act shall be deemed to come into effect on the 1st June, 2025.

SCHEDULE

(Section 14)

CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Employment (Prevention Discrimination) Act, 2020</i> (Act 2020-26)	Section 3(2) is amended by (a) deleting the word "and" after paragraph (r); (b) deleting paragraph (s); (c) inserting immediately after paragraph (r) the following: "(s) paternity;" and (d) inserting immediately after paragraph (s) the following: "(t) any characteristic which appertains generally or is generally imputed to a person on the basis of any ground referred to in paragraphs (a) to (s)."
2. <i>National Insurance and Social Security Act</i> , Cap. 47	1. In section 21(1) by (a) inserting immediately after paragraph (b) the following new paragraph: "(b.1) paternity benefit, that is to say, a payment in the case of a birth of a child to an insured man;" (b) in paragraph (c), delete the words "maternity grant," and substitute therefor the words "child grant,".

*Schedule - (Cont'd)*CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>National Insurance and Social Security Act, Cap. 47 - (Concl'd)</i>	2. In section 25A(1) by deleting the word "maternity" after the word "pension", and substitute therefor the word "child".
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967 (S.I. 1967 No. 45)</i>	1. In regulation 11 delete paragraphs (1) and (1A) and substitute the following: 11.(1) With effect from 1st June 2025, maternity benefit shall be payable only if the following conditions are satisfied: (a) in relation to an employed person, (i) the woman had been insured for not less than 26 contribution weeks; (ii) not less than 16 contributions had been paid or credited in the relevant quarters; (b) in relation to a self-employed person, (i) not less than 39 contributions had been paid or credited in respect of that person in the relevant year; (ii) not less than 16 contributions had been paid or credited in the relevant year.

*Schedule - (Cont'd)*CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	(1A) Notwithstanding paragraph (1)(a), maternity benefit shall be payable where (a) an employed person only becomes insurable during or after the relevant quarters and has failed to satisfy the contribution condition for benefits of that regulation; (b) the employed person has not less than 16 contributions paid or credited in the period of 26 contribution weeks immediately preceding the week in which occurs, (i) the day that is 6 weeks before the expected date of confinement; or (ii) the last day on which the woman worked prior to the date of confinement, whichever is later."

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	2. In regulation 2 delete the definition "confinement" and substitute the following: " "confinement" means delivery after pregnancy resulting in the issue of a living child, or delivery after 25 weeks of pregnancy resulting in the issue of a child whether alive or dead;" 3. Delete regulation 12 and substitute the following: "Duration 12. Subject to these Regulations, maternity benefit shall be granted to a woman for a period starting from a date not earlier than 6 weeks before the expected date of her confinement and continuing until the expiration of (a) 14 weeks for a single live birth or a still birth; (b) 17 weeks for multiple births." 4. Delete the heading "MATERNITY GRANT" and substitute the following: "CHILD GRANT".

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	5. Delete regulation 17A and substitute the following: "Entitlement to child grant 17A. Where a child is born to a woman who does not satisfy the conditions for a maternity benefit under regulation 11, or to a father who does not satisfy the conditions for paternity benefit under regulation 17B, or is an uninsured person, that child is entitled to a child grant in such amounts as are prescribed by order pursuant to section 25A of the and that child grant shall be payable to the mother of the child; and (a) where the mother is deceased, unavailable or unable to care for the newborn, then to the father of the child; or (b) where the father is also deceased, unavailable or unable to care for the newborn to such alternate primary provider of care as the Board may determine."

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	6. Delete regulation 17B and substitute the following: "Paternity benefit 17B.(1) Subject to these Regulations, a paternity benefit shall be granted to a man, who is an insured person, and has fathered a child where (a) in relation to an employed man, (i) the man had been insured for not less than 26 contribution weeks; (ii) not less than 16 contributions had been paid or credited in the relevant quarters; (b) in relation to a self employed person (i) not less than 39 contributions had been paid or credited in respect of that person in the relevant year; or (ii) not less than 16 contributions had been paid or credited in the relevant year. (2) Notwithstanding paragraph (1)(a), paternity benefit shall be payable where (a) an employed person only becomes insurable during or after the relevant quarters and has failed to satisfy the contribution condition for benefits of that regulation;

*Schedule - (Cont'd)*CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	(b) the employed person has not less than 16 contributions paid in the period of 26 contribution weeks immediately preceding the week in which occurs (i) the day that is 6 weeks before the expected date of confinement; or (ii) the last day on which the man worked prior to the date of confinement, whichever is later."
7. Insert immediately after regulation 17B the following:	
"Duration of paternity benefit	
17C.(1) For the purpose of this regulation, paternity benefit shall be	
(a) for a period of 3 weeks only; and	
(b) taken after the birth of the child.	
(2) Notwithstanding paragraph (1), paternity leave must only be granted within the first 6 months of the birth of the child.	

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	Support of claim for paternity benefit 17D.(1) Claims for paternity benefit shall be accompanied by, in the case of parents who are married, (a) a copy of the certificate issued by a registered medical practitioner as to the actual date of confinement, or a registered midwife as to the actual date of confinement; and (b) a certified copy of the marriage certificate. (2) Claims for paternity benefit shall be accompanied by in the case where the parents are unmarried, (a) a copy of the certificate issued by (i) a registered medical practitioner as to the actual date of confinement or a registered midwife as to the actual date of confinement; (ii) a letter from the woman stating that the man is the father of the child for whom the claim is being made; and

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	(iii) a certified copy of the birth certificate of the child with the father's name detailed thereon; (b) a letter issued by his employer showing the approved request for paternity leave; and (c) any such other documentation that the Chief Executive may require.

Rate of paternity benefit

17E.(1) The daily rate of paternity benefit shall be 100 per cent of the average insurable weekly earnings of the insured person divided by 6.

(2) Average insurable weekly earning for the purposes of this regulation shall mean the sum of the insurable earnings on which contributions were based, including any contributions credited in accordance with regulation 57 of these Regulations and regulation 24 of the *National Insurance and Social Security (Employment Injury Benefit) Regulations, 1970*, (S.I. 1971 No. 7) over the continuous period of the relevant quarters or the relevant year period used in accordance with regulation 17B divided by the number of weeks in the quarters or year, where applicable.

Schedule - (Concl'd)

CONSEQUENTIAL AMENDMENTS - (Concl'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45)-(Concl'd)	Disqualification for benefit 17F. An insured man entitled to the payment of paternity benefit shall be disqualified from receiving such benefit for such period as the Chief Executive Officer may decide if during the period for which the benefit is payable, he engages in remunerative work." 8. In regulation 58 delete paragraph (a) and substitute the following: "(a) a person shall not be disqualified from receiving a (i) sickness benefit by reason of being temporarily absent from Barbados for the specific purpose of being treated for an incapacity which commenced before he left Barbados, during such period as the Board may allow having regard to the particular circumstances of the case; or (ii) maternity benefit, paternity benefit or child grant by reason of being temporarily absent from Barbados where that person is ordinarily resident in Barbados, and the absence is for such period as the Board may allow having regard to the particular circumstances of the case, so long as the entitlement to the maternity benefit, paternity benefit or child grant was established before the person left Barbados."

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2025.

President

TOURIST ACCOMMODATION ACT, 2025

OBJECTS AND REASONS

This Bill would provide for

- (a)* the licensing, classification, designation and registration of tourist accommodation;
- (b)* the establishment of minimum standards for tourist accommodation;
and
- (c)* the inspection and monitoring of tourist accommodation to ensure compliance with the minimum standards.

TOURIST ACCOMMODATION ACT, 2025

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation
3. Application

PART II

LICENSING OF TOURIST ACCOMMODATION

4. Licence to operate tourist accommodation
5. Application for licence
6. Determination of application and issue of licence
7. Form and duration of licence etc.

PART III

CLASSIFICATION AND DESIGNATION OF TOURIST
ACCOMMODATION

8. Classification of tourist accommodation

PART IV
DUTIES OF OPERATOR

9. Name and licence
10. Staff
11. List of charges
12. Reservation and check-in
13. Duty to entertain
14. Duty not to discriminate
15. Universal access
16. Maintenance of tourist accommodation
17. Notification on refurbishment
18. Pets
19. Security
20. Multi-hazard management plan
21. Emergency numbers
22. Communicating emergencies
23. Report of accidents or incidents
24. Communicable diseases

25. Tourist complaints

26. Records

PART V

INSPECTION, WARNING, SUSPENSION AND REVOCATION OF LICENCE

27. Inspection of tourist accommodation

28. Inspection before licence issued

29. Re-inspection

30. Report on inspection

31. Warning

32. Suspension or revocation of licence

33. Arrangements for tourists upon suspension or revocation of licence

PART VI

MISCELLANEOUS

34. Register of tourist accommodation

35. Publication of tourist accommodation

36. Right of appeal

37. Confidentiality

38. Offences

39. Regulations

40. Order

41. Directives and guidelines

42. Transitional

43. Repeal

44. Commencement

BARBADOS

A Bill entitled

An Act to provide for the licensing, classification, designation, registration, regulation, monitoring and inspection of tourist accommodation.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Tourist Accommodation Act, 2025*.

Interpretation

2. In this Act,

“apartment” means a self-contained unit for short-term accommodation of tourists for reward

- (a) which is within a building or group of buildings owned by a single owner or multiple owners without a separate legal title per unit;
- (b) which contains a sleeping area, living area, kitchen or kitchenette, dining area and bathroom, configured as a studio or with a separate bedroom; and
- (c) the occupants of which share grounds, common buildings and recreational facilities with occupants of other units;

“apartment hotel” means a hotel with apartments;

“approved form” means such form as the Minister may approve for the purposes of this Act;

“bedroom” means an individual and private sleeping area which is outfitted with a bed;

“classification” in relation to tourist accommodation, means a special category that

- (a) reflects the standard of the amenities, facilities and services offered by the accommodation; and
- (b) is assigned to the accommodation in accordance with section 8;

“designation”, in relation to tourist accommodation, means a special title that

- (a) reflects the nature or type of services and special attractions offered by the accommodation; and
- (b) is awarded to the accommodation in accordance with section 9;

“disability” has the meaning assigned to it by section 2 of the *Employment (Prevention of Discrimination) Act, 2020* (Act 2020-26);

“guest house” means any premises where

- (a) sleeping accommodation is provided in 3 or more bedrooms which may be individually rented;
- (b) there is a charge for the accommodation; and
- (c) meals may be provided or served to tourists by the operator;

“hotel” means

- (a) a building containing not less than 10 bedrooms, each of which is valued at not less than \$250 000; or
- (b) a group of buildings, whether cottages, bungalows or otherwise
 - (i) situated within the same precincts;
 - (ii) served by a common maid service; and
 - (iii) together containing not less than 10 bedrooms, each of which is valued at not less than \$250 000,

which is available for the accommodation of tourists for reward at any time of the year;

“hurricane season” means the period from the 1st day of June to the 30th day of November each year, during which hurricanes and similar weather systems occur in the Caribbean region;

“inspector” means such officer or other person authorized to conduct an inspection under this Act;

“international classification” means a global ranking system developed for consumers and the travel trade which expects certain minimum operational standards in accommodation, services and amenities, regardless of the location of the tourist accommodation;

“Minister” means the Minister responsible for tourism;

“multi-hazard” means a potentially damaging

(a) physical event such as a flood, tropical storm, hurricane, tsunami or earthquake; or

(b) phenomenon or human activity,

that may cause loss of life or injury, property damage, social or economic disruption or environmental degradation;

“officer” has the meaning assigned to it by section 2 of the *Public Service Act*, Cap. 29;

“operating hours” means the period during which tourist accommodation is open in the usual course of business;

“operator” means a person who

(a) controls or manages tourist accommodation; or

(b) although he does not have complete control of the accommodation, has, for the time being, immediate control over the management of the accommodation;

“owner” means the person who

(a) has the fee simple interest in the property on which the tourist accommodation is located; or

(b) is entitled to the rights and interests of the lease of the tourist accommodation;

“persons with disabilities” includes persons with an impairment, including physical, mental, intellectual, developmental or sensory impairments, which

in interaction with various barriers may hinder full and effective participation in society on an equal basis with others;

“property manager” includes a real estate agent or another person employed by an operator or owner to manage tourist accommodation;

“short-term” in relation to the rental or use of tourist accommodation, means

- (a) for a period which may range from one night to a year;
- (b) for business, recreation or leisure or any other purpose not related to a remunerated activity for the purposes of the *Income Tax Act*, Cap. 73 while in the accommodation; and
- (c) with no intention of making the accommodation a permanent dwelling;

“tourist” means a person, other than a lessee, who, for leisure, business or another purpose, travels from his usual place of residence to another place, whether within or outside his country of residence, and stays in that other place, for less than a year and for a price, in accommodation operated as a business for profit;

“tourist accommodation” means a villa, hotel, apartment hotel, apartment, guest house or vacation rental property;

“unit” means a separate and private lodging area which can be rented independently, whether or not it

- (a) is fully self-contained;
- (b) has an *en suite* bathroom;
- (c) is a separate room with a shared bathroom and living area; or
- (d) has an internal door with access to an adjoining separate and private lodging area;

“vacation rental property” means any type of tourist accommodation excluding a villa, hotel, apartment hotel, apartment, or guest house that is systematically or periodically rented by tourists during the year where

- (a) there is sleeping accommodation;
- (b) there is a charge for the accommodation;
- (c) the grounds, common areas or recreational facilities are for the use of tourists; and
- (d) the property is managed by a property manager or any other person;

“villa” means a house that is valued at not less than \$2 000 000 and is systematically or periodically rented by tourists during the year, where

- (a) there are at least 3 bedrooms;
- (b) there is a charge for the accommodation;
- (c) the grounds and common areas or recreational facilities are for the use of the occupants of a single booking;
- (d) the property is managed by a property manager or other person; and
- (e) at least 3 persons are employed in the operation of the property.

Application

3.(1) This Act applies to the rental or use of tourist accommodation by tourists on a short-term basis for payment or reward but does not apply to a lease or other long-term arrangement in respect of accommodation.

(2) The common law relating to

- (a) inns applies to tourist accommodation; and
- (b) the duties, liabilities, rights and powers of an innkeeper

applies to an operator, except where the common law is inconsistent with this Act.

PART II

LICENSING OF TOURIST ACCOMMODATION

Licence to operate tourist accommodation

4.(1) Subject to subsection (2), no person shall operate or advertise tourist accommodation without a tourist accommodation licence issued in respect of the accommodation.

(2) Notwithstanding subsection (1), a grace period of 6 months is given to first time applicants effective after the date of commencement of this Act.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on, summary conviction, to a fine of \$250 000.

Application for licence

5.(1) An owner or operator of tourist accommodation or a prospective owner or operator or the agent of such a person may, in the approved form and upon payment of the prescribed fee, apply to the Minister for a tourist accommodation licence.

(2) An applicant shall submit with his application

- (a) a copy of any licence or permit required under the *Health Services Act*, Cap. 44 in relation to the accommodation;
- (b) a copy of any certificate issued pursuant to an inspection of the accommodation under the *Fire Service Act*, Cap. 163;
- (c) a copy of a public liability insurance certificate issued in respect of the accommodation;
- (d) a list of the number and type of rooms offered by the tourist accommodation;
- (e) a multi-hazard management plan for the accommodation; and

- (f) such other information as the Minister may require to determine the application.

Determination of application and issue of licence

6.(1) The Minister may, upon consideration of an application under section 5, the report on the inspection of the tourist accommodation to which the application relates and such other information as may be relevant to the application

- (a) approve the application and issue a tourist accommodation licence upon payment of the prescribed fee;
 - (b) suspend consideration of the application until the matters identified by the Minister as requiring rectification are rectified to the satisfaction of the Minister; or
 - (c) refuse the application.
- (2) An applicant shall be notified in writing of the decision on his application and where
- (a) consideration of the application is suspended, of the matters to be rectified for the applicant to meet the standard for the issue of a licence;
 - (b) the application is refused, of the grounds for the refusal; or
 - (c) the property is not fully constructed and operational, a licence shall not be issued.

Form and duration of licence etc.

- 7.(1)** A tourist accommodation licence
- (a) shall be in the approved form;
 - (b) is valid for a period of 2 years from the date it is issued;
 - (c) is renewable upon application and payment of the prescribed fee;
 - (d) is not transferable; and

- (e) shall be surrendered on request where it is suspended or revoked.
- (2) Where the sale of property upon which tourist accommodation is situated results in a change of the owner
 - (a) the tourist accommodation licence issued in respect of the accommodation shall be deemed to be revoked; and
 - (b) any person seeking to operate the accommodation after the sale must apply for a new tourist accommodation licence.
- (3) Where there is a change of name in respect of tourist accommodation, the holder of a tourist accommodation licence shall, within 14 days and in writing, notify the Authority of
 - (a) the new registered name;
 - (b) the effective date of the new registered name; and
 - (c) any changes in services and amenities.
- (4) Where there is a change in operator or property manager in respect of tourist accommodation, the tourist accommodation shall, within 14 days and in writing, notify the Authority.

PART III

CLASSIFICATION AND DESIGNATION OF TOURIST ACCOMMODATION

Classification of tourist accommodation

8.(1) Subject to subsection (5), an operator who holds a tourist accommodation licence may, in the approved form and upon payment of the prescribed fee, apply to the Minister for a classification of the tourist accommodation.

- (2) Where an application is made under subsection (1), the Minister may, by order, assign to the tourist accommodation
- (a) the classification for which the application is made; or
 - (b) subject to subsection (4), such other classification as the Minister considers suitable for the accommodation.
- (3) Where the Minister determines that a classification assigned to tourist accommodation no longer applies to the accommodation, the Minister may withdraw the classification and, subject to subsection (4), assign such other classification to the accommodation as the Minister considers suitable.
- (4) The Minister shall not assign a classification to tourist accommodation under subsection (2)(b) or (3) without prior notification to the operator of the classification.
- (5) An operator shall notify the Minister where his tourist accommodation is assigned an international classification and the Minister shall record such classification.

PART IV

DUTIES OF OPERATOR

Name and licence

- 9.(1) An operator shall display the name of the tourist accommodation
- (a) conspicuously at the entrance to the accommodation; and
 - (b) on correspondence and invoices issued, and in print or electronic media used, in respect of the accommodation;

- (2) The tourist accommodation licence of an operator of
 - (a) an apartment hotel, an apartment, a guest house, a hotel or a vacation rental property shall be displayed in a conspicuous place close to the entrance; or
 - (b) a villa shall be provided to a guest upon request.
- (3) The tourist accommodation licence shall be framed for the purposes of display under subsection (2)(a).
- (4) An operator may, upon payment of the prescribed fee, obtain official copies of a tourist accommodation licence where he requires multiple copies of the licence for the purposes of display under subsection (1) or for any other purpose.
- (5) An operator who contravenes
 - (a) subsection (2)(a) is guilty of an offence and is liable on summary conviction to a fine of \$100 000; or
 - (b) subsection (2)(b) is guilty of an offence and is liable on summary conviction to a fine of \$200 000.

Staff

- 10.(1)** An operator of an apartment hotel, an apartment, a guest house, a hotel or a vacation rental property shall ensure that
 - (a) there are employed at the tourist accommodation, persons with the training necessary to maintain the prescribed standards of service; and
 - (b) at least one member of staff is in attendance or on call at all times during the operating hours of the accommodation.
- (2) An operator of a guest house, a vacation rental or a villa shall ensure that at least one member of staff can be contacted during the operating hours of the guest house, vacation rental or villa.

List of charges

- 11.(1)** An operator, an online booking platform or an agent shall
- (a) provide a list of charges for all rooms, services and facilities available to tourists at the tourist accommodation including services and facilities available free of cost;
 - (b) ensure that the list of charges is readily available to tourists; and
 - (c) ensure that each tourist is given
 - (i) a detailed invoice which shows the duration of the stay, all itemized charges, taxes and discounts, and a total charge for the stay; and
 - (ii) a receipt for payment, at the time of payment of the invoice.
- (2)** An operator who
- (a) fails to comply with subsection (1)(b) or (c); or
 - (b) charges for the provision of any service or facility to a tourist an amount in excess of that specified in the list of charges,
- is guilty of an offence and is liable on summary conviction to a fine of \$5 000.

Reservation and check-in

- 12.** An operator shall
- (a) on reservation or on check-in, request one form of photographic identification of the tourist;
 - (b) at the time of reservation or on check-in
 - (i) clearly identify the facilities and services available for the unit reserved by the tourist and explain the cancellation policy to the tourist;

- (ii) where the unit or any facility or service available to the tourist is not located on the main property of the tourist accommodation, notify the tourist of that fact and of any variance in amenities or comfort which is likely to be experienced as a result of the unit not being located on the main property; and
- (iii) notify the tourist if any pets are kept at the accommodation; and
- (c) except in the case of a villa or vacation rental, provide a representative to check-in and familiarize the tourist with the facilities and services of the accommodation.

Duty to entertain

13. An operator or his agent or employee who, without reasonable cause, refuses or neglects to receive a tourist who appears able and willing to pay for his accommodation and is in a fit state to be received at the tourist accommodation is guilty of an offence and is liable on summary conviction to a fine of \$5 000.

Duty not to discriminate

- 14.(1)** An operator shall not discriminate against a tourist in
- (a) fixing or charging a price for tourist accommodation or any service or facility at the accommodation; or
 - (b) granting or refusing access to any facility or service at the accommodation.
- (2) For the purposes of subsection (1), an operator discriminates against a tourist where the operator
- (a) on a ground specified in subsection (3), directly or indirectly, whether intentionally or not, makes a distinction, creates an exclusion or shows a preference, the intent or effect of which is to subject the tourist to any disadvantage, restriction or other detriment; or

- (b) directly or indirectly, whether intentionally or not, subjects the tourist to any disadvantage, restriction or other detriment in the following circumstances:
 - (i) a ground specified in subsection (3) applies to the tourist;
 - (ii) as a consequence of the ground the tourist does not comply, or is not able to comply, with a particular requirement of the operator;
 - (iii) the nature of the requirement is such that a substantially higher proportion of persons to whom the ground does not apply complies, or is able to comply, with the requirement; and
 - (iv) the requirement is not reasonable in the circumstances.
- (3) The grounds referred to in subsection (2) are:
 - (a) race;
 - (b) origin;
 - (c) political opinion;
 - (d) trade union affiliation;
 - (e) colour;
 - (f) creed;
 - (g) sex;
 - (h) sexual orientation;
 - (i) social status;
 - (j) marital status;
 - (k) domestic partnership status;
 - (l) pregnancy;
 - (m) medical condition;
 - (n) disability;

- (o) age;
 - (p) physical feature; and
 - (q) any characteristic which appertains generally or is generally imputed to a person on the basis of any ground referred to in paragraphs (a) to (q).
- (4) For the purposes of this section,
- (a) where an operator acts on several grounds including a ground referred to in subsection (3), the operator acts on the ground referred to in subsection (3) if the ground is a substantial reason for the operator's action;
 - (b) an operator shall be taken to have discriminated against a tourist even though the operator acts on the basis of a mistaken assumption; and
 - (c) it is not necessary to show that a ground referred to in subsection (3) applies to the tourist discriminated against where it is shown that the ground, whether on a mistaken assumption or not, was thought to apply to a relative or associate of the tourist discriminated against and that fact was a substantial reason for the discrimination.
- (5) For the avoidance of doubt and without prejudice to the generality of subsections (1) and (3)(f), an operator discriminates on the ground of creed where the operator
- (a) directly or indirectly, whether intentionally or not, subjects a tourist to any disadvantage, restriction or other detriment because of the tourist's appearance or dress and that appearance or dress is required by, or symbolic of, the tourist's creed; or
 - (b) requires the tourist to alter his appearance or dress and that appearance or dress is required by, or symbolic of, the tourist's creed.
- (6) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$5 000.

