PARLIAMENT
Bridgetown

REPORT

OF THE

JOINT SELECT COMMITTEE ON THE NATIONAL VENDING BILL, 2021

PARLIAMENT

(SECOND SESSION OF 2018-2023)

REPORT OF
JOINT SELECT COMMITTEE
ON THE
NATIONAL VENDING BILL, 2021

1. Pursuant to a Resolution of the Honourable the House of Assembly on Tuesday, 31st August, 2021 and the concurrence of the Honourable the Senate on Wednesday, 8th September, 2021 a Joint Select Committee **(hereafter referred to as "the Committee")** was constituted to consider a report on:-

   A Bill to provide for:

   a) Regulation of vending in Barbados

   b) Protection of the rights of vendors

   c) Matters related to paragraphs (a) and (b)

2. The following members were appointed to the Committee:

   Hon. Kerrie D. Symmonds, M.P.

   Hon. G. P. Ian Gooding-Edghill, M.P.

   Hon. Adrian R. Forde, M.P.

   Hon. Indar A. Weir, M.P.

   Hon. Kirk D. M. Humphrey, M.P.

   Mr. Trevor A. Prescod, J.P., M.P.

   Ms. Toni N. S.-A. Moore, M.P.

   Bishop Joseph J. S. Atherley, J.P., M.P.

   Senator the Hon. Ms. Lisa R. Cummins

   Senator Dr. Lynette P. Holder

   Senator Damien R. Sands

   Senator Caswell A. Franklyn, J.P.

Senator Julian A. Hunte

Senator Miss Alphea M. Wiggins, J.P.

3. The terms of reference of the Committee were as follows:

1. To inquire into and determine whether the Bill as drafted fulfils the expressed objects of the promotion, regulation, and decriminalization of vending in Barbados.

2. To examine and determine whether the Bill as drafted will upon effective implementation fulfil the expressed objects of improving the environment for vending thus contributing to the development of an ethos of transparency, compliance, accountability and development of the sector.

3. To consider whether the Bill as drafted offers an effective enforcement procedure to ensure compliance with the provisions of the Bill.

4. To make recommended changes, if deemed necessary, to the Bill as drafted for further consideration by the Chief Parliamentary Counsel.

4. The Committee has the honour to report as follows:

The committee scheduled and held meetings on the following dates:

- 27th September, 2021
- 4th October, 2021
  (11th October, 2021)
- 13th October, 2021
- 15th October, 2021
- 22nd October 2021
- 3rd November, 2021
- 17th November, 2021

The Minutes of the Meetings are appended hereto and marked **'A1 to A7'** and form part of this Report.

The Hon. Kerrie D. Symmonds, M.P., Minister of Energy, Small Business and Entrepreneurship, was elected Chairman of the Committee and chaired the meetings of the Committee.

The Committee at its first meeting settled the procedure which governed its deliberations. The proceedings of the committee were streamed live via the Barbados Parliament's website.

The Bill, a copy of which is appended hereto and marked **"B"** is available online on Parliament's website and the Government Printing Department's website.

The Committee in keeping with parliamentary practice, through a press release invited and encouraged the public as individuals, professional organisations, community-based groups, official and unofficial bodies with special interest and generally to submit memoranda and other documents selling their views and comments on the issues and to indicate whether they wanted to appear in person before the Committee to give oral presentations.

The Committee also issued special invitations to the following stakeholders:

Barbados Private Sector Association
Barbados Chamber of Commerce
National Standards Institute
Barbados Association of Retailers, Vendors and Entrepreneurs (BARVEN)
Registrar of Cooperatives
The Manager of Markets, Ministry of Agriculture and Food Security
The Senior Manager of Markets, Fisheries Division
The COVID-19 Monitoring Unit
TVET Council of Barbados
Barbados Vocational Training Board
Barbados National Union of Fisher Folk Organisation (BARNUFO)
Town and Country Development Planning Office

National Conservation Commission

Barbados Tourism Product Authority

Barbados Tourism Marketing Inc.

Youth Entrepreneurship Scheme

The Commissioner of Police

Barbados Association of Wayside Vendors

The Ministry of Transport, Works and Water Resources

Written submissions were received from the following persons/organisations:

1. Barbados Tourism Marketing Inc.
2. Mr. Ronald Chapman – Deputy Chief Environmental Health Officer
3. His Excellency David Comissiong – Ambassador to CARICOM
4. Mr. Richard Harris – Registrar of Cooperatives and Friendly Societies, Ministry of Energy, Small Business and Entrepreneurship
5. Barbados Chamber of Commerce and Industry

The written submissions are appended hereto and marked **"C1 to C5"** and form part of this report.

In addition to the written submissions the following organisations/persons also made oral presentations before the Committee:

1. BARVEN
   - Mr. Alistair Alexander, G.C.M., *President*
   - Mr. Robert Maloney, *Roving Communications Officer*
   - Mr. Valentino Barrow, *Public Relations Officer*
   - Mr. Junior Greenidge, *Steward, Bridge Street, Bridgetown*
   - Mr. Leonard Allsopp, *Veteran and Stalwart*

2. Barbados Tourism Marketing Inc.
   - Ms. Marsha Alleyne, *Chief Product Development Officer*

3. Ministry of Transport, Works and Water Resources
   - Mr. Mark Cummins, *Permanent Secretary*
   - Mr. Jason Bowen, *Deputy Chief Technical Officer (Ag.)*
   - Mr. Mark Durant, *Chief Planning Officer*

4. Ministry of Maritime Affairs and the Blue Economy
   - Mr. Eric Lewis, *Senior Manager of Markets*

5. Ministry of Agriculture and Food Security
   - Ms. Milanese Holder, *Manager, Bridgetown Public Market*
   - Mr. Sherlock King, *Manager of Markets*

6. BARNUFO
   - Ms. Vernel Nicholls, *President*

7. Association of Wayside Vendors
   - Mr. Keith Franklin, *President*
   - Miss Juliette Moore, *Member*

8. His Excellency David Comissiong, *Ambassador to CARICOM*

The Committee during its deliberations on the Bill was guided by the timely nature and significance of the proposed legislation in correcting historic wrongs and giving recognition and respectability to working class enterprise in Barbados. It was recognised that vending in the informal sector was a part of Barbadian culture and the bedrock of the support of the Barbadian family. The Bill makes provision to create a body of rights for practitioners of working class enterprise which hitherto did not exist and to decriminalise that class of work.

The submissions and presentations received were useful in pointing to areas of conflict, uncertainty and omissions and made recommendations for development and professionalism by incentivising

of vendors through training and rewards which would redound to the benefit of the entrepreneurs and their enterprises and form part of an established wealth creation that is generational and intergenerational locally and regionally.

The representatives of BARVEN were appreciative of and pleased with the legislation, which they deemed as "emotionally historic" bringing into being "the Vendors' Magna Carta, the People's Commercial Bill of Rights". They were not affronted by the use of the term "vendor" or any stigma it may carry.

Other presentations in recognising that the legislation was aimed at making things better by regulation however pointed to areas of culture or tradition that should be preserved.

Mr. T. A. Prescod, J.P., M.P. said that he was invited to participate in a different capacity to the one he wanted to represent. He believed, based on his conversation with members on the Task Force on Reparation and Economic Enfranchisement, they believed – although they did not participate in the exercise – based on one of their major objectives of self-reparatory justice, that they strongly believed that this Bill is an act of self-repair and reparatory justice. In addition, they support every attempt that was made to exclude or opiate any form of negative stains which have been imposed on their brothers and sisters during those times when persons shared a different focus to the focus that the Committee shares. There, he took the opportunity to associate the Task Force on Reparation and Economic Enfranchisement as a unit within the Government that strongly supports the major ("changes") amendments that were made by the Committee.

Having given due consideration of the various submissions and hard thoughts thereto and with the benefit of guidance by the Deputy Chief Parliamentary Counsel, the Committee agreed to the amendments appended hereto and marked **"D"** and as shown in the redrafted Bill, appended hereto and marked **"E"**.

The Transcripts of the meetings are appended hereto and marked **"F1"** to **"F7"**.

The Committee expresses its sincere thanks and appreciation and indebtedness to Ms. Shawn R. Belle, *Deputy Chief Parliamentary Counsel,* for her tremendous assistance, diligence and insight in enabling the Committee to accomplish its work in a timely manner and gratitude to the staff of Parliament for its diligence in expediting the work of the Committee.

Chairman

23rd Nov. 2021

Dated

MINUTES

PARLIAMENT OF BARBADOS
(SECOND SESSION OF 2018-2023)

JOINT SELECT COMMITTEE

NATIONAL VENDING BILL, 2021

Minutes of the First Meeting of the Joint Select Committee of both Houses of Parliament to review and examine the **National Vending Bill, 2021**, held at Parliament, Worthing Corporate Centre, Worthing, Christ Church on Monday 27th September, 2021 at 1:00 p.m.

PRESENT WERE:

Hon. Kerrie D. Symmonds, M.P.
Hon. G. P. Ian Gooding-Edghill, M.P.
Hon. Adrian R. Forde, M.P.
Hon. Indar A. Weir, M.P.
Hon. Kirk D. M. Humphrey, M.P.
Mr. Trevor A. Prescod, J.P., M.P.
Ms. Toni N. S-A. Moore, M.P.
Bishop Joseph J. S. Atherley, J.P., M.P.
Senator the Hon. Ms. Lisa R. Cummins
Senator Dr. Lynette P. Holder
Senator Damien R. Sands
Senator Julian A. Hunte
Senator Miss Alphea M. Wiggins, J.P.

EXCUSES:

An excuse for absence was received from:
Senator Caswell A. Franklyn, J.P.

IN ATTENDANCE WERE:

Mr. Pedro E. Eastmond, *Clerk of Parliament*

Mr. Nigel R. Jones, *Deputy Clerk of Parliament*

Miss Beverley S. Gibbons, *Deputy Clerk of Parliament*

Miss Suzanne Hamblin, *Library Assistant (Procedural Officer to the Committee (Ag.))*

Miss J'anne C. Greenidge, *Typist*

Ms. Shawn R. Belle, *Deputy Chief Parliamentary Counsel*

The Clerk of Parliament presided over the Appointment of the Chairman.

Item 1: **APPOINTMENT OF CHAIRMAN**

On the motion of Hon. Adrian R. Forde seconded by the Hon. Kirk D. M. Humphrey, the Hon. Kerrie D. Symmonds was appointed Chairman of the Committee.

Item 2: **WELCOME**

The Hon. Kerrie D. Symmonds took the Chair and thanked the Committee and welcomed all present. He indicated that it is the intention that the Committee should complete its deliberation and report back to Parliament in a month's time and further that the deliberation would include oral and written submissions from stakeholders.

Item 3: **QUORUM**

The meeting agreed that a quorum for the meetings would be 7 members and that meetings would be hybrid with a minimum of 4 members physically present and 3 virtual.

Item 4: **TECHNICAL SUPPORT**

The Chairman informed that Ms. Shawn R Belle, Deputy Chief Parliamentary Counsel would be the technical support to the Committee for the purpose of advising the Committee on the Bill and taking drafting instructions.

Item 5: **PROCEDURE**

It was agreed that the proceedings of the Committee would be streamed live. Further that Parts 1 to 5 of the Bill would be considered at the next meeting of the Committee and Parts 6 to 10 and the Schedules at a subsequent meeting.

The Committee considered and agreed that advertisements would be placed in the press inviting submissions in writing or in person and that the organisation and persons following should be written inviting submissions/comments in writing or in person:

- Royal Barbados Police Force
- BARVEN
- The COVID-19 Monitoring Unit
- BARNUFO
- The stakeholders listed in the Sixth Schedule:
    - Manager of Markets
    - Senior Manager of Markets
    - Barbados Chamber of Commerce and Industry
    - Barbados Private Sector Association
    - Youth Entrepreneurship Scheme; and
    - Barbados Tourism Marketing Inc.

It was agreed that the Committee would meet on Mondays at 10:00 a.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 2:28 p.m. to Monday 4th October, 2021 at 10:00 a.m.

Bickbone
for Clerk of Parliament

Confirmed this 15th day of October 2021.

Chairman

PARLIAMENT OF BARBADOS
(SECOND SESSION OF 2018-2023)

JOINT SELECT COMMITTEE

NATIONAL VENDING BILL, 2021

Minutes of the Second Meeting of the Joint Select Committee of both Houses of Parliament to review and examine the **National Vending Bill, 2021**, held at Parliament, Worthing Corporate Centre, Worthing, Christ Church on Monday 4th October, 2021 at 10:00 a.m.

PRESENT WERE:

Hon. Kerrie D. Symmonds, M.P. (Chairman)
Hon. G. P. Ian Gooding-Edghill, M.P.
Hon. Adrian R. Forde, M.P.
Hon. Indar A. Weir, M.P.
Hon. Kirk D. M. Humphrey, M.P.
Mr. Trevor A. Prescod, J.P., M.P.
Bishop Joseph J. S. Atherley, J.P., M.P.
Senator the Hon. Ms. Lisa R. Cummins
Senator Dr. Lynette P. Holder
Senator Damien R. Sands
Senator Miss Alphea M. Wiggins, J.P.

EXCUSES:

Excuses for absence were received from:
Ms. Toni N. S.-A. Moore, M.P.
Senator Julian A. Hunte

IN ATTENDANCE WERE:

Mr. Pedro E. Eastmond, *Clerk of Parliament*

Mr. Nigel R. Jones, *Deputy Clerk of Parliament*

Miss Beverley S. Gibbons, *Deputy Clerk of Parliament*

Miss J'anne C. Greenidge, *Typist (Procedural Officer to the Committee (Ag.))*

Ms. Shawn R. Belle, *Deputy Chief Parliamentary Counsel*

Mr. Anderson Cumberbatch, *Chief Business Development Officer, Ministry of Energy, Small Business and Entrepreneurship*

Mr. Sherlock King, *Manager of Markets, Ministry of Agriculture and Food Security*

Item 1: **WELCOME**

The Chairman called the meeting to order and welcomed all present. He introduced Mr Anderson Cumberbatch, Chief Business Development Officer, Ministry of Energy, Small Business and Entrepreneurship who was in attendance by his invitation to assist in the deliberations of the Committee.

Item 2: **MINUTES**

The Minutes of the Meeting of Monday 27th September, 2021, the First Meeting of the Committee were deferred.

Item 3: **MATTERS ARISING**

This matter was consequently deferred.

Item 4: **CONSIDERATION OF BILL**

Ms. Shawn R. Belle gave a broad overview of the Bill clause by clause (see appended hereto)

The Chairman acknowledged receipt a written submission from the Barbados Tourism Marketing Inc. (BTMI) on the Bill, which he indicated would be part of the submissions before the Committee.

The Committee commenced consideration of the Bill clause by clause.

Part 2 Clause 3 (2)

The Committee was of the opinion that vending at or within the curtilage of private property should be listed amongst the activities not construed as vending for the purposes of the Act. Ms Shawn R. Belle was instructed to draft the appropriate amendment.

Part 3 Clause 4 (1)

The Committee expressed mixed concerns regarding the specified qualifying age of 16 of a vendor. The "contractual capacity of a person under age 18 was the concern". The Clerk of Parliament was instructed to write to the Ministry of Youth, Sports and Community Empowerment as well as the Solicitors' General Office for Comments.

Clauses 5 (1) (b) and 5 (3) (b)

The Committee expressed concerns regarding the payment of a fee on an application for a grant of a vendor's license rather than on the grant of a license and the time line for the grant of a license. The Clause to be amended appropriately.

Clause 9 Notice of intention to revoke, suspend or vary a license.

Ms. Shawn R. Belle was instructed to consider and review subsection (1)(a) and (2)(b) of the Clause to reflect clarity regarding the period or timeline in the notice for filing objection.

Consequential amendments

1. Part (1) of the Fourth Schedule – by the insertion of Queen's Park in the list of parks.
2. Sixth Schedule – insertion of new paragraph:

   (n) increasing the number of the Committee to include a representative of the Ministry responsible for Tourism
3. Eighth Schedule – provision for the deletion of Part III and Part VII of the Markets and Slaughterhouses Act, Cap 265.

Additional amendments:-

Arrangement of Sections – Title of the Seventh Schedule to be amended to provide for 'administrative penalties" in place of "fixed penalties".

Fifth Schedule –Extra Part V seizure notice form to be deleted.

Clause 17 Rights of Vendors

Mr. Trevor A. Prescod spoke extensively on the bad perception or stigma the word "vendor" carried over time and queried whether an alternate title or word could be found. Mr. Anderson Cumberbatch noted that within the Ministry of Commerce "vending entrepreneurs" is used with reference to the vending community. The Chairman was not convinced that it was the remit of the Committee to adjust the title to the legislation or the name given to the occupation.

SUSPENSION

At 3:35 p.m. the meeting was suspended to Friday, 8th October, 2021 at 10:00 a.m.

The meeting was further suspended to Monday, 11th October, 2021 at 10:00 a.m.

CONTINUATION
Monday 11th October, 2021 at 10:00 a.m.

PRESENT WERE:

Hon. Kerrie D. Symmonds, M.P. (Chairman)

Hon. G. P. Ian Gooding-Edghill, M.P.

Hon. Adrian R. Forde, M.P.

Hon. Indar A. Weir, M.P.

Hon. Kirk D. M. Humphrey, M.P.

Mr. Trevor A. Prescod, J.P., M.P.

Ms. Toni N. S.-A. Moore, M.P.

Bishop Joseph J. S. Atherley, J.P., M.P.

Senator the Hon. Ms. Lisa R. Cummins

Senator Dr. Lynette P. Holder (online)

Senator Damien R. Sands

Senator Julian A. Hunte (online)

Senator Miss Alphea M. Wiggins, J.P.

IN ATTENDANCE WERE:

Mr. Pedro E. Eastmond, *Clerk of Parliament*

Mr. Nigel R. Jones, *Deputy Clerk of Parliament*

Miss Beverley S. Gibbons, *Deputy Clerk of Parliament*

Miss J'anne C. Greenidge, *Typist (Procedural Officer to the Committee (Ag.))*

Ms. Shawn R. Belle, *Deputy Chief Parliamentary Counsel*

Mr. Anderson Cumberbatch, *Chief Business Development Officer (Ministry of Energy, Small Business and Entrepreneurship)*

Item 1: **WELCOME**

The Chairman called the meeting to order and welcomed the members present.

Item 2: **MINUTES (recommitted)**

On the motion of the Hon K. D. M. Humphrey seconded by Senator D. R. Sands, the Minutes of the 27th September, 2021 were taken as read and were confirmed.

Item 3: **MATTERS ARISING**

There were none

Item 4: **CONSIDERATION OF BILL (continued)**

Clause 17

Under subclause (3)(b) the meaning and the extent of the word "consult" was widely discussed. It was agreed that a subclause defining the word be inserted.

Subclause 17 (3)(f) delete words Section 20(4) and insert Section 20(5).

Clause 18

1. subsection(1)(e) drafting to be compared with the language in the Public Order Act, Cap 168A.
2. reference in subclause 18(2) to section 27. Delete 27 and substitute 28.

Clause 19(2)(a)	delete the word "serious"
Clause 20 (1)	delete words section 18 and substitute section 19
Clause 22(b)	insert the words "Minister responsible for Commerce"

In the Sixth Schedule, add "a representative of the Small Business Association" to the membership of the National Vending Committee.

Clause 24(2)(b) to be deleted and the words – "a vendor nominated by an organisation that represents the interest of vendors" substituted thereto.

Clause 29 include new subclause to provide for payment of administrative penalty by instalments.

The question as to whether under the subject legislation, the convictions of all persons who were convicted of vending offences under the various pieces of legislation, could be expunged was referred to the Deputy Chief Parliamentary Counsel. Counsel was of the opinion that it could better be done under separate legislation.

Clauses 3(2)(c) (recommitted)
Include the word "residence".

Having concluded consideration of the clauses of the Bill, the Committee agreed to hear in-person submissions from stakeholders.

ADJOURNMENT

On the motion of Bishop J. J. S. Atherley seconded by Hon. K. D. M. Humphrey the Committee was adjourned to Wednesday, 13th October, 2021 at 10:00 a.m.

for Clerk of Parliament

Confirmed this 17th day of November 2021.

Chairman

Objects and Reasons

The *National Vending Bill, 2021* makes provision for the

(a) regulation of vending in Barbados;
(b) protection of the rights of vendors; and
(c) matters related to paragraphs *(a)* and *(b)*.

Clauses	*Clause Summary and Description*	*Comments*
Short title *Clause 1:*	states that the Act may be cited as the *National Vending Act, 2021*.	
Interpretation *Clause 2*	makes provision for the definition of words and terms that will be used throughout the Bill.	
Vending *Clause 3*	provides an explanation of what is considered to be vending and activities which are not considered to be vending for the purposes of the Act.	
Licensing requirement *Clause 4*	is meant to stipulate that a person who desires to engage in vending shall be 16 years and older and shall have a licence to do so.	The section will be amended to state that the persons should be 18 years and over and should obtain a licence. Minors cannot enter into legal contracts[1] and it may contravene certain international standards which prohibit minors from being forced to work..
Application for grant of a licence *Clause 5*	makes provision for the application procedure for license requires under clause 4.	Persons seeking to vend on for beaches, esplanades, gardens and parks are required to apply to the NCC. (Clause 5 (3) and (4)) The NCC will grant the licence in this instance. The application is set out in Part III of the *First Schedule*. The fee is set out in the *Third Schedule*. Persons seeking to vend in areas other than beaches, esplanades, gardens and parks are required to apply to the Minister responsible for Commerce. The grant of a licence will be by the Minister of Commerce in Consultation with Minister

[1] See *Minors Act, Cap. 215*, section 19.

		responsible for public markets and the Minister responsible for fisheries. (Clause 5(1) and (2)) The application is set out in Part I of the *First Schedule*. The fee is set out in the *Third Schedule*. Part III of the *Markets and Slaughter-Houses Act, Cap. 265* need to be revisited to decide once and for all whether fresh meat should be sold only in the context of the public market. It should also be queried whether the Bill should be applied to fresh meat.
Vending License Clause 6	speaks to the form of the license granted under clause 5 and the period of validity (1 year). Licenses are also stated to be non-transferable.	• The form of the licence is set out in Part II of the *First Schedule* in respect of areas other than beaches, esplanades, gardens and parks. • The form of the licence is set out in Part IV of the *First Schedule* in respect of beaches, esplanades, gardens and parks.
Register of Vendors Clause 7	requires the Minister responsible for commerce to keep and maintain a Register of Vendors which shall be electronic and physical form.	The said clause also features a provision (5) which requires the NCC to submit the information collected pursuant to clause 5(3) to facilitate the completion of the register to be kept by the Minister responsible for commerce. This is order to facilitate a more streamlined database for all vendors.

Revocation, suspension or varying of a license *Clause 8*	makes provision for the procedure for the revocation, suspension or varying of license.	
Notice of intention to revoke, suspend or vary a licence *Clause 9*	stipulates that (a) the Minister responsible for commerce to give notice to a licensee where there is an intention to revoke, suspend or vary a licence; and (b) requiring the NCC to give notice to a licensee where there is an intention to revoke, suspend or vary a licence.	
Occasional vending that is not on a beach, an esplanade or in a garden or a park *Clause 10*	makes provision for occasional vending in a place that is not on a beach, an esplanade or in a garden or a park.	• The definition of "occasional vending" set out in clause 2 should be noted. • A person who wishes to engage in occasional vending needs to apply for a permit to do so. The permit shall be in the form set out in Part II of the *Second Schedule*. They also have to pay to the Minister of Commerce the fee set out in the *Third Schedule*.
Occasional vending on a beach, an esplanade or in a garden or a park *Clause 11*	makes provision for occasional vending on a beach, an esplanade or in a garden or a park.	• The definition of "occasional vending" set out in clause 2 should be noted. • A person who wishes to engage in occasional vending needs to apply for a permit to do so. The permit shall be in the form set out in Part IV of the *Second Schedule*. They also have to pay to the N.C.C. the fee set out in the *Third Schedule*.
Vending zones *Clause 12*	defines what is to be considered to be a vending zone for the purposes of the Act.	

Designation of vending zones *Clause 13*	empowers the Minister responsible for commerce on consultation with the National Vending Committee to designate vending zones by order.
Beaches, esplanades, gardens and parks *Clause 14*	states that beaches, esplanades, gardens and parks are to be managed by the N.C.C.
Public Markets and fish landing sites *Clause 15*	makes provision for (a) the Manager of Markets to be responsible for the management and operation of a vending zone that is (i) a public market with the exception of a fish market; (ii) an area more particularly described in Part II of the *Fourth Schedule*; or (iii) a zone designated by the Minister on consultation with the National Vending Committee; (b) the Senior Manager of Markets to be responsible for the management and operation of a vending zone that is a public market that is a fish market; and (c) the Minister responsible for fisheries to be responsible for the management and operation of a vending zone that is a public market that is a fish landing site. Vendors who operate in a public market shall do so in compliance with the *Markets and Slaughter-Houses Act, Cap. 265* and the *Markets and Slaughter-Houses Regulations, 1958 (L.N. 1958 No. 73)*.
Prohibition of vending outside of a vending zone *Clause 16*	Clause 16 imposes an administrative penalty on persons who vend outside of a vending zone.

Rights of vendors Clause 17	provides generally for the rights of vendors.	Clause 17 establishes a right to vend once they have a licence and are complying with the conditions of their licence, the provisions of this Act, statutory instruments made thereunder or any enactment related to vending. Additionally, the Act imposes conditions on Managers of Vending Zones in relation to Relocation and Eviction. There also rights to compensation in certain circumstances.
General obligations of vendors Clause 18	makes provision for the general obligations of vending.	
Part VI Relocation and Eviction of Vendors	• Clause 19 makes provision for the procedure applicable for the relocation or eviction of vendors. • Clause 20 makes provision for seizing of goods and the reclaiming of goods.	The understanding of the aforesaid rests on the definition of the "Manager of Vending Zones" because the Manager will be different depending on the zone being managed. Clause 14 states that the NCC will be in charge of beaches, esplanades, gardens and parks. Reference is made to clause 15 which speaks to the domains of the Manager of markets (public markets with the exception of fish markets), the Senior Manager of Markets (fish markets), and the Minister responsible for fisheries (fish landing sites). The forms to be used in relation to relocation and eviction of vendors and the seizure of goods are set out in the *Fifth Schedule*. The extra seizure notice form needs to be removed.