(7) In this section, the terms “detriment”, “domestic partnership status”, “marital status”, “medical condition” and “physical feature” have the meanings assigned to them respectively in the *Employment (Prevention of Discrimination) Act, 2020* (Act 2020-26).

Universal access

15.(1) Tourist accommodation which is built or renovated after the commencement of this Act shall be universally accessible for the benefit of persons with disabilities in accordance with the prescribed requirements.

(2) Subject to subsection (3), an operator or owner of tourist accommodation existing prior to the commencement of this Act shall make their properties universally accessible within 5 years of the commencement of this Act or shall apply to the Minister for an exemption where it is not practicable to do so.

(3) The Minister may grant an exemption referred to in subsection (2) to an operator or owner of tourist accommodation in the following circumstances:

- (a) the design of the tourist accommodation prohibits universal accessibility;
- (b) the topography of the land where the tourist accommodation is situated prohibits universal accessibility;
- (c) the property is designated a United Nations Educational, Scientific and Cultural Organization world heritage site; or
- (d) any other condition as the Minister determines.

Maintenance of tourist accommodation

16. An operator shall

- (a) ensure that the interior and exterior of the tourist accommodation are kept in a sanitary, aesthetically pleasing and clean condition and do not pose a threat to health and safety or become a hazard;

- (b) ensure that the fixtures, fittings, furnishings, equipment and facilities at the accommodation are properly maintained and functional; and
- (c) provide adequate and separate storage facilities for all food, cleaning equipment and maintenance equipment, and all other supplies necessary for the operation of the accommodation.

Notification on refurbishment

17.(1) An operator shall notify a tourist, at the time of reservation, at check-in and during his stay, of any major renovation or refurbishment being undertaken at the tourist accommodation even where the renovation or refurbishment relates to facilities that are not on the same premises as the unit of the tourist, provided that the facilities are available for the use of tourists.

(2) An operator shall cordon off areas of the tourist accommodation that are under construction, renovation or refurbishment from guests, staff or the inspectorate in order to avoid a hazard.

Pets

18.(1) A guest who is a pet owner shall take such precautions as may be necessary to protect staff, tourists and the public from harm by pets kept at the tourist accommodation.

(2) Where a guest who is a pet owner fails to take such precautions as may be necessary to protect staff, tourists and the public from harm by pets kept at the tourist accommodation, the operator is entitled to revoke accommodation of the pet owner.

(3) An operator who is a pet owner shall take such precautions as may be necessary to protect staff, tourists and the public from harm by a pet owned by the operator kept at the tourist accommodation.

(4) Where an operator fails to comply with subsection (3), the licence of that operator may be suspended or revoked.

Security

- 19.(1)** An operator shall
- (a) implement procedures and install security equipment or engage security personnel to ensure the safety and security of persons at the tourist accommodation; and
 - (b) provide a safe in each unit.
- (2) An operator shall have a grace period of one year from the commencement of this Act to comply with this section.

Multi-hazard management plan

- 20.(1)** An operator shall ensure that there is a multi-hazard management plan for the tourist accommodation.
- (2) The multi-hazard management plan shall include
- (a) multi-hazard preparedness and contingency plans for various types of multi-hazards;
 - (b) the emergency procedures to be followed by the staff;
 - (c) a list of persons in each department to whom clearly identified tasks are assigned in preparation for, during, and after a multi-hazard;
 - (d) duties of staff and management with respect to the protection and care of tourists; and
 - (e) details of necessary emergency supplies.
- (3) Where the tourist accommodation consists of more than 10 units, there shall be kept at the tourist accommodation, a generator and a water-tank as emergency supplies.
- (4) An operator shall ensure that
- (a) the multi-hazard management plan is implemented;

- (b) employees and tourists are familiar with the multi-hazard management plan; and
 - (c) the planning and conducting of emergency drills is based on the multi-hazard management plan.
- (5) An operator shall take such precautions as may be necessary to ensure the safety of tourists at the accommodation in the event of a national emergency.
- (6) An operator shall have a grace period of 2 years after the commencement of this Act to comply with this section.

Emergency numbers

- 21.** An operator of
- (a) an apartment, an apartment hotel, a guest house, a hotel or a vacation rental property shall display the emergency numbers for the police, fire and ambulance services in public or common areas, guest rooms and staff facilities; and
 - (b) a villa shall provide a guest on arrival with a list of the emergency numbers for the police, fire and ambulance services.

Communicating emergencies

- 22.(1)** An operator of a hotel or apartment hotel shall
- (a) have at the tourist accommodation, equipment or machinery that allows or facilitates simultaneous, audible communication to tourists in all rooms and all public areas;
 - (b) provide for the simultaneous communication of information to tourists with disabilities; and
 - (c) notify all guests promptly,
- in the event of an emergency which affects the property.

- (2) An operator of a villa, guest house, apartment or vacation rental property shall promptly notify guests of an emergency which affects the property.
- (3) An operator of a tourist accommodation shall promptly notify all guests of a national emergency.
- (4) For the purposes of subsection (3), a “national emergency” means
 - (a) a public emergency declared under section 28(1) of the *Emergency Management Act*, Cap. 160A, on account of the threat or occurrence of a disaster;
 - (b) a serious occurrence that takes place unexpectedly and demands an urgent response or attention; or
 - (c) a public health emergency declared under section 28A(1) of the *Emergency Management Act*, Cap. 160A;

Report of accidents or incidents

- 23.(1) An operator shall make a written report in respect of a guest who suffered an accident or an incident at the tourist accommodation and the operator shall retain the written report in a register of accidents or incidents.
- (2) A written report referred to in subsection (1) shall
 - (a) state the name of the person who suffered the accident or incident;
 - (b) state the date, time and place of the accident or incident;
 - (c) state the details of the accident or incident and the first aid given;
 - (d) state any action taken in the aftermath of injury or illness arising out of that accident or incident;
 - (e) state the name of the member of staff to whom the report of the accident or incident was made; and
 - (f) be signed by the operator.

- (3) An operator shall keep a written report referred to in subsection (1) for a period of 7 years.

Communicable diseases

24. An operator who has a reasonable suspicion that a tourist or an employee at the tourist accommodation may have a communicable disease within the meaning of the *Health Services (Communicable and Notifiable Diseases) Regulations, 1969* (S.I. 1969 No. 179), shall report his suspicion to the Chief Medical Officer.

Tourist complaints

25. An operator shall prepare and implement a complaint policy and reporting procedures which guests can readily access and use in order to make complaints in relation to the tourist accommodation.

Records

26.(1) An operator shall maintain records for the purpose of inspection and reporting under this Act or any other enactment.

(2) Without prejudice to the generality of subsection (1), an operator shall keep a record of each guest from the time of reservation until after check-out or cancellation of the reservation for a period of 7 years.

(3) The record referred to in subsection (2) shall include

- (a) the name and address (inclusive of the postal code and country) and nationality of the guest;
- (b) the check-in and check-out dates of the guest;
- (c) a copy of a form of identification of the guest; and
- (d) such other information as may be required by the Minister.

(4) An operator shall, by the 15th day of each month, submit a report in the prescribed form to the Minister on

- (a) occupancy in the tourist accommodation for the previous month;
- (b) projected occupancy for the current month; and
- (c) such other information as may be required.

PART V

INSPECTION, WARNING, SUSPENSION AND REVOCATION OF LICENCE

Inspection of tourist accommodation

27.(1) An inspector may inspect tourist accommodation

- (a) for the purposes of determining an application for
 - (i) a tourist accommodation licence or renewal of a tourism accommodation licence;
 - (ii) a classification; or
 - (iii) a designation;
- (b) to ensure that the accommodation
 - (i) is in compliance with this Act;
 - (ii) continues to meet the requirements for the licence issued, classification assigned or designation awarded; or
- (c) where there is a reasonable suspicion that this Act or the terms and conditions of a tourist accommodation licence are being or have been contravened.

- (2) An inspector may, for the purposes of an inspection under subsection (1)
 - (a) enter any tourist accommodation or premises or private road connected with the accommodation;
 - (b) inspect and assess the accommodation or any area on the premises of the accommodation;
 - (c) conduct such surveys, examinations, investigations or other studies as may be necessary to assess the accommodation;
 - (d) make such copies of documents, take such photographs, make such videos or voice recordings or use such equipment, technology or facility as may be necessary to ensure that evidence to support the findings of the inspection is acquired;
 - (e) require the production of any document which he reasonably believes contains information relevant to the purposes of the inspection;
 - (f) make reasonable inquiries of any person, whether orally or in writing; and
 - (g) exercise such other powers as may be necessary for the purposes of the inspection.
- (3) An inspector
 - (a) shall, on the day of an inspection
 - (i) produce official proof of his authority to conduct the inspection and explain the purpose of the inspection to the operator of the tourist accommodation; and
 - (ii) specify the rooms to be inspected and, where a selected room is occupied, the room to be substituted for the occupied room; and

(b) may

- (i) require and conduct, on the basis of his findings during the inspection, a further inspection of additional units of the accommodation; and
- (ii) be assisted with the inspection by such expert as the Minister may appoint in writing for the purpose at such remuneration as Minister may determine.

(4) An expert appointed under subsection (3)(b)(ii) shall be received and granted access to the tourist accommodation and shall be accompanied by an inspector.

Inspection before licence issued

28.(1) Without prejudice to the generality of section 27, where an application is made for a tourist accommodation licence, an inspector shall inspect the tourist accommodation to which the application relates to determine whether the accommodation satisfies the prescribed minimum requirements.

(2) An operator shall be given at least 7 days' written notice of

- (a) the date and time of an inspection under subsection (1);
- (b) the expected duration of the inspection; and
- (c) the number of officers who will perform the inspection.

(3) Tourist accommodation shall be inspected in the manner determined by the inspector.

(4) The operator shall

- (a) permit and facilitate the inspection; and
- (b) notify staff and tourists of the inspection.

Re-inspection

29. An inspector shall, where required to do so by the Minister for the purposes of determining an application for a tourist accommodation licence or otherwise, re-inspect the tourist accommodation and submit a further written report to the Minister.

Report on inspection

30.(1) An inspector shall, within 21 days of an inspection of tourist accommodation, submit to the Minister a written report on the inspection.

(2) The report shall contain

- (a) the registered name of the property;
- (b) the date and time of the inspection;
- (c) a description of the tourist accommodation with photographs;
- (d) the findings of the inspection and assessment of the accommodation;
and
- (e) in the case of an inspection
 - (i) pursuant to an application for a tourist accommodation licence, any recommendations with respect to the issue of the licence; or
 - (ii) of tourist accommodation for which a tourist accommodation licence was issued, a statement on whether the accommodation is in compliance with this Act and where the accommodation is not in compliance,
 - (A) particulars of the breach of this Act or the terms and conditions of the licence;
 - (B) the action to be taken to rectify the breach and the date by which the action must be completed; and

- (C) the proposed date for re-inspection of the accommodation to assess compliance.

(3) An operator shall be notified in writing of the results of an inspection of his tourist accommodation including the information set out in subsection (2)(e) (ii) and, where applicable, the prescribed fee for re-inspection.

Warning

31.(1) Where an inspection of tourist accommodation reveals a matter which was the subject of a prior request for rectification, the Minister may issue a written warning to the operator requiring that the matter be rectified within a specified period.

(2) The warning shall

- (a) indicate the matter to be rectified, the action to be taken and the date by which compliance is required;
- (b) give details of prior written requests for rectification of the matter including the number of times such requests were issued; and
- (c) explain that non-compliance may result in
 - (i) a change in the classification assigned or designation awarded to the tourist accommodation; or
 - (ii) the suspension or revocation of the tourist accommodation licence.

(3) An operator who rectifies a matter by the date specified in subsection (2) (a) may, upon payment of the prescribed fee, request a re-inspection of his tourist accommodation.

(4) Where the Minister has cause to write more than 3 warnings under subsection (1) the Minister may

- (a) change the classification or designation of the tourist accommodation; or
- (b) suspend the tourist accommodation licence for a specified period.

Suspension or revocation of licence

32.(1) The Minister may with immediate effect suspend or revoke a tourist accommodation licence where

- (a) the owner or operator fails or refuses to comply with this Act or with any written request or direction made or given under this Act;
- (b) the owner or operator is convicted of an offence under this Act or under any other enactment.
- (c) there is a direct or indirect danger to the health or safety of any person
 - (i) using the tourist accommodation;
 - (ii) employed at the accommodation; or
 - (iii) who may reside or operate within close proximity to the accommodation,

and the relevant authority has given the necessary notification under the *Health Services Act*, Cap. 44, the *Safety and Health at Work Act*, Cap. 356 or under any other relevant enactment, as the case may be;

- (d) the owner or operator alters the operations of the accommodation in such a manner that it no longer complies with the prescribed minimum requirements for the category of tourist accommodation licence issued; or
- (e) the owner or operator refuses to permit an inspection of the accommodation in accordance with this Act.

(2) Where the Minister intends to suspend or revoke a tourist accommodation licence, the Minister shall notify the operator in writing of his intention

- (a) stating reasons for the suspension or revocation and, where the matter can be rectified, the date by which the matter must be rectified to avoid the suspension or revocation; or

- (b) giving the operator 10 days, from the date of the notice, to supply reasons that the licence should not be suspended or revoked.
- (3) The Minister may suspend or revoke a tourist accommodation licence where
 - (a) the matter referred to in subsection (2)(a) is not rectified by the date specified in that subsection; or
 - (b) the operator does not supply sufficient reasons within the period specified in subsection (2)(b).
- (4) Where the Minister revokes or suspends a licence, the Minister shall
 - (a) notify the operator in writing; and
 - (b) cause notice of the suspension or revocation and, where applicable, the period of suspension, to be published in the *Official Gazette*.
- (5) Where a licence is suspended or revoked, no person shall operate the tourist accommodation to which the suspension or revocation applies.
- (6) A person who contravenes subsection (5) is guilty of an offence and is liable, on summary conviction, to a fine of \$250 000.

Arrangements for tourists upon suspension or revocation of licence

- 33.(1)** Where the Minister suspends or revokes a tourist accommodation licence, the operator of the tourist accommodation shall
- (a) make arrangements for the accommodation of any tourist affected by the suspension or revocation; and
 - (b) refund sums paid for bookings affected by the suspension or revocation.
- (2) A person who contravenes subsection (1) is guilty of an offence and is liable, on summary conviction, to a fine of \$250 000.

PART VI

MISCELLANEOUS

Register of tourist accommodation

34.(1) There shall be a register maintained by the Minister, to be known as the “Tourist Accommodation Register”, containing the following particulars

- (a) the name and address, including email and mailing address, of any tourist accommodation in respect of which a tourist accommodation licence is issued;
- (b) the name and contact information of the operator;
- (c) the date the licence was issued and the date of its expiration;
- (d) the classification of the accommodation;
- (e) the designation of the accommodation, if any;
- (f) the services offered by the accommodation;
- (g) the name of any restaurant at the accommodation;
- (h) any removal of the classification or designation of the accommodation;
and
- (i) any period of suspension of the licence or any revocation of the licence.

(2) The particulars of the register, except the particulars at paragraph (b), shall be open at all reasonable times for inspection by the public.

Publication of tourist accommodation

35. The Minister shall cause to be published in the *Official Gazette* every 6 months in each year, an alphabetical list of tourist accommodation in respect of which a licence exists, and the classification assigned and designation, if any, awarded to the accommodation.

Right of appeal

- 36.** A person who is aggrieved by a decision in respect of
- (a) an application for a tourist accommodation licence;
 - (b) a classification or designation; or
 - (c) the suspension or revocation of a tourist accommodation licence,
- may appeal to the High Court within 28 days of the decision.

Confidentiality

- 37.(1)** An officer in the performance of his duties or otherwise and any other person employed in the administration of this Act shall regard and deal with as secret and confidential information
- (a) received pursuant to this Act; or
 - (b) contained in databases and records or documents kept pursuant to this Act.
- (2) Notwithstanding subsection (1), a person referred to in that subsection may disclose information
- (a) pursuant to an order of the court;
 - (b) where he is authorized or required to do so in writing by the Minister; or
 - (c) where the disclosure is permitted under this Act or under any other enactment.
- (3) A person who receives information pursuant to subsection (2) shall regard and deal with the information as secret and confidential.
- (4) A person who contravenes subsection (1) or (3) is guilty of an offence and is liable on summary conviction to a fine of \$10 000.

Offences

38.(1) A person who

- (a) advertises tourist accommodation, whether in print or by electronic means, in a manner which does not accurately reflect
 - (i) the licensing of the accommodation as a villa, a hotel, an apartment hotel, an apartment, a guest house or a vacation rental property;
 - (ii) the classification assigned to the accommodation; or
 - (iii) the designation awarded to the accommodation; or
- (b) uses a classification in relation to tourist accommodation
 - (i) which has not been assigned or awarded in accordance with Part III;
 - (ii) notification of which has not been published in accordance with section 8; or
 - (iii) for which the tourist accommodation licence has been suspended or revoked;

is guilty of an offence and is liable, on summary conviction, to a fine of \$100 000.

(2) A person who

- (a) threatens, assaults or obstructs an officer in the execution of his duties under this Act;
- (b) knowingly provides false or misleading information to
 - (i) another person in the execution of the other person's duties under this Act; or
 - (ii) the public in advertising any tourist accommodation or otherwise conveying information in respect of the accommodation; or

- (c) refuses to provide information or documentation required under this Act,

is guilty of an offence and is liable, on summary conviction, to a fine of \$100 000.

Regulations

39.(1) The Minister may make regulations for

- (a) the licensing of tourist accommodation;
- (b) licensing fees;
- (c) the classification of tourist accommodation and any designation to be awarded to the accommodation;
- (d) the standards of service to be maintained in relation to tourist accommodation;
- (e) the inspection and monitoring of tourist accommodation to ensure compliance with this Act;
- (f) any matter to be prescribed under this Act; and
- (g) generally giving effect to this Act.

(2) Where regulations made under subsection (1) create an offence, the regulations may provide for a person who is guilty of the offence to be liable, on summary conviction, to a fine of \$50 000.

Order

40. The Minister may, by order, declare a facility to be a tourist accommodation for the purposes of this Act.

Directives and guidelines

41. The Minister may issue administrative directives and guidelines, generally, to provide information and guidance in relation to compliance with this Act and any statutory instruments made thereunder.

Transitional

42.(1) Notwithstanding anything contained in this Act, a person who holds a licence that

- (a) was issued in respect of tourist accommodation before the commencement of the *Barbados Tourism Product Authority (Repeal) (Transfer of Assets & Liabilities) Act, 2025 (Act 2025-)*; and
- (b) is deemed valid and saved pursuant to sections 6 and 7, respectively, of the *Barbados Tourism Product Authority (Repeal) (Transfer of Assets & Liabilities) Act, 2025 (Act 2025-)*,

is not in contravention of section 4 of this Act, and shall, for the duration of the licence, be treated as if he holds a tourist accommodation licence issued under this Act.

(2) For the avoidance of doubt, nothing in subsection (1) entitles a person, solely by virtue of holding a licence described in that subsection, to a tourist accommodation licence.

Repeal

43. The *Hotel Proprietors Act*, Cap. 309 is repealed.

Commencement

44. This Act comes into operation on a date to be fixed by Proclamation.

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
, 2025.

President

BARBADOS TOURISM PRODUCT AUTHORITY (REPEAL) (TRANSFER
OF ASSETS & LIABILITIES) ACT, 2025

OBJECTS AND REASONS

This Bill would

- (a) repeal the *Barbados Tourism Product Authority Act, 2014* (Act 2014-2);
- (b) transfer the assets of the Barbados Tourism Product Authority to Barbados Tourism Marketing Inc. and the Ministry of Tourism and International Transport; and
- (c) provide for related matters.

BARBADOS TOURISM PRODUCT AUTHORITY (REPEAL) (TRANSFER
OF ASSETS & LIABILITIES) ACT, 2025

Arrangement of Sections

1. Short title
2. Interpretation
3. Transfer of assets, liabilities and rights etc.
4. Staff to be treated as continuously employed
5. Consolidated Fund
6. Validation
7. Savings
8. Consequential Amendments
9. Repeal of Act 2014-2
10. Commencement

SCHEDULE

BARBADOS

A Bill entitled

An Act to repeal the *Barbados Tourism Product Authority Act, 2014* (Act 2014-2) and transfer the assets of the Barbados Tourism Product Authority to Barbados Tourism Marketing Inc. and the Ministry of Tourism and International Transport.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Barbados Tourism Product Authority (Repeal) (Transfer of Assets & Liabilities) Act, 2025*.

Interpretation

2. In this Act,

“Authority” means the Barbados Tourism Product Authority established by section 3 of the former Act;

“Company” means Barbados Tourism Marketing Inc., a company incorporated under the *Companies Act*, Cap. 308;

“former Act” means the *Barbados Tourism Product Authority Act, 2014* (Act 2014-2).

Transfer of assets, liabilities and rights etc.

3.(1) From the commencement of this Act, all

- (a) assets in relation to the operation of the Authority, including office inventory, equipment and furnishings, and vehicles, vested in the Authority immediately before the commencement of this Act;
- (b) liabilities incurred by or on behalf of the Authority in relation to the operation of the Authority and subsisting immediately before the commencement of this Act; and
- (c) responsibilities for the mandate to
 - (i) promote the development of the tourism product of Barbados; and
 - (ii) facilitate the enjoyment of Barbados as a tourist destination,

are transferred to and vested in the Company, and, without further assurance, transfer or other formality, are to be held by the Company to the same extent and in the same manner, as they were vested in or held by the Authority.

(2) Notwithstanding subsection (1)(a), all assets in relation to the operation of the Product Quality Unit, including office inventory, and equipment and furnishings are transferred to and vested in the Ministry of Tourism and International Transport.

(3) From the commencement of this Act,

- (a) all rights, privileges, duties or obligations conferred or imposed upon the Authority immediately before the commencement of this Act, except the rights, privileges, duties or obligations conferred on the Product Quality Unit, shall be deemed to be conferred or imposed on the Company;
- (b) all powers and remedies as to the taking and resisting of legal proceedings for the ascertaining, perfecting or enforcing of all rights or liabilities of the Authority immediately before the commencement of this Act shall be deemed to be conferred on the Company; and
- (c) any contract entered into by or on behalf of the Authority shall be deemed to have been entered into by or on behalf of the Company.