Establishment of the National Vending Committee Clause 21	makes provision for the establishment of the National Vending Committee. The composition and regulation of which are provided for in the *Sixth Schedule*.	
Functions of the Committee Clause 22	makes provision for the advisory functions of the Committee.	
Part VIII speaks to the National Vending Appeals Tribunal	Clause 24 makes provision for the establishment of the Tribunal. Clause 23 makes provision for the ground of appeal to the Tribunal. Clause 25 makes provision for the suspension of the operation of the decision of the Minister, the NCC and the Manager of Vending Zones pending appeal to the Tribunal. Clause 26 makes provision for the powers of Tribunal. Clause 27. Makes provision for persons aggrieved by a decision of the Tribunal to appeal to the High Court.	
Part IX Administrative Penalties	*Clause 28 (Administrative penalties)* states that where a person contravenes a provision set out in Part I of the *Seventh Schedule* they will be liable to pay to the Manager of Vending Zones the administrative penalty specified in that *Schedule*. *Clause 29 (Administrative penalty notice)* makes provision for the issue of an administrative penalty notice which is in the form set out in Part II of the *Seventh Schedule*. The Notice shall specify the nature of the act constituting the contravention, the penalty to be paid and shall require the person to whom it is addressed to pay the penalty within 14 days of the date of the notice. *Clause 30 (Procedure for challenging an alleged administrative contravention)* states	Administrative penalties are monetary penalties assessed and imposed by a regulator and is due and payable when the regulator, not a court, determines that a breach of the regulatory legislation has occurred.[2] There is an error which appears to be a technical glitch. The Arrangement of Sections states that the *Seventh Schedule* refers, erroneously, to fixed penalties. However, the *Seventh Schedule* refers to Administrative penalties. This will be addressed.

[2] *Administrative Penalties Consultation Paper, Law Reform Commission of Saskatchewan, June 2009.*

that a person who wishes to challenge the Notice shall appeal to the Tribunal.

Clause 31 (Administrative penalty to constitute a debt to the Crown) explains that an administrative penalty constitutes a debt to the Crown and if a person does not pay the penalty that person can be taken before the Magistrate's Court so that the sum can be recovered in civil proceedings in that court.

Part X- Miscellaneous

Clause 32 (Fees) explains that the fees collected by the National Vending Committee shall be paid to the Consolidated Fund. The fees collected by the NCC shall be retained by the Commission as funds of the Commission pursuant to section 10 of the *National Conservation Commission Act*, Cap. 393.

Clause 33 (Transitional) speaks to the preservation of the validity of licenses under the *National Conservation Commission Act, Cap. 393* and the *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73) prior to the commencement of the *National Vending Act*. The said licences will be valid for a year after the commencement. After the expiration of the period persons shall be obligated to seek the required licences under the *National Vending Act*.

Clause 34 (Regulations) makes provision for the Minister to make regulation generally to give effect to the Act.

Clause 35 (Amendment of Schedules) makes provision for the *First, Second, Third, Fourth, Fifth, Sixth and Seventh Schedules* to be amended by Order.

Clause 36 (Consequential Amendments) makes provision for the amendment of certain enactments in the *Eighth Schedule*. The *Eighth Schedule* makes provision for the amendment of the *Markets & Slaughter-Houses Act, Cap. 265*, the *Markets & Slaughter-Houses Regulations, 1958 (L.N.1958/53)* the *National*

Conservation Commission Act, Cap. 393 and the *National Conservation Commission (Fees)Regulations, 2015*(S.I. 2015 No. 78). These amendments were necessary in order to better facilitate the operation of the Act.

Clause 37 ***(Commencement)*** makes provision for this Act to come into operation on a date fixed by proclamation.

FIRST SCHEDULE	*Application Form and Vending Licence*	
SECOND SCHEDULE	*Application Form and Permit for Occasional Vending*	
THIRD SCHEDULE	*Fees*	
FOURTH SCHEDULE	*Lists and Descriptions*	
FIFTH SCHEDULE	FIFTH SCHEDULE *Relocation Notice*	Should read as follows: "Relocation, Eviction and Seizure Notices."
SIXTH SCHEDULE	*National Vending Committee*	
SEVENTH SCHEDULE	*Fixed Penalties-Must be changed to Administrative penalties*	There is an error which appears to be a technical glitch. The Arrangement of Sections states that the *Seventh Schedule* refers, erroneously, to fixed penalties. However, the *Seventh Schedule* refers to Administrative penalties. This will be addressed.
EIGHTH SCHEDULE	*Consequential Amendments*	

PARLIAMENT OF BARBADOS
(SECOND SESSION OF 2018-2023)

JOINT SELECT COMMITTEE

NATIONAL VENDING BILL, 2021

Minutes of the Third Meeting of the Joint Select Committee of both Houses of Parliament to review and examine the **National Vending Bill, 2021**, held at Parliament, Worthing Corporate Centre, Worthing, Christ Church on Wednesday 13th October, 2021 at 10:00 a.m.

PRESENT WERE:

Hon. Kerrie D. Symmonds, M.P. (Chairman)
Hon. G. P. Ian Gooding-Edghill, M.P.
Hon. Adrian R. Forde, M.P.
Hon. Indar A. Weir, M.P.
Hon. Kirk D.M. Humphrey, M.P.
Mr. Trevor A. Prescod, J.P., M.P.
Ms. Toni N. S.-A. Moore, M.P. (online)
Bishop Joseph J. S. Atherley, J.P., M.P.
Senator the Hon. Ms. Lisa R. Cummins (online)
Senator Damien R. Sands
Senator Miss Alphea M. Wiggins, J.P. (online)

IN ATTENDANCE WERE:

Mr. Pedro E. Eastmond, *Clerk of Parliament*
Mr. Nigel R. Jones, *Deputy Clerk of Parliament*
Miss Beverley S. Gibbons, *Deputy Clerk of Parliament*

Miss J'anne C. Greenidge, *Typist (Procedural Officer to the Committee (Ag.))*

Ms. Shawn R. Belle, *Deputy Chief Parliamentary Counsel*

Mr. Anderson Cumberbatch, *Chief Business Development Officer, Ministry of Energy, Small Business and Entrepreneurship*

Mr. Sherlock King, *Manager of Markets, Ministry of Agriculture* (online)

Item 1: **WELCOME**

The Chairman called the meeting to order and welcomed all present.

Item 2: **MINUTES**

The Minutes of the Meeting of Monday 4th October, 2021, the Second Meeting of the Committee, were deferred on the motion of the Hon. Kirk D. M. Humphrey seconded by Senator Damien R. Sands.

Item 3: **MATTERS ARISING**

This matter was consequently deferred.

Item 4: **ORAL PRESENTATIONS**

- Barbados Association of Retailers, Vendors and Entrepreneurs (BARVEN) comprised the following:

Mr. Alistair Alexander, GCM, *President;*
Mr. Robert Maloney, *Roving Communications Officer;*
Mr. Valentino Barrow, *Public Relations Officer;*
Mr. Junior Greenidge, *Member and Steward of Bridge Street;* and
Mr. Leonard Allsopp, *Member and Stalwart.*

Mr. Alexander made an opening statement to the Committee on behalf of BARVEN. They proudly embraced the title of "vendor" and believed that the short title, the *National Vending Act, 2021* was appropriate. They agreed to the age of "16" at which vending should begin pursuant to Clause 4(1) instead of the proposed age of "18" and with the licensing and registering of all vendors.

It was queried whether they had any concerns with Clause 18(1) which states that *"a vendor shall not, while vending, use abusive language or make insulting gestures as well as consume or be under the influence of alcohol or drugs"*. They agreed with the Clause and believed that there must be order and business-like practices should be automatically respected.

In response to the query with regard to tourism training and engagement for the beach vendors he noted that despite not having many beach vendors in their Association they promote development by training, retraining and retooling. Additionally, there is a document relative to tourism, community and vending which was followed.

Part VI — Relocation and Eviction of Vendors re Clause 19(1) whereby the vendor has been given thirty (30) days' eviction notice and the standard operating procedures were raised. They believed that there have to be sanctions or penalties to keep persons in order and if breached or continued to be in breach they should be removed.

The issue of the Constitution of the National Vending Committee was raised and they proposed that a representative of the Rastafarian Community be included.
They were questioned whether the fee structure applied pursuant to the Third Schedule was reasonable. The majority of them were in agreement with the fees and opined that the present mendicant type mentality should be discouraged and as a community, persons needed to contribute to their development.

The Establishment of a National Vending Appeals Tribunal pursuant to Clause 24 with regard to including a vendor of at least 10 years' experience or that an Association choose a representative was raised. The Meeting heard that BARVEN preferred to have a vendor as a representative but not on the basis of his years of experience. It was agreed that the vendor be nominated by a vendor's organisation.

One major concern was the creation of Vending Zones (Part V – Vending Zones) and they were asked what provisions were needed from the Government to facilitate them in order to do the business of vending. They were pleased with for example, that the agricultural workers would be provided with mobile lunchrooms and bathroom facilities. They added that storage facilities should be considered. With regards to vending in Bridgetown, location was key and they believed that BARVEN and the storeowners should co-operate. Consideration was given to the coconut vendors and the initiative of the National Coconut Stakeholders' Platform was advanced to the Committee.

The question of the Administrative Penalties – Seventh Schedule was raised. A discussion ensued with regard to the previous difficulties of obtaining a vending licence from

consecutive Governments and certain encounters with officers of the Royal Barbados Police Force. It was proposed that pursuant to Clause 29(2), consideration should be given to the payment of the penalty within 14 days of the date of the notice. It was noted that the Committee would also examine the question of the expungement of convictions from the record.

SUSPENSION

On the motion of the Hon. Kirk D. M. Humphrey seconded by the Hon. Adrian R. Forde the Joint Select Committee was suspended until 2:00 p.m. At 1:15 p.m. the Chairman suspended the Meeting

RESUMPTION

On resumption, BARVEN reverted to the issue of Administrative Penalties and felt that the fees as provided in the Seventh Schedule were not reasonable but represented a form of deterrent from persons breaking the law.

SUSPENSION

On the motion of the Hon. Kirk D. M. Humphrey seconded by Senator Miss Alphea M. Wiggins the Joint Select Committee was suspended until 2:35 p.m. At. 2:25 p.m. the Chairman suspended the Meeting.

RESUMPTION

On resumption the Chairman proceeded to the written Recommendations and Suggestions made by the Product Development Department of the Barbados Tourism Marketing Inc. (BTMI).

- Barbados Tourism Marketing Inc. (BTMI)

The Chairman welcomed Ms. Marsha Alleyne, Chief Product Development Officer, Barbados Tourism Marking Inc. (BTMI) and requested her to elaborate on the idea of the cashless payment options and with a view to include Wi-Fi technology within the vending zones. She believed that the cashless payment option would advance a state-of-the-art type facility and this would take the vendors into the 21st century and should be part of the Regulations.

The Meeting heard that the customer service training programme called the BarbadosTogether Workshop would be facilitated by BTMI as a result of the granting of licences to the members of the informal sector. This would be in conjunction with the already functioning National Training Initiative programme.

In relation to Clause 5 – Application for the grant of a licence, the Committee agreed to withdraw the recommendation that the Clause should include a Police Certificate of Character (PCC) and Verbiage for (PCC) indicating that it was not for discriminatory reasons. It was withdrawn on the basis that the vendors would be self-employed.

The Committee agreed that the majority of BTMI's recommendations would be included in the Regulations to form a code of ethics and to use as a regulatory framework to promote best practices.

With regard to the recommendation of the digital Vending Identification Cards as well as in a printable format to include picture ID and expiry date it was suggested that the card should also incorporate "approved vendor". It was agreed that this would be facilitated in the Regulations.

St. Peter:

4. Farley Hill
5. Six Mens

St. Joseph:

6. The Trail Ways

The issue of the adequacy of informational, directional and digitalised signage with regard to the vending zones was raised and discussed. Mrs. Alleyne proposed that each vending zone be identified with specific areas of goods and services.

ADJOURNMENT

On the motion of the Hon. Adrian R. Forde seconded by Senator Damien R. Sands the Committee was adjourned until Friday, October 15th, 2021 at 10:00 a.m. At 4:15 p.m. the Chairman adjourned the Meeting.

for Clerk of Parliament

Certified correct this 23rd day of November 2021.

Chairman

The Committee gave consideration to the following recommended vending zones and those to be established:

St. James:

1. Weston
2. Holders Hill (community-based tourism)
3. Folkstone Park

St. Andrew:

4. Cherry Tree Hill

St. Peter:

5. Speightstown Esplanade

St. John:

6. Hackleton's Cliff
7. St. John's Parish Church Yard

St. Lucy:

8. St. Lucy Parish Church Carpark

To be established:

St. Andrew:

1. Ermie Bourne Highway/Barclays Park
2. Chalky Mount Pottery Village
3. Morgan Lewis Windmill

PARLIAMENT OF BARBADOS
(SECOND SESSION OF 2018-2023)

JOINT SELECT COMMITTEE

NATIONAL VENDING BILL, 2021

Minutes of the Fourth Meeting of the Joint Select Committee of both Houses of Parliament to review and examine the **National Vending Bill, 2021**, held at Parliament, Worthing Corporate Centre, Worthing, Christ Church on Friday 15th October, 2021 at 10:00 a.m.

PRESENT WERE:

Hon. Kerrie D. Symmonds, M.P. (Chairman)
Hon. G. P. Ian Gooding-Edghill, M.P.
Hon. Adrian R. Forde, M.P.
Hon. Indar A. Weir, M.P.
Hon. Kirk D. M. Humphrey, M.P. (online)
Mr. Trevor A. Prescod, J.P., M.P.
Bishop Joseph J. S. Atherley, J.P., M.P.
Ms Toni N. S.-A. Moore, M.P.
Senator the Hon. Ms. Lisa R. Cummins
Senator Dr. Lynette P. Holder (online)
Senator Miss Alphea M. Wiggins, J.P. (online)

IN ATTENDANCE WERE:

Mr. Pedro E. Eastmond, *Clerk of Parliament*
Mr. Nigel R. Jones, *Deputy Clerk of Parliament*
Miss Beverley S. Gibbons, *Deputy Clerk of Parliament*

Miss J'anne C. Greenidge, *Typist (Procedural Officer to the Committee (Ag.))*

Ms. Shawn R. Belle, *Deputy Chief Parliamentary Counsel*

Mr. Anderson Cumberbatch, *Chief Business Development Officer, Ministry of Energy, Small Business and Entrepreneurship*

Item 1: **WELCOME BY THE CHAIRMAN**

The Chairman called the meeting to order and welcomed all present.

Item 2: **MINUTES**

The Minutes of the Meeting of Monday, 4th October, 2021, the Second Meeting of the Committee and Wednesday, 13th October, 2021, the Third Meeting of the Committee were deferred on the motion of the Hon. A. R. Forde, seconded by Senator the Hon. Ms. L. R. Cummins.

Item 3: **MATTERS ARISING**

There were none.

Item 4: **ORAL PRESENTATIONS**

1. Ministry of Transport, Works and Water Resources
   - Mr. Mark Cummins, *Permanent Secretary*
   - Mr. Jason Bowen, *Deputy Chief Technical Officer (Ag)*
   - Mr. Mark Durant, *Chief Planning Officer*

Mr. Jason Bowen, Deputy Chief Technical Officer (Ag) in his opening remarks said that the Ministry was supportive of the policy and the Bill as it was the belief that vending provides an opportunity for Barbadians to make a living which adds to the economic growth and development of the country. He added that it was necessary to look at some of the technical issues which relate to layout and vending zones, etc.

Amongst the issues and concerns and a major concern was the use of sidewalks by vendors which reduced the area left for pedestrians; further that much of the land along the roads was privately owned and the vendors were using private property as such when they set up along the road. He stated that in Bridgetown, landowners owned up to the centre of some roads. As regards the ABC Highway there is a defined area of the corridor which is Government owned and useable by vendors. However, the speed at which traffic travels on the Highway could be problematic for vending. It was recommendable that persons should not park and conduct business on the shoulder of the Highway but away from the shoulder so as to improve road safety and traffic flow and allow for business beyond the shoulder.

Mr. Bowen advised that the Ministry no longer issues permission for vending along the roadway. Mr. Bowen, who has been a technical officer in the Ministry since 2005, said that the Ministry has identified some areas close to or on the Highway including Warrens, St. Michael and Top Rock, Christ Church for development infrastructurally to provide areas for vehicles to park and facilities for vendors to ply their trade. He cited a few of the areas which can be seen when driving on the Highway.

Mr. Mark Cummins, Permanent Secretary, reiterated much of what was said by Mr. Bowen regarding the Ministry's support for vending and the Bill; the likely danger in vending on the highways and the Ministry's identification of site off the Highway. He said that it was a collaborative effort between the Ministry and the Chief Town Planner to remove those unauthorised vendors from the highways.

Mr. Cummins said that a ABC Highway Land Use Study was done sometime in 1996 or 1997; and that sites were selected on Crown Lands and drawings proposed and approved but unfortunately no structures were built. On a query from the Chairman,

Mr. Cummins identified some of the chosen sites at Graeme Hall, land near the Emancipation Statue in Haggatt Hall, land at Waterford and land at Warrens not now available. Planning permission would have lapsed but Mr. Cummins saw no difficulty in having the permission revalidated on a new application since all the necessary studies would have already been carried out.

In response to queries and statements made by members of the Committee, Mr. Cummins gave further information as to how the vending zones would have been developed and operated. He reminded that the revised Physical Development Plan which was not yet law proposed the development of vending areas on farms and other private property for sale of produce.

Mr. Cummins's vision for part of the tourism product was the use of the unique Swing Bridge which presently only lifts. He suggested that once a month, the Bridge should be lifted and the areas adjacent to and near the Bridge and the Boardwalk could be utilised for vending and other services.

The Chairman on behalf of the Committee thanked Mr. Cummins and his team for their contributions to the deliberation of the Committee and looked forward to working closer with Mr. Cummins in the very near future on the identification and development of proposed vending zones.

2. Ministry of Agriculture and Food Security, and the Ministry of Maritime Affairs and the Blue Economy
   - Mr. Eric Lewis, *Senior Manager of Markets, Ministry of Maritime Affairs and the Blue Economy*
   - Ms. Milanese Holder, *Manager, Bridgetown Public Market*
3. Barbados National Union of Fisherfolk Organisation (BARNUFO)
   - Ms. Vernel Nicholls, *President*

In discussing the Bill, Mr. Eric Lewis pointed out that anomalies in the List of fish landing sites which included some fish markets. He also drew attention to the error in Clause 15(3) where responsibility was given to the Minister rather than the Chief Fisheries Officer for the management and operation of fish landing sites.

Mr. Lewis, Ms. Holder and Ms. Nicholls supported the provisions with amendment in Clause 18(1)(c) relating to offences by vendors while vending in the vending zones. Similar provisions appear in the *Markets and Slaughterhouses Regulations, 1958.*

Ms. Nicholls said that she had not consulted fully with the members of BARNUFO on the legislation and needed time to do so before commenting or committing to some aspects of the Bill. The Committee agreed to further discussions with Ms. Nicholls after the consultations. She personally was of the opinion that some of the administrative penalties were steep and more time than the stipulated 14 days was required to settle same.

As regards the level of fees charged by the Markets, Ms. Nicholls said that the fisherfolk felt that the current fee of 75 cents per day was too little given the facilities and services provided, however discussions were ongoing with the Ministry regarding an increase which was delayed due to COVID-19.

Ms. Shawn R. Belle, Deputy Chief Parliamentary Counsel, advised that the Markets and Slaughterhouses Regulations be revised with regards to the penalties for offences and that similar penalties, now to be referred to as administrative penalties, be included in the Bill in the act of decriminalising of vending in terms of the licencing regime.

There was much discussion on the method of coordinating the approval of an application for a vendor's licence which is be issued within a time frame by the Ministry of Commerce after consultation with the Ministry of Agriculture, the Ministry of Maritime Affairs and the Blue Economy or the National Conservation Commission (NCC).

Ms. Nicholls raised the question of young persons, the children of vendors who are 15 years and upwards, being allowed to assist their parents in their business. This matter

had previously engaged the attention of the Committee when considering the issue of licences to persons between the age of 16 to 18.

The current practice of fishermen being allowed to sell fish without a licence and whether it would continue under the new regime was raised by Mr. Lewis and Ms. Nicholls.

The Chairman thanked Mr. Lewis, Ms. Holder and Ms. Nicholls for their contributions.

4. Association of Wayside Vendors

- Mr. Keith Franklin, *President*
- Ms. Juliette Moore, *Member*

Mr. Keith Franklin, President of the Association of Wayside Vendors said that some of the issues that concerned the Association were the fees, the duration of licences and the areas to be designated as vending zones.

Ms. Juliette Moore expressed similar concerns to Mr. Franklin and queried whether a person would be allowed to sell from the front of their home, produce grown in their back garden. She sought clarification of temporary vending in relation to temporary vending sites.

Ms. Shawn Belle explained the types of licences and fees. The concept of the vending zone was explained by the Chairman.

Senator The Hon. Ms. L. R. Cummins queried the fee for and the type of licence to operate at a Farmers Market, stating that if it was an occasional vending licence, it would prove to be expensive as some Farmers Markets operated one day a week every month. An occasional licence is for the duration of a single event. The Chairman suggested that a person wishing to vend continuously at a Farmers Market should apply for an annual vendors' licence. The consensus was that the Bill did not speak clearly to that issue and perhaps Farmers Markets should be deleted as such from Section 3(1) of the Bill.

Ms. Juliette Moore while noting that the proposed legislation was for the improvement and better regulation of the business of vending, cautioned care and consideration should be foremost in implementing the law so as not to frustrate and hinder the very class of persons to which the Bill is designed to give respectability and opportunity to make a living.

Mr. Keith Franklin saw the merits of the Bill. He was not in favour of the fees or the level of the fees. Currently he operated at the Palmetto Market and paid only for the rental of a stall. He spoke freely of his experience and what obtains at the Palmetto Market.

The Committee for the most part was impressed with the candour, and what was described as "most refreshing and unbridled discourse" of the two contributors and in thanking them for participating in the discussions wished them well.

Item 5: **ANY OTHER BUSINESS**

The Committee discussed a tentative date for the next meeting of the Committee subject to events that were scheduled to take place.

ADJOURNMENT

There being no further business the meeting was adjourned at 4:45 p.m. on the motion of the Hon. K. D. M. Humphrey, seconded by Senator the Hon. Ms. L. R. Cummins.

Bibbons
for Clerk of Parliament

Certified correct this 23rd day of November 2021.

Chairman

PARLIAMENT OF BARBADOS
(SECOND SESSION OF 2018-2023)

JOINT SELECT COMMITTEE

NATIONAL VENDING BILL, 2021

Minutes of the Fifth Meeting of the Joint Select Committee of both Houses of Parliament to review and examine the **National Vending Bill, 2021**, held at Parliament, Worthing Corporate Centre, Worthing, Christ Church on Friday 22nd October, 2021 at 10:00 a.m.

PRESENT WERE:

Hon. Kerrie D. Symmonds, M.P. - **Chairman**
Hon. G. P. Ian Gooding-Edghill, M.P.
Hon. Adrian R. Forde, M.P.
Hon. Indar A. Weir, M.P.
Hon. Kirk D. M. Humphrey, M.P. (online)
Mr. Trevor A. Prescod, J.P., M.P.
Bishop Joseph J. S. Atherley, J.P., M.P.
Senator the Hon. Ms. Lisa R. Cummins
Senator Dr. Lynette P. Holder (online)
Senator Julian A. Hunte (online)
Senator Miss Alphea M. Wiggins, J.P. (online)

IN ATTENDANCE WERE:

Mr. Pedro E. Eastmond, *Clerk of Parliament*
Mr. Nigel R. Jones, *Deputy Clerk of Parliament*
Miss Beverley S. Gibbons, *Deputy Clerk of Parliament*

Miss J'anne C. Greenidge, *Typist (Procedural Officer to the Committee (Ag.))*

Ms. Shawn R. Belle, *Deputy Chief Parliamentary Counsel*

Mr. Anderson Cumberbatch, *Chief Business Development Officer, Ministry of Energy, Small Business and Entrepreneurship*

Also in attendance:

Ambassador David Comissiong

Mr. Sherlock King, *Manager of Markets, Ministry of Agriculture*

Ms. Vernel Nicholls, *President of Barbados National Union of Fisherfolk Organisation (BARNUFO)*

Item 1: **WELCOME BY THE CHAIRMAN**

The Chairman called the meeting to order welcoming all the Committee members present.

Item 2: **MINUTES**

The Minutes of the Meeting of Monday 13th October, 2021 were deferred on the motion of Senator the Hon. Ms. L. R. Cummins, seconded by Hon. A. R. Forde.

Item 3: **MATTERS ARISING**

There were none.

Item 4: **ORAL PRESENTATIONS**

- His Excellency David Comissiong

Ambassador Comissiong indicated that his presentation would in his capacity as Deputy Chairman of the Thorne Commission on Local Governance which did a series of public consultations across Barbados and had submitted its Report to the Cabinet of Barbados, recommending the establishment of a system of elected People's Assemblies or a kind of local Government consisting of 21 Assemblies to cover the entire island. He divulged that one of the proposed functions of the Assemblies related to vending. He stressed that in light of the content of the Bill that it was crucial to include the People's Assemblies.

The Ambassador spoke on the current existing vending situation and opined that the Bill would change the existing situation fundamentally by restricting/prohibiting vending island-wide except a licence was granted. He was concerned that though the Bill was food in terms of treating vending as professional and semi-professional activity and its proper regulation, that it may unduly restrict the opportunities of Barbadians to carry on vending in areas outside of the zones and public markets. He amplified on one of the priority functions of the People's Assemblies as it relates to the promotion of self-employment and the development of business enterprise, activities which would involve wayside vending, preparations and/or selling of food items and other services, et cetera. The purview of the People's Assemblies would be outside of the restricted zones around the public markets which come under the Ministry of Agriculture. He was further of the opinion that the proposed National Vending Committee provided for in the Bill would not be very close to the community as would the People's Assembly. He proposed that the Joint Select Committee contemplate a role for the People' Assemblies an advisory capacity to the National Vending Committee on the establishment of new vending zones to facilitate entrepreneurial activity.