Staff to be treated as continuously employed

4.(1) From the commencement of this Act, a person who

- (a) was employed by the Authority immediately before the commencement of this Act; and
- (b) is employed by the Company,

shall be treated as being continuously employed for the purposes of calculating pensionable service.

(2) Notwithstanding subsection (1), a person who was employed by the Authority and assigned to the Product Quality Unit is employed by the Ministry of Tourism and International Transport and shall

- (a) be treated as continuously employed for the purposes of calculating pensionable service; and

- (b) enjoy terms no less favourable than the terms enjoyed under the Authority.

Consolidated Fund

5. Notwithstanding section 3(1) the funds of the Authority consisting of
 - (a) any revenue earned under section 17 of the former Act or from any other operation of the Authority;
 - (b) any financial resources belonging to the Authority pursuant to section 17 of the former Act;
 - (c) monies previously voted by Parliament for the Authority; and
 - (d) all sums made available for the use of the Authority by way of a gift, a grant or otherwise,

shall be paid into the Consolidated Fund.

Validation

6. Any act done or decision made, licence issued, registration, or fee collected in accordance with the *Barbados Board of Tourism (Hotels, Apartments and Guest Houses) (Registration and Classification) Regulations, 1982* (S.I. 1982 No. 160) by

- (a) the Authority established by section 3 of the *Barbados Tourism Authority Act, 1993* (Act 1993-1);
- (b) the Authority established by section 3 of the *Barbados Tourism Authority Act, 1995* (Act 1995-15);
- (c) the Authority established by section 3 of the former Act.

from the 15th day of March, 1993 until the commencement of this Act shall be deemed to have been lawfully done as if the *Barbados Board of Tourism (Hotels, Apartments and Guest Houses) (Registration and Classification) Regulations, 1982* (S.I. 1982 No. 160) had been saved under each Act mentioned in paragraphs (a), (b) and (c).

Savings

7.(1) A licence issued by the Authority under section 26 of the former Act which is deemed to be lawful pursuant to section 6 and continued to be valid immediately before the commencement of this Act shall, after the commencement of this Act, remain valid to the 31st of December, 2025.

(2) Notwithstanding subsection (1), a licence suspended by the Authority under section 27 of the former Act, which, immediately before the commencement of this Act, continued to be suspended shall, after the commencement of this Act, remain suspended until the end of the period of suspension imposed by the Authority; and thereafter the licence shall be valid from the date of expiration of the period of suspension to the 31st of December, 2025.

Consequential Amendments

8. The enactments specified in the column 1 of the *Schedule* are amended in the manner specified in the column 2.

Repeal of Act 2014-2

9. The *Barbados Tourism Product Authority Act, 2014* (Act 2014-2) is repealed.

Commencement

10. This Act comes into operation on a date to be fixed by Proclamation.

SCHEDULE

(Section 8)

CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Land Tax Act</i> , Cap. 78A	In section 6D(2)(b), delete the words “with the Barbados Tourism Product Authority” and substitute the words “under the <i>Tourist Accommodation Act, 2025</i> (Act 2025-)”.
2. <i>Value Added Tax Act</i> , Cap. 87	In the <i>Second Schedule</i> , in paragraph 16, delete the words “with the Barbados Tourism Product Authority” and substitute the words “under the <i>Tourist Accommodation Act, 2025</i> (Act 2025-)”.
3. <i>Tourism Development Act</i> , Cap. 341	In section 2, in the definition of “vacation rental property”, delete the words “with the Barbados Tourism Product Authority” and substitute the words “under the <i>Tourist Accommodation Act, 2025</i> (Act 2025-)”.
4. <i>Tourism Levy Act, 2019</i> (Act 2019-57)	1. In section 2, (a) delete the definition of “Barbados Tourism Product Authority”; (b) in the definition of “direct tourism service” (i) delete paragraph (a) and substitute the following: “(a) has, or is treated as having, a licence under the <i>Tourist Accommodation Act, 2025</i> (Act 2025-)”; and (ii) in paragraph (b)(ix), delete the words “Barbados Tourism Product Authority”

and substitute the word “Minister”;

(c) in the definition of “tourist accommodation”, delete paragraph (a) and substitute the following:

“(a) registered under the *Tourist Accommodation Act, 2025* (Act 2025-); and”;

(d) in the definition of “vacation rental property”, delete the words “with the Barbados Tourism Product Authority” and substitute the words “registered under the *Tourist Accommodation Act, 2025* (Act 2025-)”.

2. In section 4, in

(a) subsection (1)(a), delete the words “register with the Barbados Tourism Product Authority” and substitute the words “ensure that the accommodation is registered under the *Tourist Accommodation Act, 2025* (Act 2025-); or”;

(b) subsection (2), delete the words “Barbados Tourism Product Authority” and substitute the word “Minister”; and

(c) subsection (3), delete the words “Barbados Tourism Product Authority” and substitute the word “Minister”.

3. In section 9(1), delete paragraph (c) and substitute the following:

“(c) has or is treated as having a licence under the *Tourist Accommodation Act, 2025* (Act 2025-),”.

5. *Public Service (General) Order, 2020*
(S.I. 2020 No. 41)

In the *First Schedule*, under the heading “Ministry of Tourism and International Transport”, in paragraph (a), insert the following new posts in alphabetical order:

“Product Quality Manager	S5	1
Product Quality Officer	Z6-1	4

12

Product Quality Assistant Z16-11 2”.

Read three times and passed the House of Assembly this
day of , 2025.

Speaker

Read three times and passed the Senate this day of
, 2025.

President

JURIES ACT, 2025

OBJECTS AND REASONS

This Bill would revise the law relating to juries and provide for related matters.

JURIES ACT, 2025

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

JURY SERVICE

3. Qualification
4. Disqualification
5. Exemptions
6. Verdict not open to challenge due to disqualification or exemption

PART III

COMPILATION OF JURORS LIST

7. Qualified jurors
8. Compilation of Jurors List
9. Confidentiality

10. Selection from the Jurors list

11. Rotation of Jury Service

PART IV

SUMMONING OF JURORS

12. Service of summons

13. Failure to appear

14. Power to excuse jurors summoned

15. Power to summon additional jurors

16. Remuneration of jurors

PART V

SELECTION OF JURIES

17. Array

18. Method of selecting trial jury etc.

19. Challenge

20. Tales

21. Oath of jurors

22. Foreperson

23. Substitution of alternate jurors

PART VI

JURY PROCEDURE

- 24. Separation
- 25. Temporary separation of individual juror
- 26. Illness of juror
- 27. Reduced jury
- 28. Discharge of jury before verdict

PART VII

JURY VERDICTS

- 29. Verdict of jury through foreperson
- 30. Verdict for murder
- 31. Majority verdicts in certain criminal cases and in civil cases
- 32. Conditions for acceptance of majority verdicts
- 33. Time period for deliberation
- 34. Effect of reduced jury upon size of majority
- 35. Inability of jury to agree
- 36. Joinder of charges

PART VIII

MISCELLANEOUS

- 37. Procedure for jury trial in civil cases
- 38. Obstruction of jury service
- 39. Bribery of a juror
- 40. Threats and intimidation of a juror
- 41. Abolition of embracery
- 42. Regulations
- 43. Transitional
- 44. Consequential amendments
- 45. Repeal of Cap. 115B

SCHEDULE

Consequential Amendments

BARBADOS

A Bill entitled

An Act to revise the law relating to juries and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Juries Act, 2025*.

Interpretation

2. In this Act,

“advantage” has the meaning assigned to it by section 2 of the *Prevention of Corruption Act, 2021* (Act 2021-24);

“Chief Registering Officer” means the Chief Registering Officer appointed under section 2 of the *Representation of the People Act, Cap. 12*;

“Commonwealth citizen” means a person who has the status of Commonwealth citizen under section 8 of the *Constitution*;

“consular officer” has the meaning assigned to it by section 2 of the *Consular Conventions Act, Cap. 17*;

“consular employee” has the meaning assigned to it by section 2 of the *Consular Conventions Act, Cap. 17*;

“Jurors List” means the list of qualified jurors compiled in accordance with section 8;

“jury revision year” means the year of commencement of this Act and every alternate year thereafter;

“qualifying date” means the 1st day of January of a jury revision year;

“Registrar” means the Registrar of the Supreme Court;

“registering officer” means a registering officer appointed under section 12 of the *Representation of the People Act, Cap. 12*;

“session” means a period during which the High Court is sitting in the exercise of its criminal jurisdiction;

“sitting” means a period during which the High Court is sitting in the exercise of its civil jurisdiction.

PART II

JURY SERVICE

Qualification

3. A person shall be qualified to serve on a jury who on the qualifying date is

- (a) 18 years of age or older but not more than 70 years of age;
- (b) a citizen of Barbados who is ordinarily resident in Barbados or, if he is not a citizen of Barbados, a Commonwealth citizen who has been ordinarily resident in Barbados continuously for a period of 7 years immediately before the qualifying date; and
- (c) able to read, write, speak and understand the English language.

Disqualification

4. No person shall be qualified to serve on a jury who

- (a) has been convicted of a summary offence in respect of which a sentence of imprisonment was imposed or an indictable offence;
- (b) is illiterate;
- (c) is mentally incapacitated;
- (d) is deaf or blind;
- (e) is declared bankrupt in Barbados and has not been discharged; or

- (f) has entered into a deed of arrangement with his creditors.

Exemptions

5. The following persons shall be exempt from serving on a jury:
- (a) members of the Privy Council;
 - (b) members and officers of the Senate and House of Assembly;
 - (c) Judges;
 - (d) magistrates;
 - (e) heads of mission within the meaning of section 2 of the *Diplomatic Immunities and Privileges Act*, Cap. 18;
 - (f) members of mission as defined by section 4(2) of the *Diplomatic Immunities and Privileges Act*, Cap. 18;
 - (g) Consular officers and consular employees of a state to which this section applies by virtue of an order made by the President under section 9 of the *Consular Conventions Act*, Cap. 17;
 - (h) members of the armed forces of Barbados;
 - (i) members of the Barbados Police Service;
 - (j) attorneys-at-law;
 - (k) officers of a court of law;
 - (l) medical practitioners within the meaning of section 2 of the ***Medical Profession Act, 2011 (Act 2011-1)***; and
 - (m) spouses of persons referred to in paragraphs (a) to (l).

Verdict not open to challenge due to disqualification or exemption

6. The verdict or finding of a jury shall not be challenged or set aside on the ground that a juror was disqualified under section 4 or exempt under section 5.

PART III

COMPILATION OF JURORS LIST

Qualified jurors

7.(1) Upon the commencement of this Act and in every alternate year thereafter, the Chief Registering Officer shall cause each registering officer to make a list of all persons in the respective constituency who are qualified to serve as jurors.

(2) A list referred to in subsection (1) shall show in respect of each person who is qualified to serve as a juror the name, address, sex and occupation of the person.

(3) Each list shall be

- (a) printed in alphabetical order;
- (b) signed by the registering officer who prepared the list; and
- (c) sent to the Chief Registering Officer not later than the 15th day of February of the year in which it was prepared.

Compilation of Jurors List

8.(1) The Chief Registering Officer shall cause a random selection of qualified jurors to be made from each list referred to in section 7; and the selection shall form the Jurors List.

(2) The Chief Registering Officer shall consult with the Registrar to determine the number of prospective jurors which is required to form the Jurors List.

Confidentiality

9.(1) The information contained in the Jurors List shall be kept confidential.

(2) A person who discloses any information contained in the Jurors List to a person who is not authorised to receive it commits an offence and is liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both.

Selection from the Jurors list

10.(1) For the trial of any matter or list of matters before the High Court, whether civil or criminal, the Registrar shall summon from among the names appearing on the Jurors List, a number of jurors which, in the opinion of the Registrar, is necessary for the business of the High Court.

(2) The Registrar shall make a return to the Chief Justice of the names of the persons summoned as jurors under subsection (1), who shall be the jurors to serve for the sitting or session of the court, as the case may be.

(3) A return to be made by the Registrar under subsection (2) shall be made at least

(a) 4 days before the date fixed for a sitting; and

(b) 7 days before the date fixed for a session.

(4) Where more than one court is being held during a sitting or session, the Registrar shall, before the commencement of the sitting or session, divide the panel of jurors returned by him in accordance with subsection (2) as nearly as possible into equal parts so as to provide a separate panel for each court.

Rotation of Jury Service

11.(1) The Registrar shall not place a juror a second time on a panel to be used in any court until all the jurors on the Jurors List have been placed once on a panel, and shall, in making up panels, summon jurors in due rotation.

(2) A juror who was previously excused from serving on a panel may be placed on the panel for a succeeding sitting or session of the court.

- (3) This section shall apply separately and independently to civil trials and criminal trials so that every juror shall be capable of serving at such trials and shall not be barred from serving at one by reason of having been required to serve at another.

PART IV

SUMMONING OF JURORS

Service of summons

- 12.(1)** A person who is required to serve as a juror shall be served with a summons.
- (2) A summons referred to in subsection (1) may be served
- (a) personally on the person;
 - (b) by leaving the summons at the last known address of the person, with an adult residing there;
 - (c) by leaving the summons at the place of employment of the person, with a person employed there; or
 - (d) by registered mail.
- (3) A summons sent or delivered to a person shall be accompanied by a notice
- (a) stating that failure to appear, without reasonable excuse, may result in a penalty being imposed under section 13; and
 - (b) that the person may make representation to the Registrar to withdraw the summon if for any reason the person is not qualified for, or exempt from, jury service.

Failure to appear

13. A person who is summoned to attend court as juror who, without reasonable excuse, fails to appear shall, at the direction of the Judge, pay a penalty of \$1 000.

Power to excuse jurors summoned

14.(1) A Judge may, in open court or in chambers, exempt or discharge from service during the whole or any part of a session a juror who has been summoned for that session if in the opinion of the Judge there remains an adequate number of jurors available for the business of the court.

(2) A Judge may, in open court or in chambers, exempt from further service for a period not exceeding 4 years jurors who have been engaged in a prolonged or difficult trial.

Power to summon additional jurors

15. Where at any time during the course of a session it appears to the Chief Justice that an additional number of jurors should be summoned, the Chief Justice may direct the Registrar to summon additional jurors to serve at the session.

Remuneration of jurors

16.(1) The Minister shall by order set the remuneration to be paid to a juror.

(2) An order made under subsection (1) shall be subject to negative resolution.

(3) No juror shall be entitled to any remuneration or allowance for attendance on any day in respect of which that juror was notified, not later than the previous day, that attendance was not required by

- (a) an announcement made in open court by the Judge or Registrar; or
- (b) written notice being served.

PART V

SELECTION OF JURIES

Array

17.(1) In trials on indictment for murder and treason the array shall consist of 12 jurors.

(2) Subject to section 36, in trials on indictment for an offence, other than murder or treason, the array shall consist of 9 jurors.

(3) In trials for a civil matter the array shall consist of 9 jurors.

Method of selecting trial jury etc.

18.(1) For the trial of an issue, the jury shall be drawn in open court in accordance with the procedure set out in subsections (2) to (5).

(2) The name of each juror who has been summoned, excluding any juror who has been excused from attendance or who is engaged in deliberating on some other matter, shall be written on a separate piece of card which shall be placed in a box and, when the issue is called for trial, the Registrar shall draw the number of cards required pursuant to section 17, one after the other, calling out the name on each card as it is drawn.

(3) Notwithstanding section 17 and subsection (2), where the Judge considers, in the interest of justice, that there should be alternate jurors for the trial of the issue

- (a) the Judge shall indicate the number of alternate jurors required, which shall not exceed 3; and
- (b) the Registrar shall draw the number of cards required pursuant to paragraph (a), one after the other, calling out the name on each card as it is drawn.

(4) Where any of the persons whose names are drawn and called under subsection (2) or (3) do not appear or are challenged and set aside pursuant to section 19, further names shall be drawn in a like manner until the required numbers of jurors and alternate jurors for the purpose of trial are reached.

(5) The names of all persons drawn pursuant to

- (a) subsection (2) and (4), shall be placed together and these persons shall constitute the jury for the trial of the issue; and
- (b) subsection (3) and (4), shall be placed together and these persons shall be alternate jurors for the trial of the issue.

Challenge

19.(1) Subject to subsection (2), in a trial on indictment, a person arraigned and the prosecution may, without reason, each object by way of peremptory challenge to not more than 7 persons drawn to form the jury.

(2) Where several persons are arraigned together,

- (a) the sum total of the peremptory challenges available to all such persons shall not exceed
 - (i) 10, where 5 persons or less are so arraigned; and
 - (ii) 2 for each person, where more than 5 persons are so arraigned,

and, where the persons arraigned do not join in such challenges, the Judge shall, before the commencement of the drawing of the jury, apportion fairly among such persons the number of peremptory challenges; and

- (b) the number of peremptory challenges available to the prosecution in respect of each person arraigned shall not exceed the number of peremptory challenges available to the person arraigned.

(3) Notwithstanding subsections (1) and (2), where the Judge indicates that a number of alternate jurors are required for the trial and

- (a) one person is arraigned, the person arraigned and the prosecution may, without reason, each object by way of peremptory challenge to one person drawn as an alternate juror; and
- (b) several persons are arraigned,
 - (i) each person arraigned may, without reason, object by way of peremptory challenge to one person drawn as an alternate juror; and
 - (ii) the prosecution may, in respect of each person arraigned, without reason, object by way of peremptory challenge to one person drawn as an alternate juror.

(4) Where both the prosecution and the defence agree that a person drawn to serve as a juror or as an alternate juror should be excused, it shall not be considered an effective challenge; and the Judge shall discharge the person from serving as a juror or alternate juror in the trial.

(5) Challenge for cause shall be allowed without restriction either on the part of the prosecution or defence.

(6) Where there is challenge for cause under subsection (5), the Judge shall decide upon the challenge.

(7) Any challenge made under this Part shall be exercised before the person challenged is sworn as a juror.

Tales

20.(1) Where in a trial, a full jury does not appear or after appearance of a full jury, by reason of challenge or otherwise, there is likely to be a default of jurors, the Judge shall call upon the Registrar to name and appoint so many persons duly qualified as will make up a full jury who are present or can be found to serve on the jury.

(2) The Registrar shall annex the names of the persons selected under subsection (1) to the panel, and the trial shall proceed in all respects, including the right of challenge, as if the jurors so annexed were members of the original panel.

(3) Subsections (1) and (2) apply to alternate jurors as it applies to regular jurors.

Oath of jurors

21.(1) Prior to the commencement of a trial, a juror shall in open court take an oath or make the solemn affirmation or declaration stating that the juror will well and truly try the issue and give a verdict or make a finding, as the case may be.

(2) Where in any legal proceedings it is necessary or usual to state or allege that jurors have been sworn, it shall not be necessary to specify that any particular juror has made affirmation or declaration instead of oath and it shall be sufficient to state that the jurors have been sworn or affirmed.

(3) It shall not be necessary for the members of the jury to be sworn individually.

(4) Subsections (1), (2) and (3) apply to alternate jurors as it applies to regular jurors; and alternate jurors may be sworn at the same time as members of the jury.

Foreperson

22.(1) Upon the members of jury being duly sworn they shall elect, by majority vote, one member to be their foreperson.

(2) Where the majority of the jurors do not within such time as the Judge thinks reasonable elect a foreperson, the Judge shall appoint one of them as foreperson.

Substitution of alternate jurors

23.(1) Alternate jurors shall attend the presentation of evidence at trial and, where in the trial a full jury is not present, shall, before the jury retires to consider its verdict, replace any absent juror, in the order in which their names were drawn under section 18.

(2) An alternate juror who is not required as a substitute shall be excused after the jury retires to consider its verdict.

PART VI

JURY PROCEDURE

Separation

24.(1) The Judge may, in any trial where he thinks fit, and at any time, whether before or after the jury has been directed to consider its verdict, permit the jury to separate.

(2) Prior to a Judge permitting the jury to separate pursuant to subsection (1) the Judge shall admonish the jury not communicate with any person during the separation concerning the case.

Temporary separation of individual juror

25.(1) Where the jury has not been allowed to separate or are enclosed, the Judge may, for cause shown, allow a juror to separate from other jurors and where a juror is so separated that juror shall be in the charge of the Chief Marshal.

(2) A juror who has been allowed to separate under subsection (1) shall not communicate with any person during the separation concerning the case.

Illness of juror

26. Where in the course of a trial a juror becomes ill and is in need of medical attention, the Judge may

- (a) discharge the juror from further participation in the trial; or
- (b) permit the juror to be separated from the jury in order to seek medical attention.

Reduced jury

27. Where in a trial a jury is reduced, for any reason, by no more than 2 jurors, the jury shall be treated as properly constituted.

Discharge of jury before verdict

28.(1) A Judge may, during the course of a trial and at any time after the jury has been sworn, discharge the jury for any

- (a) situation of necessity;
- (b) misconduct;
- (c) irregularity or prejudicial matter; or
- (d) other reason in the Judge's discretion.

(2) Where a Judge discharges a jury under subsection (1),

- (a) the Judge may adjourn the case for trial at the same session or a future session or, in the case of a civil trial, on such special day as the Judge may deem fit;
- (b) the case shall be tried before another array;
- (c) the Judge may in his discretion excuse from such array any juror who took part in the previous trial; and
- (d) the decision of the Judge shall not be questioned in any court.

PART VII

JURY VERDICTS

Verdict of jury through foreperson

29.(1) Where a jury is not immediately prepared to return a verdict, the Judge shall direct it to retire and be enclosed.

(2) A verdict or finding of the jury, whether following consultation in the jury box or after the jury has retired and been enclosed, shall be returned orally by the foreperson of the jury in the presence of the other jurors.

Verdict for murder

30. In a trial on indictment for murder to which

- (a) any paragraph of section 2(2) of the *Offences Against the Person Act*, Cap. 141 applies, the verdict of the jury, whether of conviction or of acquittal in respect of that offence, shall be unanimous;
- (b) no paragraph of section 2(2) of the *Offences Against the Person Act*, Cap. 141 applies, the verdict of the jury, whether of conviction or of acquittal, need not be unanimous, if not less than 9 members of the jury are agreed thereon.

Majority verdicts in certain criminal cases and in civil cases

31. Subject to sections 32 and 33, in a trial for

- (a) murder, a verdict of manslaughter need not be unanimous but shall be made by not less than 9 members of the jury;
- (b) a criminal offence other than murder or treason, or of a civil action or matter, the verdict of the jury need not be unanimous but shall be made by not less than 7 members of the jury.

Conditions for acceptance of majority verdicts

32. A Judge shall not accept a majority verdict unless
- (a) the foreperson of the jury has stated in open court the number of jurors who respectively agreed to and dissented from the verdict;
 - (b) in the discretion of the Judge having regard to the nature and complexity of the case, the jury have had not less than one hour for deliberation or a longer period in accordance with section 33.

Time period for deliberation

- 33.(1) The jury shall not be kept in deliberation in excess of 5 hours in any trial unless
- (a) the Judge determines that a longer period of deliberation is warranted in the circumstances; or
 - (b) after the expiration of 5 hours, a majority of the jury requests more time.
- (2) Where the jury requests more time in accordance with subsection (1)(b) the Judge shall in his discretion grant the jury more time for deliberation.

Effect of reduced jury upon size of majority

34. Where there is a reduced jury in accordance with section 27 the number of jurors who are required to constitute the majority shall be reduced by a like number.

Inability of jury to agree

35. Notwithstanding section 33, where a Judge is satisfied that there is no reasonable probability that a jury will arrive at a verdict, the jury may be discharged at any time after the expiration of 5 hours from the time of its first retirement.

Joinder of charges

36. Where a charge for an offence lesser than murder is joined in the same indictment as a charge for murder, the array shall consist of 12 jurors and their verdicts shall be rendered in accordance with section 30 or section 31, as the case may be.

PART VIII

MISCELLANEOUS

Procedure for jury trial in civil cases

37.(1) Where, on the application of a party to an action or matter to be tried in the High Court in accordance with the *Supreme Court (Civil Procedure) Rules, 2008* (S.I. 2008 No. 66) the Judge is satisfied that

- (a) a charge of fraud against the party; or
- (b) a claim in respect of defamation, malicious prosecution or false imprisonment,

is in issue, the Judge shall order the action or matter to be tried by a jury unless the Judge is satisfied that the trial requires any prolonged examination of documents or accounts or any scientific or local investigation which cannot conveniently be made by a jury.

(2) Every civil case shall be tried by a Judge without a jury unless the Judge sees fit to make an order under subsection (1).

Obstruction of jury service

38.(1) Where an employee has been summoned for jury service, the employee shall, upon receipt of the summons, inform his employer of being summoned for jury service.

(2) No employer shall, whether directly or indirectly, by intimidation, undue influence or in any other way prevent or attempt to prevent an employee summoned for jury service from answering the summons.

(3) No employer shall

(a) make any deduction from the pay or other remuneration of an employee; or

(b) otherwise penalise an employee,

for absence due to jury service.

(4) An employer who contravenes subsection (2) or (3) commits an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 6 months or to both.

(5) Where an employer referred to in subsection (4) is a body corporate, every director or manager of the body corporate who

(a) consented to the contravention;

(b) connived at the contravention; or

(c) did not exercise all reasonable diligence as he ought in the circumstances to prevent the contravention,

commits an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 6 months or to both.

(6) Nothing in this section affects the obligation of a juror to his employer under his contract of service in respect of any period for which he is excused from jury service.

(7) Where

(a) the name of juror is not drawn; or

(b) the juror is challenged or set aside,

the Judge may excuse that juror from jury service for the remainder of the day or for such other period as the Judge specifies.

- (8) Where a juror is excused from jury service in accordance with subsection (7)
 - (a) the Judge shall inform the juror of his obligation to his employer; and
 - (b) the juror shall report to his place of employment.
- (9) It is a defence to a charge under subsection (3) for an employer to show that an employee was excused from jury service in accordance with subsection (7) and that the employee did not return to his place of employment.
- (10) A certificate given by the Registrar that a juror named in the certificate was or was not excused in accordance with subsection (7) is conclusive of the fact stated in the certificate.

Bribery of a juror

- 39.(1) A person who
 - (a) offers or gives a financial or other advantage to a juror; and
 - (b) intends the advantage to influence the juror in the performance of any function as a juror,
 commits an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for 10 years or to both.
- (2) A juror who accepts
 - (a) a financial or other advantage; or
 - (b) an offer of a financial or other advantage,
 for the performance of any function of a juror commits an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for 10 years or to both.

Threats and intimidation of a juror

- 40.** A person who
- (a) threatens or intimidates a juror; and
 - (b) intends the threat or intimidation to influence the juror in the performance of any function as a juror,
- commits an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for 10 years or to both.

Abolition of embracery

- 41.** The offence of embracery is abolished.

Regulations

- 42.** The Minister may make regulations generally for giving effect to this Act.

Transitional

- 43.** Notwithstanding section 45, all trials started before the commencement of this Act shall continue in accordance with the provisions of the *Juries Act*, Cap. 115B.

Consequential amendments

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

Repeal of Cap. 115B

- 45.** The *Juries Act*, Cap. 115B is repealed.

SCHEDULE*(Section 44)***CONSEQUENTIAL AMENDMENTS**

Column 1

Column 2

*Enactments**Amendments*

1. *Indictments Act*, Cap. 136 In the *Schedule*, delete paragraph 3 and substitute the following:

"Joining of charges in one indictment

3. Charges for any offence may be joined in the same indictment if those charges

- (a) are founded on the same facts;
- (b) form part of a series of offences of the same or similar character; or
- (c) though of a dissimilar character, were committed in the course of the same conduct."

2. *Firearms Act*, Cap. 179 Delete section 30A.

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2025.

President

CRIMINAL PROCEEDINGS (WITNESS ANONYMITY) ACT

OBJECTS AND REASONS

This Bill would make provision for securing the anonymity of witnesses in criminal proceedings and for related matters.

CRIMINAL PROCEEDINGS (WITNESS ANONYMITY) ACT

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation
3. Construction

PART II

WITNESS ANONYMITY

4. Common law rules
5. Application for witness anonymity order
6. Consideration in relation to a witness anonymity order
7. Conditions for making order
8. Relevant considerations
9. Discharge or variation order
10. Warning to jury about witness anonymity order
11. Privacy of address and identity of witness

- 12.** Assistance to witness on grounds of fear or distress about testifying

PART III

DIRECTIONS

- 13.** Special measures directions relating to eligible witness
- 14.** Effect of special measures direction
- 15.** Discharge or variation of special measures direction
- 16.** Evidence by live link
- 17.** Evidence in private
- 18.** Video recorded evidence
- 19.** Video recorded cross-examination or re-examination
- 20.** Examination of witness through intermediary
- 21.** Aids to communication
- 22.** Status of evidence
- 23.** Warning to jury on special measures direction
- 24.** Evidence from outside Barbados
- 25.** Direction prohibiting defendant from cross-examining particular witness
- 26.** Defence representation for purposes of cross-examination
- 27.** Warning to jury on prohibition from cross-examining witness

PART IV
MISCELLANEOUS

28. Regulations

29. Commencement

SCHEDULE

Forms

BARBADOS

A Bill entitled

An Act to make provision for securing the anonymity of witnesses in criminal proceedings and for related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Criminal Proceedings (Witness Anonymity) Act, 2025*.

Interpretation

2. In this Act,

“Community Legal Services Commission” means the Community Legal Services Commission established under section 4 of the *Community Legal Services Act*, Cap. 112A;

“court” means the Magistrates' Court, the High Court or the Court of Appeal;

“defendant” means in relation to any criminal proceedings, any person charged with an offence to which the proceedings relate whether or not convicted;

“eligible witness” means a witness eligible for assistance under section 13;

“involved person” means in connection with an offence, a person who is not a suspect for the offence but who is reasonably suspected to have been the victim of or to have witnessed the commission of the offence;

“legal representative” means a person who is duly admitted and entitled to practise law as an attorney-at-law in Barbados;

“live link” means a live television or electronic link or other arrangement whereby a witness, while absent from the courtroom or other place where the proceedings are being held, is able to see or hear a person there and to be seen or heard;

“relevant time” means

- (a) the time when the direction was given or the order was made, as the case may be; or
- (b) if a previous application has been made, the time when the application, or last application was made;

“Rules Committee” means Rules Committee of the Supreme Court established by section 81 of the *Supreme Court of Judicature Act*, Cap. 117A;

“special measures direction” means a direction under section 13;

“witness” in relation to any criminal proceedings, means any person called, or proposed to be called, to give evidence at the trial or hearing in question;

“witness anonymity order” means an order made by a court under section 6 that requires such specified measures to be taken in relation to a witness in criminal proceedings as the court considers appropriate to ensure that the identity of the witness is not disclosed in or in connection with the proceedings.

Construction

3. This Act shall have effect notwithstanding any law to the contrary.

PART II

WITNESS ANONYMITY

Common law rules

- 4.(1) The common law rules relating to the power of a court to make an order for securing that the identity of a witness in criminal proceedings is withheld from the defendant or, on a defence application, from other defendants are abolished.

(2) Nothing in this Part affects the common law rules as to the withholding of information on the grounds of public interest immunity.

Application for witness anonymity order

5.(1) The prosecutor or defendant may, in criminal proceedings, make an application to the court for a witness anonymity order in the form set out as Form 1 in the *Schedule*.

(2) Where an application is made by the prosecutor, the prosecutor shall, unless the court directs otherwise, inform the court of the identity of the witness but is not required to disclose in connection with the application

(a) the identity of the witness; or

(b) any information that might enable the witness to be identified,

to any other party to the proceedings or the other party's legal representatives.

(3) Where an application is made by a defendant, that defendant shall inform the court and, unless the court directs otherwise, the prosecutor, of the identity of the witness but if there is more than one defendant, the defendant is not required to disclose in connection with the application

(a) the identity of the witness; or

(b) any information that might enable the witness to be identified,

to any other defendant or his legal representatives.

(4) Where the prosecutor or a defendant proposes to make an application under this section in respect of a witness, any relevant material which is disclosed by or on behalf of that party before the determination of the application may be disclosed in such a way as to prevent

(a) the identity of the witness; or

(b) any information that might enable the witness to be identified,

from being disclosed except as required by subsection (2) or (3) .

(5) Subject to subsection (6), the court shall give every party to the proceedings the opportunity to be heard on an application under this section.

(6) Subsection (5) does not prevent the court from hearing one or more parties in the absence of any other party and his legal representatives if it appears to the court to be appropriate to do so in the circumstances of the case.

(7) In this section, "relevant material" means any document or other material which falls to be disclosed, or is sought to be relied on, by or on behalf of the party concerned in connection with the proceedings or proceedings preliminary to them.

Consideration in relation to a witness anonymity order

6. When making a witness anonymity order the court shall take measures for the purpose of ensuring that the

- (a) name, address, contact information and other identifying details of the witness may be
 - (i) withheld; and
 - (ii) removed from materials disclosed to any party to the proceedings;
- (b) witness may use a pseudonym;
- (c) witness is not asked questions of any specified description that might lead to the identification of the witness;
- (d) witness is screened to any specified extent; and
- (e) voice of the witness is subjected to modulation to any specified extent.

Conditions for making order

7.(1) Where an application is made for a witness anonymity order to be made in relation to a witness in criminal proceedings, the court may make such an order, only if it is satisfied

- (a) that the measures to be specified in the order are necessary
 - (i) in order to protect the safety of the witness or involved person or another person or to prevent any serious damage to property; or
 - (ii) in order to prevent real harm to the public interest, whether affecting the carrying on of any activities in the public interest or the safety of an-involved person in carrying on such activities, or otherwise;
- (b) that, having regard to all the circumstances, the taking of those measures would be consistent with the defendant receiving a fair trial; and
- (c) that it is necessary to make the order in the interests of justice by reason of the fact that it appears to the court that
 - (i) it is important that the witness should testify; and
 - (ii) the witness would not testify if the order was not made.

(2) In determining whether the measures to be specified in the order are necessary for the purpose mentioned in subsection (1)(a)(i), the court shall have regard, in particular, to any reasonable fear on the part of the witness that

- (a) the witness or another person would suffer death or injury;
- (b) there would be retaliation, recrimination or oppression; or
- (c) there would be serious damage to property,

if the witness were to be identified.

- (3) An order made under this section shall be in the form set out as Form 2 in the *Schedule*.

Relevant considerations

8.(1) When deciding whether the conditions specified under section 7(1) are met in the case of an application for a witness anonymity order, the court shall have regard to

- (a) the considerations mentioned in subsection (2); and
 - (b) such other matters as the court considers relevant.
- (2) The considerations referred to in subsection (1)(a) are
- (a) the general right of a defendant in criminal proceedings to know the identity of a witness in the proceedings;
 - (b) the extent to which the credibility of the witness concerned would be a relevant factor when the weight of his evidence comes to be assessed;
 - (c) whether evidence given by the witness might be the sole or decisive evidence implicating the defendant;
 - (d) whether the evidence of the witness could be properly tested, whether on grounds of credibility or otherwise, without his identity being disclosed;
 - (e) whether there is any reason to believe that the witness
 - (i) has a tendency to be dishonest; or
 - (ii) has any motive to be dishonest in the circumstances of the case, having regard, in particular, to any previous convictions of the witness and to any relationship between the witness and the defendant or any associates of the defendant; and
 - (f) whether it would be reasonably practicable to protect the identity of the witness by any means other than by making a witness anonymity order specifying the measures that are under consideration by the court.

Discharge or variation order

9.(1) A court that has made a witness anonymity order in relation to any criminal proceedings may

- (a) on an application made by a party to the proceedings if there has been a material change of circumstances since the relevant time; or
- (b) on its own motion,

discharge or vary, the order if it appears to the court to be appropriate to do so in accordance with sections 7 and 8.

(2) The order referred to in subsection (1) shall be in the form set out as Form 3 in the *Schedule*.

Warning to jury about witness anonymity order

10. Where, on a trial on indictment with a jury, any evidence has been given by a witness at a time when a witness anonymity order applied to the witness, the judge may give the jury such warning as the judge considers appropriate to ensure that the fact that the order was made in relation to the witness does not prejudice the defendant.

Privacy of address and identity of witness

11.(1) In any proceeding under this Act, the particulars of any address or other identifying details of the witness may not, without the permission of the judge, be

- (a) the subject of any question to a witness or included in any evidence given; or
- (b) included in any statement or remark made by a witness, legal representative, officer of the court, or any other person.

(2) The judge shall not grant permission under subsection (1) unless satisfied that the question to be put, the evidence to be given or the statement or remark

to be made, is of sufficient direct relevance to the facts in issue that to exclude it would be contrary to the interests of justice.

(3) An application for permission under subsection (1) may be made before or after the commencement of any hearing and is, where practicable, to be made and dealt with in chambers.

(4) Nothing in subsection (1) applies in criminal proceedings if it is necessary to disclose the particulars in the charge in order to ensure that the defendant is fully and fairly informed of the charge.

(5) Subject to subsection (1), where a witness anonymity order is made under this Act, any person who wilfully discloses, or does something that is likely to disclose

(a) the identity of the witness;

(b) the contact information or other identifying details of the witness,

is guilty of an offence and liable on summary conviction to imprisonment for two years.

Assistance to witness on grounds of fear or distress about testifying

12.(1) For the purposes of this Act, if the court is satisfied that the quality of evidence given by a witness in criminal proceedings is likely to be diminished by reason of fear or distress on the part of the witness in connection with testifying in proceedings, the court may give a special measures direction under section 13.

(2) In determining whether a witness falls within subsection (1), the court shall take into account

(a) the nature and alleged circumstances of the offence to which the proceedings relate;

(b) the age of the witness;

- (c) such of the following matters as appear to the court to be relevant
 - (i) the social and cultural background and ethnic origin of the witness;
 - (ii) the domestic and employment circumstances of the witness; and
 - (iii) any religious beliefs or political opinions of the witness;
- (d) any behaviour towards the witness or persons connected to the witness on the part of
 - (i) the defendant;
 - (ii) members of the family or associates of the defendant; or
 - (iii) any other person who is likely to be a defendant or a witness in the proceedings; and
- (e) any views expressed by the witness.

PART III

DIRECTIONS

Special measures directions relating to eligible witness

- 13.(1) This section applies where in criminal proceedings
 - (a) a party to the proceedings makes an application for the court to give a direction under this section in relation to a witness in the proceedings other than the defendant; or
 - (b) the court of its own motion raises the issue whether such a direction should be given.
- (2) The special measures that a party to proceedings may apply for include:
 - (a) evidence using the live link;

- (b) giving evidence in private;
- (c) video recorded evidence;
- (d) video recorded cross examination or re-examination;
- (e) the use of an intermediary; and
- (f) the use of an aid to communication.

(3) Where the court determines that the witness is eligible for assistance under section 12, the court shall determine whether any of the special measures available in relation to the witness, or any combination of them, would, in its opinion, be likely to improve the quality of evidence given by the witness and if so

- (a) determine which of the measures, or combination of them, would, in its opinion, be likely to maximize so far as practicable the quality of such evidence; and
- (b) give a direction under this section providing for the measure determined to apply to evidence given by the witness.

(4) In determining for the purpose of this Act whether any special measure would be likely to maximize so far as practicable, the quality of evidence given by the witness, the court shall consider all the circumstances of the case, including

- (a) any views expressed by the witness; and
- (b) whether the measure might tend to inhibit such evidence being effectively tested by a party to the proceedings.

(5) A special measures direction shall specify particulars of the provision made by the direction in respect of each special measure which is to apply to the evidence of the witness.

(6) Nothing in this Part is to be regarded as affecting any power of a court to make an order to give leave of any description in the exercise of its inherent jurisdiction or otherwise in relation to

- (a) a witness who is not an eligible witness; or
- (b) an eligible witness where, the order is made or the leave is given otherwise than by reason of the fact that the witness is an eligible witness.

(7) Nothing in this Part authorizes the court to require

- (a) the witness to be screened to such an extent that the witness cannot be seen by
 - (i) the judge or other members of the court, if any;
 - (ii) the jury, if there is one; or
 - (iii) any intermediary or other person appointed by the court to assist the witness; or
- (b) the witness's voice to be modulated to such an extent that the witness's natural voice cannot be heard by any persons within paragraph (a)(i) to (iii).

(8) An application under this section shall be in the form set out as Form 4 in the *Schedule*.

Effect of special measures direction

14. Subject to section 15, a special measures direction has binding effect from the time it is made until the proceedings for the purposes for which it is made are either

- (a) determined by acquittal, conviction or otherwise; or
- (b) abandoned,

in relation to the defendant or, if there is more than one, in relation to each defendant.

Discharge or variation of special measures direction

15.(1) The court may discharge, vary or further vary a special measures direction if it appears to the court to be in the interests of justice and may do so

- (a) on the application made by a party to the proceedings, if there has been a material change of circumstances since the relevant time; or
- (b) of its own motion.

(2) The court shall state its reasons for

- (a) giving or varying;
- (b) refusing an application for, or for the variation or discharge of; or
- (c) discharging,

a special measures direction.

(3) The Rules Committee may make rules of court for

- (a) uncontested applications to be determined by the court without a hearing;
- (b) preventing the renewal of an unsuccessful application for a special measures direction, except where there has been a material change of circumstances;
- (c) expert evidence to be given in connection with an application for, or for varying or discharging, such a direction;
- (d) the manner in which confidential or sensitive information is to be treated in connection with such an application and in particular as to its being disclosed to, or withheld from, a party to the proceedings.

Evidence by live link

16.(1) A special measures direction may provide for the witness to give evidence by means of a live link.

(2) Where a direction provides for the witness to give evidence by means of a live link, the witness may not give evidence in any other way without the permission of the court.

(3) The court may give permission for the purposes of subsection (2) if it appears to the court to be in the interests of justice to do so

- (a) on an application by a party to the proceedings, if there has been a material change of circumstances since the relevant time; or
- (b) of its own motion.

Evidence in private

17.(1) A special measures direction may provide for the exclusion from the court of persons of any description specified in the direction while the witness is giving evidence.

(2) The persons referred to in subsection (1) do not include

- (a) the defendant;
- (b) legal representatives acting in the proceedings; and
- (c) any interpreter or other person appointed, in pursuance of the direction or otherwise, to assist the witness.

Video recorded evidence

18.(1) A special measures direction may provide for a video recording of an interview of the witness to be admitted as evidence in chief.

(2) Notwithstanding subsection (1), a special measures direction may not provide for a video recording, or a part of a recording if the court is of the opinion, having regard to all the circumstances of the case, that in the interests of justice the recording, or that part of it, should not be admitted.

(3) In considering for the purposes of subsection (2) whether any part of a recording should not be admitted under this section, the court shall consider whether any prejudice to the defendant which might result from that part being

so admitted is outweighed by the desirability of showing the whole, or substantially the whole, of the recorded interview.

(4) Where a special measures direction provides for a recording to be admitted under this section, the court may direct that it is not to be admitted if

- (a) it appears to the court that
 - (i) the witness will not be available for cross examination, whether conducted in the ordinary way or in accordance with any direction; and
 - (ii) the parties to the proceedings have not agreed that there is no need for the witness to be so available; or
- (b) any rules of court requiring disclosure of the circumstances in which the recording was made have not been complied with to the satisfaction of the court.

(5) Where a recording is admitted under this section

- (a) the witness must be called by the party tendering the recording in evidence, unless
 - (i) a special measures direction provides for the evidence of the witness on cross-examination to be given otherwise than by testimony in the court; or
 - (ii) the parties to the proceedings have agreed that there is no need for the witness to be available for cross examination; and
- (b) the witness may not give evidence in chief otherwise than by means of the recording
 - (i) as to any matter which, in the opinion of the court, has been dealt with adequately in the recorded testimony of the witness; or
 - (ii) without the permission of the court, as to any other matter which, in the opinion of the court, is dealt with in that testimony.

(6) Where in accordance with subsection (2) a special measures direction provides for part only of a recording to be admitted under this section, references in subsections (4) and (5) to the recording or to the recorded testimony of the witness are references to the part of the recording or testimony which is to be so admitted.

(7) The court may give permission for the purposes of subsection (5)(b)(ii) if it appears to the court to be in the interests of justice to do so, and may do so

(a) on an application by a party to the proceedings, if there has been a material change of circumstances since the relevant time; or

(b) of its own motion.

(8) The court may, in giving permission for the purposes of subsection (5)(b)(ii), direct that the evidence given by the witness be by means of a live link.

Video recorded cross-examination or re-examination

19. Where a special measures direction provides for a video recording made under section 18 to be admitted as evidence in chief of the witness, the direction may provide

(a) for any cross-examination of the witness and any re-examination, to be recorded by means of a video recording; and

(b) for such a recording to be admitted, so far as it relates to any such cross-examination or re-examination, as evidence of the witness under cross-examination or on re-examination, as the case may be.

Examination of witness through intermediary

20.(1) A special measures direction may provide for any examination of the witness, however and wherever conducted, to be conducted through an intermediary approved by the court for the purposes of this section.

- (2) The function of an intermediary is to
 - (a) communicate
 - (i) to the witness, questions put to the witness; and
 - (ii) to any person asking the questions, the answers given by the witness in reply to such questions; and
 - (b) explain such questions or answers so far as necessary to enable them to be understood by the witness or person in question.
- (3) Any examination of the witness under subsection (1) shall take place in the presence of such persons as rules of court or the direction may provide, but in circumstances in which
 - (a) the magistrate or judge and legal representatives acting in the proceedings are able to see and hear the examination of the witness and to communicate with the intermediary; and
 - (b) except in the case of a video recorded examination, the jurors, if there is a jury, are able to see and hear the examination of the witness.
- (4) Where two or more legal representatives are acting for a party to the proceedings, subsection (3)(a) is to be regarded as satisfied in relation to those representatives if at all material times it is satisfied in relation to at least one of them.
- (5) A person shall not act as an intermediary in a particular case except after making a declaration, in the form prescribed, that the person will faithfully perform the person's function as intermediary.
- (6) Subsection (1) does not apply to an interview of the witness which is recorded by means of a video recording with a view to its admission as evidence in chief of the witness; but a special measures direction may provide for such a

recording to be admitted under section 18 if the interview was conducted through an intermediary and

- (a) that person complied with subsection (5) before the interview began; and
- (b) the court's approval for the purposes of this section is given before the direction is given.