Ambassador Comissiong drew to the attention of the Committee the traditional activities of persons selling outside of their homes, young men selling fruits on the

roadside and itinerant vendors and questioned how are these to be accommodated/ regulated.

Ambassador Comissiong competently responded to the statements; queries and supplementary questions asked by the members of the Committee

- Mr. Sherlock King, Manager of Markets (online)

Mr. King gave his overview of the purpose of the Bill which was structure and regulation of the informal and unregulated business of vending and noted that there would be consequential challenges.

Mr. King was questioned on issues of unauthorised subletting of market stalls, the procedure for eviction for non-payment of rent and collection of arrears of rent, or other infractions and the capacity of the Ministry [of Agriculture] to deal with matters arising for seizure of goods.

- Ms. Vernel Nicholls, President of Barbados National Union of Fisherfolk Organisation (BARNUFO)

Ms. Nicholls who previously appeared before the Committee was welcomed back. Ms. Nicholls expressed/reported the concerns of her union on various aspects of the Bill.

First amongst the concerns were relocation of vendors, the reasons therefor, consultation, with Management of the Markets and the mechanisms for relocation. The assurances given to her by the Chairman were accepted.

The question of licences for the traditional itinerant fish vendor and fisher vendor and the occasional fisher vendor ("dinner fish") was raised. It was pointed out that the itinerant fish vendor and fisher vendor would not require a licence. As regards the fisher vendor ("dinner fish") accommodation and regulation could be made by the Management of Markets. It was agreed that because of the changing dynamics in the fishing industry and vending as a whole that specific licences would have to be considered.

Ms. Nicholls reported that these concerns regarding the quantities of fees to be paid by the fisherfolk and the proposed implementation date under the Bill. She cited the daily toll of seventy-five cents (75c) tentatively agreed to be increased to $5.00 per day and the proposed licence fee of $100.00 per year being increased by $90.00, all of which should be looked at given the downturn in the industry due to declining catches and the impact of the sargussum seaweed. It was agreed that there will be further discussion on these costs in the Ministry of Maritime Affairs and the Blue Economy.

Item 5: **ANY OTHER BUSINESS**

There was none.

ADJOURNMENT

On the motion of the Hon. K. D. M. Humphrey, seconded by the Hon. A. R. Forde, the Committee was adjourned.

Bibbons
for Clerk of Parliament

Confirmed this 17th day of November 2021.

Chairman

PARLIAMENT OF BARBADOS
(SECOND SESSION OF 2018-2023)

JOINT SELECT COMMITTEE

NATIONAL VENDING BILL, 2021

Minutes of the Sixth Meeting of the Joint Select Committee of both Houses of Parliament to review and examine the **National Vending Bill, 2021**, held at Parliament, Worthing Corporate Centre, Worthing, Christ Church on Wednesday, 3rd November, 2021 at 10:00 a.m.

PRESENT WERE:

Hon. Kerrie D. Symmonds, M.P. (Chairman)
Hon. G. P. Ian Gooding-Edghill, M.P.
Hon. Adrian R. Forde, M.P.
Hon. Indar A. Weir, M.P. (online)
Hon. Kirk D. M. Humphrey, M.P. (online)
Mr. Trevor A. Prescod, J.P., M.P.
Bishop Joseph J. S. Atherley, J.P., M.P.
Ms. Toni N. S.-A. Moore, M.P.
Senator Dr. Lynette P. Holder (online)
Senator Damien R. Sands
Senator Miss Alphea M. Wiggins (online)

EXCUSES:

An excuse for absence was received from:

Senator the Hon. Ms. Lisa R. Cummins

IN ATTENDANCE WERE:

Mr. Nigel R. Jones, *Deputy Clerk of Parliament*

Miss Beverley S. Gibbons, *Deputy Clerk of Parliament*

Miss J'anne C. Greenidge, *Typist (Procedural Officer to the Committee (Ag.))*

Ms. Shawn R. Belle, *Deputy Chief Parliamentary Counsel*

Mr. Anderson Cumberbatch, *Chief Business Development Officer, Ministry of Energy, Small Business and Entrepreneurship*

Mr. Sherlock King, *Manager of Markets, Ministry of Agriculture and Food Security*

Item 1: **WELCOME BY THE CHAIRMAN**

The Chairman called the meeting to order and welcomed all present.

Item 2: **MINUTES**

The Minutes of the previous Meetings of the Committee were deferred on the motion of the Hon. A. R. Forde seconded by Bishop J. J. S. Atherley.

Item 3: **MATTERS ARISING**

This matter was consequently deferred.

Item 4: **CONSIDERATION OF WRITTEN SUBMISSIONS**

Written submissions were received from the Organisations following and circulated to the Members of the Committee:

1. Barbados Tourism Marketing Inc.
2. Mr. Ronald Chapman, Deputy Chief Environmental Health Officer – Head of the COVID-19 Monitoring Unit
3. His Excellency David Comissiong, Ambassador to CARICOM
4. Mr. Richard Harris – Registrar of Cooperatives and Friendly Societies, Ministry of Energy, Small Business and Entrepreneurship; and
5. Barbados Chamber of Commerce and Industry

The submissions contained matters already raised and discussed by the Committee and in particular that from the Barbados Chamber of Commerce and Industry also raised areas of concern and sought clarity on the same. There was no further discussion on the submissions; the Committee therefore gave consideration to amendments to the Bill consequence on its consideration of the Bill; the face-to-face consultations and the submissions as follows:

Clause 2 Interpretation

The Committee agreed to the insertion of the words "itinerant vending" and a definition thereof.

The definition of "Manager of Vending Zones" was also agreed to be amended by deleting subclause (d) and substituting new subclause (d) "the Minister responsible for fisheries for the purpose of vending zones that are fish landing sites."

The definition of "occasional vending" was amended by the deletion of the words "Farmers Market" from subclause or paragraph (b).

Clause 3 Vending

Clause 3 was amended by:

1. The insertion of a new subclause 3(1)(c); and
2. The deletion of subclause 2(f), consequent on the insertion of words and definitions of "itinerant vending".

Clause 4 Licencing and Permit requirements

It was reported that the Solicitor's General Chambers had acknowledged receipt but not yet responded to a query regarding minors, for the purposes of this clause. After some discussion it was agreed to amend clause 4(1) by deleting the word "16" and substituting the word "18". This agreement was on the assurance that the Regulations under the Act would make provisions for persons under age 18 to operate within the Vending Scheme.

Clause 5 Application for a grant of a licence

Clause 5 subclauses (2) and (4) were amended to reflect the fast-tracking of applications as suggested by the Committee. The regime to be implemented does not affect that of the National Conservation Commission (NCC) due to unique considerations taken into account by the NCC regarding matters environmental and otherwise and its fee structure.

It was further agreed that an aggrieved applicant may apply to the Tribunal for redress. Clause 23 to be amended accordingly to allow for appeals.

Clause 6 Vending Licence

New Clause 6(3) to be inserted to allow for a person granted a licence under the Act to operate at a fair, festival, carnival, etc., without obtaining a permit required under clauses 10 and 11 of the Bill. A similar clause to be inserted at Clause 12(7).

Clause 7 Register of Vendors

It was noted that the clause was amended to increase the concept of the itinerant vendors and occasional vendors by the inclusion of further specific particulars in the Register.

Clause 12 Itinerant Vending (new insertion)

The new clause makes provision for the itinerant vendor and terms and conditions for the issue of permits.

Consequently the Third Schedule of the Bill to be amended to provide for the payment of a fee for the permit. Further revision of the Schedule required from a policy perspective in light of the submissions made by the various stakeholders.

Clause 16 Public Markets and Fish Landing Sites

Subclause (16)(3) to be deleted – "Minister responsible for fisheries" and substitute "Chief Fisheries Officer".

Clause 17 Rights of Vendors

Subclause (3)(b) to be amended and expanded pursuant to the discussions of the Committee regarding the extent and interpretation of the word "consulted" and its instructions thereon. New subsections (4) and (5) to be included. (Reference transcript of Meeting)

Clause 18 General Obligations of Vendors

New clause 18(2); (3) and (4) inserted and approved.
(Reference transcript of Meeting)

18 (2) and (3) provide a dispute resolution mechanism.

Clause 22 Functions of the Committee (National Vending Committee)

Subclause 22(b) insert at the beginning of the clause "Minister responsible for Commerce".

Clause 29 Administrative Penalty Notice

New subclause 29(4) inserted which provides for the payment of the penalty by instalments.

Clause 36 (new) Expungement – (Reference transcript of Meeting)

Approval given to new clause which provides for the expungement of the record of any sentences or convictions for offences under any enactment for breaches of vending laws.

It was emphatically pointed out that licences to be issued under this Bill are to be issued to individuals and do not extend to their employees.

Sixth Schedule – National Vending Committee: Constitution of the Committee

Amend the list to include:

- A representative of BARNUFO
- A representative of the Small Business Association
- A representative of a community-based organisation
- A representative of the Rastafarian Community; and
- A representative of the Ministry of Tourism.

Eighth Schedule

Part 1: Administrative Penalties

The description of contraventions and penalties to be increased or supplemented.

Part 2: Consequential Amendments

The list of enactments and regulations to be amended to correspond with the list of contraventions in Part 1.

Item 5: **ANY OTHER BUSINESS**

The Committee discussed a possible date for a formal meeting to approve the draft Report and supporting appendages with a deadline of 15th or 19th November, 2021.

ADJOURNMENT

On the motion of the Hon. A. R. Forde, seconded by Bishop J. J. S. Atherley, the Committee was adjourned sine die at 2:40 p.m.

Bibbons
for Clerk of Parliament

Certified correct this 23rd day of November 2021.

Chairman

PARLIAMENT OF BARBADOS
(SECOND SESSION OF 2018-2023)

JOINT SELECT COMMITTEE

NATIONAL VENDING BILL, 2021

Minutes of the Seventh Meeting of the Joint Select Committee of both Houses of Parliament to review and examine the **National Vending Bill, 2021**, held at Parliament, Worthing Corporate Centre, Worthing, Christ Church on Wednesday, 17th November, 2021 at 10:00 a.m.

PRESENT WERE:

Hon. Kerrie D. Symmonds, M.P. (Chairman)
Hon. G. P. Ian Gooding-Edghill, M.P.
Hon. Adrian R. Forde, M.P.
Hon. Kirk D. M. Humphrey, M.P. (online)
Mr. Trevor A. Prescod, J.P., M.P.
Bishop Joseph J. S. Atherley, J.P., M.P.
Senator the Hon. Ms. Lisa R. Cummins
Senator Dr. Lynette P. Holder (online)
Senator Damien R. Sands
Senator Miss Alphea M. Wiggins, J.P. (online)

IN ATTENDANCE WERE:

Mr. Nigel R. Jones, *Deputy Clerk of Parliament*
Miss Beverley S. Gibbons, *Deputy Clerk of Parliament*
Miss J'anne C. Greenidge, *Typist (Procedural Officer to the Committee (Ag.))*
Ms. Shawn R. Belle, *Deputy Chief Parliamentary Counsel*

Item 1: **WELCOME**

The Chairman called the meeting to order and welcomed all present.

Item 2: **MINUTES**

The Minutes of the Meeting of Monday 4th October, 2021 and Friday, 22nd October, 2021 were taken and read and were confirmed on the motion of the Hon G. P. I. Gooding-Edghill seconded by Senator D. R. Sands.

Item 3: **MATTERS ARISING**

There were none.

Item 4: **CONSIDERATION OF BILL AND AMENDMENTS**

Part I – Preliminary

Clauses 1 and 2 (as amended) were passed

Part II – Vending

Clause 3 (as amended) was passed

Part III – Regulation of Vending Activities

Clauses 4 to 8 (all as amended) were passed

Clauses 9 to 11 were passed

Clause 12 (as amended) was passed

Part IV – Vending Zones

Clauses 13 to 15 were passed

Clause 16 (as amended) was passed

Part V – Rights and Obligations of Vendors

Clause 17(as amended) was passed

Clause 18 was passed

Part VI – Relocation and Eviction of Vendors

Clauses 19 and 20 (both as amended) were passed

Par VII – National Vending Committee

Clauses 21 and 22 were passed

Part VIII – Appeals

Clauses 22 to 24 (all as amended) were passed

Clause 25 was passed

Clause 26 (as amended) was passed

Clause 27 (as amended) was passed

Part IX – Administrative Penalties

Clauses 28 and 29 (as amended) were passed

Clauses 30 and 31 were passed

Part X – Miscellaneous

Clauses 32 to 35, 36 (as amended) and 37 to 38 were passed

First Schedule – Application Forms and Vending Licence

The First Schedule with Parts 1 and 3 (both as amended) was passed.

Second Schedule – Application Forms and Permits for Casual Vending and Itinerant Vendors

The Second Schedule with Parts 1 and 3, and 5 and 6 (all as amended) was passed.

Third Schedule – Fees

The Third Schedule, paragraphs 1 and 2 (as amended) and the insertion of a new paragraph was passed.

Fourth Schedule – Lists and Descriptions

The Fourth Schedule with Part 1 (as amended) and Part 3 (as amended) was passed.

Fifth Schedule – Notices

The Fifth Schedule with Part 5 (as amended) was passed.

Sixth Schedule – National Vending Committee

The Sixth Schedule with Part 1 (as amended) was passed.

Seventh Schedule – Administrative Penalties

The Seventh Schedule (as amended) was passed.

Eighth Schedule

The Eighth Schedule (as amended) was passed.

Item 5: **ANY OTHER BUSINESS**

The draft Report of the Committee with amendments as proposed by Mr T. A. Prescod and Bishop J. J. S. Atherley was approved. The amendment included a statement by Mr. T. A. Prescod on behalf of the Task Force on Reparation and Economic Enfranchisement; and suggested expressions by Bishop J. J. S. Atherley of appreciation to the Deputy Chief Parliamentary Counsel and the staff of Parliament for their diligence and work in support of the Committee.

It was resolved that the Committee should report to Parliament at the soonest practical opportunity, preferably Tuesday, 23rd November, 2021.

The Chairman thanked the members of the Committee for their "robust and clearly demonstrable interest" in the work of the Committee.

ADJOURNMENT

There being no further business, the Committee was adjourned at 12:15 p.m.

for Clerk of Parliament

Certified correct this 23rd day of November 2021.

Chairman

List of Amendments arising from the Meetings of the Joint Select Committee on the National Vending Bill, 2021

1. In clause 2
   (a) the definition of an "itinerant vendor" was inserted;

   (b) the definition of "Manager of Vending Zones" was amended to make reference to the Chief Fisheries Officer;

   (c) the definition of "vending zone" is amended to delete the reference to section 12 and substitute it with a reference to section 13;

   (d) the definition of "vendor" is amended to delete the references to sections 10 and 11 and substitute the references to sections 4, 10, 11 and 12; and

   (e) the definition of "vehicle" was inserted.[1]

2. Clause 3(1) was amended to include itinerant vending.

3. Clause 3(2) was amended to insert
   (a) a new paragraph (e) to state that the sale of merchandise or the rendering of services by a person within the curtilage of that person's residence shall not be considered to be vending for the purposes of the Act; and

   (b) a new paragraph (f) to state that where a fisherman sells fish to a vendor it not be considered to be vending for the purposes of the Act.

4. Clause 4 was redrafted to speak to the obligation for a person to have attained the age of 18 and acquire the requisite licence or permit in order to vend in Barbados. Additionally, persons who have attained the age of 16 may be permitted to vending in accordance with regulations to be made by the Minister responsible for Commerce.

5. Clause 5(2) and 5(4) were amended to include a time for the granting of a licence.

6. Clause 6(3) was inserted to allow for a person granted a licence under the Act to operate at a fair, festival, carnival or a cultural, entrepreneurial, religious or recreational event without obtaining a permit required pursuant to clauses 10 and 11.

7. Clause 7 was amended to include references to itinerant vending.

8. Clause 8(3), (4) were inserted to address relocation on a voluntary basis. Relocation will be treated as a request to vary the licence.

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[1] Section 2 of *the Road Traffic Act, Cap. 295* states the following:
""vehicle" means
(a) a carriage, wagon, cart, motor vehicle, bicycle, tricycle, van, handcart, sledge, truck, barrow, wheelchair or any other machine for the carriage of goods or persons on land;
(b) every conveyance capable of being propelled or drawn on wheels or tracks by any means;
(c) where the context permits, an animal being driven or ridden.".

9. A new clause 12 was inserted to address itinerant vending.

10. Clause 16(3) was amended to make reference to the Chief Fisheries Officer.

11. Clause 17 was amended to include Clauses 17(4) and (5) to provide an interpretation of the word "consulted".

12. In clause 17(3)*(f)* the reference to section 20(4) was deleted and the reference to section 20(5) was substituted.

13. The language used in clause 18(1)*(c)*(i) is deleted and language informed by reference to section 27D of the *Public Order Act, Cap. 168A* was s substituted.

14. Clause 18 was amended to make provision for "grievance handling".

15. In clause 19(2)*(a)* the word "serious" was deleted.

16. In clause 20(1) the reference to section 18 was deleted and the reference to section 19 was substituted.

17. In clause 22*(b)* the words "Minister responsible for Commerce" were inserted.

18. Clause 23 was amended to insert
    (a) paragraph *(c)*(i) in the now renumbered clause 23(1) to include the additional ground of appeal that is appealing against decisions of the Manager of Vending Zones in relation to the resolution of disputes under clause 18(2); and

    (b) a clause 23(2) to include the additional ground of appeal in circumstances where a licence is not granted in the timeframe set out in clause 5(2) or (4).

19. In clause 24(2), paragraph *(b)* was deleted and the following was substituted:

    "*(b)* a vendor nominated by an organization that represents the interests of vendors;".

20. Clause 26 was amended to insert paragraph (g) to address the additional ground of appeal in circumstances where a licence is not granted in the timeframe set out in clause 5(2) or (4).

21. The word "14" in clause 29(2) was deleted and the word "30" was substituted.

22. A new clause 29(4) was drafted to provide for the payment of an administrative penalty in instalments.

23. A new clause 36 was drafted to make provision for the expungement of the records persons who have been convicted under legislation related to vending.

24. In Parts I and III of the *First Schedule* a field was added to the form contained therein which will refer to contact numbers.

25. In Parts I and III of the *Second Schedule* a field was be added to the form contained therein which will refer to contact numbers.

26. The *Second Schedule* was amended to insert
    (a) a Part V to provide for an Application Form for an Itinerant Vending Permit; and
    (b) a Part VI to provide for an Itinerant Vending Permit.

27. Paragraphs 1. and 2. of the *Third Schedule* are amended to delete the word "$100" and substitute the word "$50".

28. New paragraphs were inserted into the *Third Schedule* to address Itinerant Vending Permit Fees and Renewal of Itinerant Vending Permit Fees.

29. In Part I of the *Fourth Schedule* Queen's Park was inserted.

30. In the Part III of the *Fourth Schedule* items 4, 6, 12, 23, 30, 33 and 34 were deleted. The items in Part III of the *Fourth Schedule* were renumbered accordingly.

31. *Fifth Schedule* – Extra Part V – Seizure Notice Form removed.

32. Paragraph 1 of the *Sixth Schedule* was amended to include the following:
    (a) a representative of the Small Business Association;
    (b) a representative of BARNUFO;
    (c) a representative of the Ministry responsible for tourism;
    (d) a representative of the Rastafarian community.

33. In the *Seventh Schedule* was amended to insert
    (a) insert the word "$500" was inserted into penalty field relating to Occasional vending without a permit contrary to section 11(1);

    (b) address contraventions of the *Markets & Slaughter-Houses Regulations, 1958* (L.N.1958/53);

    (c) insert an administrative penalty for operating as an itinerant vendor without a permit.

34. In the Eighth Schedule provision was made for

(a) the deletion of Part III and Part VII of the *Markets and Slaughter-Houses Act, Cap. 265*; and

(b) the insertion of certain amendments to *Markets & Slaughter-Houses Regulations, 1958*.[2]

Shawn Raine Belle
Deputy Chief Parliamentary Counsel
2021/11/12

[2] *Eighth Schedule*, amendments to *Markets & Slaughter-Houses Regulations, 1958*, paragraphs 3-7 and 13.

ORIGINAL BILL

2021/08/23

OBJECTS AND REASONS

This Bill would provide for the

(a) regulation of vending in Barbados;

(b) protection of the rights of vendors; and

(c) matters related to paragraphs *(a)* and *(b)*.

Arrangement of Sections

PART I

PRELIMINARY

1. Short title

2. Interpretation

PART II

VENDING

3. Vending

PART III

REGULATION OF VENDING ACTIVITIES

4. Licensing requirement

5. Application for the grant of a licence

6. Vending Licence

7. Register of Vendors

8. Revocation, suspension or varying of a licence

9. Notice of intention to revoke, suspend or vary a licence

10. Occasional vending that is not on a beach, an esplanade or in a garden or a park

11. Occasional vending on a beach, an esplanade or in a garden or a park

PART IV

VENDING ZONES

12. Vending zones

13. Designation of a vending zone

14. Beaches, esplanades, gardens and parks

15. Public Markets and fish landing sites

16. Prohibition of vending outside of a vending zone

PART V

RIGHTS AND OBLIGATIONS OF VENDORS

17. Rights of vendors

18. General obligations of vendors

PART VI

RELOCATION AND EVICTION OF VENDORS

19. Relocation or eviction of vendors

20. Seizing and reclaiming of goods

PART VII

NATIONAL VENDING COMMITTEE

21. Establishment of National Vending Committee

22. Functions of the Committee

PART VIII

APPEALS

23. Appeal

24. Establishment of National Vending Appeals Tribunal

25. Suspension of decisions pending appeal to Tribunal

26. Power of Tribunal

27. Appeal to High Court

PART IX

ADMINISTRATIVE PENALTIES

28. Administrative penalties

29. Administrative penalty notice

30. Procedure for challenging an alleged administrative contravention

31. Administrative penalty to constitute a debt to the Crown

PART X

MISCELLANEOUS

32. Fees

33. Transitional

34. Regulations

35. Amendment of Schedules

36. Consequential amendments

37. Commencement

FIRST SCHEDULE

Application Form and Vending Licence

SECOND SCHEDULE

Application Form and Permit for Occasional Vending

THIRD SCHEDULE

Fees

FOURTH SCHEDULE

Lists and Descriptions

FIFTH SCHEDULE

Relocation Notice

SIXTH SCHEDULE

National Vending Committee

SEVENTH SCHEDULE

Fixed Penalties

EIGHTH SCHEDULE

Consequential Amendments

BARBADOS

A Bill entitled

An Act to provide for the regulation of vending in Barbados, the protection of the rights of vendors and matters related thereto.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *National Vending Act, 2021*.

Interpretation

2.(1) In this Act,

"bakery" has the meaning assigned to it by the *Health Services (Bakeries) Regulations* (S.I. 1970 No. 111);

"beach" has the meaning assigned to it by the *National Conservation Commission Act*, Cap. 393;

"Committee" means National Vending Committee established in accordance with section 21;

"Commission" means the National Conservation Commission established under the *National Conservation Commission Act*, Cap. 393;

"esplanade" means an esplanade listed in Part I of the *Fourth Schedule*;

"fish landing site" means a site listed in Part III of the *Fourth Schedule*;

"fish market" has the meaning assigned to it by the *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73);

"food" has the meaning assigned to it by the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232);

"fresh meat" has the meaning assigned to it by the *Markets and Slaughter-Houses Act*, Cap. 265;

"garden" means a garden listed in Part I of the *Fourth Schedule*;

"Manager of Markets" means the manager responsible for the management and operation of public markets under the *Markets and Slaughter-Houses Act*, Cap. 265;

"Manager of Vending Zones" means

(a) the Manager of Markets for the purposes of vending zones that are

(i) public markets that are not fish markets;

(ii) the areas more particularly described in the Part II of the *Fourth Schedule*;

(iii) a zone designated by the Minister on consultation with the National Vending Committee;

(b) the National Conservation Commission for the purposes of vending zones that are beaches, esplanades, gardens and parks; or

(c) the Senior Manager of Markets for the purposes of vending zones that are fish markets;

(d) the Minister responsible for fisheries for the purposes of vending zones that are fish landing sites;

"merchandise" means fruit, vegetables, ground provisions, poultry, eggs, fresh meat, fish, food, crafts, pieces of clothing or any other small items;

"Minister" means the Minister responsible for Commerce;

"National Conservation Commission" means the Commission established under the *National Conservation Commission Act*, Cap. 393;

"National Vending Policy" means the policy developed by the Ministry responsible for Commerce to facilitate the enabling environment that would allow vendors to operate while ensuring their compliance with the Laws of Barbados;

"occasional vending" means

(a) offering for sale of merchandise; or

(b) rendering of services

for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only;

"park" means a garden listed in Part I of the *Fourth Schedule*;

"Policy" means the National Vending Policy;

"public market" has the meaning assigned to it by the *Markets and Slaughter-Houses Act*, Cap. 265;

"retailer" includes a supermarket, shop or other entity that offers for sale or disposal merchandise to the public;

"restaurant" has the meaning assigned to it by the *Health Services (Restaurants) Regulations, 1969* (S.I. 1969 No. 234);

"Senior Manager of Markets" means the manager responsible for the management and operation of fish markets;

"Tribunal" means the National Vending Appeals Tribunal established by section 24;

"vending" has the meaning assigned to it by section 3;

"vending zone" has the meaning assigned to it by section 12;

"vendor" means a person who is engaged in vending and is

(a) licensed to do so pursuant to sections 4 and 5; or

(b) granted a permit to do so pursuant to sections 10 and 11.

(2) Notwithstanding subsection (1), for the purposes of sections 4, 5, 6, 7, 8 and 9 and Parts IV, V, VI, VII, VIII, IX and X "vendor" means a person who is engaged in vending according to section 3(1)*(a)* and is granted a licence to do so pursuant to sections 4 and 5.

PART II

VENDING

Vending

3.(1) For the purposes of this Act, vending refers to the offering for sale of merchandise or the rendering of services

(a) in a vending zone for the purposes of earning a living; or

(b) for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only.