(7) For the purposes of this Act "intermediary" means an interpreter, or such other person appointed by the court from among the persons or the category or class of persons specified by the Minister by order.

Aids to communication

21. A special measures direction may provide for the witness, while giving evidence, whether by testimony in court or otherwise, to be provided with such device as the court considers appropriate with a view to enabling questions or answers to be communicated to or by the witness despite any disability or disorder or other impairment which the witness has or suffers from.

Status of evidence

22.(1) Subsections (2) to (4) apply to a statement made by a witness in proceedings under this Act which, in accordance with a special measures direction, is not made by the witness in direct oral testimony in court, but forms part of the evidence of the witness in the proceedings.

(2) The statement must be treated as if made by the witness in direct oral testimony in court and the statement is

- (a) admissible evidence of any fact of which such testimony from the witness would be admissible; and
- (b) not capable of corroborating any other evidence given by the witness.

(3) Subsection (2) applies to a statement admitted under section 20 or which is not made by the witness on oath even though it would have been required to be made on oath if made by the witness in direct oral testimony in court.

(4) In estimating the weight, if any, to be attached to the statement, the court must have regard to all the circumstances from which an inference can reasonably be drawn, as to the accuracy of the statement or otherwise.

(5) In this section "statement" includes any representation of fact, whether made in words or otherwise.

Warning to jury on special measures direction

23. Where on a trial evidence has been given in accordance with a special measures direction, the judge may give the jury such warning, if any, as the judge considers necessary to ensure that the fact that the direction was given in relation to the witness does not prejudice the defendant.

Evidence from outside Barbados

24.(1) The court may permit evidence to be given by means of technology, such as live link, that permits the virtual presence of the witness before the court and the parties to the proceedings to hear, examine and cross-examine the witness if the witness is outside Barbados.

(2) Evidence given under subsection (1) shall be given as though the witness was physically present before the court and the law relating to contempt of court with respect to a refusal to answer a question or to produce a document applies to such evidence.

Direction prohibiting defendant from cross-examining particular witness

25.(1) The prosecutor may make an application in the form set out as Form 5 in the *Schedule* for the court to give a direction under this section in relation to a witness.

- (2) The court may of its own motion raise the issue whether such a direction should be given.
- (3) If it appears to the court
 - (a) that the quality of evidence given by a witness on cross-examination
 - (i) is likely to be diminished if the cross-examination or further cross-examination is conducted by the defendant in person; and
 - (ii) would be likely to be improved if a direction were given under this section; and
 - (b) that it would not be contrary to the interests of justice to give such a direction, the court may give a direction prohibiting the defendant from cross-examining, or further cross-examining the witness in person.
- (4) In determining whether subsection (3)(a) applies in the case of a witness the court shall have regard to
 - (a) any views expressed by the witness as to whether, the witness is content to be cross-examined by the defendant in person;
 - (b) the nature of the questions likely to be asked, having regard to the issues in the proceedings and the defence case advanced so far, if any;
 - (c) any behaviour on the part of the defendant at any stage of the proceedings, both generally and in relation to the witness; and
 - (d) any relationship, of whatever nature, between the witness and the defendant.
- (5) A direction under this section has binding effect from the time it is made until the witness to whom the direction applies is discharged.

- (6) The court may discharge a direction if it appears to the court to be in the interests of justice,
- (a) on an application made in the form set out as Form 6 in the *Schedule* by a party to the proceedings, if there has been a material change of circumstances since the relevant time; or
 - (b) of its own motion.
- (7) The court shall state in open court its reasons for
- (a) granting an application;
 - (b) refusing an application; or
 - (c) discharging an application.
- (8) The Rules Committee may make rules for
- (a) uncontested applications to be determined by the court without a hearing;
 - (b) preventing the renewal of an unsuccessful application for a direction except where there has been a material change of circumstances;
 - (c) expert evidence to be given in connection with an application for, or for discharging a direction; and
 - (d) the manner in which confidential or sensitive information is to be treated in connection with such an application and in particular as to its being disclosed to, or withheld from, a party to the proceedings.
- (9) For the purposes of this section "witness" in relation to a defendant, does not include any other person who is charged with a crime in the proceedings.

Defence representation for purposes of cross-examination

26.(1) This section applies where a defendant is prevented from cross-examining a witness in person under section 25.

- (2) Where it appears to the court that this section applies, the court shall
 - (a) invite the defendant to arrange for a legal representative to act for the defendant for the purposes of cross-examining the witness; and
 - (b) require the defendant to notify the court, by the end of such period as it may specify, whether a legal representative is to act for the defendant for that purpose.
- (3) If by the end of the period mentioned under subsection (2)(b)
 - (a) the defendant has notified the court that no legal representative is to act for him for the purpose of cross-examining the witness; or
 - (b) no notification has been received by the court and it appears to the court that no legal representative is to so act,

the court shall consider whether it is necessary in the interests of justice for the witness to be further cross-examined by a legal representative appointed to represent the interests of the defendant.
- (4) Where the court is satisfied that it is in the interests of justice for the witness to be further cross-examined, the court shall direct that a legal representative be appointed by the Community Legal Services Commission to cross-examine the witness.
- (5) The Rules Committee may make rules
 - (a) as to the time when, and the manner in which, subsection (2) is to be complied with;
 - (b) in connection with the appointment of a legal representative under subsection (4), and in particular, for ensuring that the person so appointed is provided with evidence or other material relating to the proceedings.

Warning to jury on prohibition from cross-examining witness

27. Where on a trial a defendant is prevented from cross-examining a witness in person under section 25, the judge shall give the jury such warning, if any, as the judge considers necessary to ensure that the defendant is not prejudiced

- (a) by any inferences that might be drawn from the fact that the defendant has been prevented from cross-examining the witness in person;
- (b) where the witness has been cross-examined by a legal representative appointed under section 26(4), by the fact that the cross-examination was carried out by such a legal representative.

PART IV

MISCELLANEOUS

Regulations

28. The Minister may make regulations generally to give effect to this Act.

Commencement

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

SCHEDULE

(Sections 5, 7, 9, 13 and 25)



Criminal Proceedings (Witness Anonymity) Act, 2025
(Act 2025-)

(Sections 5(1))

FORM 1

No.

IN THE SUPREME COURT OF JUDICATURE/

MAGISTRATE'S COURT

BETWEEN:

Complainant

v.

Defendant

Application for witness anonymity order

Application is made that a witness anonymity order be made for the measures set out below
(select as appropriate):

- ☐ Name and other identifying details of the witness be withheld and removed from materials disclosed to any party to the proceedings;
- ☐ Witness use a pseudonym;
- ☐ Witness be not asked questions of (specify description of questions) that may lead to the identification of the witness;

Schedule - (Cont'd)

- ☐ Witness be screened to (specify extent);
- ☐ Voice of the witness be subject to modulation to [specify extent];

in order to protect the safety of the witness _____
(Name of Witness)

or _____ or to prevent any serious damage to property or to
(Name of another person)

prevent real harm to the public interest, whether affecting the carrying on of any activities in the public interest or the safety of an involved person in carrying on such activities, or otherwise; and having regard to all the circumstances, the taking of the measures above would be consistent with the defendant receiving a fair trial; and it is necessary to make the order in the interests of justice by reason of the fact that it appears to the court that

- (a) it is important that the witness should testify; and
- (b) the witness would not testify if the order was not made.

(Signature)
 Complainant/
 Defendant

Sworn this day ____ day of _____, 20 ____.

(Signature)
 Justice of the Peace
 Attorney-at-law

Schedule - (Cont'd)

(Section 7(3))



Criminal Proceedings (Witness Anonymity) Act, 2025
(Act 2025-)

FORM 2

No.

IN THE SUPREME COURT OF JUDICATURE/

MAGISTRATE'S COURT

BETWEEN:

Complainant

v.

Defendant

Witness Anonymity Order

Whereas I am satisfied by an application of _____, that in order to protect
(Name of prosecutor or defendant)

the safety of the witness _____ or _____
(Name of witness) (Name of another person)

or to prevent any serious damage to property or to prevent real harm to the public interest, whether affecting the carrying on of any activities in the public interest or the safety of an involved person in carrying on such activities, or otherwise; and having regard to all the circumstances, the taking of the measures set out below would be consistent with the defendant receiving a fair trial;

Schedule - (Cont'd)

and

it is necessary to make the order in the interests of justice by reason of the fact that it appears to the court that

- (a) it is important that the witness should testify; and
- (b) the witness would not testify if the order was not made.

It is hereby ordered that the following measures (*select boxes as appropriate*) are used:

- ☐ Name and other identifying details of the witness are withheld and removed from materials disclosed to any party to the proceedings;
- ☐ Witness use a pseudonym;
- ☐ Witness be not asked questions of (specify description of questions) that might lead to the identification of the witness;
- ☐ Witness be screened to (specify extent);
- ☐ Voice of the witness be subject to modulation to (specify extent).

Dated this day ____ day of _____, 20 ____.

(Signature)
Magistrate/Judge

Schedule - (Cont'd)

(Section 9(2))



Criminal Proceedings (Witness Anonymity) Act, 2025
(Act 2025-)

FORM 3

No.

IN THE SUPREME COURT OF JUDICATURE/

MAGISTRATE'S COURT

BETWEEN:

Complainant

v.

Defendant

Application to discharge Witness Anonymity Order

Application is made that the Witness Anonymity Order made in these proceedings on the ____ day of _____, 20 ____ be varied or further varied or discharged because of a material change of circumstances [since the time when the Witness Anonymity Order was made] or [if a previous application had been made, the time when the application was made or the last application was made].

Schedule - (Cont'd)

State particulars of material change:_____

Tick measure(s) to be varied or discharged:

- ☐ Name and other identifying details of the witness be withheld and removed from materials disclosed to any party to the proceedings;
- ☐ Witness use a pseudonym;
- ☐ Witness be not asked questions of (specify description of questions) that might lead to the identification of the witness;
- ☐ Witness be screened to (specify extent);
- ☐ Voice of the witness be subject to modulation to (specify extent).

(Signature)
Complainant

Sworn this day____day of_____, 20____.

(Signature)
Justice of the Peace
Attorney-at-law

Schedule - (Cont'd)

(Section 13(8))



Criminal Proceedings (Witness Anonymity) Act, 2025
(Act 2025-)

FORM 4

No.

IN THE SUPREME COURT OF JUDICATURE/

MAGISTRATE'S COURT

BETWEEN:

Complainant

v.

Defendant

Application for a Special Measures Direction

1. Application is made that the witness _____ is eligible for
(Name of witness and date of birth)
assistance because of fear or distress, (give details and explain why the quality of the
evidence for the witness is likely to be diminished because of that).

Schedule - (Cont'd)

2. Explain why special measures would be likely to improve the quality of the evidence of the witness.

3. Which measure(s) would be likely to maximize so far as practicable the quality of the evidence of the witness? *(select boxes as appropriate)*

- | | |
|--|--------------------------|
| (a) Evidence by live link | ☐ |
| (b) Evidence in private | ☐ |
| (c) Video recorded evidence | ☐ |
| (d) Video recorded cross-examination or re-examination | ☐ |
| (e) Intermediary | ☐ |
| (f) Aids to communication | ☐ |

4. **Evidence by live link** (complete if special measures direction is for evidence by live link)

- (a) Do you want the witness to give evidence:

Using the court's own live link? ☐ or

From somewhere else? ☐

(select box as appropriate)

- (b) Explain why you want the witness to give evidence from somewhere else. Give the address from which you propose the witness should give evidence, unless you want the court to direct that the address need not be revealed.

Schedule - (Cont'd)

5. Who do you propose should accompany the witness while he or she gives evidence? Give that person's name, if known, and relationship to the witness (if any).

6. Why would that person be an appropriate companion for the witness? Include the witness' own views.

7. **Evidence in private** (complete if special measures direction is for evidence in private).

Explain on what grounds you want the witness to give evidence in private.

8. **Video recorded interview as evidence in chief** (complete, as appropriate, if special measures direction is for video recorded interview as evidence in chief)

(a) Date of the interview? _____
(dd/mm/yyyy)

(b) Was the interview conducted through an intermediary? Will the interview be conducted through an intermediary? ☐ No ☐ Yes

If "yes", complete.

Schedule - (Cont'd)

- (c) Was any aid to communication used in conducting the interview? Will any aid to communication be used in conducting the interview? ☐ No ☐ Yes

If "yes", give details:

- (d) How long is the full version of the recording?
(hours/minutes)

- (e) Has an edited version been prepared for use in evidence? ☐ No ☐ Yes

- (f) When did you serve:

(i) the full version?
(dd/mm/yyyy)

(ii) the edited version (if any)?
(dd/mm/yyyy)

- (g) Do you want the court's permission for the witness to give evidence in chief otherwise than by means of the recording? ☐ No ☐ Yes

If "yes", explain why:

*Schedule - (Cont'd)***9. Intermediary** (complete if special measures direction is for intermediary)

- (a) Describe the witness' communication needs, and the proposed arrangements for questioning the witness. Attach any relevant report, including an intermediary's assessment if available. 'Ground rules' for questioning must be discussed between the court, the advocates and the intermediary before the witness gives evidence, to establish

- (i) how questions should be put to help the witness understand them; and
- (ii) how the proposed intermediary will alert the court if the witness has not understood, or needs a break.

- (b) Give the proposed intermediary's (a) name and (b) (if relevant) occupation, skills and professional qualifications.

(Name)

(Occupation)

(Skills)

(Professional qualifications)

(Professional qualifications)

- (c) Is the intermediary known, or related, to the witness? ☐ No ☐ Yes

If "yes", give details: _____

- (d) Has the intermediary been used in any other part of the investigation or pre-trial preparation? ☐ No ☐ Yes

If "yes", give details: _____

Schedule - (Cont'd)

(e) Where a video recorded interview was conducted through an intermediary:

(i) was that intermediary the person named above? ☐ No ☐ Yes

(ii) did that intermediary make a declaration? ☐ No ☐ Yes

(10) Aids to communication (complete if special measures direction is for aids to communication)

What device is proposed as a communication aid? _____

Will the use of this device affect the conduct of the trial? ☐ No ☐ Yes

If "yes", give details: _____

A special measures direction is applied for.

Dated this day _____ day of _____, 20____.

(Signature)
*Prosecutor or defendant/
 defendant's Legal representative*

Schedule - (Cont'd)

(Section 25(1))



Criminal Proceedings (Witness Anonymity) Act, 2025
(Act 2025-)

FORM 5

No.

IN THE SUPREME COURT OF JUDICATURE/

MAGISTRATE'S COURT

BETWEEN:

Complainant

v.

Defendant

**Application for direction prohibiting defendant from
cross-examining particular witness**

Application is made for a direction prohibiting the defendant from cross-examining the
witness _____ because the quality of evidence given by the said
(Name of witness)

witness on cross-examination is likely to be diminished if cross-examination, or further cross-
examination is conducted by the defendant in person and would be likely to be improved if a
direction were given and that it would not be contrary to the interests of justice to give the
direction.

(Signature)
Complainant

Sworn this day ____ day of _____, 20 ____.

(Signature)
Justice of the Peace
Attorney-at-law

Schedule - (Concl'd)

(Section 25(6)(a))



Criminal Proceedings (Witness Anonymity) Act, 2025
(Act 2025-)

FORM 6

No.

IN THE SUPREME COURT OF JUDICATURE/

MAGISTRATE'S COURT

BETWEEN:

Complainant

v.

Defendant

Application to discharge direction

Application is made for the variation or discharge of the direction prohibiting the defendant from cross-examining the witness _____ because of, [a material change
(Name of witness)
of circumstances since the time when the direction prohibiting the defendant from cross-examining the witness was given] or [if a previous application had been made, the time when the application or the last application was made].

(Signature)
Complainant

Sworn this day _____ day of _____, 20 ____.

(Signature)
Justice of the Peace
Attorney-at-law

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2025.

President

POLICE (AMENDMENT) ACT, 2025

OBJECTS AND REASONS

This Bill would amend the *Police Act*, Cap. 167 to

- (a) provide for special constables to become public officers and to allow for them to enlist in the Police Service in certain additional circumstances;
- (b) bring the language of the Act into conformity with the *Constitution*;
- (c) provide for matters related to paragraph (a) and (b).

POLICE (AMENDMENT) ACT, 2025

Arrangement of Sections

1. Short title
2. Repeal and replacement of long title
3. Amendment of section 2 of Cap. 167
4. Repeal and replacement of section 3 of Cap. 167
5. Repeal and replacement of section 5 of Cap. 167
6. Repeal and replacement of section 6 of Cap. 167
7. Repeal and replacement of section 8 of Cap. 167
8. Amendment of section 14 of Cap. 167
9. Repeal and replacement of section 15 of Cap. 167
10. Repeal and replacement of section 16 of Cap. 167
11. Repeal and replacement of section 22 of Cap. 167
12. Amendment of section 24 of Cap. 167
13. Repeal and replacement of section 27 of Cap. 167
14. Amendment of section 28 of Cap. 167

15. Repeal and replacement of section 29 of Cap. 167
16. Repeal and replacement of section 31 of Cap. 167
17. Repeal and replacement of section 32 of Cap. 167
18. Repeal and replacement of section 34 of Cap. 167
19. Repeal and replacement of section 38 of Cap. 167
20. Repeal of section 44 of Cap. 167
21. Repeal and replacement of section 46 of Cap. 167
22. Repeal of sections 47 and 48 of Cap. 167
23. Repeal and replacement of section 49 of Cap. 167
24. Repeal and replacement of PART XI of Cap. 167
25. Repeal and replacement of PART XII of Cap. 167
26. Insertion of new section 79A
27. Repeal and replacement of section 80 of Cap. 167
28. Repeal and replacement of section 81 of Cap. 167
29. Repeal and replacement of *Schedule* to Cap. 167
30. Amendment of Cap. 167
31. Consequential amendments
32. Revocation

FIRST SCHEDULE

Forms

SECOND SCHEDULE

Consequential Amendments

BARBADOS

A Bill entitled

An Act to amend the *Police Act*, Cap. 167 to

- (a) provide for special constables to become public officers and to allow for them to enlist in the Police Service in certain additional circumstances;
- (b) bring the language of the Act into conformity with the *Constitution*;
- (c) provide for matters related to paragraph (a) and (b).

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Police (Amendment) Act, 2025*.

Repeal and replacement of long title

2. *The long title to the Police Act, Cap. 167, in this Act referred to as the principal Act, is deleted and the following substituted:*

“An Act to provide for the Barbados Police Service.”.

Amendment of section 2 of Cap. 167

3. *Section 2 of the principal Act is amended*
- (a) *in the definition of “constable”, by deleting the words “Police Force” and substituting the words “Police Service”;*
 - (b) *by deleting the definition of “the Force”;*
 - (c) *by inserting in alphabetical order, the following definition:*

“ “Police Service” or “Service” means the Barbados Police Service established under section 3;”;
 - (d) *by deleting the definition of “regulations” and substituting the following:*

“ “regulations” means regulations made or deemed to be made under this Act;”;
 - (e) *in the definition of “Special Constabulary”, by deleting the words “Force of”; and*

- (f) *in the definition of “subordinate police officer”, by deleting the words “Police Force” and substituting the words “Police Service”.*

Repeal and replacement of section 3 of Cap. 167

4. *Section 3 of the principal Act is deleted and the following substituted:*

“Designation of the Service

3. The Royal Barbados Police Force established in and for Barbados shall continue to be maintained under this Act as the Barbados Police Service.”.

Repeal and replacement of section 5 of Cap. 167

5. *Section 5 of the principal Act is deleted and the following substituted:*

“Employment of Service on military duties

5.(1) In the event of war or in the case of actual or apprehended invasion of Barbados, the President may, by proclamation, direct that the Service, or any part of the Service, shall be employed on military duties in defence of Barbados, and such Service or part thereof shall be liable to be so employed from the date specified in the proclamation until such date as the President may by a like proclamation direct.

(2) The provisions of the *Defence Act*, Cap. 159 relating to discipline apply to every member of the Service who is employed on military duties, except that upon the trial of such a member the sentence of a court-martial shall not be executed unless confirmed by the President.

- (3) Members of the Service who are employed on military duties shall, in addition to their police ranks under this Act, hold such military ranks as may be determined by regulations made by the President.
- (4) Subject to subsection (2), the President may make regulations
 - (a) for the control, administration and equipment of the Service;
 - (b) the part of the Service of the service employed on military duties; and
 - (c) generally for giving effect to this section.
- (5) Subject to subsection (2) and to regulations made under subsection (4), members of the Service who are employed on military duties shall continue to be subject to this Act.”.

Repeal and replacement of section 6 of Cap. 167

6. *Section 6 of the principal Act is deleted and the following substituted:*

“Composition of the Service

6.(1) The Service shall consist of a Commissioner and such number of Deputy Commissioners, Assistant Commissioners, Superintendents, subordinate police officers and constables respectively as does not exceed the number provided by any order made under section 13(1) of the *Public Service Act*,, Cap. 29.

(2) The members of the Royal Barbados Police Force shall continue to be members of the Service in accordance with their respective offices.”.

Repeal and replacement of section 8 of Cap. 167

7. *Section 8 of the principal Act is deleted and the following substituted:*

“Duties of Commissioner

8. The Commissioner of Police shall have the command and superintendence of the Service, and shall be responsible to the President for the efficient administration and government of the Service and for the proper expenditure of all public moneys appropriated for the purposes of the Service.”.

Amendment of section 14 of Cap. 167

8. *Section 14 of the principal Act is amended by deleting subsection (2) and substituting the following:*

“(2) Such oath shall be taken by the Commissioner and Deputy Commissioners before the President and by every other member of the Service before the Commissioner or a Justice of the Peace.”.

Repeal and replacement of section 15 of Cap. 167

9. *Section 15 of the principal Act is deleted and the following substituted:*

“Status of members of the Service

15. Every person who serves in the Police Service shall be deemed a member of the Service, and shall have and enjoy all the rights,

powers, authorities, privileges and immunities conferred on a member of the Service by law.”.

Repeal and replacement of section 16 of Cap. 167

10. *Section 16 of the principal Act is deleted and the following substituted:*

“Every member of the Service to have same rights, powers, duties etc. as a constable

16. Every member of the Service shall have all such rights, powers, authorities, privileges and immunities, and be liable to all such duties and responsibilities, as any constable duly appointed now has or is subject to by common law or under any enactment.”.

Repeal and replacement of section 22 of Cap. 167

11. *Section 22 of the principal Act is deleted and the following substituted:*

“Additional duties and powers of the Service in relation to maintenance of public order, etc.

23.(1) The Service shall control and regulate

(a) in accordance with regulations made under section 23, the movement of persons and vessels in Carlisle Bay or in any port or harbour of Barbados; and

(b) traffic on all highways and in public places.

(2) Every member of the Service is hereby required to disperse all mobs in public places and any member of the Service may arrest without

a warrant any person being in any such mob who refuses to disperse on being required so to do.

(3) Without prejudice to any other power conferred upon a member of the Service by this or any other enactment, a member of the Service may order any person in a public place to move on and keep on moving; and a person who without lawful excuse failing to obey any such order.

(4) A person who contravenes subsections (2) or (3) is guilty of offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for one year or to both. ”.

Amendment of section 24 of Cap. 167

12. *Section 24 of the principal Act is amended by inserting after subsection (2), the following:*

“(3) Notwithstanding subsection (2)(a)(b),(d) and (e), the Commissioner may enlist a person into the Service who possesses such special skills which are required by the Service to enhance its operations.”.

Repeal and replacement of section 27 of Cap. 167

13. *Section 27 is deleted and the following is substituted:*

“Members of the Service on resignation, etc., to deliver up all articles supplied

27.(1) Unless specially authorized to do so by regulations, no member of the Service is entitled to keep or use for his own private use or benefit any article whatsoever supplied to him at the public expense,

but he shall hold every such article at the order and disposal of the Minister.

(2) Every member of the Service who is dismissed or who resigns from or otherwise leaves the Service shall immediately deliver up to the Commissioner or the person authorized by regulations for that purpose all articles which have been supplied to him at the public expense and which he has not been expressly authorized to keep or use for his private benefit.

(3) Every person who contravenes subsection (2) is liable, on summary conviction, to a fine of \$10 000 or imprisonment for one year or to both.

(4) A Justice of the Peace may issue a warrant to search for and seize all articles referred to in subsection (2) which are required by this section to be, and are not, so delivered up, wherever the same may be found, and to arrest the person in whose possession they are found.”.

Amendment of section 28 of Cap. 167

14. *Section 28 of the principal Act is amended*

(a) *in subsections (1) to (4), by deleting the word “Force” wherever it appears and substituting the word “Service”; and*

(b) *by deleting subsection (5) and substituting the following:*

“(5) The President may dismiss from the Police Service or dispense with the services of any Inspector, subordinate police officer or constable who may be considered unfit for further service in the Police Service.”.

Repeal and replacement of section 29 of Cap. 167

15. *Section 29 is repealed and the following is substituted:*

“Subordinate police officer or constable absenting himself from duty or resigning, etc.

29.(1) Every subordinate police officer or constable, as the case may be, who

- (a) absents himself from roll call and from duty for the space of 48 hours without lawful excuse; or
- (b) while serving on probation in the Service, resigns from or leaves the Service without the permission of the President; or
- (c) resigns from or leaves the Service at any time without the permission of the President or without giving a valid notice of his intention to resign from or leave the Service; or
- (d) resigns from or leaves the Service before the expiration of 3 months from the date when he has given valid notice of his intention to resign from or leave the Service,

shall be deemed to have illegally resigned from or left the Service and is liable, on summary conviction to a fine of \$10 000 or imprisonment for one year or to both.

(2) It shall be sufficient in any charge or complaint for an offence under this section to state that the person proceeded against did illegally resign from or leave the Service, and the onus of proving that any resignation or withdrawal was with the permission of the President or that a valid notice was given shall be on the person proceeded against. ”.

Repeal and replacement of section 31 of Cap. 167

16. *Section 31 is repealed and the following is substituted:*

“Penalty for aiding illegal resignation, etc.

- 31.** A person who
- (a) knowingly aids or assists any member of the Service illegally to resign from or leave the Service;
 - (b) knowingly conceals any member of the Service who has illegally resigned from or left the Service; or
 - (c) knowing that any member of the Service has illegally resigned from or left the Service, aids him to leave Barbados,
- is guilty of an offence and liable, on summary conviction, to a fine of \$10 000 or imprisonment for one year or to both.”.

Repeal and replacement of section 32 of Cap. 167

- 17.** *Section 32 is repealed and the following is substituted:*

“Punishment for serious offences

- 32.(1)** A member of the Service who
- (a) begins, raises, abets, countenances or incites mutiny, or causes or joins in any seditious disturbance amongst the members of the Service; or
 - (b) having knowledge of any actual or intended mutiny, rebellion or insurrection, does not without delay give such information to a gazetted police officer or to a Justice of the Peace,
- is guilty of an offence punishable on conviction on indictment to a fine of \$50 000 or imprisonment for 3 years or to both.

- (2) A member of the Service who
- (a) being present at any unlawful assembly does not use his utmost endeavour to suppress the assembly;
 - (b) assaults a Justice of the Peace or any other member of the Service;
 - (c) without lawful excuse draws or lifts, or offers to draw or lift, any weapon or offers any violence against any Justice of the Peace or other member of the Service;
 - (d) wilfully permits the escape of a prisoner;
 - (e) uses unnecessary violence to or abuses any prisoner; or
 - (f) pawns, sells, makes away with or wilfully spoils or damages his arms, accoutrements, clothing or any public property,
- is guilty of an offence and liable, on summary conviction, to a fine of \$20 000 or to imprisonment for 2 years or to both.”.

Repeal and replacement of section 34 of Cap. 167

18. *Section 34 of the principal Act is deleted and the following is substituted:*

“Penalties for breach of Disciplinary Code

36.(1) Subject to section 97 of the *Constitution*, the penalties that may be imposed

- (a) by the Commissioner for breach of the Disciplinary Code are:
 - (i) a fine of \$10 000;
 - (ii) stopping of leave at the Commissioner's discretion;
 - (iii) reprimand or severe reprimand;

- (iv) suspension, deferment or withholding of an increment;
or
- (v) punishment drill for a number of days not exceeding 14;
- (b) by any other officer to whom power to discipline has been delegated are:
 - (i) stopping of leave at the discretion of the officer;
 - (ii) punishment drill for any number of days not exceeding 7; or
 - (iii) reprimand or severe reprimand.
- (2) No advance in pay except an additional or special increment that is subject to good character or conduct shall be deferred, suspended or withheld by reason only of the imposition of a fine.
- (3) A fine shall not be imposed for the offence specified in paragraph (q) of the "Disciplinary Code".

Repeal and replacement of section 38 of Cap. 167

19. *Section 38 of the principal Act is deleted and the following is substituted:*

“Offences in ports and harbours

38.(1) Any person who, in Carlisle Bay or in any port or harbour of Barbados,

- (a) boards, holds or clings on to any vessel without the permission of the master;
- (b) makes use of any obscene, indecent, profane or insulting language; or

(c) makes or causes to be made any disturbance,
is guilty of an offence and liable on summary conviction to a fine of \$10 000 or to imprisonment for one year or to both.

(2) A member of the Service may, without a warrant, arrest any person who in his presence commits an offence under this section.”.

Repeal of section 44 of Cap. 167

20. *Section 44 of the principal Act is repealed.*

Repeal and replacement of section 46 of Cap. 167

21. *Section 46 of the principal Act is deleted and the following is substituted:*

“Rules of Police Association

46. The Commissioner acting after consultation with the Police Association may, with the approval of the President, make rules for the constitution and management of the Police Association and for any related matters. ”.

Repeal of sections 47 and 48 of Cap. 167

22. *Sections 47 and 48 of the principal Act are repealed.*

Repeal and replacement of section 49 of Cap. 167

23. *Section 49 of the principal Act is deleted and the following is substituted:*

“Members of Service not to engage in trade or business

49.(1) A member of the Service shall not engage in any private business or trade without the consent of the President.

(2) The consent referred to in subsection (1) shall be in writing and signed by the Commissioner. ”.

Repeal and replacement of PART XI of Cap. 167

24. *Part XI of the principal Act is deleted and the following substituted:*

“PART XI

OFFENCES

Assaulting members of the Service

62.(1) Any person who

- (a) assaults, obstructs or resists; or
- (b) uses any abusive or insulting language to; or
- (c) aids or incites any person to assault, obstruct or resist,

a member of the Service in the execution of his duty or any person acting in aid of any such member of the Service is guilty of an offence and liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both, but if the magistrate is of the opinion that the matter is fit for prosecution by indictment he shall commit the offender to stand trial at the High Court.

(2) Any person who

- (a) assaults, obstructs or resists;

- (b) uses any abusive or insulting language to; or
- (c) aids or incites any person to assault, obstruct or resist,

a member of the Service in the execution of his duty under sections 19A and 19B is liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both, but if the magistrate is of the opinion that the matter is a fit subject for prosecution by indictment he shall commit the offender to stand trial at the High Court.

Penalty for improper possession of police arms and clothing

63. Any person who,

- (a) not being a member of the Service, has in his possession any arms, ammunition, accoutrements, appointments or articles of clothing supplied to any member of the Service and cannot satisfactorily account for his possession of them;
- (b) knowingly purchases or obtains, or solicits or entices any member of the Service to sell or dispose of any arms, ammunition, clothing or other articles of public property or any article provided for the vehicles of the Service,

is guilty of an offence.

Personation of members of Service

64. Any person, not being a member of the Service, who puts on or assumes, either in whole or in part, the dress, name, designation or description of any member of the Service or any dress, name or designation resembling and intended to resemble the dress, name or designation of any member of the Service, or in any way pretends to be a member of the Service, for the purpose of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own authority is guilty of an offence

and is liable, on summary conviction, to a fine of \$20 000 or to imprisonment for 2 years or to both.

Penalty on persons causing disaffection

65.(1) A person who

- (a) causes or attempts to cause, or does any act calculated to cause, disaffection among members of the Service; or
- (b) induces or attempts to induce, or does any act calculated to induce, any member of the Service to withhold his services or to commit a breach of discipline

shall if that person is a member of the Service in addition to any penalty imposed under this section, forfeit his pension, gratuity or other allowance for which he may be eligible.

(2) A person who is guilty of an offence under subsection (1) is liable

- (a) on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both; or
- (b) on conviction on indictment to a fine of \$50 000 or to imprisonment for 3 years or to both,

and if that person is a member of the Service he shall in addition to any penalty imposed under this section forfeit his pension, gratuity or other allowance for which he may be eligible.

Harbouring Inspector, subordinate police officer or constable

66.(1) Any person who

- (a) knowingly harbours or entertains or either directly or indirectly sells or gives any intoxicating liquor to any

Inspector, subordinate police officer or constable when on duty; or

- (b) permits any Inspector, subordinate police officer or constable to abide or remain in his house , except in case of extreme urgency, when on duty; or
- (c) by threat or by offer of money, gifts, spirituous liquors or any other thing, induces or endeavours to induce any Inspector, subordinate police officer or constable to commit a breach of his duty as such or to omit any part of such duty,

is guilty of an offence and is liable on summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both.

(2) Where the owner of a still licensed under the *Excise Tax Act, 2015* (Act 2015-32) or the owner or proprietor of any licensed premises as defined in the *Liquor Licences Act, 2021* (Act 2021-8) or any person employed in connection with the business of any such owner or proprietor is convicted of an offence under this section, then, in addition to any penalty which may be imposed under subsection (1), the magistrate may order the forfeiture or suspension of the licence held by any such owner of a still or any such owner or proprietor of any licensed premises.

Perjury on enquiry or trial

67. Any person who, on any enquiry or trial held upon oath under this Act, gives false evidence or takes a false oath is guilty of perjury and is liable on conviction on indictment to be punished according to law.

Refusing to aid member of Service assaulted

68. Any person who, when called upon to aid and assist a member of the Service who, while in the execution of his duty, is assaulted or resisted or in danger of being assaulted or resisted, refuses

or neglects to aid and assist the member of the service is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for one year or to both.

Obtaining admission into Service by fraud

69.(1) A person who, on applying for enlistment, makes any false answer to any question which is put to him by or on behalf of a gazetted police officer is guilty of an offence and is liable, on summary conviction to a fine of \$10 000 or to imprisonment for one year or to both.

(2) A person who,

- (a) on applying for enlistment makes any false answer to any question which is put to him by or on behalf of a gazetted police officer;
- (b) uses or attempts to pass off any forged or false certificate, testimonial, letter or other document for the purpose of obtaining admission into the service,

is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for one year or to both.

(3) A member of the Service may arrest without warrant any person whom he reasonably believes to be guilty of an offence against this section.

General penalty

70. Unless otherwise provided, a person guilty of an offence under this Act is liable on summary conviction to a fine of \$10 000 or to imprisonment for one year or to both. ”.

Repeal and replacement of PART XII of Cap. 167

25. *Part XII of the principal Act is deleted and the following substituted:*

“PART XII

SPECIAL CONSTABLES

Constitution of Barbados Special Constabulary

71. There shall be constituted a permanent Special Constabulary to be known as the Barbados Special Constabulary.

Composition of Special Constabulary

72.(1) The Special Constabulary shall be under the command of the Commissioner and

(a) shall consist of so many special constables as does not exceed the number provided by an order made under section 13(1) of the *Public Service Act*, Cap. 29; and

(b) may be divided into such divisions

as may be prescribed by the Minister.

(2) The members of the Special Constabulary existing prior to the commencement of the *Police (Amendment) Bill, 2025* (Act 2025-) shall continue to be members of the Barbados Special Constabulary constituted under section 71.

Mode of enrolment

73. A special constable shall be enrolled in the prescribed form by the Commissioner or any officer of the Service not below the rank of Superintendent.

Service in the Special Constabulary

74.(1) A special constable shall be a public officer in accordance with the *Public Service Act*, Cap. 29 and his right to pension, gratuity and other allowances shall be calculated in accordance with the *Pensions Act*, Cap. 25.

(2) A special constable may apply for his release during his period of service.

Transition from the Special Constabulary to the Service

75.(1) Notwithstanding section 24, a special constable who has served for 3 years in the special constabulary shall at his request be enlisted in the Service.

(2) The Commissioner shall determine the effective date of enlistment for a special constable who requests to be enlisted in the Service.

(3) The effective date of enlistment referred to in subsection (2) shall be no more than 3 months from the date on which the request for enlistment was made.

(4) Where a special constable is enlisted in the Service his years spent in the Special Constabulary shall not confer any benefit in determining his rank or promotion within the Service.

Oath of office for Special Constabulary

76.(1) Every member of the Special Constabulary shall, on his appointment, take and subscribe the oath set out in Form B of the *Schedule*.

(2) The oath referred to in subsection (1) shall be taken by the Commissioner or a Justice of the Peace.

Powers, authorities, duties, etc. of special constables

77.(1) Every special constable enrolled under this Act shall, while on duty in the capacity of a special constable

(a) have, exercise and enjoy all the powers, authorities, privileges and immunities; and

(b) shall perform all the duties and have all the responsibilities, of a member of the Police Service.

(2) A person who assaults, obstructs, resists or uses any abusive or insulting language to a special constable in the execution of his duty as a special constable is guilty of an offence and is punishable in the same manner that offence in respect of a member of the service is punishable under section 62.

(3) A special constable shall be deemed to be on duty in the capacity of a special constable when he is called out for service by the Commissioner and while he is required to be on duty in accordance with any regulations made under this Act.

Regulations for Special Constabulary

77A.(1) The Minister may make regulations generally for giving effect to this Part and for the following matters:

(a) the organisation of the Special Constabulary;

(b) the establishment of different ranks of the Special Constabulary and the precedence and command to be had or exercised by the holders of such ranks;

(c) the conditions of service, enrolment, promotion, demotion, resignation, dismissal or suspension of members of the Special Constabulary;

(d) the training of special constables;

- (e) the calling out of special constables for service;
- (f) the discipline and guidance of the Special Constabulary;
- (g) the payment of wages and of travelling allowances and out-of-pocket expenses to special constables and the rates at which and conditions upon which such wages or allowances or both shall be paid to different ranks of special constables;
- (h) medical attention and examination of any special constable who sustains injury whilst on special constabulary duty;
- (i) the grant to special constables who are injured in the execution of their duty as special constables of sick benefit and the conditions upon which and the rates at which such benefit shall be payable to special constables of different ranks;
- (j) the grant to special constables, who consequent upon injuries received in the course of their duty as such are permanently incapacitated from following their normal employment or whose earning power in such employment is impaired, of pensions or gratuities and the conditions upon which and the rates at which such pensions or gratuities may be granted to different ranks of special constables;
- (k) the grant, subject to the following conditions and such other conditions as may be prescribed, at such rates as may be prescribed of a pension or gratuity to the widow and children or mother of any special constable who dies as a result of injuries received
 - (i) in the execution of his duty as a special constable;
 - (ii) without his own default; and
 - (iii) on account of circumstances specially attributable to the nature of his duty;

- (l) supplies, accommodation and uniforms of special constables; and
 - (m) controlling the use of transport for the carrying out of special constabulary duties.
- (2) For the purposes of paragraph (k) of subsection (1) the expression "child" includes a posthumous child.
- (3) All regulations made under this Part shall be subject to negative resolution. ”.

Insertion of new section 79A

26.*The principal Act is amended by inserting immediately after section 79 the following:*

“Assistance from the Barbados Defence Force

79A. A member of the Defence Force who is deployed to the Police Service pursuant to the directions given under section 9(2) of the *Defence Act*, Cap. 159, for the purposes of maintaining and securing public order and public safety, shall be granted the powers, authorities, privileges, responsibilities and immunities of a member of the Police Service under section 19 and shall perform the duties thereof for the period specified in the directions.”.

Repeal and replacement of section 80 of Cap. 167

27.*Section 80 of the principal Act is deleted and the following substituted:*

“Special allowances

80.(1) Such special allowances, pay or increments as may be prescribed by regulations made by the Minister shall, in addition to any other pay prescribed under the *Public Service Act*, Cap. 29, be made to members of the Service in respect of such matters as the Minister may determine.

(2) Except as specified in subsection (3), all allowances, pay or increments payable under subsection (1) shall be paid monthly or at shorter intervals as the Minister may determine from moneys voted for the purposes of this Act by Parliament.

(3) Notwithstanding section 26 of the *Public Finance Management Act, 2019* (Act 2019-1) the uniform allowance that is payable to an officer promoted to the Gazetted Rank may be paid as a lump sum.”.

Repeal and replacement of section 81 of Cap. 167

28. *Section 81 of the principal Act is deleted and the following substituted:*

“Exercise of President’s functions

81. The President shall in the exercise of his functions under this Act, except those contained in sections 5, 14, 44 and 46, act in accordance with the advice of the Protective Services Commission.”.

Repeal and replacement of Schedule to Cap. 167

29. *The Schedule to the principal Act is deleted and the Schedule set out in the First Schedule to this Act substituted.*

Amendment of Cap. 167

30. *The principal Act is amended*

- (a) by deleting the words “Police Force” wherever they appear and substituting the words “Police Service”;*
- (b) by deleting the word “Governor-General” wherever it appears and substituting the word “President”;*
- (c) by deleting the word “Crown” wherever it appears and substituting the word “State”; and*
- (d) except in sections 3, 6, 19B(1)(g) and (h), 23(3) and 52(3), by deleting the word “Force” wherever it appears and substituting the word “Service”.*

Consequential amendments

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

Revocation

- 32. *The Constitution (Delegation of Functions-Public and Police Services) (Miscellaneous Provisions) Order, 1974 (S.I. 1974 No. 122) is revoked.***

FIRST SCHEDULE

(Section 29)

Forms

"SCHEDULE

(Section 14)



Police Act
Cap. 167

FORM A

Oath of Office to be taken by members of the Barbados Police Service

I, _____, do swear by Almighty God and do hereby solemnly and sincerely affirm that I will be faithful and bear true allegiance to Barbados, and that I will faithfully serve Barbados during my service in the Barbados Police Service; that I will subject myself to all Acts, orders and regulations relating to the Service now in force or which may from time to time be in force and will discharge all the duties of a police officer according to law, without fear or favour, affection or ill-will.

Sworn
Affirmed before me this _____ day of _____ 20 ____.

President/Commissioner.

First Schedule - (Concl'd)

(Section 76)



Police Act
Cap. 167

FORM B

Oath of Office to be taken by members of the Barbados Special Constabulary

I, _____, do hereby swear by Almighty God and do hereby solemnly and sincerely affirm that I will faithfully serve Barbados as a member of the Barbados Special Constabulary.

_____ Sworn
Affirmed before me this _____ day of _____ 20 ____.

Commissioner. ".

SECOND SCHEDULE*(Section 31)**Consequential Amendments*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Interpretation Act</i> , Cap. 1	1. In section 43 (a) delete the definitions of "Police Force" and "Police Service Commission"; and (b) insert in alphabetical order, the following definitions: " "Police Service" has the meaning assigned to it by section 2 of the <i>Police Act</i>, Cap. 167; "Protective Services Commission" means the Protective Services Commission established by section 91 of the <i>Constitution</i>";. 2. In section 46 (a) in the definition "constable", delete the words "Police Force" and substitute the words "Police Service"; and (b) insert in alphabetical order, the following definition: " "police officer" means a member of the Police Service;".

*Second Schedule - (Cont'd)**Consequential Amendments - (Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Police (Special Constables) (Discipline) Regulations, 2020 (S.I. 2020 No. 47)</i>	1. In regulation 2 (a) delete the definition of "Force"; (b) in the definition of "prosecuting officer", delete the full stop and substitute a semi-colon; and (c) insert, in alphabetical order, the following definition: " "Service" means the Barbados Police Service and the Barbados Special Constabulary.". 2. In regulation 3(3), delete the word "Force" and substitute the words "Special Constabulary". 3. In regulation 5, (a) in the paragraph (1), delete the word "Force" and substitute the word "Service"; and (b) in paragraph (2), (i) delete the word "Force" in the first place where it appears and substitute the words "Special Constabulary"; and (ii) in subparagraphs (b) and (c), delete the word "Force" and substitute the word "Service".

*Second Schedule - (Cont'd)**Consequential Amendments - (Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Police (Special Constables) (Discipline) Regulations, 2020 (S.I. 2020 No. 47) - (Cont'd)</i>	4. In regulation 20(7), delete the word "Governor-General" and substitute the word "President". 5. In regulation 22(2), delete the word "Force" and substitute the word "Service". 6. In the Schedule, (a) in paragraph (a), delete the word "Force" and substitute the word "Service"; (b) delete paragraph (b) and substitute the following: "(b) <i>Misconduct towards another officer</i>: a special constable shall not (i) engage in oppressive or tyrannical conduct towards another member of the Service; (ii) use obscene, abusive or insulting language towards another member of the Service; (iii) wilfully or negligently make any false complaint or statement against another member of the Service; (iv) assault another member of the Service; or (v) improperly withhold any report or allegation made against another member of the Service;"

*Second Schedule - (Cont'd)**Consequential Amendments - (Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Police (Special Constables) (Discipline) Regulations, 2020 (S.I. 2020 No. 47) - (Concl'd)</i>	(c) in paragraph (d)(i), delete the word "Force" and substitute the words "Special Constabulary"; (d) in paragraph (e)(iv), delete the words "Force of the Barbados"; (e) in paragraph (f), (i) delete the word "Force" wherever it appears and substitute the word "Service"; and (ii) in subparagraph (iv), delete the word "Crown" and substitute the word "State"; (f) in paragraph (g), delete the word "Force" and substitute the word "Service"; (g) in paragraph (i), delete the word "Force" and substitute the words "Special Constabulary"; and (h) delete paragraph (p) and substitute the following: "(p) <i>Lending or borrowing or accepting presents:</i> a special constable shall not lend money to any special constable who is superior in rank or to any member of the Police Service or borrow money or accept any present from any special constable who is inferior in rank or from any member of the Police Service;".