(2) The following activities are not to be construed as vending for the purposes of this Act:

(a) the sale of goods and chattels sold pursuant to the *District Auctioneers Act*, Cap. 114;

(b) the sale of merchandise by a retailer;

(c) the sale of food or drink in

(i) a bakery;

(ii) a canteen operating in a club, a hospital, an institution or a school;

(iii) a club;

(iv) a hospital;

(v) an institution; or

(vi) a restaurant which is not operating on a beach, esplanade, or in a garden or a park;

(vii) a hotel which is not operating on a beach, esplanade or in a garden or a park;

whether carried on for profit or not; and

(d) the sale of merchandise where the profits thereof are used solely for a charitable purpose.

(3) The Minister may by order amend subsection (2).

PART III

REGULATION OF VENDING ACTIVITIES

Licensing requirement

4.(1) No person shall operate as a vendor pursuant to section 3(1)*(a)* unless he is 16 and he has a licence to do so.

(2) A person who contravenes subsection (1) shall be subject to the payment of an administrative penalty imposed under section 28.

Application for the grant of a licence

5.(1) A person who seeks to operate as a vendor in a vending zone that is not a beach, an esplanade, a garden or a park pursuant to section 3(1)*(a)* shall apply to the Minister for a licence to do so by

(a) submitting

(i) an application for the purpose set out in Part I of the *First Schedule*;

(ii) proof of identification;

(iii) proof of address;

(iv) in the case of an applicant who seeks to operate as a food vendor,

(A) a certificate of good health issued by a registered medical practitioner; and

(B) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232);

(v) in the case of an applicant who seeks to operate as a meat vendor in a shop or premises outside of a public market evidence that the location of the meat shop or premises has

(A) walls and floors that are impervious;

(B) proper provision for drainage and is properly ventilated; and

(C) a water supply that is adequate for operation as a meat shop; and

(b) paying the relevant fee set out in the *Third Schedule*.

(2) The Minister may, on consultation with the Minister responsible for public markets and the Minister responsible for fisheries, grant a licence to an applicant referred to in subsection (1).

(3) A person who seeks to operate as a vendor in a vending zone that is a beach, esplanade, garden or park pursuant to section 3(1)*(a)* shall apply to the National Conservation Commission for a licence to do so by

(a) submitting

(i) an application for the purpose set out in Part III of the *First Schedule*;

(ii) proof of identification;

(iii) proof of address;

(iv) in the case of an applicant who seeks to operate as a food vendor,

(A) a certificate of good health issued by a registered medical practitioner; and

(B) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and

(b) paying the relevant fee set out in the *Third Schedule*.

(4) The National Conservation Commission may grant a licence to an applicant referred to in subsection (3).

(5) A person who provides false or misleading information in an application referred to in subsection (1) or subsection (3) or documentation pursuant to subsection (1) or subsection (3) shall be subject to the payment of an administrative penalty imposed under section 28.

(6) Subsections (3) and (4) shall apply to a person carrying on any hotel, restaurant or other business in respect of which there is in existence a valid licence granted under the *Liquor Licences Act*, Cap. 182.

Vending Licence

6.(1) A licence granted pursuant to section 5(2) shall

(a) be in the form set out in Part II of the *First Schedule* and shall specify

(i) the name of the licensee;

(ii) the sex of the licensee;

(iii) the date of birth of the licensee;

(iv) the national identification number of the licensee;

(v) the vending licence number assigned by the Minister;

(vi) a photo of the licensee;

(vii) the type of vending to be engaged in by the vendor;

(viii) the type of service to be rendered by the vendor;

(ix) the type of merchandise being sold by the vendor;

(x) the vending zone;

(xi) the date upon which the licence

(A) is granted;

(B) comes into force;

(C) is set to expire;

(xii) any terms or conditions attached to the licence;

(b) be valid for one year and may be renewed on the expiration of that licence upon the payment of the relevant fee set out in the *Third Schedule*; and

(c) not be transferable.

(2) A licence granted pursuant to section 5(4) shall

(a) be in the form set out in Part IV of the *First Schedule* and shall specify

(i) the name of the licensee;

(ii) the sex of the licensee;

(iii) the date of birth of the licensee;

(iv) the national identification number of the licensee;

(v) the vending licence number assigned by the National Conservation Commission;

(vi) a photo of the licensee;

(vii) the type of vending to be engaged in by the vendor;

(viii) the type of service to be rendered by the vendor;

(ix) the type of merchandise being sold by the vendor;

(x) the vending zone;

(xi) the date upon which the licence

(A) is granted;

(B) comes into force;

(C) is set to expire;

(xii) any terms or conditions attached to the licence;

(b) be valid for one year and may be renewed on the expiration of that licence upon the payment of the relevant fee set out in the *Third Schedule*; and

(c) not be transferable.

Register of Vendors

7.(1) The Minister shall cause to be kept and maintained a register to be known as the Register of Vendors which shall contain the following particulars in respect of a licensed vendor:

(a) name;

(b) sex;

(c) the date of birth;

(d) the national identification number;

(e) the vending licence number;

(f) the type of vending engaged in;

(g) the type of service rendered;

(h) the type of merchandise being sold;

(i) the vending zone;

(j) the date upon which the licence

(i) was granted;

(ii) came into force;

(iii) is set to expire;

(k) any terms or conditions attached to the licence;

(l) any other particulars required by the Minister.

(2) The Register of Vendors shall be in electronic and physical form.

(3) The electronic form of the Register of Vendors shall be made available to the public on a website established by the Ministry responsible for Commerce.

(4) The physical form of the Register of Vendors may be inspected by any person during the office hours of the Ministry responsible for Commerce.

(5) Any information collated by the National Conservation Commission collected pursuant to section 5(3) and section 6(2) shall be shared with the Minister for the purpose of assisting the Minister in keeping and maintaining the Register of Vendors pursuant to subsection (1).

Revocation, suspension or varying of a licence

8.(1) The Minister may, in writing, revoke, suspend or vary a licence granted pursuant to section 5(2) where the Minister is satisfied that the licensee

(a) has provided false or misleading information in an application for a licence or submitted false or misleading documentation; or

(b) has failed to comply with any condition of the licence or any provision of this Act or any regulations made thereunder.

(2) The National Conservation Commission may, in writing, revoke, suspend or vary a licence granted pursuant to section 5(4) where the Commission is satisfied that the licensee

(a) has provided false or misleading information in an application for a licence or submitted false or misleading documentation; or

(b) has failed to comply with any condition of the licence or any provision of this Act or any regulations made thereunder.

(3) A person who vends with a licence that has been revoked or suspended pursuant to subsection (1) or subsection (2) shall be subject to the payment of an administrative penalty imposed under section 28.

(4) Where a person vends in contravention to the conditions of a licence varied pursuant to subsection (1) or subsection (2), that person shall be subject to the payment of an administrative penalty imposed under section 28.

Notice of intention to revoke, suspend or vary a licence

9.(1) The Minister shall, before revoking, suspending or varying a licence under section 8(1)

(a) give the licensee notice in writing of the grounds on which he intends so to do;

(b) afford the licensee an opportunity to object in writing within the period of 14 days after the date of receipt of the notice;

(c) take into consideration the objection of the licensee made pursuant to paragraph *(b)*.

(2) The National Conservation Commission shall, before revoking, suspending or varying a licence under section 8(2)

(a) give the licensee notice in writing of the grounds on which he intends so to do;

(b) afford the licensee an opportunity to object in writing within the period of 14 days after the date of receipt of the notice;

(c) take into consideration the objection of the licensee made pursuant to paragraph *(b)*.

Occasional vending that is not on a beach, an esplanade or in a garden or a park

10.(1) A person who seeks to engage in occasional vending in a place that is not a beach, an esplanade, or in a garden or a park pursuant to section 3(1)*(b)* shall apply to the Minister for a permit to do so and shall

(a) submit an application for the purpose set out in Part I of the *Second Schedule*;

(b) in the case of an applicant who seeks to operate as a food vendor,

(i) a certificate of good health issued by a registered medical practitioner; and

(ii) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and

(c) pay the relevant fee set out in the *Third Schedule*.

(2) The Minister may grant a permit to the applicant referred to in subsection (1) and the permit shall be in the form set out in Part II of the *Second Schedule*.

(3) The permit referred to in subsection (2)

(a) shall be valid for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only; and

(b) is not transferable.

(4) The Minister may refuse to grant, revoke, suspend or vary a permit and shall give notice of that decision in writing.

(5) A person who is aggrieved by a decision of the Minister under this section shall appeal to a Judge in Chambers upon receipt of notice referred to in subsection (4).

(6) A person who engages in occasional vending without a permit shall be subject to the payment of an administrative penalty imposed under section 28.

Occasional vending on a beach, an esplanade or in a garden or a park

11.(1) A person who seeks to engage in occasional vending on a beach, an esplanade or in a garden or a park pursuant to section 3(1)*(b)* shall apply to the National Conservation Commission for a permit to do so and shall

(a) submit an application for the purpose set out in Part III of the *Second Schedule*;

(b) in the case of an applicant who seeks to operate as a food vendor,

(i) a certificate of good health issued by a registered medical practitioner; and

(ii) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and

(c) pay the relevant fee set out in the *Third Schedule*.

(2) The National Conservation Commission may grant a permit to the applicant referred to in subsection (1) and the permit shall be in the form set out in Part IV of the *Second Schedule*.

(3) The permit referred to in subsection (2)

(a) shall be valid for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only; and

(b) is not transferable.

(4) The National Conservation Commission may refuse to grant, revoke, suspend or vary a permit and shall give notice of that decision in writing.

(5) A person who is aggrieved by a decision of the National Conservation Commission under this section shall appeal to a Judge in Chambers upon receipt of notice referred to in subsection (4).

(6) A person who engages in occasional vending without a permit shall be subject to the payment of an administrative penalty imposed under section 28.

PART IV

VENDING ZONES

Vending zones

12. For the purposes of this Act, a vending zone refers to

(a) a beach;

(b) an esplanade;

(c) a fish landing site;

(d) a garden;

(e) a park;

(f) a public market;

(g) the areas more particularly described in Part II of the *Fourth Schedule*; or

(h) a zone designated by the Minister on consultation with the National Vending Committee.

Designation of a vending zone

13. The Minister, on consultation with the National Vending Committee, may by order designate a vending zone for the purposes of this Act.

Beaches, esplanades, gardens and parks

14.(1) The National Conservation Commission shall be responsible for the management and operation of a vending zone that is

(a) a beach;

(b) an esplanade;

(c) a garden; or

(d) a park.

(2) Where a vendor seeks to operate on a beach, an esplanade or in a garden or a park he shall do so in compliance with the *National Conservation Commission Act*, Cap. 393.

Public Markets and fish landing sites

15.(1) The Manager of Markets shall be responsible for the management and operation of

(a) a public market that is not a fish market;

(b) an area more particularly described in Part II of the *Fourth Schedule*; or

(c) a zone designated by the Minister on consultation with the National Vending Committee.

(2) The Senior Manager of Markets shall be responsible for the management and operation of a public market that is a fish market.

(3) The Minister responsible for fisheries shall be responsible for the management and operation of a fish landing site.

(4) Where a vendor seeks to operate in a public market, he shall do so in compliance with the *Markets and Slaughter-Houses Act*, Cap. 265 and the *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73).

Prohibition of vending outside of a vending zone

16. A person who engages in vending, pursuant to section 3(1)*(a)*, in a place other than a vending zone shall be subject to the payment of an administrative penalty imposed under section 28.

PART V

RIGHTS AND OBLIGATIONS OF VENDORS

Rights of vendors

17.(1) A vendor has the right to carry on the business of vending

(a) in accordance with the terms and conditions of the licence granted under this Act;

(b) subject to the provisions of this Act or statutory instruments made thereunder or any relevant enactment pertaining to the vendors,

without fear of harassment or unreasonable impediments.

(2) A vendor is entitled to 30 days' notice before the imposition of an eviction notice subject to section 19(3).

(3) Where a vendor is subject to a relocation notice pursuant to section 19(2) he is entitled to

(a) 30 days' notice before the imposition of a relocation notice;

(b) be consulted in respect of any assignment to a new site or location in relation to the carrying out of his vending business;

(c) be assigned to a new site or location which is conducive to the carrying out of his vending business;

(d) reclaim any merchandise which is seized pursuant to the eviction or relocation notice;

(e) make a claim for compensation in writing to the Manager of Vending Zones for any loss, damage or destruction of merchandise pursuant to a relocation or eviction notice issued under section 19 or a seizure notice issued under section 20 subject to paragraph (f);

(f) compensation for any loss, damage or destruction of merchandise seized pursuant to a relocation notice in accordance with section 20(4).

General obligations of vendors

18.(1) A vendor shall

(a) produce his licence for inspection where requested to do so by a customer, the Manager of Vending Zones or a person authorised by the Manager to conduct such inspections;

(b) remove his merchandise and any equipment, materials, wares or goods used in conducting his vending business at the expiration of time allotted to him for conducting his business by

(i) condition of his licence;

(ii) enactment; or

(iii) contract;

(c) maintain the cleanliness of a vending zone;

(d) keep amenities and any other public property, equipment or tools in a vending zone in good condition;

(e) not, while vending,

(i) use abusive language or make insulting gestures;

(ii) intimidate or harass any person;

(iii) consume or be under the influence of alcohol or drugs;

(iv) sell, serve or distribute alcohol without an appropriate liquor licence; and

(f) where he sells, offers or exposes for sale food he and his employees shall comply with the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232).

(2) A person who contravenes subsection (1) shall be subject to the payment of an administrative penalty imposed under section 27.

PART VI

RELOCATION AND EVICTION OF VENDORS

Relocation or eviction of vendors

19.(1) Subject to subsection (3), no vendor shall be relocated or evicted by the Manager of Vending Zones from a vending zone specified in the vending licence unless he has been given 30 days' notice.

(2) The Manager of Vending Zones may issue an eviction or relocation notice pursuant to subsection (1) where

(a) the vendor is in serious breach of

(i) a condition of his licence;

(ii) the provisions of this Act, any regulations made thereunder or any other relevant enactment;

(b) the vendor's vending licence has been suspended or revoked pursuant to section 8;

(c) there is an emergency within the meaning of section 2 of the *Emergency Management Act*, Cap. 160A;

(d) there is danger to public safety, public order or public health.

(3) Notwithstanding subsection (1) where

(a) there is an emergency within the meaning of section 2 of the *Emergency Management Act*, Cap. 160A; or

(b) there is danger to public safety, public order or public health

the Manager of Vending may issue an emergency eviction or relocation notice without giving 30 days notice as required under subsection (1).

(4) A notice issued under this section shall be in the form set out in the *Fifth Schedule*.

(5) The Manager of Vending Zones shall inform a member of the Police Force of a notice issued under this section and shall seek the assistance of a member of the Police Force where necessary.

Seizing and reclaiming of goods

20.(1) Where a vendor fails to vacate a vending zone pursuant to section 18, the Manager of Vending Zones may seize the merchandise of the vendor.

(2) The Manager of Vending Zones shall

(a) issue a seizure notice, in the form set out in the *Fifth Schedule*, to the vendor informing him of the seizure of his merchandise and shall include

(i) the time the merchandise was seized;

(ii) the location to which the merchandise has been transferred;

(iii) a list of the merchandise seized signed by the Manager of Vending Zones;

(iv) a description of the items seized including quantity, weight, size, condition of item and any other descriptor that the Manager of Vending Zones determines as relevant;

(v) the procedure for reclaiming the merchandise seized; and

(b) inform a member of the Police Force of the notice of the seizure referred to in paragraph *(a)* and shall seek the assistance of a member of the Police Force where necessary.

(3) A vendor shall seek to reclaim the merchandise seized pursuant to subsection (1) within 24 hours of the receipt of the seizure notice referred to in

subsection (1) and shall comply with the procedure for reclaiming merchandise set out in that seizure notice.

(4) Where the merchandise that is the subject of the seizure notice referred to in subsection (1) is

(a) non-perishable the Manager of Vending Zones shall release the merchandise to the vendor within 2 working days of the claim of the vendor; and

(b) perishable the Manager of Vending Zones shall release the merchandise immediately to the vendor on receipt of a claim from the vendor.

(5) The vendor shall be compensated for loss or damage to merchandise where the seizure was executed pursuant to the circumstances set out in paragraphs *(c)* and *(d)* of section 19(2) and the compensation shall not exceed the value of the merchandise seized.

(6) Where a person does not claim the merchandise seized pursuant to subsection (1), the Manager of Vending Zones shall sell the merchandise or if a sale cannot be conducted, dispose of it in an appropriate manner.

(7) The proceeds of a sale conducted pursuant to subsection (6) shall be paid into the Consolidated Fund.

PART VII

NATIONAL VENDING COMMITTEE

Establishment of National Vending Committee

21.(1) For the purposes of this Act there is established a body to be known as the National Vending Committee.

(2) The provisions of the *Sixth Schedule* have effect with respect to the constitution of the Committee and otherwise in relation thereto.

Functions of the Committee

22. The Committee shall advise

(a) the Minister responsible for Commerce on matters relating to the National Vending Policy including

(i) overseeing the implementation of the Policy;

(ii) assessing the implementation risks of any one or more of the Policy recommendations;

(iii) monitoring and evaluating the achievement of the objectives of the Policy;

(iv) ensuring that all government related entities involved in the implementation of the Policy consider their responsibilities therein and design their work plans to suit;

(v) preparing annual briefings on the status of the implementation of the Policy; and

(b) the Minister responsible for public markets, the Minister responsible for beaches, esplanades, gardens and parks and the Minister responsible for fisheries on the following:

(i) monitoring and ensuring continued upgrade and maintenance of vending zones;

(ii) monitoring the compliance of vendors with the conditions applicable to the vending zone allocated to them and the conditions under which the zone has been allocated;

(iii) standards that should be adhered to by vendors relating to

(A) personal hygiene;

(B) the cleanliness and public hygiene in the vending zones;

(iv) the amenities that should be made available in vending zones for vendors including access to

(A) waste disposal;

(B) public toilets to maintain cleanliness;

(C) drinking water;

(D) protective covers to protect against the weather;

(E) storage facilities including cold storage;

(v) the aesthetic design of stalls.

PART VIII

APPEALS

Appeal

23. A person who is aggrieved by

(a) a decision of the Minister to

(i) refuse the grant of a licence pursuant to section 5(1);

(ii) refuse the renewal of a licence pursuant to section 6(1);

(iii) revoke, suspend or vary a licence pursuant to section 8(1);

(b) a decision of the Commission to

(i) refuse the grant of a licence pursuant to section 5(4);

(ii) refuse the renewal of a licence pursuant to section 6(2);

(iii) revoke, suspend or vary a licence pursuant to section 8(2);

(c) a decision of the Manager of Vending Zones

(i) to issue a relocation or eviction notice pursuant to section 19;

(ii) in relation to the amount of compensation to be paid pursuant to section 20(4) or section 17(3)*(e)*;

(iii) in relation to an administrative penalty imposed pursuant to section 28

may, within 14 days' of the receipt by him of a notice of the decision, appeal to the National Vending Appeals Tribunal.

Establishment of National Vending Appeals Tribunal

24.(1) There is established an National Vending Appeals Tribunal which shall hear appeals on the grounds set out in section 23.

(2) The Tribunal shall be comprised of

(a) an attorney-at-law of at least 10 years' standing;

(b) a vendor of at least 10 years' experience;

(c) a person with knowledge and experience in the business of vending and the operation of markets or areas designated for vending.

(3) The members of the Tribunal shall be appointed by Minister responsible for judicial affairs by an instrument in writing for a period of 3 years and shall be eligible for re-appointment.

(4) The members of the Tribunal shall receive such remuneration as the Minister responsible for finance determines.

Suspension of decisions pending appeal to Tribunal

25. The

(a) Minister;

(b) Commission; or

(c) Manager of Vending Zones

shall, pending an appeal under section 23 on the application of the appellant, suspend the operation of their decision until the appeal is determined.

Power of Tribunal

26. The Tribunal may on hearing an appeal

(a) in relation to a refusal to issue a licence, referred to in paragraph *(a)*(i) of section 23 and paragraph *(b)*(i) of section 23, dismiss the appeal or allow the appeal and direct the

(i) Minister; or

(ii) Commission

to issue a licence to the appellant;

(b) based on the grounds set out in paragraph *(a)*, subparagraphs (ii) and (iii), of section 23,

(i) dismiss the appeal and confirm the decision of the Minister;

(ii) allow the appeal and set aside the decision of the Minister;

(iii) allow the appeal and direct that the matter in respect of which the decision of the Minister was made be further considered by that Minister;

(c) based on the grounds set out in paragraph *(b)*, subparagraphs (ii) and (iii), of section 23,

(i) dismiss the appeal and confirm the decision of the Commission;

(ii) allow the appeal and set aside the decision of the Commission;

(iii) allow the appeal and direct that the matter in respect of which the decision of the Commission was made be further considered by that Commission;

(d) based on the grounds set out in paragraph *(c)*(i) of section 23,

(i) dismiss the appeal and confirm the decision of the Manager of Vending Zones;

(ii) allow the appeal and set aside the decision of the Manager of Vending Zones;

(iii) allow the appeal and direct that the matter in respect of which the decision of the Manager of Vending Zones was made be further considered by the Manager of Vending Zones; or

(e) based on the ground set out in paragraph *(c)*(ii) of section 23

(i) dismiss the appeal and confirm the decision of the Manager of Vending Zones in respect of compensation;

(ii) allow the appeal and set aside the amount of compensation provided for by the Manager of Vending Zones and impose in substitution therefor such other amount of compensation pursuant to section 20(4) or section 17(3)*(e)* that the Tribunal thinks fit.

(f) based on the ground set out in paragraph *(c)*(iii) of section 23

(i) dismiss the appeal and confirm the decision of the Manager of Vending Zones in respect of the administrative penalty;

(ii) allow the appeal and set aside the administrative penalty imposed by the Manager of Vending Zones and impose in substitution therefor such other administrative penalty that the Tribunal thinks fit in accordance with the *Seventh Schedule*.

Appeal to High Court

27. A party to an appeal to the Tribunal pursuant to section 23 may appeal from the decision of the Tribunal on a point of law to the High Court.

PART IX

ADMINISTRATIVE PENALTIES

Administrative penalties

28. A person who contravenes a provision set out in Part I of the *Seventh Schedule* is liable to pay to the Manager of Vending Zones an administrative penalty in the amount so specified in the *Seventh Schedule.*

Administrative penalty notice

29.(1) The Manager of Vending Zones shall issue an administrative penalty notice in the form set out in Part II of the *Seventh Schedule* to any person where the Manager of Vending Zones is satisfied that, that person has contravened a provision set out in Part I of the *Seventh Schedule*.

(2) An administrative penalty notice shall specify the nature of the act constituting the contravention, the penalty to be paid and shall require the person to whom it is addressed to pay the penalty within 14 days of the date of the notice.

(3) A person who is in receipt of an administrative penalty notice issued pursuant to subsection (1) shall pay the amount of the penalty set out in the notice on or before the date specified in the notice.

Procedure for challenging an alleged administrative contravention

30. Notwithstanding section 29(3), a person to whom an administrative penalty notice is addressed and who wishes to challenge the alleged contravention, may instead of paying the amount of the administrative penalty, apply to the Tribunal in accordance with section 23.

Administrative penalty to constitute a debt to the Crown

31. The amount of an outstanding administrative penalty constitutes a debt to the Crown and is recoverable in civil proceedings before a magistrate's court.

PART X

MISCELLANEOUS

Fees

32.(1) The fees collected by the Minister under this Act shall be paid into the Consolidated Fund.

(2) The fees collected by the Commission under this Act shall be retained to the Commission and shall constitute the funds of the Commission as set out in section 10 of the *National Conservation Commission Act*, Cap. 393.

Transitional

33.(1) Any licences issued under the

(a) *National Conservation Commission Act*, Cap. 393; or

(b) *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73)

prior to the commencement of this Act shall be valid for a year after the commencement of this Act.

(2) After the expiration of the period referred to in subsection (1) a person seeking to operate as a vendor shall apply for a licence to do so under this Act.

Regulations

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

Amendment of Schedules

35. The Minister may by Order amend the *First, Second, Third, Fourth, Fifth, Sixth* and *Seventh Schedules*.

Consequential amendments

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

Commencement

37. This Act shall come into operation on a date fixed by proclamation.

FIRST SCHEDULE

(Sections 5 and 6)

Part I

Application Form and Licence for Vendor's Licence

National Vending Act, 2021
(Act 2021-)

Application for Vendor's Licence for Vendors not operating on a Beach or an Esplanade or in a Garden or Park

1. Name of applicant: _____

2. Sex: _____

3. Date of birth: _____

4. National identification number: _____

5. Residential address: _____

_____

6. Email address: _____

First Schedule - (Cont'd)

7. Type of vending to be engaged in:

(a)	Car park vending	☐	*(f)*	Vending outside of the premises of a school	☐
(b)	Highway vending	☐	*(g)*	Street vending	☐
(c)	Itinerant vending	☐	*(h)*	Vending of non-essential and quickly perishable products	☐
(d)	Outdoor market vending	☐	*(i)*	Vending unit	☐
(e)	Public markets	☐	*(j)*	Vending village	☐

8. Type of merchandise to be sold: _____

_____

_____

_____

9. Type of service to be rendered: _____

_____

_____

_____ *(Signature of applicant)*

_____ *(Date of application) (DD/MM/YYYY)*

First Schedule - (Cont'd)

FOR OFFICIAL PURPOSES ONLY

Application: Approved ☐ Not Approved ☐

(Signature of Minister responsible for Commerce)

(Date of approval of application) (DD/MM/YYYY)

(Signature of Minister responsible for Public Markets)

(Signature of Minister responsible for Fisheries)

First Schedule - (Cont'd)

(Section 6)

Part II

Vending Licence

National Vending Act, 2021
(Act 2021-)

Vending Licence for Vendors not operating on a Beach or an Esplanade or in a Garden or Park

Photograph

(Vending Licence No.)