*Second Schedule - (Cont'd)**Consequential Amendments - (Cont'd)*

Column 1	Column 2								
<i>Enactments</i>	<i>Amendments</i>								
3. The <i>Constitution Delegation of Functions-Administrative, General and Professional Service, Teaching Service and Protective Services) (Miscellaneous Provisions) Order, 2019</i> (S.I. 2019 No. 43)	In Part I of the <i>Schedule</i> , delete paragraphs 13, 14 and 15 and substitute the following paragraphs:								
"	<table><tr><th>Column 1</th><th>Column 2</th></tr><tr><td>13. Appointments to the post of Constable in the Police Service except the confirmation of the appointment of a Constable who is serving a probationary period under section 25 of the <i>Police Act</i>, Cap. 167.</td><td>Commissioner of Police.</td></tr><tr><td>14. Disciplinary control in respect of persons appointed to or acting in offices in the Police Service below the rank of Inspector.</td><td>Any gazetted police officer, acting in accordance with the <i>Police (Discipline) Regulations, 1998</i> (S.I. 1998 No. 122).</td></tr><tr><td>15. Appointments to a post in the Barbados Special Constabulary.</td><td>Commissioner of Police.</td></tr></table>	Column 1	Column 2	13. Appointments to the post of Constable in the Police Service except the confirmation of the appointment of a Constable who is serving a probationary period under section 25 of the <i>Police Act</i> , Cap. 167.	Commissioner of Police.	14. Disciplinary control in respect of persons appointed to or acting in offices in the Police Service below the rank of Inspector.	Any gazetted police officer, acting in accordance with the <i>Police (Discipline) Regulations, 1998</i> (S.I. 1998 No. 122).	15. Appointments to a post in the Barbados Special Constabulary.	Commissioner of Police.
Column 1	Column 2								
13. Appointments to the post of Constable in the Police Service except the confirmation of the appointment of a Constable who is serving a probationary period under section 25 of the <i>Police Act</i> , Cap. 167.	Commissioner of Police.								
14. Disciplinary control in respect of persons appointed to or acting in offices in the Police Service below the rank of Inspector.	Any gazetted police officer, acting in accordance with the <i>Police (Discipline) Regulations, 1998</i> (S.I. 1998 No. 122).								
15. Appointments to a post in the Barbados Special Constabulary.	Commissioner of Police.								

*Second Schedule - (Concl'd)**Consequential Amendments - (Concl'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. The <i>Constitution Delegation of Functions- Administrative, General and Professional Service, Teaching Service and Protective Services) (Miscellaneous Provisions) Order, 2019</i> (S.I. 2019 No. 43) - (Concl'd)	
16. Disciplinary control in respect of persons appointed to or acting in offices in the Barbados Special Constabulary.	Any gazetted police officer or disciplinary tribunal acting in accordance with the <i>Police (Special Constables) (Discipline) Regulations, 2020</i> (S.I. 2020 No. 47).
17. Appointments to the posts of Senior Traffic Warden and Traffic Warden.	Commissioner of Police.
	"

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2025.

President

INTERCEPTION OF COMMUNICATIONS ACT, 2025

OBJECTS AND REASONS

This Bill would make provision for the interception of communications, the acquisition and disclosure of data relating to communications and the acquisition of the means by which the protected communications may be accessed and placed in an intelligible form and for connected purposes.

INTERCEPTION OF COMMUNICATIONS ACT, 2025

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation
3. Construction
4. Act binds the State

PART II

INTERCEPTION OF COMMUNICATION

5. Prohibition of interception
6. Possession of interception devices
7. Warrant for interception
8. Scope of warrant
9. Duration of warrant
10. Application for a warrant in urgent circumstances
11. Modification of warrants

- 12. Revocation of warrant
- 13. Report on progress
- 14. Final report

PART III

EXECUTION OF INTERCEPTION

- 15. Duties of persons providing assistance or telecommunications services
- 16. Entry on premises for the execution of an interception warrant.
- 17. Confidentiality of intercepted communication
- 18. Order requiring disclosure of protected communication
- 19. Effect of disclosure order
- 20. Admissibility of evidence
- 21. Disclosure of communications data
- 22. Admissibility of communications data
- 23. **Privileged information**
- 24. Destruction of records

PART IV

INDEPENDENT MONITORING COMMISSION

- 25. Establishment of Independent Monitoring Commission

26. Functions and powers of the Commission

27. Disclosure of interests

28. Confidentiality

29. Experts

30. Staff

31. Funds of the Commission

PART V

MISCELLANEOUS

32. Protection of authorised officer

33. Offences

34. Annual Report

35. Regulations

36. Amendment of *Schedules*

37. Commencement

FIRST SCHEDULE

Offences

SECOND SCHEDULE

Independent Monitoring Commission

BARBADOS

A Bill entitled

An Act to make provision for the interception of communications, the acquisition and disclosure of data relating to communications and the acquisition of the means by which the protected communications may be accessed and placed in an intelligible form and for connected purposes.

ENACTED by the Parliament of Barbados in accordance with provisions of section 49 of the *Constitution* as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Interception of Communications Act, 2025*.

Interpretation

2.(1) In this Act,

“authorised officer” means

- (a) the Commissioner of Police;
- (b) the Director General of the Anti-Corruption and Anti-terrorism Agency;

“Commission” or “Independent Monitoring Commission” means the Commission established under section 25;

“disclosure order” means an order under section 18 requiring the disclosure of a protected communication;

“electronic signature” means anything in electronic form which is

- (a) incorporated into, or otherwise logically associated with, any electronic communication or other electronic data;
- (b) generated by the signatory or other source of the communication or data; and
- (c) used for the purpose of facilitating, by means of a link between the signatory or other source and the communication or data, the establishment of the authenticity of the communication or data, the establishment of its integrity, or both;

“intercept”, in relation to a communication, means listening to, monitoring, viewing, reading or recording, by any means, such a communication in its passage over a telecommunications network without the knowledge of the person making or receiving the communication;

“Judge” means the Chief Justice or a Judge assigned by the Chief Justice;

“key” in relation to any protected communication, means any key, code, password, algorithm or other data the use of which (with or without other keys)

(a) allows access to a protected communication; or

(b) facilitates the putting of a protected communication into an intelligible form;

“Minister” means the Minister responsible for interception of communications;

“private communication” means a communication that is transmitted or being transmitted by the sender, to a person intended by the sender to receive it, in circumstances in which it is reasonable for the sender and the intended recipient to expect that the communication will not be intercepted by any person other than the intended recipient, and includes any radio-based telephone communication that is treated electronically or otherwise for the purpose of preventing intelligible reception by any person other than the intended recipient;

“private telecommunications network” means any telecommunications network that, without itself being a public telecommunications network, is a network in relation to which the following conditions are satisfied-

(a) it is attached, directly or indirectly and whether or not for the purposes of the communication in question, to a public telecommunications network; and

(b) there is apparatus comprised in the network which is both located in Barbados and used (with or without other apparatus) for making the attachment to the public telecommunications network;

“protected communication” means any electronic data which, without the key to the communication, cannot, or cannot readily, be accessed or put into an intelligible form;

“public telecommunications network” means a telecommunications network used by any person to provide telecommunications services to the public and includes a network whereby the public can send or receive telecommunications services to or from

(a) anywhere in Barbados;

(b) anywhere outside of Barbados

and includes a network commonly known as a public switched telephone network;

“telecommunications” includes the transmission, emission or reception of signals, writing, pulses, images, sounds or other intelligence of any kind by wire, wireless, optical or electromagnetic spectrum or by way of any other technology;

“telecommunications network” means a system or any part thereof, whether wholly or partly in Barbados or elsewhere, used for the provision of a telecommunications service;

“telecommunications service” means a service provided by means of a telecommunications network to any person for the transmission or reception of communications from, to or within the State without change in the content or form, regardless of the technology used to provide such service;

“terrorism” has the meaning assigned to it by section 3 of the *Anti-Terrorism Act*, Cap. 158.

(2) In this Act, the interests of national security shall be construed as including, but not limited to, the protection of Barbados from threats of espionage, sabotage, terrorism or subversion.

Construction

3.(1) Nothing in this Act shall be construed as being in derogation with section 11(b) and (c) of the *Constitution* to the extent that the provisions of this Act are applied in the interests of national security and law enforcement.

(2) Where there is any conflict between the provisions of this Act and any other enactment, the provisions of this Act shall prevail.

Act binds the State

4. This Act binds the State.

PART II

INTERCEPTION OF COMMUNICATION

Prohibition of interception

5.(1) Except as provided in this section, a person who intentionally intercepts a communication in the course of its transmission by means of a telecommunications network commits an offence and is liable on summary conviction to a fine of \$500 000 dollars or to a term of imprisonment of 7 years or to both.

(2) Notwithstanding any other law, a person does not commit an offence under this section if

- (a) the communication is intercepted in obedience to a warrant issued by a Judge under section 7 or 10;
- (b) the communication is intercepted by an authorised officer
 - (i) in the interest of national security;
 - (ii) for the prevention or detection of an offence set out in the *First Schedule*;

- (iii) for the purpose of safeguarding the economic well-being of the State; or
- (iv) for the purpose of giving effect to the provisions of any international mutual assistance agreement

and any communication so intercepted may be used for the purpose of an application under section 7 or 10, but shall not be admissible as evidence in any criminal proceedings;

- (c) he has reasonable grounds for believing that the person to whom or by whom the communication is transmitted consents to the interception;
- (d) the communication is intercepted as an ordinary incident in the course of employment in the provision of telecommunications services;
- (e) the communication is not a private communication;
- (f) the communication is a stored communication and is acquired in accordance with any other law; or
- (g) the interception is of a communication transmitted by a private telecommunications network and is done by a person who has
 - (i) a right to control the operation or use of the network; or
 - (ii) the express or implied consent of a person referred to in subparagraph (i).

(3) The Court by which a person is convicted of an offence under this section may order that any device used to intercept a communication in the commission of the offence shall be forfeited and disposed of as the Court may think fit.

(4) For the purpose of subsection (1), a communication shall be taken to be in the course of transmission by means of a telecommunications network at any time when the network by means of which the communication is being or has been transmitted is used for storing the communication in a manner that enables the intended recipient to collect it or otherwise have access to it.

Possession of interception devices

6.(1) Subject to subsection (2), a person who possesses, sells, purchases, or manufactures a device or any component thereof, knowing that its design renders it primarily useful for unauthorised interception of private communications, commits an offence and is liable on summary conviction to a fine of \$250 000 dollars or to a term of imprisonment of 5 years or to both.

(2) Subsection (1) does not apply to

- (a) a person in possession of such a device or component under the direction of an authorised officer in order to assist that officer in the course of his duties under this Act;
- (b) a person in possession of such a device or component for the purpose of section 7(2);
- (c) any other person in possession of such a device or component under the authority of a licence issued by the Minister.

(3) A licence issued for the purpose of subsection (2)(c) may contain such terms and conditions relating to the possession, sale, purchase or manufacture of a device or component described in subsection (1) as the Minister may by regulations prescribe.

Warrant for interception

7.(1) An authorised officer may apply *ex parte* to a Judge for a warrant authorising the person named in the warrant

- (a) to intercept such communications as are described in the warrant; and
- (b) to disclose the intercepted communication to such persons and in such manner as may be specified in the warrant.

(2) A Judge shall not issue a warrant under this section unless he is satisfied that

- (a) the warrant is necessary
 - (i) in the interests of national security; or
 - (ii) for the prevention or detection of any offence set out in the *First Schedule* where there are reasonable grounds for believing that such an offence has been, is being or is about to be committed;
- (b) information obtained from the interception is likely to assist in investigations concerning any matter mentioned in paragraph (a);
- (c) other investigative procedures
 - (i) have not been or are unlikely to be successful in obtaining the information sought to be acquired by means of the warrant;
 - (ii) are too dangerous to adopt in the circumstances; or
 - (iii) having regard to the urgency of the case, are impracticable;
- (d) it would be in the best interest of the administration of justice to issue the warrant; and
- (e) the interception of communications to be authorised by the warrant is proportionate to what is sought to be achieved by such interception.

(3) An application for a warrant under this section shall be, subject to section 10, in writing and accompanied by

- (a) an affidavit deposing to the following matters
 - (i) the name of the authorized officer and the entity on behalf of which the application is made;
 - (ii) the facts or allegations giving rise to the application;
 - (iii) sufficient information for a Judge to issue a warrant on the terms set out in section 8;

- (iv) the period for which the warrant is requested;
 - (v) the grounds relied on for the issue of a warrant under subsection (2); and
 - (vi) if the applicant will be seeking the assistance of any person or entity in implementing the warrant, sufficient information for a Judge so to direct in accordance with section 8(5); and
- (b) where a warrant is applied for on the ground of national security, a written authorization, signed by the Minister, authorizing the application on that ground.
- (4) The records relating to every application for a warrant or the renewal or modification thereof shall be sealed until otherwise ordered by the court.
- (5) A person who, in an application or affidavit under this Act, makes a statement which he knows to be false in any material particularity commits an offence and is liable on summary conviction to a fine of \$200 000 or to a term of imprisonment not exceeding 2 years, or to both.

Scope of warrant

8.(1) A warrant shall be issued in writing and shall permit the authorised officer to

- (a) intercept communication during its transmission;
- (b) order a communication provider to intercept the communication during its transmission;
- (c) execute the interception by means of communication networks or communication service providers as described in the interception warrant;
- (d) disclose the interception communications obtained or required by the interception warrant to such persons and in such manner as may be specified in the interception warrant.

- (2) A warrant shall authorise the interception of
 - (a) communications transmitted by communications networks or providers to or from
 - (i) a particular individual specified in the interception warrant;
 - (ii) a particular address specified in the interception warrant.
 - (b) communications transmitted by communications networks or providers from a particular connection specified in the interception warrant;
 - (c) such other communication if any as may be necessary in order to intercept communication falling under paragraph (a).
- (3) A warrant may authorise entry on any premises specified in the warrant for the purpose of installing, maintaining, using or recovering any equipment used to intercept communications specified in the warrant.
- (4) A warrant shall
 - (a) specify the identity of the authorised officer on whose behalf the application is made;
 - (b) identify the person who will execute the interception warrant;
 - (c) identify the communications provider to whom an interception warrant should be addressed and specify if the communications provider shall be authorised to intercept communications, if applicable; and
 - (d) authorise entry on premises under section (3) specifying
 - (i) whether the entry is authorised to be made at any time of the day or night or only during specified hours;
 - (ii) any additional measures that are to be taken to secure and exercise the entry on the premises.
- (5) Where the applicant for a warrant intends to seek the assistance of any person or entity in implementing the warrant, the Judge may, on the applicant's

request, direct appropriate persons or entities to furnish information, facilities, or technical assistance necessary to accomplish the interception.

(6) A warrant may contain ancillary provisions that are necessary to secure its implementation in accordance with this Act.

(7) A warrant may specify conditions or restrictions relating to the interception of communications authorised therein.

Duration of warrant

9.(1) Subject to subsections (2) and (3), a warrant shall be issued for such period as may be specified in it, not exceeding 120 days (in this section referred to as “the initial period”).

(2) A Judge may

- (a) on an application by an authorised officer before the expiration of the initial period; and
- (b) if satisfied that a renewal of the warrant is justified in any particular case,

renew the warrant for such period as he may specify therein (in this section referred to as the first renewal period) not exceeding 120 days from the date of expiration of the initial period.

(3) Where a Judge, is satisfied that exceptional circumstances exist which would justify a renewal of the warrant beyond the first renewal period, the Judge may, on an application by an authorized officer before the expiration of that period, renew the warrant for such further period as he may specify therein, not exceeding 120 days from the expiration of the first renewal period.

(4) An application for a renewal of a warrant under subsection (2) or (3) shall be in writing and accompanied by an affidavit deposing to the circumstances relied on as justifying the renewal of the warrant.

(5) If, at any time before the end of any of the periods referred to in this section, a Judge is satisfied, after hearing representations made by the authorized officer, that a warrant is no longer necessary he shall revoke the warrant.

(6) Notwithstanding subsection (3), an authorised officer may make an application for a new warrant.

Application for a warrant in urgent circumstances

10.(1) Where a Judge is satisfied that the urgency of the circumstances so requires

- (a) he may dispense with the requirements for a written application and affidavit and proceed to hear an oral application for a warrant; and
- (b) if satisfied that a warrant is necessary as mentioned in section 7(2), he shall issue a warrant in accordance with this Act

(2) Where a warrant is issued under this section, the applicant shall, within 72 hours of the time of issue thereof, submit to the Judge a written application and affidavit in accordance with section 7.

(3) On the expiration of 72 hours from the time of issue of a warrant under this section, the Judge shall review his decision to issue the warrant and shall

- (a) make an order revoking the warrant if
 - (i) he is not satisfied that the warrant continues to be necessary as mentioned in section 7(2); or
 - (ii) the applicant fails to submit a written application and affidavit as required by section 7(1) and (3); or
- (b) make an order affirming the warrant, if satisfied that the warrant continues to be necessary as mentioned in section 7(2).

(4) Where a warrant issued under this section is revoked under subsection (3)

(a), it shall cease to have effect upon such revocation.

(5) Where a warrant is affirmed under subsection (3)(b), section 9 shall apply with respect to its duration.

Modification of warrants

11. A Judge may modify a warrant at any time, after hearing representations from an authorised officer and if satisfied that there is any change in the circumstances which constituted grounds for the issue or renewal of the warrant.

Revocation of warrant

12.(1) A judge who issued a warrant or, if he is not available, any other judge entitled to issue such a warrant may revoke the warrant, where

- (a) the authorised officer fails to submit a report in accordance with section 13, if applicable;
- (b) the judge upon receipt of a report submitted pursuant to section 13 is satisfied that the objectives of the warrant have been achieved;
- (c) the grounds on which the interception warrant was issued have ceased to exist;
- (d) the conditions of the application referred to in section 7(2) have changed in a way that an application would not be possible anymore.

(2) Where a judge revokes an interception warrant pursuant to subsection (1), he shall forthwith in writing inform the authorised officer concerned of the revocation.

(3) Where a warrant is revoked under subsection (1),

- (a) an authorised officer shall, as soon as practicable, after having been informed of the revocation, remove or cause to be removed from the premises to which the interception warrant relates under section 8(3), any intercepted device which was installed.

- (b) the contents of any communication intercepted under that warrant shall be inadmissible as evidence in any criminal proceedings or civil proceedings which may be contemplated, unless the Court is of the opinion that the admission of such evidence would not render the trial unfair or otherwise detrimental to the administration of justice.

Report on progress

13.(1) A judge who has issued a warrant, may at the time of issuance thereof, or at any stage before the date of expiry thereof, in writing require the authorised officer on whose behalf the relevant application was made in respect of the warrant, to report to him in writing on

- (a) the progress that has been made towards achieving the objectives of the interception warrant; and
 - (b) any other matter which the judge considers necessary.
- (2) The report under subsection (1) shall also be submitted to the Independent Monitoring Authority for monitoring and assessment purposes.

Final report

14.(1) As soon as practicable after a warrant has expired, the authorised officer who applied for it, shall make a written report to the judge who granted the interception warrant, or if that judge is unable to act to another judge, on the manner in which the power conferred by the interception warrant has been executed and the results obtained by the execution of that power.

(2) A report made for the purposes of subsection (1) shall contain the following information:

- (a) where the interception device was placed;
- (b) the number of interceptions made by means of the interception device;
- (c) whether any relevant evidence was obtained by means of the interception device;

- (d) whether any relevant evidence has been, or is intended to be used in any criminal proceedings; and
 - (e) whether any records of a communication intercepted pursuant to the interception warrant have been destroyed in accordance with section 24 and, if not, why they have not been destroyed.
- (3) The report under subsection (1) shall also, soon as practicable after a warrant has expired, be submitted to the Independent Monitoring Authority for monitoring and assessment purposes.

PART III

EXECUTION OF INTERCEPTION

Duties of persons providing assistance or telecommunications services

15.(1) Every person or entity who provides a telecommunications service by means of a public or private telecommunications network and all other providers of telecommunications services shall take all steps that are necessary to ensure that prompt assistance can be provided where necessary to comply with interception warrants granted under this Act.

(2) A person or an entity directed to provide assistance by way of information, facilities or technical assistance under section 8(5) shall, without delay, comply with that direction and in such a manner that the assistance is rendered

- (a) as unobtrusively; and
- (b) with the minimum interference to the services that such person or entity normally provides to the party affected by the warrant,

as can reasonably be expected in the circumstances.

(3) Where a person or entity acts in contravention of subsection (1) or (2), then without prejudice to any other action with respect to the contravention which

is lawfully available, that person or entity commits an offence and is liable on summary conviction to a fine of \$200 000.

Entry on premises for the execution of an interception warrant.

16. Where a warrant contains permission to enter on premises pursuant to section 8(3), an authorised officer may at the time specified in the interception warrant enter the premises and perform acts that he is authorised to perform in accordance with the warrant.

Confidentiality of intercepted communication

17. Where a Judge issues a warrant, he shall issue such directions as he considers appropriate for the purpose of requiring the authorised officer to make such arrangements as are necessary

(a) for ensuring that

- (i) the extent to which the intercepted communication is disclosed;
- (ii) the number of persons to whom any of that communication is disclosed;
- (iii) the extent to which any such communication is copied; and
- (iv) the number of copies made of any of the communication,

is limited to the minimum that is necessary for the purpose of the investigation in relation to which the warrant was issued or of any prosecution for an offence; and

(b) for ensuring that each copy made of any of that communication is stored in a secure manner for so long as its retention is necessary for any purpose mentioned in paragraph (a).

Order requiring disclosure of protected communication

18.(1) Where a protected communication has come into the possession of an authorised officer by virtue of a warrant, or is likely to do so, and the officer has reasonable grounds to believe that

- (a) a key to the communication is in the possession of any person; and
- (b) disclosure of the key is necessary for the purpose of the investigation in relation to which the warrant was issued

the officer may apply to a Judge for an order requiring the person whom he believes to have possession of the key to provide disclosure in respect of the protected communication.

(2) An order under this section shall

- (a) be in writing;
- (b) describe the communication to which the order relates;
- (c) specify the time by which the order is to be complied with; and
- (d) set out the disclosure that is required by the order, and the form and manner in which the disclosure is to be made,

and any such order may require the person to whom it is addressed to keep secret the contents and existence of the order.

(3) An order under this section shall not require the disclosure of any key which

- (a) is intended to be used for the purpose only of generating electronic signatures; and
- (b) has not in fact been used for any other purpose.

(4) In granting the order required for the purpose of subsections (1) and (2), the Judge shall take into account

- (a) the extent and nature of any protected communication, the key to which is the same as that to the intercepted communication; and
- (b) any adverse effect that complying with the order might have on a business carried on by the person to whom the order is addressed,

and shall require only such disclosure as is proportionate to what is sought to be achieved, allowing, where appropriate, for disclosure in such manner as would result in the putting of the communication in intelligible form other than by disclosure of the key itself.

(5) An order under this section shall not require the making of any disclosure to a person other than

- (a) the authorised officer; or
- (b) such other person as may be specified in the order.

Effect of disclosure order

19.(1) Subject to subsection (2), a person to whom a disclosure order is addressed

- (a) is entitled to use any key in his possession to obtain access to the protected communication; and
- (b) in accordance with the order, shall disclose the protected communication in an intelligible form.

(2) Where a disclosure order requires the person to whom it is addressed to disclose a protected communication in an intelligible form, that person shall be taken to have complied with that requirement if

- (a) he makes, instead, a disclosure of any key to the protected communication that is in his possession; and

- (b) the disclosure is made in accordance with the order, with respect to the person to whom, and the time in which, he was required to disclose the communication.

(3) Where an order requiring access to a protected communication or the putting of the protected communication into intelligible form is addressed to a person who is

- (a) not in possession of the protected communication to which the order relates; or
- (b) incapable, without the use of a key that is not in his possession, of obtaining access to the protected communication or disclosing it in an intelligible form,

he shall be taken to have complied with the order if he discloses any key to the protected communication that is in his possession.

(4) It shall be sufficient for the purpose of complying with an order for the person to whom it is addressed to disclose only those keys the disclosure of which is sufficient to enable the person to whom they are disclosed to obtain access to the protected communication and to put it in an intelligible form.

(5) Where

- (a) the disclosure required by an order allows the person to whom it is addressed to comply with the order without disclosing all of the keys in his possession; and
- (b) there are different keys, or combination of keys, in the possession of that person the disclosure of which would constitute compliance with the order,

the person may select which of the keys, or combination of keys, to disclose for the purpose of complying with the order.

(6) Where a disclosure order is addressed to a person who

- (a) was in possession of the key but is no longer in possession of it;

- (b) if he had continued to have the key in his possession, would be required by virtue of the order to disclose it; and
- (c) is in possession of information that would facilitate the obtaining or discovery of the key or the putting of the communication into an intelligible form,

that person shall disclose to the person to whom he would have been required to disclose the key, all such information as is mentioned in paragraph (c).

(7) A person who, without reasonable excuse, fails to comply with a disclosure order commits an offence and is liable on summary conviction to a fine of \$100 000 or to a term of imprisonment of one year or to both.

(8) An authorised officer who obtains a disclosure order shall ensure that such arrangements are made as are necessary for securing that

- (a) a key disclosed in pursuance of the order is used to obtain access to or put into intelligible form only the protected communications in relation to which the order was given;
- (b) every key disclosed in pursuance to the order is stored in a secure manner, and any records of such key are destroyed as soon as no longer needed to access the communication or put it into an intelligible form; and
- (c) the number of
 - (i) persons to whom the key is disclosed or otherwise made available; and
 - (ii) copies made of the key

is limited to the minimum that is necessary for the purpose of enabling the protected communication to be accessed or put into an intelligible form.

(9) An authorized officer who knowingly contravenes subsection (8) commits an offence and upon summary conviction shall be liable to a fine not exceeding \$250 000 or to imprisonment for a term of one year or to both.

Admissibility of evidence

20.(1) Subject to subsections (3) and (4), the contents of a communication that is obtained by interception permitted by warrant issued pursuant to section 6 or 9 shall be admissible as evidence in any criminal proceedings.

(2) Where a warrant issued in accordance with this Act is revoked in accordance with section 10(3)(a), the contents of any communication intercepted under that direction shall be inadmissible as evidence in any criminal proceedings which may be contemplated.

(3) In any criminal proceedings

- (a) no evidence shall be adduced and no question shall be asked of any witness that suggests or tends to suggest the disclosure of sensitive information;
- (b) a statement by the witness that the interception of the communication was permitted by virtue of section 5(2)(a), (b), (c), (d), (e) or (f), as the case may be, shall be sufficient disclosure as to the source and origin of the communication; and
- (c) in proving the truth of a statement referred to in paragraph (b), the witness shall not be asked to disclose sensitive information.

(4) Subsection (3) shall not apply to any criminal proceedings in respect of an offence under this Act, but if the Court is satisfied that

- (a) the disclosure of sensitive information would jeopardise the course of any investigation being carried out by authorised officers; and
- (b) the parties to the proceedings would be unduly prejudiced thereby

the Court may exclude such disclosure.

(5) For the purposes of this section “sensitive information”, means any information that suggests or tends to suggest

- (a) any of the details pertaining to the method by which the communication was intercepted; or
- (b) the identity of any party carrying out or assisting in the interception.

Disclosure of communications data

21.(1) Where it appears to the authorised officer that a person providing a telecommunications service is or may be in possession of, or capable of obtaining, any communications data, the authorised officer may, by notice in writing, require the provider

- (a) to disclose to an authorised officer all of the data in his possession or subsequently obtained by him; or
- (b) if the provider is not already in possession of the data, to obtain the data and so disclose it.

(2) An authorised officer shall not issue a notice under subsection (2) in relation to any communications data unless he has obtained a warrant under section 6 or 9.

(3) A notice under subsection (2) shall state

- (a) the communications data in relation to which it applies;
- (b) the authorised officer to whom the disclosure is to be made;
- (c) the manner in which the disclosure is to be made;
- (d) the matters by reference to which the notice is issued; and
- (e) the date on which it is issued.

(4) Sections 18 and 19 shall apply, with the necessary modifications, to the disclosure of data pursuant to a notice issued under this section.

(5) Subject to subsection (6), a provider of a telecommunications service, to whom a notice is issued under this section, shall not disclose to any person the existence or operation of the notice, or any information from which such existence or operation could reasonably be inferred.

(6) The disclosure referred to in subsection (6) may be made to

- (a) an officer or agent of the service provider, for the purpose of ensuring that the notice is complied with;
- (b) an attorney-at-law for the purpose of obtaining legal advice or representation in relation to the notice.

(7) A person referred to in subsection (6) shall not disclose the existence or operation of the notice, except to the authorised officer specified in the notice or for the purpose of

- (a) or obtaining legal advice or representation in relation to the notice, in the case of an officer or agent of the service provider; or
- (b) giving legal advice or making representations in relation to the notice, in the case of an attorney-at-law.

(8) An authorised officer shall not disclose any communications data obtained under this Act, except

- (a) as permitted by the notice;
- (b) in connection with the performance of his duties; or
- (c) if the Minister directs such disclosure to a foreign government or agency of such government where there exists between the State and such foreign government an agreement for the mutual exchange of that kind of information and the Minister considers it in the public interest that such disclosure be made.

(9) A person who contravenes subsection (5), (6), (7) or (8) commits an offence and is liable on summary conviction to a fine of \$300 000 and to a term of imprisonment of 5 years or to both.

(10) In this section,

“communications data” means any

- (a) traffic data comprised in or attached to a communication, whether by the sender or otherwise, for the purpose of any telecommunications network by means of which the communication is being or may be transmitted;
- (b) information, that does not include the contents of a communication, other than any data falling within paragraph (a), which is about the use made by any person of any
 - (i) telecommunications network; or
 - (ii) of any part of a telecommunications network in connection with the provision to or use by, any person of any telecommunications service;

“traffic data” in relation to a communication, means any data

- (a) identifying, or purporting to identify, any person, apparatus or location to or from which the communication is or may be transmitted;
- (b) identifying or selecting, or purporting to identify or select, apparatus through or by means of which the communication is or may be transmitted;
- (c) comprising signals for the actuation of
 - (i) apparatus used for the purpose of a telecommunications network for effecting, in whole or in part, the transmission of any communication; or
 - (ii) any telecommunications network in which that apparatus is comprised
- (d) identifying the data or other data as data comprised in or attached to a particular communication; or

- (e) identifying a computer file or computer programme, access to which is obtained or which is run by means of the communication, to the extent only that the file or programme is identified by reference to the apparatus in which it is stored, and references to traffic data being attached to a communication include references to the data and the communication being logically associated with each other.

Admissibility of communications data

22.(1) Subject to subsection (2), communications data obtained in accordance with section 21 shall be admissible as evidence in accordance with the law relating to the admissibility of evidence.

(2) In admitting into evidence any communications data referred to in subsection (1)

- (a) no question shall be asked of any witness that suggests or tends to suggest the disclosure of any of the details pertaining to the method by which the data was obtained or the identity of any party who supplied the data;
- (b) a statement by the witness that the data was obtained by virtue of an order under section 18 shall be sufficient disclosure as to the source or origin of the data; and
- (c) in proving the truth of a statement referred to in paragraph (b), the witness shall not be asked to disclose any of the matters referred to in paragraph (a).

(3) Subsection (2) shall not apply to any proceedings in respect of an offence under this Act, but if the Court is satisfied that

- (a) the disclosure would jeopardise the course of any investigations being carried out by an authorised officer; and
- (b) the parties to the proceedings would be unduly prejudiced thereby,

the Court may exclude disclosure of the matters referred to in subsection (2)(a).

Privileged information

23. Where information has been obtained by interception of communication which has been privileged by any other law relating to

- (a) medical records;
- (b) legal professional privilege; or
- (c) any other information protected by the law relating to privacy or confidentiality,

such information shall remain privileged and shall not be given in any court, except with the consent of the person entitled to waive that privilege.

Destruction of records

24.(1) An authorised officer shall ensure that any record of information obtained from the interception of communications in pursuance of section 7 or 10 that is not related to the objective of the interception is destroyed immediately.

(2) An authorised officer shall ensure that any record of information obtained from the interception of communications in pursuance of section 7 or 10, being information that relates wholly or partly and directly or indirectly to the objective of the interception is destroyed as soon as it appears that no proceedings, or no further proceedings, will be taken in which the information would be likely to be required to be produced in evidence.

(3) Nothing in subsection (2) shall apply to any record of any information adduced in proceedings in any Court.

(4) Where a warrant issued in accordance with section 10 is revoked or ceases to have effect, any record of information obtained from the interception of communications in pursuance of the warrant shall be destroyed immediately.

(5) An authorised officer who intercepts a communication in pursuance of section 5(2)(b) shall ensure that any record of information obtained from the

interception that is not related to the objective of the interception is destroyed immediately.

(6) A person required to destroy any record of information in accordance with this section who fails to do so commits an offence and is liable to a fine of to a fine of \$100 000 or to a term of imprisonment of one year or to both.

PART IV

INDEPENDENT MONITORING COMMISSION

Establishment of Independent Monitoring Commission

25.(1) There is established a Commission to be known as the Independent Monitoring Commission.

(2) The *Second Schedule* has effect with respect to the constitution of the Commission and otherwise in relation thereto.

Functions and powers of the Commission

26.(1) The Commission shall be responsible generally for the monitoring and supervision of the interception of communications to ensure that such interception is conducted in accordance with this Act.

(2) The Commission may on

(a) the basis of the

(i) Report on Progress submitted under section 13; or

(ii) Final Report submitted under section 14; or

(b) its own initiative

carry out any investigation that it considers necessary or desirable in connection with the interception of communications to ensure that such interception is conducted in accordance with this Act.

- (3) The Commission, for the purpose of the investigation under subsection (2),
- (a) may, after notifying the authorised officer or a person or an entity providing assistance pursuant to section 8(5), enter at any reasonable time premises occupied by the agency;
 - (b) is entitled to have full and free access at all reasonable times to all records of the authorised officer or a person or an entity providing assistance pursuant to section 8(5) related to the interception;
 - (c) is entitled to make copies of, and to take extracts from, records of the authorised officer or a person or an entity providing assistance pursuant to section 8(5); and
 - (d) may require an authorised officer or a person or an entity providing assistance pursuant to section 8(5), to give the Commission such information as it considers necessary, being information that is in the officer's or person's possession, or to which the officer or person has access, and that is relevant to the inspection.
- (4) The authorised officer or a person or an entity providing assistance pursuant to section 8(5), shall ensure that the agency's officers provide to the Commission such assistance in connection with the performance or exercise of the Commission's functions or powers under this section as the Commission reasonably requires.
- (5) Where as a result of investigations under subsection (2) Commission determines that there is a breach of this Act, he may issue an enforcement notice which shall require an authorised officer or a person or an entity providing assistance pursuant to section 8(5)
- (a) stop the activity which contravenes the Act; or
 - (b) modify the activity to bring it into compliance with the Act within a period to be stated in the notice.

(6) Where an authorised officer or a person or an entity providing assistance pursuant to section 8(5) fails to comply with the enforcement notice under (3) within 14 days after the notice is received, the Commission may make an application to the High Court to enforce the notice.

(7) An authorised officer may appeal to the High Court against a decision of the Commission.

(8) The Commission shall prepare an annual report on the monitoring of communications interception pursuant to section 34.

Disclosure of interests

27. A Commissioner who has any interests in any matter or concern with which the Commission proposes to make decision shall disclose such interests and the nature thereof, and such disclosure shall be recorded in the minutes of the Commission and such Commissioner shall take no part in any deliberation or discussion of the Commission relating to such decision nor shall the Commissioner vote thereon.

Confidentiality

28.(1) A Commissioner or any other person retained to assist the Commission shall keep secret all confidential information coming to his knowledge during the course of the administration of this Act or any other Act that the Commission has jurisdiction to administer or enforce, except insofar as disclosure is necessary for the administration of this Act or insofar as the Commission authorises that person to release the information.

(2) Any person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of 2 years, or to both.

Experts

29.(1) The 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 Commission determines.

Staff

30. The Commission may appoint and employ such other officers and employees as it deems necessary, on such terms and conditions as it thinks fit.

Funds of the Commission

31.(1) The funds and resources of the Commission shall consist 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.

(2) The funds of the Commission shall be applied to defray the following expenditure

- (a) salaries, fees, allowances and other payments due to the staff of the Commission;
- (b) capital and other operating expenses including maintenance and insurance of any property of the Commission;
- (c) any other expenditure authorised by the Commission in the discharge of its duties, functions and contractual obligations; and
- (d) any other expenses authorised to be spent in the functioning of the Commission.

PART V

MISCELLANEOUS

Protection of authorised officer

32. An authorised officer shall not be liable for any act done by him in good faith pursuant to this Act.

Offences

33.(1) A person who, in an application or declaration under this Act, makes a statement which he knows to be false in any material particular commits an offence and is liable on summary conviction to a fine of \$250 000 or to a term of imprisonment of 3 years or to both.

(2) A person who intentionally discloses the contents of any communication

- (a) obtained by means of a warrant, to a person to whom he is not authorised to disclose the communication;
- (b) obtained in the course of the interception of communication to a person to whom he is not authorised to disclose the communication whether the interception occurred prior to or after the commencement of this Act; or

(c) obtained in contravention of this Act,

commits an offence and is liable on summary conviction to a fine of \$250 000 or to a term of imprisonment of 3 years or to both.

(3) Subsection (2) shall not apply to the disclosure of the contents of any communication obtained by means of a warrant which is made, in any criminal proceedings, to a person charged with an offence or to the attorney-at-law representing that person in those proceedings.

(4) A person who intentionally has in his possession communications intercepted under this Act and who is not authorised to have such communications

commits an offence and is liable on summary conviction to a fine of \$100 000 or to a term of imprisonment of one year or to both.

(5) A person who intentionally has in his possession communications intercepted under this Act and who is not authorised to have such communications and who discloses such communications commits an offence and is liable on summary conviction to a fine of \$250 000 or to a term of imprisonment of 3 years or to both.

(6) No action shall be brought in any Court against a person or entity for any act done in good faith in pursuance of a warrant under section 7 or 10 or a direction under section 8(5) to provide information, facilities or technical assistance.

Annual Report

34.(1) The Commissioner of Police shall, within three months, after the end of each year, in relation to the operation of the Act in the immediately preceding year, prepare a report relating to

- (a) the number of warrants applied for to intercept communications;
- (b) the number of warrants granted by the Court;
- (c) the number of warrants applied for and granted under section 10;
- (d) the average period for which warrants were given;
- (e) the number of warrants refused or revoked by the Court;
- (f) the number of applications made for renewals;
- (g) the number and nature of interceptions made pursuant to the warrants granted;
- (h) the offences in respect of which warrants were granted, specifying the number of warrants given in respect of each of those offences;
- (i) the numbers of persons arrested whose identity became known to an authorised officer as a result of an interception under a warrant;

- (j) the number of criminal proceedings commenced by the State in which private communications obtained by interception under a warrant were adduced in evidence and the number of those proceedings that resulted in a conviction;
 - (k) the number of criminal investigations in which information obtained as a result of the interception of a private communication under a warrant was used although the private communication was not adduced in evidence in criminal proceedings commenced by the State as a result of the investigations;
 - (l) the destruction of records pursuant to section 24;
 - (m) a general assessment of the importance of interception of private communications for the investigation, detection, prevention and prosecution of offences in the State; and
 - (n) any other matter the Commissioner of Police considers necessary.
- (2) The Commissioner of Police shall submit the report referred to under subsection (1) to the Independent Monitoring Commission for the purpose of assessment of the general operation of the Act.
- (3) The Independent Monitoring Commission shall submit to the Minister such recommendations as it sees fit based on the report referred to under subsection (1).

Regulations

- 35.(1) The Minister may make regulations to give effect to this Act.
- (2) Regulations made under subsection (1) shall be subject to negative resolution.

Amendment of Schedules

- 36.(1) The Minister may by order amend the *First Schedule* and *Second Schedule*.

(2) An order made under subsection (1) shall be subject to negative resolution.

Commencement

37. This Act shall come in to operation on a date fixed by Proclamation.

FIRST SCHEDULE

(Sections 5,7, and 36)

Offences

1. Murder.
2. Treason.
3. Terrorism.
4. Trafficking in persons.
5. Kidnapping or abduction.
6. Money Laundering
7. Producing, manufacturing, supplying or otherwise dealing in any dangerous drug in contravention of the *Drug Abuse (Prevention and Control) Act*, Cap. 131.
8. Transporting or storing a dangerous drug where possession of such drug contravenes the *Drug Abuse (Prevention and Control) Act*, Cap. 131.
9. Importing or exporting a dangerous drug in contravention of the *Drug Abuse (Prevention and Control) Act*, Cap. 131.
10. Importation, exportation or transshipment of any firearm or ammunition in contravention of the *Firearms Act*, Cap. 179.
11. Manufacture of or dealing in, firearms or ammunition in contravention of the *Firearms Act*, Cap. 179.

- 12.** Illegal possession of a prohibited weapon or any other firearm or ammunition in contravention of the *Firearms Act*, Cap. 179.
- 13.** An offence under the contrary to the *Prevention of Corruption Act, 2021* (Act 2021-24).
- 14.** Arson
- 15.** An offence for which the penalty on conviction is imprisonment for 10 years or more.
- 16.** Aiding, abetting, or conspiring to commit any of the offences referred to in paragraphs 1 to 15.

SECOND SCHEDULE*(Section 25)**Independent Monitoring Commission***Composition**

1.(1) The Commission shall be comprised of 3 Commissioners, one of whom shall be

- (a) a retired judge;
- (b) a member of civil society; and
- (c) a person nominated by the Minister.

(2) A retired judge referred to under subparagraph 1 may be a national selected from a Member State of the Community.

(3) For the purposes of this paragraph

“Community” means the Caribbean Community established by the Treaty; and

“Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy

- (a) that was signed in the Bahamas on 5th July, 2001; and
- (b) to which Barbados is a party.

Appointment

2. The Commissioners shall be appointed by the Minister by an instrument in writing for a period of 3 years and shall be eligible for re-appointment.

Remuneration

3. The Commissioners shall receive such remuneration as the Minister shall determine.

Chairman

4. The Chairman shall be chosen from among the number of Commissioners.

Temporary appointment

5.(1) Where a Commissioner

- (a) is precluded by the Commission from taking part in an investigation or deliberation pursuant to section 27; or
- (b) is unable to act by reason of illness, absence from Barbados or any other reason

the Minister may appoint a person to act as a Commissioner in his place for that investigation or deliberation or until the termination of the disability.

(2) The Minister shall fix the remuneration of the person so appointed.

(3) Any person so appointed may complete any unfinished business of the Commission in which he has taken part, even if the Commissioner in whose place he was acting is now able to act.

Resignation

6.(1) A Commissioner other than the Chairman or Chief Executive Officer may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause the same to be forwarded to the Minister; and upon the date of receipt by the Chairman of such instrument, the Commissioner ceases to be a member of the Commission unless some other date is mentioned in the instrument.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister; and upon the date of receipt by the Minister of such instrument, the Chairman ceases to be Chairman and a Commissioner unless some other date is mentioned in the instrument.

Vacancy

7.(1) A vacancy arises in the membership of the Commission on the death or resignation of a Commissioner.

(2) Where a vacancy arises or membership of the Commission is terminated in accordance with paragraph 6, 7(1) or 8, a person may be appointed in accordance with paragraph 2 to fill that vacancy.

(3) Where a vacancy arises or membership of the Commission is terminated in accordance with paragraph 6, 7(1) or (8), the remuneration of that person may be made in accordance with paragraph 3.

Termination

8. The Minister may terminate the appointment of any Commissioner if that Commissioner

- (a) fails to disclose his interest in accordance with section 27;
- (b) fails without reasonable excuse to attend 3 consecutive meetings of the Commission;
- (c) has become bankrupt or has made an arrangement with his creditors;
- (d) is incapacitated by physical or mental illness;
- (e) engages in misbehaviour such as fraud, or has a conflict of interest as a result of engaging in paid employment that conflicts with the functions of the Commission; or
- (f) is otherwise unable or unfit to discharge the functions of a Commissioner.

Publication of names of Commissioners and changes of membership

9. The names of all of the Commissioners as first constituted and every change in the membership of the Commission shall be published in the *Official Gazette*.

Meetings

11.(1) The Commission shall meet at such times as may be necessary or expedient for the transaction of its business, and each meeting shall be held on such days and at such times and place as the Commission determines.

(2) Minutes of each meeting are to be kept by the Secretary or other person appointed by the Commission for the purpose, and are to be confirmed by the Commission at its next meeting and signed by the Chairman or other person presiding at that meeting.

Commission may regulate its own procedure

12. Subject to this *Schedule*, the Commission may regulate its own procedure and may delegate to any of its members the power and authority to carry out on behalf of the Commission such duties as the Commission determines.

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2025.

President



S.I. 2025 No. 77

Shipping (Incentives) Act

CAP. 90A

SHIPPING (INCENTIVES) (CRYSTAL SPRINGS PROPERTY LIMITED) ORDER, 2025

The Minister, in exercise of the powers conferred on him by section 3 of the *Shipping (Incentives) Act*, makes the following Order:

1. This Order may be cited as the *Shipping (Incentives) (Crystal Springs Property Limited) Order, 2025*.
2. Crystal Springs Property Limited, a company incorporated under the *Companies Act*, Cap. 308,
 - (a) is approved as a shipping company within the meaning of the Act; and
 - (b) is granted a concession period of 15 years beginning on the date of the publication of this Order in the *Official Gazette*.

Made by the Minister this 25th day of July, 2025.

G. P. I. GOODING-EDGHILL

Minister responsible for Shipping