Name: _____

Sex: _____

Date of birth: _____

National identification number: _____

Type of vending: _____

Vending zone: _____

First Schedule - (Cont'd)

Type of merchandise to be sold:

_____

_____

_____

_____

Type of service to be rendered:

_____

_____

_____

_____ _____

(Date of issue)
(DD/MM/YYYY)

(Signature of vendor)

_____

(Signature of the Minister responsible for Commerce)

_____

(Signature of the Minister responsible for Public Markets)

_____

(Signature of the Minister responsible for Fisheries)

First Schedule - (Cont'd)

(Section 5)

Part III

Application Form and Licence for Vendor's Licence

National Vending Act, 2021
(Act 2021-)

Application for Vendor's Licence
for Vending on a Beach or an Esplanade or in a Garden or Park

1. Name of applicant: _____

2. Sex: _____

3. Date of birth: _____

4. National identification number: _____

5. Residential address: _____

_____

6. Email address: _____

First Schedule - (Cont'd)

7. Type of vending to be engaged in:

   (a) Beach vending ☐

   (b) Esplanade Vending ☐

   (c) Garden vending ☐

   (d) Park vending ☐

8. Type of merchandise to be sold: _____

   _____

   _____

   _____

9. Type of service to be rendered: _____

   _____

   _____

_____ *(Signature of applicant)*

_____ *(Date of application) (DD/MM/YYYY)*

FOR OFFICIAL PURPOSES ONLY

Application: Approved ☐ Not Approved ☐

_____ *(Signature of Chairman of National Conservation Commission)*

_____ *(Date of approval of application) (DD/MM/YYYY)*

First Schedule - (Cont'd)

(Section 6)

Part IV

Vending Licence

National Vending Act, 2021
(Act 2021-)

Vending Licence for Vending on a Beach or an Esplanade or a Garden or Park

Photograph

(Vending Licence No.)

Name: _____

Sex: _____

Date of birth: _____

National identification number: _____

Type of vending: _____

Vending zone: _____

First Schedule - (Concl'd)

Type of merchandise to be sold:

_____

_____

_____

_____

Type of service to be rendered:

_____

_____

_____

_____ _____

(Date of issue)
(DD/MM/YYYY)

(Signature of vendor)

_____

(Signature of Chairman of the National Conservation Commission)

SECOND SCHEDULE

(Sections 10 and 11)

Part I

Application Form and Permit for Occasional Vending

National Vending Act, 2021
(Act 2021-)

Application Form and Permit for Occasional Vending for Vendors not operating on a Beach or an Esplanade or in a Garden or Park

1. Name of applicant: _____

2. Sex: _____

3. Date of birth: _____

4. National identification number: _____

5. Residential address: _____

_____

6. Email address: _____

7. Type of occasional vending event:

(a) Fair ☐	*(b)* Farmers market ☐	*(c)* Festival ☐
(d) Carnival ☐	*(e)* Cultural or recreational event ☐	*(f)* Religious event ☐

Second Schedule - (Cont'd)

8. Name of occasional vending event: _____

9. Date of occasional vending event: _____

10. Duration of occasional vending event: _____

11. Type of merchandise to be sold (Where applicable): _____

_____

_____

_____

12. Type of service to be rendered (Where applicable): _____

_____

_____

_____

_____ *(Signature of applicant)*

_____ *(Date of application) (DD/MM/YYYY)*

FOR OFFICIAL PURPOSES ONLY

Application: Approved ☐ Not Approved ☐

_____ *(Signature of Minister responsible for Commerce)*

_____ *(Date of approval of application) (DD/MM/YYYY)*

Second Schedule - (Cont'd)

(Section 10)

Part II

Permit for Occasional Vending

National Vending Act, 2021
(Act 2021-)

Permit for Occasional Vending for Vendors not operating on a Beach or an Esplanade or in a Garden or Park

1. Name of applicant: _____
2. Sex: _____
3. Date of birth: _____
4. National identification number: _____
5. Residential address: _____

   _____
6. Email address: _____
7. Name of occasional vending event: _____
8. Date of occasional vending event: _____
9. Duration of occasional vending event: _____

Second Schedule - (Cont'd)

10. Type of Merchandise to be sold (Where applicable):

_____

_____

_____

_____

11. Type of service to be rendered (Where applicable):

_____

_____

_____

_____ *(Signature of applicant)*

_____ *(Date of application)*
(DD/MM/YYYY)

_____
(Signature of the Minister responsible for Commerce)

Second Schedule - (Cont'd)

(Section 11)

Part III

Application Form and Permit for Occasional Vending

National Vending Act, 2021
(Act 2021-)

Application Form for Occasional Vending for Vending on the Beach or an Esplanade or in a Garden or a Park

1. Name of applicant: _____

2. Sex: _____

3. Date of birth: _____

4. National identification number: _____

5. Residential address: _____

_____

6. Email address: _____

7. Type of occasional vending event:

(a) Fair ☐	*(b)* Farmers market ☐	*(c)* Festival ☐
(d) Carnival ☐	*(e)* Cultural or recreational event ☐	*(f)* Religious event ☐

Second Schedule - (Cont'd)

8. Name of occasional vending event:_____

9. Date of occasional vending event:_____

10. Duration of occasional vending event:_____

11. Type of merchandise to be sold (Where applicable):_____

12. Type of service to be rendered (Where applicable):_____

(Signature of applicant)

(Date of application)
(DD/MM/YYYY)

FOR OFFICIAL PURPOSES ONLY

Application: Approved ☐ Not Approved ☐

(Signature of Chairman of National Conservation Commission)

(Date of approval of application)
(DD/MM/YYYY)

Second Schedule - (Cont'd)

(Section 11)

Part IV

Permit for Occasional Vending

National Vending Act, 2021
(Act 2021-)

Permit for Occasional Vending for Vending on a Beach or an Esplanade or in a Garden or a Park

1. Name of applicant: _____
2. Sex: _____
3. Date of birth: _____
4. National identification number: _____
5. Residential address: _____

   _____
6. Email address: _____
7. Name of occasional vending event: _____
8. Date of occasional vending event: _____
9. Duration of occasional vending event: _____

Second Schedule - (Concl'd)

10. Type of Merchandise to be sold (Where applicable):

_____

_____

_____

_____

11. Type of service to be rendered (Where applicable):

_____

_____

_____

_____ *(Signature of applicant)*

_____ *(Date of application)*
(DD/MM/YYYY)

_____
(Signature of the National Conservation Commission)

THIRD SCHEDULE

(Sections 5, 6, 10 and 11)

Fees

1.	Vending Licence for vendors not operating on a beach or an esplanade or in a garden or park	$ 100
2.	Renewal of Vending Licence for vendors not operating on a beach or an esplanade or in a garden or park	$ 100
3	Vending Licence for vendors operating on a beach or an esplanade or in a garden or park	$ 150
4.	Renewal of Vending Licence for vendors operating on a beach or an esplanade or in a garden or park	$ 100
5.	Occasional Vending permit vendors operating on a beach or an esplanade or in a garden or park	$ 50
6.	Occasional Vending permit vendors not operating on a beach or an esplanade or in a garden or park	$ 25

FOURTH SCHEDULE

(Sections 2 and 12)

Lists and Descriptions

Part I

List of Esplanades, Gardens and Parks

1. King George V Memorial Park

2. Farley Hill National Park

3. Bay Street Esplanade

4. Fitts Village Esplanade

5. Hastings Esplanade

6. Speightstown Esplanade

7. Independence Square, Jubilee Gardens

8. Folkstone Marine Park

Part II

Description of certain vending zones pursuant to section 12(g)

1. The area in the vicinity of the Public Market situate at Fairchild Street, St. Michael, from and inclusive of the junction of Halls Road and Tweedside Road along the roads Halls Road, Martindales Road and Jemmotts Lane in a straight line to the sea, then along the sea coast to the Pier Head, thence along the south side of the Careenage to the Chamberlain Bridge, thence in a straight line to the junction of High Street and Broad Street, thence along and inclusive of the roads High Street, Roebuck Street and Tweedside Road to the junction of Tweedside Road and Halls Road.

2. The area in the vicinity of the Public Market situate at Eagle Hall, St. Michael, which lies within the following boundaries:

(a) on the north-west boundary, within a line along and inclusive of the roads Deacons Road and Fairfield Road from the junction of Deacons Road and Goodlands Road to the junction of Fairfield and Grazettes Road;

(b) On the north-east boundary, within a line along and inclusive of the roads Grazettes Road, Kew Road, Dash Road, from the junction of Fairfield Road and Grazettes Road to the junction of Dash Road and Bank Hall Road;

(c) On the south-east boundary within a line along and inclusive of the roads Bank Hall Road from the junction of Dash Road and Bank Hall Road to the junction of Bank Hall Road and Passage Road; and

(d) On the south and south-west boundary, within a line along and inclusive of the roads Passage Road, Westbury Road, Goodlands Road from the junction of Bank Hall Road and Passage Road to the junction of Goodlands Road and Deacons Road.

3. All that area within a radius of one and one-half miles of the Public Market situate at Six Roads, St. Philip.

4. The area in the vicinity of the Public Market situate at Cheapside, Bridgetown, from and inclusive of the junction of Roebuck Street and Country Road, thence along and including Country Road and Passage Road to the junction of Passage Road and Baxters Road, thence along and including Baxters Road to its junction with Mason Hall Street, thence along and including Mason Hall Street to its junction with St. Mary's Row, thence along and including St. Mary's Row and Lakes Folly to the junction of Lakes Folly and Fontabelle Road, thence in a northerly direction along and including Fontabelle Road and Lands End Road, thence along the sea coast in a south easterly direction to the Pier Head, thence along the southern side of the Careenage to the Chamberlain Bridge, thence along the western boundary of the area defined in paragraph 1 of this *Schedule* to the junction of Roebuck Street and Country Road.

Part III

List of Fish Landing Sites

1. Bath Beach
2. Bay Street
3. Bay Street Esplanade Browne's Beach
4. Berinda Cox Fish Market at Oistins
5. Brandons

6. Bridgetown Complex (BFC)
7. Brighton Beach
8 Brooklyn
9. Burke's Beach
10. Careenage
11. Cholera Bay
12. Consett Bay
13. Crane Beach
14. Dover
15. Fitts Village
16. Foul Bay
17. Half Moon Fort
18. Heron Bay or Colony Club
19. Holetown
20.. Long Bay
21. Martin's Bay
22. Mount Standfast
23. Payne's Bay
24. Pile Bay
25. Prospect
26. Shallow Draught or Sand Pit
27. Silver Sands
28. Six Men's
29. Skeete's Bay
30. Speightstown
31. Stroud Bay

32. St. Lawrence
33. Tent Bay
34. Weston
35. White Head Trees
36. Worthings or Sandy Beach

FIFTH SCHEDULE

(Section 19)

Part I

Relocation Notice

National Vending Act, 2021
(Act 2021-)

Relocation Notice

Due to_____,
(State reason)

the Manager of Vending Zones has determined that it is necessary to remove and relocate

_____, _____,
(Name of vendor) *(Vending Licence No.)*

engaged in_____ from_____,
(Type of vending) *(Former vending zone)*

to_____ for the period_____day of_____,
(New vending zone)

20_____to_____day of_____, 20_____.

This Notice shall be effective at the end of the 30 day period after the date of service on the vendor.

_____ _____
(Date of service) *(Signature of the Manager of Vending Zones)*
(DD/MM/YYYY)

Fifth Schedule - (Cont'd)

(Section 19)

Part II

Eviction Notice

National Vending Act, 2021
(Act 2021-)

Eviction Notice

Due to_____,
(State reason)

the Manager of Vending Zones has determined that it is necessary to evict you,

_____, _____,
(Name of vendor) *(Vending Licence No.)*

engaged in_____from_____.
(Type of vending) *(Vending zone)*

This Notice shall be effective at the end of the 30 day period after the date of service on the vendor.

_____ _____
(Date of service) *(Signature of the Manager of Vending Zones)*
(DD/MM/YYYY)

Fifth Schedule - (Cont'd)

(Section 19)

Part III

Emergency Relocation Notice

National Vending Act, 2021
(Act 2021-)

Emergency Relocation Notice

Due to_____,
(State reason)

the Manager of Vending Zones has determined that it is necessary to remove and relocate

_____, _____,
(Name of vendor) *(Vending Licence No.)*

engaged in _____ from _____,
(Type of vending) *(Former vending zone)*

to _____ for the period ____ day of _____,
(New vending zone)

20____ to ____ day of _____, 20____.

_____ _____
(Date of service) *(Signature of the Manager of Vending Zones)*
(DD/MM/YYYY)

Fifth Schedule - (Cont'd)

(Section 19)

Part IV

Emergency Eviction Notice

National Vending Act, 2021
(Act 2021-)

Emergency Eviction Notice

Due to_____,
(State reason)

the Manager of Vending Zones has determined that it is necessary to evict you,

_____, _____,
(Name of vendor) *(Vending Licence No.)*

engaged in_____ from _____,
(Type of vending) *(Vending zone)*

This Notice shall be effective at the end of a 24 hour period after the date of service on the vendor.

_____ _____
(Date of service) *(Signature of the Manager of Vending Zones)*
(DD/MM/YYYY)

Fifth Schedule - (Concl'd)

(Section 20)

Part V

Seizure Notice

National Vending Act, 2021
(Act 2021-)

Seizure Notice

To: _____, _____
(Name of vendor) *(Vending Licence No.)*

The Manager of Vending Zones served a _____
(Type of Notice)

to you on the _____ day of _____, 20 _____.

The Manager of Vending Zones determined that it was necessary to seize the items listed below pursuant to the execution to the Notice.

The items seized and the descriptions thereof are listed as follows:

1. _____
2. _____
3. _____
4. _____
5. _____

The items can be reclaimed from the Manager of Vending Zones on the _____ day of _____, 20 _____ at the _____.
(Location)

_____
(Date of service)
(DD/MM/YYYY)

_____
(Signature of the Manager of Vending Zones)

Fifth Schedule - (Concl'd)

(Section 20)

Part V

Seizure Notice

National Vending Act, 2021
(Act 2021-)

Seizure Notice

To: _____, _____
(Name of vendor) *(Vending Licence No.)*

The Manager of Vending Zones served a _____
(Type of Notice)

to you on the _____ day of _____, 20_____.

The Manager of Vending Zones determined that it was necessary to seize the items listed below pursuant to the execution to the Notice.

The items seized and the descriptions thereof are listed as follows:

1. _____
2. _____
3. _____
4. _____
5. _____

The items can be reclaimed from the Manager of Vending Zones on the_____ day of _____, 20 _____ at the _____.
(Location)

_____ _____
(Date of service) *(Signature of the Manager of Vending Zones)*
(DD/MM/YYYY)

SIXTH SCHEDULE

(Section 21)

National Vending Committee

Constitution of the Committee

1.(1) The National Vending Committee shall comprise the following:

(a) a representative of the Barbados Chamber of Commerce;

(b) a representative of the Barbados National Standards Institution;

(c) a representative of the Barbados Association of Vendors, Retailers and Entrepreneurs;

(d) a representative of the Association of Wayside Vendors;

(e) a representative of the Ministry responsible for Commerce;

(f) the Registrar of Cooperatives;

(g) the Manager of Markets;

(h) the Senior Manager of Markets;

(i) a representative of the Ministry responsible for vocational training;

(j) a representative of the Ministry responsible for health;

(k) a representative of the Ministry responsible for technology;

(l) a representative of the Ministry responsible for education;

(m) a representative of the Ministry responsible for fisheries;

(n) a representative of the Town and Country Planning Department; and

(o) a representative of the National Conservation Commission.

(2) The Minister shall appoint a Chairman from among the members.

Tenure

2.(1) A member of the Committee shall be appointed for a period of 3 years by instrument of appointment and is eligible for re-appointment.

(2) The Minister may at any time revoke the appointment of any member of the Committee.

Resignation

3. Any member of the Committee may at any time resign his office by instrument in writing addressed to the Minister and transmitted to him through the Chairman, and from the date of the receipt by the Minister of the instrument the member ceases to be a member of the Committee.

Publication of membership

4. The Committee as first constituted and every change in the membership thereof shall be published in the *Official Gazette*.

Procedure and meetings

5.(1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Committee determines, but the Committee shall meet not less than twice a year.

(2) The Chairman may at any time call a special meeting of the Committee, and shall call a special meeting to be held within 7 days of a written request for the purpose addressed to him by any 2 members of the Committee.

(3) The Chairman shall preside at all meetings of the Committee at which he is present, and in the case of his absence or inability to act at any meeting the members present at the meeting constituting a quorum shall elect one of the members to preside at that meeting.

(4) At any meeting at which the voting is equal the Chairman or the person presiding has a second or casting vote.

(5) The quorum of the Committee is a majority of the total membership thereof.

(6) Subject to this *Schedule* the Committee may regulate its own proceedings.

(7) The validity of the proceedings of the Committee is not affected by any vacancy in the membership thereof or by any defect in the appointment of a member thereof.

Remuneration of members

6. There may be paid to the Chairman and other members of the Committee such remuneration and such allowances as the Minister may determine.

SEVENTH SCHEDULE

(Section 28)

Part I

Administrative Penalties

Description of Contravention	Provision	Penalty
Vending without a licence contrary to section 4(2)	Section 4(2)	$500
Vending with a licence that has been suspended or revoked	Section 8(3)	$1 500
Vending in contravention of the varied conditions of a licence	Section 8(4)	$1 500
Occasional Vending without a permit contrary to section 10(1)	Section 10(6)	$500
Occasional Vending without a permit contrary to section 11(1)	Section 11(6)	
Prohibition of vending outside of a vending zone	Section 16	$1 500
Failing to comply with an obligation pursuant to section 18(1)	Section 18(2)	$1 500

Seventh Schedule - (Concl'd)

(Section 29)

Part II

Ticket

National Vending Act, 2021
(Act 2021-)

Administrative Penalty Notice

On the_____day of_____, 20_____, at_____
(Time)

_____, _____, _____
(Location) *(Name of vendor)* *(Vending Licence No.)*

was seen engaging in activity which gave me reasonable cause to believe that there was a contravention of the Act. The particulars of the contravention are set out as follows:

_____

_____

_____

_____

_____

Signature of the Manager of Vending Zones:_____

Date:_____

EIGHTH SCHEDULE

(Section 36)

CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
Enactments	*Amendments*
1. *Markets and Slaughter-Houses Act*, Cap. 265	1. In section 2 insert in the appropriate alphabetical order the following: " "Manager of Markets" means the manager of any public market or any person acting with the authority of the Manager of Markets;". 2. Delete all references in the Act to the words "Chief Supervisor" and substitute the words "Manager of Markets".
2. *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958/53)	1. Delete all references in the Regulations to the words "Chief Supervisor" and substitute the words "Manager of Markets". 2. Delete regulation 25 and substitute the following: "**Manager of Markets may let market stalls** 25. Subject to the provisions of these regulations, the Manager of Markets may on the payment of the appropriate rent as set out in the *First Schedule* let to a person licensed as a vendor pursuant to the *National Vending Act, 2021* (Act 2021-) any market stall in any public market.".

Eighth Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

Column 1	Column 2
Enactments	*Amendments*
2. *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958/53) - *(Cont'd)*	3. Delete regulation 26 and substitute the following: **"Tenant of market stall licensed to occupy and use it for period of tenancy** 26. Where a tenant has been let a market stall pursuant to section 25, that tenant shall be considered to be licensed to occupy and use the market stall let to him for the period of the tenancy, provided that he complies with the provisions of the Act and these Regulations.". 4. Delete regulation 45. 5. Delete regulation 46. 6. Delete regulations 48, 61, 62, 63 and 64. 7. In the *First Schedule* delete the item which refers to *(a)* Regulation 46 Permit Fee; *(b)* Regulation 61 Meat shop licences; and *(c)* Regulation 64 Meat vendor's licences.

Eighth Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

Column 1	Column 2
Enactments	*Amendments*
2. *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958/53) - *(Concl'd)*	8. Delete the *Second Schedule*. 9. In the *Third Schedule* delete the item which refers to *(a)* Regulation 46 Permit to sell within Prohibited Areas; *(b)* Regulation 48 Fish Seller's Licence; *(c)* Regulation 61 Meat Shop Licenced; and *(d)* Regulation 64 Meat Vendor's Licence.".
3. *National Conservation Commission Act,* Cap. 393	1. Delete Part IV. 2. Delete subsections (1) and (1A) of section 31. 3. Section 32(1) is deleted and the following is substituted: "(1) A person employed by the Commission as a ranger or warden may arrest without a warrant any person who commits an offence specified in paragraph *(a)* or *(b)* of subsection (2) of section 31.".

Eighth Schedule - (Concl'd)

CONSEQUENTIAL AMENDMENTS - *(Concl'd)*

Column 1	Column 2
Enactments	*Amendments*
4. *National Conservation Commission (Fees) Regulations, 2015* (S.I. 2015 No. 78)	The *Schedule* is amended by deleting all references to Vendor's Licences and the fees connected thereto.

Read three times and passed the House of Assembly this
day of , 2021.

Speaker

Read three times and passed the Senate this day of
, 2021.

President

SUBMISSIONS

BARBADOS
TOURISM MARKETING INC.

October 1st,2021

Barbados Vending Bill

Recommendations and Suggestions by the Product Development Department of the BTMI

The BTMI, through the Product Development Department, was asked to comment on the Barbados Vendors Bill. Venting is an activity, that if done right, could enliven our streets and provide opportunities to an often neglected workforce; the informal sector. That being said, the BTMI is supportive of this Bill. Please see the below recommendations for your kind attention:

Licensing grant (section 5) should also include Police Certificate of Character (POC) and Verbiage for POC should indicate it is not for discriminatory reasons.

Attendance at a training programme such as BarbadosTogether Workshop to be a mandatory prerequisite - A prerequisite of attending a training programme such as BarbadosTogether Workshop within a designated timeframe of attaining the license to vend, should be included in the bill. One of the key brand pillars which destination Barbados promotes is friendliness. And while a vast number of Barbadians exhibit friendliness, reports from various sources suggest that there is room for improvement in this area. This informal sector has long been considered a vital part of the induced tourism industry as their visitor encounters are well documented. Given the fact that they serve in a customer facing role, it is recommended that their customer service skills should be enhanced through regular attendance at training programmes such as the BarbadosTogether. A further recommendation is that the renewal of licenses should be tied to the completion of refresher customer service courses.

Cashless payment options - The bill should seek to encourage vendors to utilize digital technology in the form of cashless payment systems for vendors. With the advent of the COVID-19 pandemic, many large and medium sized businesses were forced to employ cashless systems as customers became increasingly uncomfortable with touching cash or point of sales (POS) hardware. Applications such as Venmo, QuickBooks Cash and Square, are just three of many programmes that are easy to set up and use. The government, through the Ministry of M.I.S.T could think about incentivizing vendors to consider utilizing a recommended cashless pay system by tying a reward programme to the system. This would aid in the island's SMART technology goals.

Reward system for outstanding service - Just as the act now indicates that persons can be severely reprimanded for violations of conduct, a system should be in place to reward and applaud, outstanding conduct and service.

Vending Identification Cards – These should be in digital as well as in printable format that is visible to customers. ID cards should include picture ID and expiry date.

Revocation, suspension or varying of license (section 8) – This should include specific reference to violation of the Sexual Harassment Act. A clause should be included to accommodate suspensions due to repeated complaints and after thorough investigation. Additionally, the bill needs to include a clearly identified system to better track violations that would flag repeat violators.

Relocation or eviction of vendors (section 19) - This should state "**up to a maximum of 30 days"** this would ensure that persons can be evicted in the shortest possible time-frame based on the exigencies of the situation.

Alternative vending – the bill could seek to include alternative vendors such as musicians who may be able to operate in a space similar to the other vendors to showcase their musical talent for tips.

Please see the following comments with respect to, where known vending currently occurs in the various parishes and some recommendations for additional vending locations:

St. Michael & St. Thomas

- In St. Michael there is already legal vending at the Barven Market on the Mighty Grynner Highway and Deacons Farm; further suggestions are the Botanical Gardens and its environs, Tyrol Cot. The known illegal ones are Carlton Supermarket, Black Rock; Spooners Hill, outside Eagle Hall market, the Warrens stretch of the ABC Highway, outside the Dome Mall, Green Hill, Norman Niles Roundabout.
- In St. Thomas there is already the existing Freedom Village vendor's mart. Further to these there is vending at Sturges Corner and the junction before Harrison's Cave

St. Philip

- King George V Memorial Park
- Six Roads - Informal vending by roundabout
- Emerald City/ Shop Smart / Simmons Electrical
- Sam Lord's Castle / Hilda Skeene Primary School

Christ Church

- Oistins Bay Gardens – vending already established
- Carpark on opposite side of road/ Bus stand area
- Off massy Car park/ Beach area and opposite sides of road leading to Fish Market
- Section off Top Rock Roundabout (mainly coconut vendors and possible some fruit vending)/ Kendal/ Deighton Griffith / Ocean Park
- Grantley Adams Airport/ Christ Church Parish Church

St. Lucy

- St. Lucy Parish Church Carpark

- Checker Hall Playing Field
- Crab Hill Cricket Grounds

St. Peter
- Mahaica Playing field
- Indian Ground Playing Field Area
- Roadside opposite the Old All Saints Girl school on Highway 1

St. Andrew
- Belleplaine Playing Field (surrounding area of the field)
- Barclays Park
- Erma Bourne

St. James
- Weston, St. James
- Holders Hill, St. James (If there will be a community-based tourism tour in the area)

St Andrew & St Peter

- Cherry Tree Hill
- Speightstown

St. George
Gun Hill Signal Station

St. John
Hackleton's Cliff
St. John's Parish Church Yard

Recommended to be Established:
- Ermie Bourne Highway/ Barclays Park
- Farley Hill / Wildlife Reserve / Grenade Hall Signal Station
- Chalky Mount Pottery Village (further development needed)
- Morgan Lewis Windmill – even with the windmill temporarily closed, it can form a nice backdrop for a vending zone, specifically for arts and craft.
- Six Mens (possible community tourism site)
- The trail ways in St. Joseph

The establishment of vending zones in these areas should be accessible, be accompanied by public restrooms which are cleaned and maintained, and where possible should be accompanied by free WIFI. From a tourism perspective, these are things that would encourage visitors to linger. Additionally, tourism can possibly partner to erect adequate digital signage, which would also provide information on the history/key attributes of the site/community.

Additionally, it was recommended that certain zones should be designated for specific types of vending. Specific areas for arts/craft, specific areas for food etc. Some will be able to carry all, but

if it is a historic site, such as Morgan Lewis, a historic church, or lighthouse, then more authentic arts and craft should be encouraged primarily, even if food is secondary.

Mr Pedro Eastmond

Clerk of Parliament

Parliament of Barbados

Dear Sir

Re: Hearings of the Joint Select Committee on the National Vending Bill, 2021

I would be grateful if I could be afforded the opportunity to appear before the above-mentioned **Joint Select Committee** in order to make an oral presentation on the **National Vending Bill, 2021.**

I also take this opportunity to draw to the attention of the **Joint Select Committee** that the **Thorne Commission On Local Governance** has submitted a Report to the Cabinet of Barbados that proposes the establishment of 21 People's Assemblies across Barbados, and that it is proposed that one of the functions of a People's Assembly would be the issuance of licences to carry on various commercial activities at public spaces within the geographical area of the People's Assembly. In addition, one of the categories of such licences would be licences for wayside vending.

Here, then, is the most relevant section of the Report:

"ISSUING OF LICENCES"

One of the priority functions of the People's Assembly will be to facilitate the entrepreneurial efforts of the residents of the Assembly area, and to promote self-employment and the development of business enterprises.

Our Commission therefore recommends that the People's Assembly should be invested with the power to issue a variety of licences for the carrying on of small business activities in specific public spaces within the Assembly area.

Such "small business activities" would include – wayside vending; preparation and/or selling of food items; delivery of performing arts and entertainment services; delivery of taxi services; manufacture and/or sale of art and craft items; and activities of a similar type.

It should therefore be the responsibility of each People's Assembly to seek out and locate public spaces within the Assembly area that are appropriate for various types of small business activities, and – having done so – to organize itself to receive applications from Assembly residents for licences to set up operations in such areas, and to issue the relevant licences.

Several members of the Commission were able to visit the recently established and developed **"Worthing Square"** food and entertainment outdoor facility at the bottom of Rendezvous Hill in Christ Church, and are convinced that People's Assemblies could play a role in establishing these types of small business development facilities in appropriate spaces all across the island.

The Commission is also convinced that the establishment of facilities of this nature could intersect with the work and programmes of the "Community Management and Programme Development Committee", and also could play a vital role in developing a **Community Tourism** component of Barbados' Tourism industry."

I would be grateful if this short extract from the text of the **Report** of the **Thorne Commission** could be drawn to the attention of the **Joint Select Committee**.

I look forward to making an oral presentation that would pertain to this component of the Report of the **Thorne Commission** as well as to some elements of the Bill.

Regards,

David Comissiong,

Ambassador to Caricom,

Ministry of Foreign Affairs and Foreign Trade,

1 Culloden Road,

Bridgetown

Barbados

Tel: (246) 535-6641

Fax: (246) 429-6652

Website: www.foreign.gov.bb

--

Clerk of Parliament,

Parliament of Barbados,

Worthing Corporate Centre,

Christ Church.

10/14/2021

Dear Sir,

NATIONAL VENDING BILL, 2021

After reviewing the Bill as requested, the following are put forward for your consideration.

Where food vending is concerned, the vendor must comply with the Health Services Act CAP44. The Bill requires the vendor to have a Food Business license in order to operate. While this is desirable, it is not always practical. If the vendor is only selling small amounts of prepackaged foods such as soft drinks or packaged peanuts, a Health Certificate would be enough to operated safely. The acquisition of a Food Business license is additional bureaucracy hindering the ease of doing business. Where the person is applying to sell non prepackaged foods, the acquisition of the Food Business license is adequate.

It is therefore suggested that the Bill reads: "In the case of an applicant who seeks to operate as a food vendor, "

(1) A certificate of good health issued by a registered medical practitioner; and
(2) Possess the requisite license or permission pursuant to the Health Services Act CAP 44.

Paragraph 5. "Application for the grant of a license." There are three requirements listed for meat shops. Please note that these three requirements

fall way short of the hygiene standard of modern meat shop. For example, critical to the functioning of any meat shop is the provision of refrigeration.

I am therefore suggesting that persons wanting to operate a meat shop should fall under the Food business license of the Health Services (Food Businesses) Regulations.

Yours faithfully,

Ronald Chapman

Dep. Chief Environmental Health Officer

Ministry of Energy, Small Business and Entrepreneurship

Co-operatives Department

Comments Regarding the Vending Bill

1) Section 3. (1) – If a vendor is sixteen years and older and selling merchandise outside of a vending zone for a living which does not include 3. (1) b, does that mean that the person is exempt from the requirement to possess a vending license. If so, is this person to be excluded under Section 7. (1) namely the Register of Vendors.

2) The Vending License Form at Part II under the First Schedule does not include the date upon the license is set to expire as per Section 6. (1).

3) The Vending License Form at Part II under the First Schedule does not include the date upon the license is set to expire as per Section 6. (2).

4) Under Section 7. (1) – The Register of Vendors – Section 7. (3) states that "The electronic form of the Register of Vendors shall be made available to the public on a website established by the Ministry responsible for Commerce." Also, Section 7. (4) states that "The physical form of the Register of Vendors may be inspected by any person during office hours of the Ministry responsible for Commerce. Is this sharing of personal information with the public in keeping with the Data Protection Act, 2019 e.g. the need to share a vendor's Identification Card information with the public or anyone internationally since it is accessible on-line.

5) Section 10. (5) states that "A person who is aggrieved by a decision of the Minister under this section shall appeal to a Judge in Chambers upon receipt of notice referred to in subsection (4)." We suggest that the word shall be replaced by may. Also, there is no time frame for the notice to the person applying for the permit and it is possible that the event may be already completed due to the processing procedures of the Court. Can the National Vending Appeals Tribunal be used here instead?

6) Section 11. (5) is similar to section 10. (5) suggestions.

7) Section 16 states that "A person who engages in vending, pursuant to Section 3. (1)(a), in a place other than a vending zone shall be subject to the payment of an administrative penalty imposed under Section 28." Does this mean if my home is not in the vending zone and I am selling merchandise or otherwise in front of my house that I would be penalized and have to pay fifteen hundred dollars as per Part I under the Seventh Schedule?

BARBADOS CHAMBER OF COMMERCE & INDUSTRY

The trusted voice of the business community since 1925

October 20, 2021

Mr. Pedro Eastmond
Clerk of Parliament
Parliament of Barbados
Trafalgar Street
Bridgetown
St. Michael

Dear Mr. Eastmond,

Re: Comments on National Vending Bill, 2021

The Barbados Chamber of Commerce and Industry (BCCI) wishes to thank the Barbados Parliament for sharing the correspondence dated October 1, 2021, regarding the National Vending Bill, 2021. The Chamber received this correspondence on Tuesday, October 12, 2021, and as such, required additional time to provide comments on the Bill. Given the importance of this Bill and the need for a careful review of same, the BCCI contacted the Parliament office to request an extension to the submission deadline date of Friday, October 15, 2021, and was informed that the Chamber could submit its written feedback on Wednesday, October 20, 2021.

The BCCI through its Retail and Distribution Committee, evaluated the National Vending Bill, 2021 and the below comments are shared for your consideration:

1. **Concern:** The Bill appears not to include an audit process for the allocation and monitoring of spots in Vending Zones. The Bill should also include provision for the monitoring of compliance once spots are allocated. Additionally, the Bill should clearly state how zones will be allocated whether based on a particular size per spot, type of products to be sold by the vendor or necessary facilities onsite at each location etc.
2. **Concern:** The Bill does not state the required size and dimensions of vending kiosks or stalls. Clarity is needed on whether vendors are allowed to have stalls of varying sizes.
3. **Concern:** Clarity is needed regarding the type of zones (clothing, vegetables, poultry and fish, etc.) to be established.
4. **Concern:** The Bill should highlight whether vendors are required to stay in the assigned spots at specified Vending Zones.
5. **Concern:** Vending Zones should be marked and numbered; this information should also be recorded on each vendor's license.

Braemar Court, Deighton Road St. Michael Barbados (246) 434-4750 (246) 228-2907
www.barbadoschamberofcommerce.com
bcci@barbadoschamber.com

6. **Concern:** Clarity is needed regarding waste collection and disposal. The Bill should clearly state if vendors are required to remove all garbage produced by their stall or whether there would be a central waste collection and disposal facility at each Vending Zone.
7. **Recommendation:** There is need for clear guidelines, rules and a code of conduct that will govern vendors. Also, the Bill should clearly list what is considered as an infraction to the vending guidelines.
8. **Recommendation:** The Bill does not allow for a representative of the BCCI or any other commercial representatives to sit on the Tribunal. To ensure fair and adequate representation, the Bill should be amended to allow for such commercial representatives to be members of the Tribunal.
9. **Comment:** The Bill should clarify whether vending stalls or zones can be established in conflicting areas (e.g., can vendors be assigned to spots in close vicinity of store front competitors).

The BCCI takes this opportunity to thank the Government and Parliament of Barbados for affording the Chamber the opportunity to provide comments on the draft legislation.

We also take this time to highlight the importance of continued dialogue surrounding the Bill as such legislation has several implications for varying groups of society. In this regard, the Chamber looks forward to future opportunities to advance discuss on the legislation.

Yours respectfully,

BARBADOS CHAMBER OF COMMERCE & INDUSTRY

Mr. Tomilson Bynoe

Chair, BCCI Retail and Distribution Committee

Mr Pedro Eastmond

Clerk of Parliament

Parliament of Barbados

Dear Sir

Re: Hearings of the Joint Select Committee on the National Vending Bill, 2021

I would be grateful if I could be afforded the opportunity to appear before the above-mentioned **Joint Select Committee** in order to make an oral presentation on the **National Vending Bill, 2021.**

I also take this opportunity to draw to the attention of the **Joint Select Committee** that the **Thorne Commission On Local Governance** has submitted a Report to the Cabinet of Barbados that proposes the establishment of 21 People's Assemblies across Barbados, and that it is proposed that one of the functions of a People's Assembly would be the issuance of licences to carry on various commercial activities at public spaces within the geographical area of the People's Assembly. In addition, one of the categories of such licences would be licences for wayside vending.

Here, then, is the most relevant section of the Report:

"ISSUING OF LICENCES"

One of the priority functions of the People's Assembly will be to facilitate the entrepreneurial efforts of the residents of the Assembly area, and to promote self-employment and the development of business enterprises.

Our Commission therefore recommends that the People's Assembly should be invested with the power to issue a variety of licences for the carrying on of small business activities in specific public spaces within the Assembly area.

Such "small business activities" would include – wayside vending; preparation and/or selling of food items; delivery of performing arts and entertainment services; delivery of taxi services; manufacture and/or sale of art and craft items; and activities of a similar type.

It should therefore be the responsibility of each People's Assembly to seek out and locate public spaces within the Assembly area that are appropriate for various types of small business activities, and – having done so – to organize itself to receive applications from Assembly residents for licences to set up operations in such areas, and to issue the relevant licences.

Several members of the Commission were able to visit the recently established and developed "**Worthing Square**" food and entertainment outdoor facility at the bottom of Rendezvous Hill in Christ Church, and are convinced that People's Assemblies could play a role in establishing these types of small business development facilities in appropriate spaces all across the island.

The Commission is also convinced that the establishment of facilities of this nature could intersect with the work and programmes of the "Community Management and Programme Development Committee", and also could play a vital role in developing a **Community Tourism** component of Barbados' Tourism industry."

I would be grateful if this short extract from the text of the **Report** of the **Thorne Commission** could be drawn to the attention of the **Joint Select Committee**.

I look forward to making an oral presentation that would pertain to this component of the Report of the **Thorne Commission** as well as to some elements of the Bill.

Regards,

David Comissiong,

Ambassador to Caricom,

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NEW BILL

2021/11/12

OBJECTS AND REASONS

This Bill would provide for the

(a) regulation of vending in Barbados;

(b) protection of the rights of vendors; and

(c) matters related to paragraphs *(a)* and *(b)*.

Arrangement of Sections

PART I

PRELIMINARY

1. Short title

2. Interpretation

PART II

VENDING

3. Vending

PART III

REGULATION OF VENDING ACTIVITIES

4. Licensing and permit requirements

5. Application for the grant of a licence

6. Vending Licence

7. Register of Vendors

8. Revocation, suspension or varying of a licence

9. Notice of intention to revoke, suspend or vary a licence

10. Occasional vending that is not on a beach, an esplanade or in a garden or a park

11. Occasional vending on a beach, an esplanade or in a garden or a park

12. Itinerant vending

PART IV

VENDING ZONES

13. Vending zones

14. Designation of a vending zone

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17. Rights of vendors

18. General obligations of vendors

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19. Relocation or eviction of vendors

20. Seizing and reclaiming of goods

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NATIONAL VENDING COMMITTEE

21. Establishment of National Vending Committee

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23. Appeal

24. Establishment of National Vending Appeals Tribunal

25. Suspension of decisions pending appeal to Tribunal

26. Power of Tribunal

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ADMINISTRATIVE PENALTIES

28. Administrative penalties

29. Administrative penalty notice

30. Procedure for challenging an alleged administrative contravention

31. Administrative penalty to constitute a debt to the Crown

PART X

MISCELLANEOUS

32. Fees

33. Transitional

34. Regulations

35. Amendment of Schedules

36. Expungement

37. Consequential amendments

38. Commencement

FIRST SCHEDULE

Application Form and Vending Licence

SECOND SCHEDULE

Application Forms and Permits for Occasional Vending and Itinerant Vending

THIRD SCHEDULE

Fees

FOURTH SCHEDULE

Lists and Descriptions

FIFTH SCHEDULE

Notices

SIXTH SCHEDULE

National Vending Committee

SEVENTH SCHEDULE

Administrative Penalties

EIGHTH SCHEDULE

Consequential Amendments

BARBADOS

A Bill entitled

An Act to provide for the regulation of vending in Barbados, the protection of the rights of vendors and matters related thereto.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *National Vending Act, 2021*.

Interpretation

2. In this Act,

"bakery" has the meaning assigned to it by the *Health Services (Bakeries) Regulations* (S.I. 1970 No. 111);

"beach" has the meaning assigned to it by the *National Conservation Commission Act*, Cap. 393;

"Committee" means National Vending Committee established in accordance with section 21;

"Commission" means the National Conservation Commission established under the *National Conservation Commission Act*, Cap. 393;

"esplanade" means an esplanade listed in Part I of the *Fourth Schedule*;

"fish landing site" means a site listed in Part III of the *Fourth Schedule*;

"fish market" has the meaning assigned to it by the *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73);

"food" has the meaning assigned to it by the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232);

"fresh meat" has the meaning assigned to it by the *Markets and Slaughter-Houses Act*, Cap. 265;

"garden" means a garden listed in Part I of the *Fourth Schedule*;

"itinerant vending" means the offering for sale of merchandise or the rendering of services

(a) from a vehicle

(i) parked in a vending zone; or

(ii) being driven from one customer's premises to another; or

(b) in a vending zone or other site for a period of less than 12 hours;

"Manager of Markets" means the manager responsible for the management and operation of public markets under the *Markets and Slaughter-Houses Act*, Cap. 265;

"Manager of Vending Zones" means

(a) the Manager of Markets for the purposes of vending zones that are

(i) public markets that are not fish markets;

(ii) the areas more particularly described in the Part II of the *Fourth Schedule*;

(iii) a zone designated by the Minister on consultation with the National Vending Committee;

(b) the National Conservation Commission for the purposes of vending zones that are beaches, esplanades, gardens and parks; or

(c) the Senior Manager of Markets for the purposes of vending zones that are fish markets;

(d) the Chief Fisheries Officer for the purposes of vending zones that are fish landing sites;

"merchandise" means fruit, vegetables, ground provisions, poultry, eggs, fresh meat, fish, food, crafts, pieces of clothing or any other small items;

"Minister" means the Minister responsible for Commerce;

"National Conservation Commission" means the Commission established under the *National Conservation Commission Act*, Cap. 393;

"National Vending Policy" means the policy developed by the Ministry responsible for Commerce to facilitate the enabling environment that would allow vendors to operate while ensuring their compliance with the Laws of Barbados;

"occasional vending" means

(a) offering for sale of merchandise; or

(b) rendering of services

for the duration of a fair, festival, carnival or a cultural, entrepreneurial, religious or recreational event only;

"park" means a garden listed in Part I of the *Fourth Schedule*;

"Policy" means the National Vending Policy;

"public market" has the meaning assigned to it by the *Markets and Slaughter-Houses Act*, Cap. 265;

"retailer" includes a supermarket, shop or other entity that offers for sale or disposal merchandise to the public;

"restaurant" has the meaning assigned to it by the *Health Services (Restaurants) Regulations, 1969* (S.I. 1969 No. 234);

"Senior Manager of Markets" means the manager responsible for the management and operation of fish markets;

"Tribunal" means the National Vending Appeals Tribunal established by section 24;

"vehicle" has the meaning assigned to it by *Road Traffic Act, Cap. 295*;

"vending" has the meaning assigned to it by section 3;

"vending zone" has the meaning assigned to it by section 13; and

"vendor" means a person who is engaged in vending and is

(a) licensed to do so pursuant to sections 4 and 5; or

(b) granted a permit to do so pursuant to sections 4, 10, 11 and 12.

PART II

VENDING

Vending

3.(1) For the purposes of this Act, vending refers to the offering for sale of merchandise or the rendering of services

(a) in a vending zone;

(b) for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only; or

(c) from

(i) a vehicle parked in a vending zone or being driven from one customer's premises to another; or

(ii) vending zone or other site for a period of less than 12 hours.

(2) The following activities are not to be construed as vending for the purposes of this Act:

(a) the sale of goods and chattels sold pursuant to the *District Auctioneers Act*, Cap. 114;

(b) the sale of merchandise by a retailer;

(c) the sale of food or drink in

(i) a bakery;

(ii) a canteen operating in a club, a hospital, an institution or a school;

(iii) a club;

(iv) a hospital;

(v) an institution; or

(vi) a restaurant which is not operating on a beach, esplanade, or in a garden or a park;

(vii) a hotel which is not operating on a beach, esplanade or in a garden or a park;

whether carried on for profit or not;

(d) the sale of merchandise where the profits thereof are used solely for a charitable purpose;

(e) the sale of merchandise or the rendering of services by a person within the curtilage of that person's residence; or

(f) the sale of fish by a fisherman to a vendor.

(3) The Minister may by order amend subsection (2).

PART III

REGULATION OF VENDING ACTIVITIES

Licensing and permit requirements

4.(1) No person shall operate as a vendor unless he has attained the age of 18 years and obtained a licence or a permit to do so under this Act.

(2) A person who has attained the age of 16 years may be permitted to operate as a vendor in accordance with regulations made by the Minister.

(3) A person who contravenes subsection (1) shall be subject to the payment of an administrative penalty imposed under section 28.

Application for the grant of a licence

5.(1) A person who seeks to operate as a vendor in a vending zone that is not a beach, an esplanade, a garden or a park pursuant to section 3(1)*(a)* shall apply to the Minister for a licence to do so by

(a) submitting

(i) an application for the purpose set out in Part I of the *First Schedule*;

(ii) proof of identification;

(iii) proof of address;

(iv) in the case of an applicant who seeks to operate as a food vendor,

(A) a certificate of good health issued by a registered medical practitioner; and

(B) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232);

(v) in the case of an applicant who seeks to operate as a meat vendor in a shop or premises outside of a public market evidence that the location of the meat shop or premises has

(A) walls and floors that are impervious;

(B) proper provision for drainage and is properly ventilated; and

(C) a water supply that is adequate for operation as a meat shop; and

(b) paying the relevant fee set out in the *Third Schedule*.

(2) The Minister may, on consultation with the Minister responsible for public markets and the Minister responsible for fisheries, grant a licence to an applicant referred to in subsection (1) within 7 days of the receipt of an application.

(3) A person who seeks to operate as a vendor in a vending zone that is a beach, esplanade, garden or park pursuant to section 3(1)*(a)* shall apply to the National Conservation Commission for a licence to do so by

(a) submitting

(i) an application for the purpose set out in Part III of the *First Schedule*;

(ii) proof of identification;

(iii) proof of address;

(iv) in the case of an applicant who seeks to operate as a food vendor,

(A) a certificate of good health issued by a registered medical practitioner; and

(B) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and

(b) paying the relevant fee set out in the *Third Schedule*.

(4) The National Conservation Commission may grant a licence to an applicant referred to in subsection (3) within 7 days of the receipt of an application.

(5) A person who provides false or misleading information in an application referred to in subsection (1) or subsection (3) or documentation pursuant to subsection (1) or subsection (3) shall be subject to the payment of an administrative penalty imposed under section 28.

(6) Subsections (3) and (4) shall apply to a person carrying on any hotel, restaurant or other business in respect of which there is in existence a valid licence granted under the *Liquor Licences Act*, Cap. 182.

Vending Licence

6.(1) A licence granted pursuant to section 5(2) shall

(a) be in the form set out in Part II of the *First Schedule* and shall specify

(i) the name of the licensee;

(ii) the sex of the licensee;

(iii) the date of birth of the licensee;

(iv) the national identification number of the licensee;

(v) the vending licence number assigned by the Minister;

(vi) a photo of the licensee;

(vii) the type of vending to be engaged in by the vendor;

(viii) the type of service to be rendered by the vendor;

(ix) the type of merchandise being sold by the vendor;

(x) the vending zone;

(xi) the date upon which the licence

(A) is granted;

(B) comes into force;

(C) is set to expire;

(xii) any terms or conditions attached to the licence;

(b) be valid for one year and may be renewed on the expiration of that licence upon the payment of the relevant fee set out in the *Third Schedule*; and

(c) not be transferable.

(2) A licence granted pursuant to section 5(4) shall

(a) be in the form set out in Part IV of the *First Schedule* and shall specify

(i) the name of the licensee;

(ii) the sex of the licensee;

(iii) the date of birth of the licensee;

(iv) the national identification number of the licensee;

(v) the vending licence number assigned by the National Conservation Commission;

(vi) a photo of the licensee;

(vii) the type of vending to be engaged in by the vendor;

(viii) the type of service to be rendered by the vendor;

(ix) the type of merchandise being sold by the vendor;

(x) the vending zone;

(xi) the date upon which the licence

(A) is granted;

(B) comes into force;

(C) is set to expire;

(xii) any terms or conditions attached to the licence;

(b) be valid for one year and may be renewed on the expiration of that licence upon the payment of the relevant fee set out in the *Third Schedule*; and

(c) not be transferable.

(3) Notwithstanding sections 10 and 11, a person granted a licence under section 5(2) or section 5(4) may operate at a fair, festival, carnival or a cultural,

entrepreneurial, religious or recreational event without obtaining a permit required pursuant to sections 10 and 11.

Register of Vendors

7.(1) The Minister shall cause to be kept and maintained a register to be known as the Register of Vendors which shall contain the following particulars in respect of a licensed vendor or an itinerant vendor:

(a) name;

(b) sex;

(c) the date of birth;

(d) the national identification number;

(e) the vending licence number or itinerant vending permit number where applicable;

(f) the type of vending engaged in;

(g) the type of service rendered;

(h) the type of merchandise being sold;

(i) the vending zone;

(j) the date upon which the licence or permit

(i) was granted;

(ii) came into force;

(iii) is set to expire;

(k) any terms or conditions attached to the licence or permit;

(l) any other particulars required by the Minister.

(2) The Register of Vendors shall be in electronic and physical form.

(3) The electronic form of the Register of Vendors shall be made available to the public on a website established by the Ministry responsible for Commerce.

(4) The physical form of the Register of Vendors may be inspected by any person during the office hours of the Ministry responsible for Commerce.

(5) Any information collated by the National Conservation Commission collected pursuant to section 5(3) and section 6(2) shall be shared with the Minister for the purpose of assisting the Minister in keeping and maintaining the Register of Vendors pursuant to subsection (1).

Revocation, suspension or varying of a licence

8.(1) The Minister may, in writing, revoke, suspend or vary a licence granted pursuant to section 5(2) where the Minister is satisfied that the licensee

(a) has provided false or misleading information in an application for a licence or submitted false or misleading documentation; or

(b) has failed to comply with any condition of the licence or any provision of this Act or any regulations made thereunder.

(2) The National Conservation Commission may, in writing, revoke, suspend or vary a licence granted pursuant to section 5(4) where the Commission is satisfied that the licensee

(a) has provided false or misleading information in an application for a licence or submitted false or misleading documentation; or

(b) has failed to comply with any condition of the licence or any provision of this Act or any regulations made thereunder.

(3) A person who seeks to vary a licence granted pursuant to section 5(2) shall submit a request to do so to the Minister in writing and the Minister shall respond in writing within 7 days and

(a) where the request is granted make changes necessary to the licence and Register; or

(b) where the request is refused give reasons for the refusal.

(4) A person who seeks to vary a licence granted pursuant to section 5(4) shall submit a request to do so to the National Conservation Commission in writing and the National Conservation Commission shall respond in writing within 7 days and

(a) where the request is granted make changes necessary to the licence and communicate the changes to the Minister pursuant to the objectives set out in section 7(5); or

(b) where the request is refused give reasons for the refusal.

(5) A person who vends with a licence that has been revoked or suspended pursuant to subsection (1) or subsection (2) shall be subject to the payment of an administrative penalty imposed under section 28.

(6) Where a person vends in contravention to the conditions of a licence varied pursuant to subsection (1) or subsection (2), that person shall be subject to the payment of an administrative penalty imposed under section 28.

Notice of intention to revoke, suspend or vary a licence

9.(1) The Minister shall, before revoking, suspending or varying a licence under section 8(1)

(a) give the licensee notice in writing of the grounds on which he intends so to do;

(b) afford the licensee an opportunity to object in writing within the period of 14 days after the date of issue of the notice;

(c) take into consideration the objection of the licensee made pursuant to paragraph *(b)*.

(2) The National Conservation Commission shall, before revoking, suspending or varying a licence under section 8(2)

(a) give the licensee notice in writing of the grounds on which he intends so to do;

(b) afford the licensee an opportunity to object in writing within the period of 14 days after the date of issue of the notice;

(c) take into consideration the objection of the licensee made pursuant to paragraph *(b)*.

Occasional vending that is not on a beach, an esplanade or in a garden or a park

10.(1) A person who seeks to engage in occasional vending in a place that is not a beach, an esplanade, or in a garden or a park pursuant to section 3(1)*(b)* shall apply to the Minister for a permit to do so and shall

(a) submit an application for the purpose set out in Part I of the *Second Schedule*;

(b) in the case of an applicant who seeks to operate as a food vendor,

(i) a certificate of good health issued by a registered medical practitioner; and

(ii) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and

(c) pay the relevant fee set out in the *Third Schedule*.

(2) The Minister may grant a permit to the applicant referred to in subsection (1) and the permit shall be in the form set out in Part II of the *Second Schedule*.

(3) The permit referred to in subsection (2)

(a) shall be valid for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only; and

(b) is not transferable.

(4) The Minister may refuse to grant, revoke, suspend or vary a permit and shall give notice of that decision in writing.

(5) A person who is aggrieved by a decision of the Minister under this section shall appeal to a Judge in Chambers upon receipt of notice referred to in subsection (4).

(6) A person who engages in occasional vending without a permit shall be subject to the payment of an administrative penalty imposed under section 28.

Occasional vending on a beach, an esplanade or in a garden or a park

11.(1) A person who seeks to engage in occasional vending on a beach, an esplanade or in a garden or a park pursuant to section 3(1)*(b)* shall apply to the National Conservation Commission for a permit to do so and shall

(a) submit an application for the purpose set out in Part III of the *Second Schedule*;

(b) in the case of an applicant who seeks to operate as a food vendor,

(i) a certificate of good health issued by a registered medical practitioner; and

(ii) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and

(c) pay the relevant fee set out in the *Third Schedule*.

(2) The National Conservation Commission may grant a permit to the applicant referred to in subsection (1) and the permit shall be in the form set out in Part IV of the *Second Schedule*.

(3) The permit referred to in subsection (2)

(a) shall be valid for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only; and

(b) is not transferable.

(4) The National Conservation Commission may refuse to grant, revoke, suspend or vary a permit and shall give notice of that decision in writing.

(5) A person who is aggrieved by a decision of the National Conservation Commission under this section shall appeal to a Judge in Chambers upon receipt of notice referred to in subsection (4).

(6) A person who engages in occasional vending without a permit shall be subject to the payment of an administrative penalty imposed under section 28.

Itinerant vending

12.(1) A person who seeks to engage in itinerant vending pursuant to section 3(1)*(c)* shall apply to the Minister for a permit to do so and shall

(a) submit an application for the purpose set out in Part V of the *Second Schedule*;

(b) in the case of an applicant who seeks to operate as a food vendor,

(i) a certificate of good health issued by a registered medical practitioner; and

(ii) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and

(c) pay the relevant fee set out in the *Third Schedule*.

(2) The Minister may grant a permit to the applicant referred to in subsection (1) and the permit shall be in the form set out in Part VI of the *Second Schedule*.

(3) The permit referred to in subsection (2)

(a) be valid for one year and may be renewed on the expiration of that permit upon the payment of the relevant fee set out in the *Third Schedule*; and

(b) is not transferable.

(4) The Minister may refuse to grant, revoke, suspend or vary a permit and shall give notice of that decision in writing.

(5) A person who is aggrieved by a decision of the Minister under this section shall appeal to a Judge in Chambers upon receipt of notice referred to in subsection (4).

(6) A person who engages in occasional vending without a permit shall be subject to the payment of an administrative penalty imposed under section 28.

(7) Notwithstanding sections 10 and 11, a person granted permit under subsection (2) may operate at a fair, festival, carnival or a cultural, entrepreneurial, religious or recreational event without obtaining a permit required pursuant to sections 10 and 11.

PART IV

VENDING ZONES

Vending zones

13. For the purposes of this Act, a vending zone refers to

(a) a beach;

(b) an esplanade;

(c) a fish landing site;

(d) a garden;

(e) a park;

(f) a public market;

(g) the areas more particularly described in Part II of the *Fourth Schedule*;

(h) a zone designated by the Minister on consultation with the National Vending Committee.

Designation of a vending zone

14. The Minister, on consultation with the National Vending Committee, may by order designate a vending zone for the purposes of this Act.

Beaches, esplanades, gardens and parks

15.(1) The National Conservation Commission shall be responsible for the management and operation of a vending zone that is

(a) a beach;

(b) an esplanade;

(c) a garden; or

(d) a park.

(2) Where a vendor seeks to operate on a beach, an esplanade or in a garden or a park he shall do so in compliance with the *National Conservation Commission Act*, Cap. 393.

Public Markets and fish landing sites

16.(1) The Manager of Markets shall be responsible for the management and operation of

(a) a public market that is not a fish market;

(b) an area more particularly described in Part II of the *Fourth Schedule*;

(c) the areas where a person is engaged in itinerant vending;

(d) a zone designated by the Minister on consultation with the National Vending Committee.

(2) The Senior Manager of Markets shall be responsible for the management and operation of a public market that is a fish market.

(3) The Chief Fisheries Officer shall be responsible for the management and operation of a fish landing site.

(4) Where a vendor seeks to operate in a public market, he shall do so in compliance with the *Markets and Slaughter-Houses Act*, Cap. 265 and the *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73).

PART V

RIGHTS AND OBLIGATIONS OF VENDORS

Rights of vendors

17.(1) A vendor has the right to carry on the business of vending

(a) in accordance with the terms and conditions of the licence granted under this Act;

(b) subject to the provisions of this Act or statutory instruments made thereunder or any relevant enactment pertaining to the vendors,

without fear of harassment or unreasonable impediments.

(2) A vendor who is operating pursuant to section 3(1)*(a)* is entitled to 30 days' notice before the imposition of an eviction notice subject to section 19(3).

(3) Where a vendor who is operating pursuant to section 3(1)*(a)* is subject to a relocation notice pursuant to section 19(2) he is entitled to

(a) 30 days' notice before the imposition of a relocation notice;

(b) be consulted in respect of any assignment to a new site or location in relation to the carrying out of his vending business;

(c) be assigned to a new site or location which is conducive to the carrying out of his vending business;

(d) reclaim any merchandise which is seized pursuant to the eviction or relocation notice;

(e) make a claim for compensation in writing to the Manager of Vending Zones for any loss, damage or destruction of merchandise pursuant to

a relocation notice issued under section 19 or a seizure notice issued under section 20 subject to paragraph (f);

(f) compensation for any loss, damage or destruction of merchandise seized pursuant to a relocation notice subject to section 20(5).

(4) For the purposes of subsection (3)*(b)*, "consulted" shall entail that the Manager of Vending Zones shall within the 30 day notice period write to the vendor stating the reasons for the assignment of the new site or location of his vending business and the vendor shall respond to the Manager of Vending Zones in writing within the 30 day notice period stating his objections to the assignment to the day notice period.

(5) The statement of reasons by the Manager of Vending Zones referred to in subsection (4) shall take into account discussions on the subject of relocation of a vendor with the

(a) organisations that represent the interests of vendors generally; and

(b) organisation that represents the interest of the vendor who is the subject of the relocation in particular if applicable

and the written record of the result of those discussions shall accompany the statement of reasons.

General obligations of vendors

18.(1) A vendor shall

(a) produce his licence or permit for inspection where requested to do so by a customer, the Manager of Vending Zones or a person authorised by the Manager to conduct such inspections;

(b) remove his merchandise and any equipment, materials, wares or goods used in conducting his vending business at the expiration of time allotted to him for conducting his business by

(i) condition of his licence or permit;

(ii) enactment; or

(iii) contract;

(c) maintain the cleanliness of a vending zone;

(d) keep amenities and any other public property, equipment or tools in a vending zone in good condition;

(e) not, while vending,

(i) use threatening, abusive or insulting words or behaviour;

(ii) intimidate or harass any person;

(iii) consume or be under the influence of alcohol or drugs;

(iv) sell, serve or distribute alcohol without an appropriate liquor licence; and

(f) where he sells, offers or exposes for sale food he and his employees shall comply with the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232).

(2) Where a dispute arises between vendors operating pursuant to section 3(1) *(a)*, the parties to the dispute may seek the assistance of the Manager of Vending Zones to resolve the dispute within 14 days after the dispute has been reported and where a party is aggrieved by a decision of the Manager in relation to the resolution of the dispute he shall appeal to the National Vending Appeals Tribunal within 14 days of the receipt of the decision of the Manager which shall be communicated to the parties to the dispute in writing.

(3) The Manager of Vending Zones in resolving any conflict pursuant to subsection (2) shall give such directions which facilitate the maintenance of order or regularity and are conducive with the conducting of business in the interests of vending generally and in the interests of the parties to the dispute in particular.

(4) A person who contravenes subsection (1) shall be subject to the payment of an administrative penalty imposed under section 28.

PART VI

RELOCATION AND EVICTION OF VENDORS

Relocation or eviction of vendors

19.(1) Subject to subsection (3), no vendor shall be relocated or evicted by the Manager of Vending Zones from a vending zone specified in the vending licence unless he has been given 30 days' notice.

(2) The Manager of Vending Zones may issue an eviction or relocation notice pursuant to subsection (1) where

(a) the vendor is in breach of

(i) a condition of his licence;

(ii) the provisions of this Act, any regulations made thereunder or any other relevant enactment;

(b) the vendor's vending licence has been suspended or revoked pursuant to section 8;

(c) there is an emergency within the meaning of section 2 of the *Emergency Management Act*, Cap. 160A;

(d) there is danger to public safety, public order or public health.

(3) Notwithstanding subsection (1) where

(a) there is an emergency within the meaning of section 2 of the *Emergency Management Act*, Cap. 160A; or

(b) there is danger to public safety, public order or public health

the Manager of Vending may issue an emergency eviction or relocation notice without giving 30 days notice as required under subsection (1).

(4) A notice issued under this section shall be in the form set out in the *Fifth Schedule*.

(5) The Manager of Vending Zones shall inform a member of the Police Force of a notice issued under this section and shall seek the assistance of a member of the Police Force where necessary.

Seizing and reclaiming of goods

20.(1) Where a vendor fails to vacate a vending zone pursuant to section 19, the Manager of Vending Zones may seize the merchandise of the vendor.

(2) The Manager of Vending Zones shall

(a) issue a seizure notice, in the form set out in the *Fifth Schedule*, to the vendor informing him of the seizure of his merchandise and shall include

(i) the time the merchandise was seized;

(ii) the location to which the merchandise has been transferred;

(iii) a list of the merchandise seized signed by the Manager of Vending Zones;

(iv) a description of the items seized including quantity, weight, size, condition of item and any other descriptor that the Manager of Vending Zones determines as relevant;

(v) the procedure for reclaiming the merchandise seized; and

(b) inform a member of the Police Force of the notice of the seizure referred to in paragraph *(a)* and shall seek the assistance of a member of the Police Force where necessary.

(3) A vendor shall seek to reclaim the merchandise seized pursuant to subsection (1) within 24 hours of the receipt of the seizure notice referred to in subsection (1) and shall comply with the procedure for reclaiming merchandise set out in that seizure notice.

(4) Where the merchandise that is the subject of the seizure notice referred to in subsection (1) is

(a) non-perishable the Manager of Vending Zones shall release the merchandise to the vendor within 2 working days of the claim of the vendor; and

(b) perishable the Manager of Vending Zones shall release the merchandise immediately to the vendor on receipt of a claim from the vendor.

(5) The vendor shall be compensated for loss or damage to merchandise where the seizure was executed pursuant to the circumstances set out in paragraphs *(c)* and *(d)* of section 19(2) and the compensation shall not exceed the value of the merchandise seized.

(6) Where a person does not claim the merchandise seized pursuant to subsection (1), the Manager of Vending Zones shall sell the merchandise or if a sale cannot be conducted, dispose of it in an appropriate manner.

(7) The proceeds of a sale conducted pursuant to subsection (6) shall be paid into the Consolidated Fund.

PART VII

NATIONAL VENDING COMMITTEE

Establishment of National Vending Committee

21.(1) For the purposes of this Act there is established a body to be known as the National Vending Committee.

(2) The provisions of the *Sixth Schedule* have effect with respect to the constitution of the Committee and otherwise in relation thereto.

Functions of the Committee

22. The Committee shall advise

(a) the Minister responsible for Commerce on matters relating to the National Vending Policy including

(i) overseeing the implementation of the Policy;

(ii) assessing the implementation risks of any one or more of the Policy recommendations;

(iii) monitoring and evaluating the achievement of the objectives of the Policy;

(iv) ensuring that all government related entities involved in the implementation of the Policy consider their responsibilities therein and design their work plans to suit;

(v) preparing annual briefings on the status of the implementation of the Policy; and

(b) the Minister responsible for Commerce, Minister responsible for public markets, the Minister responsible for beaches, esplanades, gardens and parks and the Minister responsible for fisheries on the following:

(i) monitoring and ensuring continued upgrade and maintenance of vending zones;

(ii) monitoring the compliance of vendors with the conditions applicable to the vending zone allocated to them and the conditions under which the zone has been allocated;

(iii) standards that should be adhered to by vendors relating to

(A) personal hygiene;

(B) the cleanliness and public hygiene in the vending zones;

(iv) the amenities that should be made available in vending zones for vendors including access to

(A) waste disposal;

(B) public toilets to maintain cleanliness;

(C) drinking water;

(D) protective covers to protect against the weather;

(E) storage facilities including cold storage;

(v) the aesthetic design of stalls.

PART VIII

APPEALS

Appeal

23.(1) A person who is aggrieved by

(a) a decision of the Minister to

(i) refuse the grant of a licence pursuant to section 5(1);

(ii) refuse the renewal of a licence pursuant to section 6(1);

(iii) revoke, suspend or vary a licence pursuant to section 8(1) or refuse to vary a licence pursuant to section 8(3);

(b) a decision of the Commission to

(i) refuse the grant of a licence pursuant to section 5(4);

(ii) refuse the renewal of a licence pursuant to section 6(2);

(iii) revoke, suspend or vary a licence pursuant to section 8(2) or refuse to vary a licence pursuant to section 8(4);

(c) a decision of the Manager of Vending Zones

(i) in relation to the resolution of disputes pursuant to section 18(2);

(ii) to issue a relocation or eviction notice pursuant to section 19;

(iii) in relation to the amount of compensation to be paid pursuant to section 17(3)*(e)* and *(f)* or section 20(4);

(iv) in relation to an administrative penalty imposed pursuant to section 28

may, within 14 days' of the receipt by him of a notice of the decision, appeal to the National Vending Appeals Tribunal.

(2) Where a person not granted a licence within the 7 day period referred to in section 5(2) or (4) he may appeal to the National Vending Appeals Tribunal.

Establishment of National Vending Appeals Tribunal

24.(1) There is established an National Vending Appeals Tribunal which shall hear appeals on the grounds set out in section 23.

(2) The Tribunal shall be comprised of

(a) an attorney-at-law of at least 10 years' standing;

(b) a vendor nominated by an organisation that represents the interests of vendors;

(c) a person with knowledge and experience in the business of vending and the operation of markets or areas designated for vending.

(3) The members of the Tribunal shall be appointed by Minister responsible for judicial affairs by an instrument in writing for a period of 3 years and shall be eligible for re-appointment.

(4) The members of the Tribunal shall receive such remuneration as the Minister responsible for finance determines.

Suspension of decisions pending appeal to Tribunal

25. The

(a) Minister;

(b) Commission; or

(c) Manager of Vending Zones

shall, pending an appeal under section 23 on the application of the appellant, suspend the operation of their decision until the appeal is determined.

Power of Tribunal

26. The Tribunal may on hearing an appeal

(a) in relation to a refusal to issue a licence, referred to in paragraph *(a)*(i) of section 23(1) and paragraph *(b)*(i) of section 23(1), dismiss the appeal or allow the appeal and direct the

(i) Minister; or

(ii) Commission

to issue a licence to the appellant;

(b) based on the grounds set out in paragraph *(a)*, subparagraphs (ii) and (iii), of section 23(1),

(i) dismiss the appeal and confirm the decision of the Minister;

(ii) allow the appeal and set aside the decision of the Minister;

(iii) allow the appeal and direct that the matter in respect of which the decision of the Minister was made be further considered by that Minister;

(c) based on the grounds set out in paragraph *(b)*, subparagraphs (ii) and (iii), of section 23(1),

(i) dismiss the appeal and confirm the decision of the Commission;

(ii) allow the appeal and set aside the decision of the Commission;

(iii) allow the appeal and direct that the matter in respect of which the decision of the Commission was made be further considered by that Commission;

(d) based on the grounds set out in paragraph *(c)*(i) of section 23(1),

(i) dismiss the appeal and confirm the decision of the Manager of Vending Zones;

(ii) allow the appeal and set aside the decision of the Manager of Vending Zones;

(iii) allow the appeal and direct that the matter in respect of which the decision of the Manager of Vending Zones was made be further considered by the Manager of Vending Zones; or

(d) based on the grounds set out in paragraph *(c)*(ii) of section 23(1),

(i) dismiss the appeal and confirm the decision of the Manager of Vending Zones;

(ii) allow the appeal and set aside the decision of the Manager of Vending Zones;

(iii) allow the appeal and direct that the matter in respect of which the decision of the Manager of Vending Zones was made be further considered by the Manager of Vending Zones; or

(e) based on the ground set out in paragraph *(c)*(iii) of section 23(1)

(i) dismiss the appeal and confirm the decision of the Manager of Vending Zones in respect of compensation;

(ii) allow the appeal and set aside the amount of compensation provided for by the Manager of Vending Zones and impose in substitution therefor such other amount of compensation pursuant to section 17(3)*(e)*and *(f)* and section 20(4) that the Tribunal thinks fit;

(f) based on the ground set out in paragraph *(c)*(iv) of section 23(1)

(i) dismiss the appeal and confirm the decision of the Manager of Vending Zones in respect of the administrative penalty;

(ii) allow the appeal and set aside the administrative penalty imposed by the Manager of Vending Zones and impose in substitution therefor such other administrative penalty that the Tribunal thinks fit in accordance with the *Seventh Schedule*; or

(g) based on the ground set out in section 23(2) dismiss the appeal or allow the appeal and direct the

(i) Minister; or

(ii) Commission

to issue a licence to the appellant.

Appeal to High Court

27. A party to an appeal to the Tribunal pursuant to section 23 may appeal from the decision of the Tribunal on a point of law to the High Court.

PART IX

ADMINISTRATIVE PENALTIES

Administrative penalties

28. A person who contravenes a provision set out in Part I of the *Seventh Schedule* is liable to pay to the Manager of Vending Zones an administrative penalty in the amount so specified in the *Seventh Schedule.*

Administrative penalty notice

29.(1) The Manager of Vending Zones shall issue an administrative penalty notice in the form set out in Part II of the *Seventh Schedule* to any person where

the Manager of Vending Zones is satisfied that, that person has contravened a provision set out in Part I of the *Seventh Schedule*.

(2) An administrative penalty notice shall specify the nature of the act constituting the contravention, the penalty to be paid and shall require the person to whom it is addressed to pay the penalty within 30 days of the date of the notice.

(3) A person who is in receipt of an administrative penalty notice issued pursuant to subsection (1) shall pay the amount of the penalty set out in the notice on or before the date specified in the notice.

(4) Notwithstanding subsection (3) where the Manager of Vending Zones is satisfied on grounds of undue hardship or for any other reason that it would be just and equitable to do so, he may arrange with the person who is the subject of the penalty notice to pay the penalty set out in the notice in instalments.

Procedure for challenging an alleged administrative contravention

30. Notwithstanding section 29(3), a person to whom an administrative penalty notice is addressed and who wishes to challenge the alleged contravention, may instead of paying the amount of the administrative penalty, apply to the Tribunal in accordance with section 23.

Administrative penalty to constitute a debt to the Crown

31. The amount of an outstanding administrative penalty constitutes a debt to the Crown and is recoverable in civil proceedings before a magistrate's court.

PART X

MISCELLANEOUS

Fees

32.(1) The fees collected by the Minister under this Act shall be paid into the Consolidated Fund.

(2) The fees collected by the Commission under this Act shall be retained to the Commission and shall constitute the funds of the Commission as set out in section 10 of the *National Conservation Commission Act*, Cap. 393.

Transitional

33.(1) Any licence or permit issued under the

(a) *National Conservation Commission Act*, Cap. 393; or

(b) *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73)

prior to the commencement of this Act shall be valid for one year after the commencement of this Act.

(2) After the expiration of the period referred to in subsection (1) a person seeking to operate as a vendor shall apply for the requisite licence or permit to do so under this Act.

Regulations

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

Amendment of Schedules

35. The Minister may by order amend the *First, Second, Third, Fourth, Fifth, Sixth* and *Seventh Schedules*.

Expungement

36. Notwithstanding the provisions of the *Criminal Records (Rehabilitation of Offenders) Act, Cap. 127A*, the record of any sentence of a person convicted of an offence of selling or offering or exposing for sale of goods, wares or merchandise in a public place, on a street, a lane, an alley, a road, a highway, a beach or within the curtilage of that person's residence without a licence, permit or any other similar document under any enactment shall be deemed to be expunged with effect from the commencement of this Act.

Consequential amendments

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

Commencement

38. This Act shall come into operation on a date fixed by proclamation.

FIRST SCHEDULE

(Sections 5 and 6)

Part I

Application Form and Licence for Vendor's Licence

National Vending Act, 2021
(Act 2021-)

Application for Vendor's Licence for Vendors not operating on a Beach or an Esplanade or in a Garden or Park

1. Name of applicant: _____
2. Sex: _____
3. Date of birth: _____
4. National identification number: _____
5. Residential address: _____

   _____
6. Contact number: _____
7. Email address: _____

First Schedule - (Cont'd)

8. Type of vending to be engaged in:

(a)	Car park vending	☐	*(f)*	Vending outside of the premises of a school	☐
(b)	Highway vending	☐	*(g)*	Street vending	☐
(c)	Itinerant vending	☐	*(h)*	Vending of non-essential and quickly perishable products	☐
(d)	Outdoor market vending	☐	*(i)*	Vending unit	☐
(e)	Public markets	☐	*(j)*	Vending village	☐

9. Type of merchandise to be sold:_____

_____

_____

_____

10. Type of service to be rendered: _____

_____

_____

_____ *(Signature of applicant)*

_____ *(Date of application) (DD/MM/YYYY)*

First Schedule - (Cont'd)

FOR OFFICIAL PURPOSES ONLY

Application: Approved ☐ Not Approved ☐

(Signature of Minister responsible for Commerce)

(Date of approval of application) (DD/MM/YYYY)

(Signature of Minister responsible for Public Markets)

(Signature of Minister responsible for Fisheries)

First Schedule - (Cont'd)

(Section 6)

Part II

Vending Licence

National Vending Act, 2021
(Act 2021-)

Vending Licence for Vendors not operating on a Beach or an Esplanade or in a Garden or Park

Photograph

(Vending Licence No.)

Name: _____

Sex: _____

Date of birth: _____

National identification number: _____

Type of vending: _____

Vending zone: _____

First Schedule - (Cont'd)

Type of merchandise to be sold:

_____

_____

_____

_____

Type of service to be rendered:

_____

_____

_____

_____ _____

(Date of issue)
(DD/MM/YYYY)

(Signature of vendor)

_____

(Signature of the Minister responsible for Commerce)

_____

(Signature of the Minister responsible for Public Markets)

_____

(Signature of the Minister responsible for Fisheries)

First Schedule - (Cont'd)

(Section 5)

Part III

Application Form and Licence for Vendor's Licence

National Vending Act, 2021
(Act 2021-)

Application for Vendor's Licence
for Vending on a Beach or an Esplanade or in a Garden or Park

1. Name of applicant: _____

2. Sex: _____

3. Date of birth: _____

4. National identification number: _____

5. Residential address: _____

_____

6. Contact number: _____

7. Email address: _____

First Schedule - (Cont'd)

8. Type of vending to be engaged in:

   (a) Beach vending ☐

   (b) Esplanade Vending ☐

   (c) Garden vending ☐

   (d) Park vending ☐

9. Type of merchandise to be sold: _____

_____

_____

_____

10. Type of service to be rendered: _____

_____

_____

_____ *(Signature of applicant)*

_____ *(Date of application) (DD/MM/YYYY)*

FOR OFFICIAL PURPOSES ONLY

Application: Approved ☐ Not Approved ☐

_____ *(Signature of Chairman of National Conservation Commission)*

_____ *(Date of approval of application) (DD/MM/YYYY)*

First Schedule - (Cont'd)

(Section 6)

Part IV

Vending Licence

National Vending Act, 2021
(Act 2021-)

Vending Licence for Vending on a Beach or an Esplanade or a Garden or Park

Photograph

(Vending Licence No.)

Name: _____

Sex: _____

Date of birth: _____

National identification number: _____

Type of vending: _____

Vending zone: _____

First Schedule - (Concl'd)

Type of merchandise to be sold:

_____

_____

_____

_____

Type of service to be rendered:

_____

_____

_____

_____ _____

(Date of issue)
(DD/MM/YYYY)

(Signature of vendor)

_____

(Signature of Chairman of the National Conservation Commission)

SECOND SCHEDULE

(Sections 10 and 11)

Part I

Application Form and Permit for Occasional Vending

National Vending Act, 2021
(Act 2021-)

Application Form and Permit for Occasional Vending for Vendors not operating on a Beach or an Esplanade or in a Garden or Park

1. Name of applicant: _____

2. Sex: _____

3. Date of birth: _____

4. National identification number: _____

5. Residential address: _____

   _____

6. Contact number: _____

7. Email address: _____

8. Type of occasional vending event:

(a) Fair ☐	*(b)* Farmers market ☐	*(c)* Festival ☐
(d) Carnival ☐	*(e)* Cultural or recreational event ☐	*(f)* Religious event ☐

Second Schedule - (Cont'd)

9. Name of occasional vending event:_____

10. Date of occasional vending event:_____

11. Duration of occasional vending event:_____

12. Type of merchandise to be sold (Where applicable):_____

13. Type of service to be rendered (Where applicable):_____

(Signature of applicant)

(Date of application)
(DD MM YYYY)

FOR OFFICIAL PURPOSES ONLY

Application: Approved ☐ Not Approved ☐

(Signature of Minister responsible for Commerce)

(Date of approval of application)
(DD MM YYYY)

Second Schedule - (Cont'd)

(Section 10)

Part II

Permit for Occasional Vending

National Vending Act, 2021
(Act 2021-)

Permit for Occasional Vending for Vendors not operating on a Beach or an Esplanade or in a Garden or Park

1. Name of applicant: _____
2. Sex: _____
3. Date of birth: _____
4. National identification number: _____
5. Name of occasional vending event: _____
6. Date of occasional vending event: _____
7. Duration of occasional vending event: _____
8. Type of Merchandise to be sold (Where applicable):

_____

_____

_____

_____

Second Schedule - (Cont'd)

9. Type of service to be rendered (Where applicable):

_____

_____

_____

_____ *(Signature of applicant)*

_____ *(Date of application)*
(DD/MM/YYYY)

_____
(Signature of the Minister responsible for Commerce)

Second Schedule - (Cont'd)

(Section 11)

Part III

Application Form and Permit for Occasional Vending

National Vending Act, 2021
(Act 2021-)

Application Form for Occasional Vending for Vending on the Beach or an Esplanade or in a Garden or a Park

1. Name of applicant: _____

2. Sex: _____

3. Date of birth: _____

4. National identification number: _____

5. Residential address: _____

_____

6. Contact number: _____

7. Email address: _____

8. Type of occasional vending event:

(a) Fair ☐	*(b)* Farmers market ☐	*(c)* Festival ☐
(d) Carnival ☐	*(e)* Cultural or recreational event ☐	*(f)* Religious event ☐

Second Schedule - (Cont'd)

9. Name of occasional vending event:_____

10. Date of occasional vending event:_____

11. Duration of occasional vending event:_____

12. Type of merchandise to be sold (Where applicable):_____

13. Type of service to be rendered (Where applicable):_____

(Signature of applicant)

(Date of application)
(DD MM YYYY)

FOR OFFICIAL PURPOSES ONLY

Application: Approved ☐ Not Approved ☐

(Signature of Chairman of National Conservation Commission)

(Date of approval of application)
(DD MM YYYY)

Second Schedule - (Cont'd)

(Section 11)

Part IV

Permit for Occasional Vending

National Vending Act, 2021
(Act 2021-)

Permit for Occasional Vending for Vending on a Beach or an Esplanade or in a Garden or a Park

1. Name of applicant: _____
2. Sex: _____
3. Date of birth: _____
4. National identification number: _____
5. Name of occasional vending event: _____
6. Date of occasional vending event: _____
7. Duration of occasional vending event: _____
8. Type of Merchandise to be sold (Where applicable):

_____

_____

_____

_____

Second Schedule - (Cont'd)

9. Type of service to be rendered (Where applicable):

_____

_____

_____

_____ _____

(Signature of applicant) *(Date of application)*
(DD/MM/YYYY)

_____

(Signature of the National Conservation Commission)

Second Schedule - (Cont'd)

(Section 12)

Part V

Application Form for Itinerant Vending Permit

National Vending Act, 2021
(Act 2021-)

Application Form for Itinerant Vending Permit

1. Name of applicant:_____
2. Sex:_____
3. Date of birth:_____
4. National identification number:_____
5. Residential address:_____

   _____
6. Contact number:_____
7. Email address:_____
8. Type of merchandise to be sold (Where applicable):

   _____

   _____

Second Schedule - (Cont'd)

9. Type of service to be rendered (Where applicable):

_____

_____

_____ *(Signature of applicant)*

_____ *(Date of application)* *(DD/MM/YYYY)*

FOR OFFICIAL PURPOSES ONLY

Application: Approved ☐ Not Approved ☐

_____ *(Signature of Minister responsible for Commerce)*

_____ *(Date of approval of application)* *(DD/MM/YYYY)*

Second Schedule - (Cont'd)

(Section 12)

Part VI

Itinerant Vending Permit

National Vending Act, 2021
(Act 2021-)

Itinerant Vending Permit

1. Name of applicant:_____
2. Sex:_____
3. Date of birth:_____
4. National identification number:_____
5. Itinerant vending permit number:

   _____

   _____

6. Type of merchandise to be sold (Where applicable):

   _____

   _____

Second Schedule - (Concl'd)

7. Type of service to be rendered (Where applicable):

_____

_____

_____ _____

(Signature of applicant) *(Date of application)*
(DD/MM/YYYY)

_____

(Signature of the Minister responsible for Commerce)

THIRD SCHEDULE

(Sections 5, 6, 10, 11 and 12)

Fees

1.	Vending Licence for vendors not operating on a beach or an esplanade or in a garden or park	$ 50
2.	Renewal of Vending Licence for vendors not operating on a beach or an esplanade or in a garden or park	$ 50
3	Vending Licence for vendors operating on a beach or an esplanade or in a garden or park	$ 150
4.	Renewal of Vending Licence for vendors operating on a beach or an esplanade or in a garden or park	$ 100
5.	Itinerant Vending Permit	$ 50
6.	Renewal of Itinerant Vending Permit	$ 50
7.	Occasional Vending permit vendors operating on a beach or an esplanade or in a garden or park	$ 50
8.	Occasional Vending permit vendors not operating on a beach or an esplanade or in a garden or park	$ 25

FOURTH SCHEDULE

(Sections 2 and 13)

Lists and Descriptions

Part I

List of Esplanades, Gardens and Parks

1. King George V Memorial Park
2. Farley Hill National Park
3. Bay Street Esplanade
4. Fitts Village Esplanade
5. Hastings Esplanade
6. Speightstown Esplanade
7. Independence Square, Jubilee Gardens
8. Folkstone Marine Park
9. Queen's Park

Part II

Description of certain vending zones pursuant to section 13(g)

1. The area in the vicinity of the Public Market situate at Fairchild Street, St. Michael, from and inclusive of the junction of Halls Road and Tweedside Road along the roads Halls Road, Martindales Road and Jemmotts Lane in a straight line to the sea, then along the sea coast to the Pier Head, thence along the south side of the Careenage to the Chamberlain Bridge, thence in a straight line to the junction of High Street and Broad Street, thence along and inclusive of the roads High Street, Roebuck Street and Tweedside Road to the junction of Tweedside Road and Halls Road.

2. The area in the vicinity of the Public Market situate at Eagle Hall, St. Michael, which lies within the following boundaries:

(a) on the north-west boundary, within a line along and inclusive of the roads Deacons Road and Fairfield Road from the junction of Deacons Road and Goodlands Road to the junction of Fairfield and Grazettes Road;

(b) On the north-east boundary, within a line along and inclusive of the roads Grazettes Road, Kew Road, Dash Road, from the junction of Fairfield Road and Grazettes Road to the junction of Dash Road and Bank Hall Road;

(c) On the south-east boundary within a line along and inclusive of the roads Bank Hall Road from the junction of Dash Road and Bank Hall Road to the junction of Bank Hall Road and Passage Road; and

(d) On the south and south-west boundary, within a line along and inclusive of the roads Passage Road, Westbury Road, Goodlands Road from the junction of Bank Hall Road and Passage Road to the junction of Goodlands Road and Deacons Road.

3. All that area within a radius of one and one-half miles of the Public Market situate at Six Roads, St. Philip.

4. The area in the vicinity of the Public Market situate at Cheapside, Bridgetown, from and inclusive of the junction of Roebuck Street and Country Road, thence along and including Country Road and Passage Road to the junction of Passage Road and Baxters Road, thence along and including Baxters Road to its junction with Mason Hall Street, thence along and including Mason Hall Street to its junction with St. Mary's Row, thence along and including St. Mary's Row and Lakes Folly to the junction of Lakes Folly and Fontabelle Road, thence in a northerly direction along and including Fontabelle Road and Lands End Road, thence along the sea coast in a south easterly direction to the Pier Head, thence along the southern side of the Careenage to the Chamberlain Bridge, thence along the western boundary of the area defined in paragraph 1 of this *Schedule* to the junction of Roebuck Street and Country Road.

Part III

List of Fish Landing Sites

1. Bath Beach
2. Bay Street
3. Bay Street Esplanade Browne's Beach

4. Brandons
5. Bridgetown Complex (BFC)
6. Brighton Beach
7 Brooklyn
8. Burke's Beach
9. Careenage
10. Cholera Bay
11. Crane Beach
12. Dover
13. Fitts Village
14. Foul Bay
15. Half Moon Fort
16. Heron Bay or Colony Club
17. Holetown
18. Long Bay
19. Martin's Bay
20. Mount Standfast
21. Pile Bay
22. Prospect
23. Shallow Draught or Sand Pit
24. Silver Sands
25. Six Men's
26. Skeete's Bay
27. Stroud Bay
28. St. Lawrence
29. White Head Trees

30. Worthings or Sandy Beach

FIFTH SCHEDULE

(Section 19)

Part I

Relocation Notice

National Vending Act, 2021
(Act 2021-)

Relocation Notice

Due to_____,
(State reason)

the Manager of Vending Zones has determined that it is necessary to remove and relocate

_____, _____,
(Name of vendor) *(Vending Licence No.)*

engaged in_____ from_____,
(Type of vending) *(Former vending zone)*

to_____ for the period_____day of_____,
(New vending zone)

20_____to_____day of_____, 20_____.

This Notice shall be effective at the end of the 30 day period after the date of service on the vendor.

_____ _____
(Date of service) *(Signature of the Manager of Vending Zones)*
(DD/MM/YYYY)

Fifth Schedule - (Cont'd)

(Section 19)

Part II

Eviction Notice

National Vending Act, 2021
(Act 2021-)

Eviction Notice

Due to_____,
(State reason)

the Manager of Vending Zones has determined that it is necessary to evict you,

_____, _____,
(Name of vendor) *(Vending Licence No.)*

engaged in_____ from_____.
(Type of vending) *(Vending zone)*

This Notice shall be effective at the end of the 30 day period after the date of service on the vendor.

_____ _____
(Date of service) *(Signature of the Manager of Vending Zones)*
(DD/MM/YYYY)

Fifth Schedule - (Cont'd)

(Section 19)

Part III

Emergency Relocation Notice

National Vending Act, 2021
(Act 2021-)

Emergency Relocation Notice

Due to_____,
(State reason)

the Manager of Vending Zones has determined that it is necessary to remove and relocate

_____, _____,
(Name of vendor) *(Vending Licence No.)*

engaged in _____ from _____,
(Type of vending) *(Former vending zone)*

to _____ for the period _____ day of _____,
(New vending zone)

20_____ to _____ day of _____, 20_____.

_____ _____
(Date of service) *(Signature of the Manager of Vending Zones)*
(DD/MM/YYYY)

Fifth Schedule - (Cont'd)

(Section 19)

Part IV

Emergency Eviction Notice

National Vending Act, 2021
(Act 2021-)

Emergency Eviction Notice

Due to_____,
(State reason)

the Manager of Vending Zones has determined that it is necessary to evict you,

_____, _____,
(Name of vendor) *(Vending Licence No.)*

engaged in_____ from _____,
(Type of vending) *(Vending zone)*

This Notice shall be effective at the end of a 24 hour period after the date of service on the vendor.

_____ _____
(Date of service) *(Signature of the Manager of Vending Zones)*
(DD/MM/YYYY)

Fifth Schedule - (Concl'd)

(Section 20)

Part V

Seizure Notice

National Vending Act, 2021
(Act 2021-)

Seizure Notice

To: _____, _____
(Name of vendor) *(Vending Licence No.)*

The Manager of Vending Zones served a _____
(Type of Notice)

to you on the _____ day of _____, 20 _____.

The Manager of Vending Zones determined that it was necessary to seize the items listed below pursuant to the execution to the Notice.

The items seized and the descriptions thereof are listed as follows:

1. _____
2. _____
3. _____
4. _____
5. _____

The items can be reclaimed from the Manager of Vending Zones on the _____ day of _____, 20 _____ at the _____.
(Location)

_____ _____
(Date of service) *(Signature of the Manager of Vending Zones)*
(DD/MM/YYYY)

SIXTH SCHEDULE

(Section 21)

National Vending Committee

Constitution of the Committee

1.(1) The National Vending Committee shall comprise the following:

(a) a representative of the Barbados Chamber of Commerce;

(b) a representative of the Barbados National Standards Institution;

(c) a representative of the Barbados Association of Vendors, Retailers and Entrepreneurs;

(d) a representative of the Barbados National Union of Fisherfolk Organizations;

(e) a representative of the Association of Wayside Vendors;

(f) a representative of the Small Business Association;

(g) a representative of the Ministry responsible for Commerce;

(h) the Registrar of Cooperatives;

(i) the Manager of Markets;

(j) the Senior Manager of Markets;

(k) a representative of the Ministry responsible for vocational training;

(l) a representative of the Rastafarian community;

(m) a representative of the Ministry responsible for health;

(n) a representative of the Ministry responsible for technology;

(o) a representative of the Ministry responsible for education;

(p) a representative of the Ministry responsible for fisheries;

(q) a representative of the Ministry responsible for tourism;

(r) a representative of the Town and Country Planning Department; and

(s) a representative of the National Conservation Commission.

(2) The Minister shall appoint a Chairman from among the members.

Tenure

2.(1) A member of the Committee shall be appointed for a period of 3 years by instrument of appointment and is eligible for re-appointment.

(2) The Minister may at any time revoke the appointment of any member of the Committee.

Resignation

3. Any member of the Committee may at any time resign his office by instrument in writing addressed to the Minister and transmitted to him through the Chairman, and from the date of the receipt by the Minister of the instrument the member ceases to be a member of the Committee.

Publication of membership

4. The Committee as first constituted and every change in the membership thereof shall be published in the *Official Gazette*.

Procedure and meetings

5.(1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Committee determines, but the Committee shall meet not less than twice a year.

(2) The Chairman may at any time call a special meeting of the Committee, and shall call a special meeting to be held within 7 days of a written request for the purpose addressed to him by any 2 members of the Committee.

(3) The Chairman shall preside at all meetings of the Committee at which he is present, and in the case of his absence or inability to act at any meeting the members present at the meeting constituting a quorum shall elect one of the members to preside at that meeting.

(4) At any meeting at which the voting is equal the Chairman or the person presiding has a second or casting vote.

(5) The quorum of the Committee is a majority of the total membership thereof.

(6) Subject to this *Schedule* the Committee may regulate its own proceedings.

(7) The validity of the proceedings of the Committee is not affected by any vacancy in the membership thereof or by any defect in the appointment of a member thereof.

Remuneration of members

6. There may be paid to the Chairman and other members of the Committee such remuneration and such allowances as the Minister may determine.

SEVENTH SCHEDULE

(Section 28)

Part I

Administrative Penalties

Description of Contravention	Provision	Penalty
Vending without a licence contrary to section 4(2)	Section 4(2)	$500
Vending with a licence that has been suspended or revoked	Section 8(3)	$500
Vending in contravention of the varied conditions of a licence	Section 8(4)	$500
Occasional Vending without a permit contrary to section 10(1)	Section 10(6)	$500
Occasional Vending without a permit contrary to section 11(1)	Section 11(6)	$500
Itinerant vending without a permit contrary 12(1)	Section 12(6)	$500
Failing to comply with an obligation pursuant to section 18(1)	Section 18(4)	$500
Contravention of regulations 4, 6, 7, 10, 18, 34 and 47 *Markets and Slaughterhouse Regulations, 1958* L. N. 1958/53)	Regulations 4, 6(2), 7(2), 10(3), 18(2), 34(2) and 47(2)	$500

(Section 29)

Part II

Ticket

National Vending Act, 2021
(Act 2021-)

Administrative Penalty Notice

On the_____day of_____, 20_____, at_____
(Time)

_____, _____, _____
(Location) *(Name of vendor)* *(Vending Licence No.)*

was seen engaging in activity which gave me reasonable cause to believe that there was a contravention of the Act. The particulars of the contravention are set out as follows:

_____

_____

_____

_____

_____

Signature of the Manager of Vending Zones:_____

Date:_____

EIGHTH SCHEDULE

(Section 37)

CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
Enactments	*Amendments*
1. *Markets and Slaughter-Houses Act*, Cap. 265	1. In section 2 insert in the appropriate alphabetical order the following: " "Manager of Markets" means the manager of any public market or any person acting with the authority of the Manager of Markets;". 2. Delete all references in the Act to the words "Chief Supervisor" and substitute the words "Manager of Markets". 3. Delete Part III. 4. Delete Part VII.
2. *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958/53)	1. Delete all references in the Regulations to the words "Chief Supervisor" and substitute the words "Manager of Markets". 2. Delete regulation 4 and substitute the following: **"Refusal to comply with directions of the Manager of Markets** 4. If any person in any public market refuses or neglects to comply with any direction of the Manager of Markets for the maintenance of order or the regularity or for the carrying out of any of the provisions of these Regulations that person shall be subject to payment of an administrative penalty under section 28 of the *National Vending Act, 2021* (Act 2021-).".

CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

Column 1	Column 2
Enactments	*Amendments*
2. *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958/53) *(Cont'd)*	3. In regulation 6, delete paragraph (2) and substitute the following: "(2) If any authorised person is found in a public market during closed hours he shall be subject to the payment of an administrative penalty under section 28 of the *National Vending Act, 2021* (Act 2021-).". 4. In regulation 7 delete paragraph (2) and substitute the following: "(2) If any person contravenes paragraph (1) he shall be subject to the payment of an administrative penalty under section 28 of the *National Vending Act, 2021* (Act 2021-).". 5. In regulation 10 delete paragraph (3) and substitute the following: "(3) If any person contravenes paragraphs (1) or (2) he shall be subject to the payment of an administrative penalty under section 28 of the *National Vending Act, 2021* (Act 2021-).". 6. In regulation 18 delete paragraph (2) and substitute the following: "(2) If any person contravenes paragraphs (1) he shall be subject to the payment of an administrative penalty under section 28 of the *National Vending Act, 2021* (Act 2021-).". 7. Delete regulation 25 and substitute the following: **"Manager of Markets may let market stalls** 25. Subject to the provisions of These Regulations, the Manager of Markets may on the payment of the appropriate rent as set out in the *First Schedule* let to a person licensed as a vendor pursuant to the *National Vending Act, 2021* (Act 2021-) any market stall in any public market.".

CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

Column 1	Column 2
Enactments	*Amendments*
2. *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958/53) - *(Cont'd)*	8. Delete regulation 26 and substitute the following: **"Tenant of market stall licensed to occupy and use it for period of tenancy** 26. Where a tenant has been let a market stall pursuant to regulation 25, that tenant shall be considered to be licensed to occupy and use the market stall let to him for the period of the tenancy, provided that he complies with the provisions of the Act and these Regulations.". 9. Delete regulations 31, 32 and 33. 10. In regulation 34, delete paragraph (2) and substitute the following: "(2) A person who contravenes paragraph (1) shall be subject to an administrative penalty imposed under section 28 of the *National Vending Act, 2021* (Act 2021-).". 11. Delete regulation 45. 12. Delete regulation 46. 13. In regulation 47 delete paragraph (2) and substitute the following: "(2) A person who evades or attempts to evade or assists in evading the payment of any toll under paragraph (1) shall be subject to the payment of an administrative penalty under section 28 of the *National Vending Act, 2021* (Act 2021-).". 14. Delete regulations 48, 61, 62, 63 and 64.

Eighth Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

Column 1	Column 2
Enactments	*Amendments*
2. *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958/53) - *(Concl'd)*	15. In the *First Schedule* delete the item which refers to *(a)* Regulation 31 Fishseller's tickets; *(b)* Regulation 46 Permit fee; *(c)* Regulation 48 Fishseller's licence; *(d)* Regulation 61 Meat Shop licences; and *(e)* Regulation 64 Meat vendor's licences. 16. Delete the *Second Schedule*. 17. In the *Third Schedule* delete the item which refers to *(a)* Regulation 46 Permit to sell within Prohibited Areas; *(b)* Regulation 48 Fish Seller's Licence; *(c)* Regulation 61 Meat Shop Licenced; and *(d)* Regulation 64 Meat Vendor's Licence.".
3. *National Conservation Commission Act*, Cap. 393	1. Delete Part IV. 2. Delete subsections (1) and (1A) of section 31.

Eighth Schedule - (Concl'd)

CONSEQUENTIAL AMENDMENTS - *(Concl'd)*

Column 1	Column 2
Enactments	*Amendments*
3. *National Conservation Commission Act*, Cap. 393 - *(Concl'd)*	3. Section 32(1) is deleted and the following is substituted: "(1) A person employed by the Commission as a ranger or warden may arrest without a warrant any person who commits an offence specified in paragraph *(a)* or *(b)* of subsection (2) of section 31.".
4. *National Conservation Commission (Fees) Regulations, 2015* (S.I. 2015 No. 78)	The *Schedule* is amended by deleting all references to Vendor's Licences and the fees connected thereto.

HANSARD TRANSCRIPTS

FIRST MEETING OF THE JOINT SELECT COMMITTEE
ON THE
NATIONAL VENDING BILL, 2021
HELD IN THE CHAMBER OF PARLIAMENT,
WORTHING CORPORATE CENTRE

MONDAY, SEPTEMBER 27, 2021

SECOND SESSION 2018-2023

PRESENT:
Hon. Kerrie D. SYMMONDS, M.P. (Chairman)
Hon. G. P. Ian GOODING-EDGHILL, M.P.
Hon. Adrian R. FORDE, M.P.
Hon. Indar A. WEIR, M.P.
Hon. Kirk D. M. HUMPHREY, M.P.
Mr. Trevor A. PRESCOD, J.P., M.P.
Ms. Toni N. S.-A. MOORE, M.P.
Bishop Joseph J. S. ATHERLEY, J.P., M.P., *(Leader of the Opposition)*
Senator the Hon. Ms. Lisa R. CUMMINS
Senator Dr. Lynette P. HOLDER
Senator Damien R. SANDS
Senator Julian A. HUNTE
Senator Miss Alphea M. WIGGINS, J.P.

An excuse for absence was received from:
Senator Caswell A. FRANKLYN, J.P.

ALSO IN ATTENDANCE:
Mr. Pedro E. EASTMOND, Clerk of Parliament
Mr. Nigel R. JONES, O.B.E., Deputy Clerk of Parliament
Miss Beverley S. GIBBONS, Deputy Clerk of Parliament
Ms. Shawn Raine BELLE, Deputy Chief Parliamentary Counsel
Ms. Suzanne HAMBLIN, (Procedural Officer, (Ag.)) Library Assistant
Miss J'anne C. GREENIDGE, (Assistant to the Committee) Typist

Meeting commenced at 1:18 p.m.

Mr. CLERK: Welcome to the Joint Select Committee in the National Vending Bill, 2021. We are in this Chamber and not in the usual Committee Room because of the requirement for physical distancing so we can follow those protocols strictly. Our first order of business is the appointment of a Chairman of this Committee. We would take a motion at this time.

Hon. A. R. FORDE: I beg to move that the Honourable Minister of Energy, Small Business and Entrepreneurship be appointed Chairman for this special meeting.

Hon. K. D. M. HUMPHREY: I beg to second.

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

Mr. CLERK: Minister Symmonds, you have been appointed Chairman. You can take your seat.

Mr. CHAIRMAN: Good afternoon, Colleagues. Just let me crave your indulgence and get a little guidance from the Clerk. Colleagues, good afternoon again. Let me thank you all for appointing me as Chair of this Committee. It is my intention to try to do that which I will confess we in Parliament have not really done very often before, if ever, and that is to try to expeditiously go through the business of a Joint Select Committee and be able to come back to the Houses of Parliament within the space of approximately one month. I do propose for this to be an opportunity where we can have stakeholders make submissions to the Committee, both orally and in writing. Some of the things that we would wish to do today would be to settle a few of the arrangements which will guide us during the course of what I hope to be approximately another three weeks to one month of meetings.

It is a matter that I think is sufficiently urgent that obviously we would want to be in a position to have cleared the Houses of Parliament so that the consequential issues of budgeting for the appropriate accommodation of the people whose economic and financial interest we seek to discuss during the course of this Committee's life would be able to be properly accounted for and accommodated.

Having said that, perhaps the first issue then is the question of settling a quorum. The rules which govern the process for the Select Committees of the House suggest that unless the House otherwise directs three members or if the number of the Select Committee does not exceed four, would be membership of the Committee and two would be the quorum. In this case we have a fairly large Committee. I think the Committee's membership is about 13 and the proposal would be that we have seven members of the Committee being present to constitute a quorum. If that is acceptable, I would invite a motion to that effect from the Floor.

Hon. A. R. FORDE: I beg to move that seven members of the Committee should be present to constitute a quorum.

Hon. K. D. M. HUMPHREY: I beg to second that.

Mr. CHAIRMAN: The question then of technical support to the Committee. Now, on the issue of technical support, the first observation I would wish to make is that we have present with us today Ms. Shawn Raine Belle from the Chief Parliamentary Counsel's Office. I think Ms. Shawn Raine Belle is the Deputy Chief Parliamentary Counsel. This lady has already very generously given of her time in the efforts to draft and get us thus far and I would want for her to be sitting with the Committee to provide technical support, against the backdrop of her considerable input already and intimate knowledge of the Bill, so that it would assist us in expediting our business. Honourable Member, Mr. Prescod.

Mr. T. A. PRESCOD: I just want to ask about the formality of moving the motion. I did not hear that the motion was closed, I do not know if any vote was supposed to be taken on the motion, or you just say, "I beg to so- and-so", and that means the motion will be covered. If you are covering formalities to deal with the technical aspect of it, then I am just assuming that I might be incorrect. I just want you to put me right.

Mr. CHAIRMAN: I daresay you may be correct. It may have been my assumption that has been carried, but I should not assume, so before we go further let us revert to the motion put by the Minister responsible for the Environment, that seven of the 13 Members of this Committee will constitute a quorum, and it was seconded by the Honourable Member for St. Michael South.

The question that seven of the 13 Members must be present to constitute a quorum was put and resolved in the affirmative without division.

Mr. CHAIRMAN: I never thought I would say this but I could get accustomed to that (sic!). The next question was Ms. Belle, Deputy Chief Parliamentary Counsel, being party and present by way of technical support to the Committee.

I am advised that this is really not a matter that we would be expected to vote on but I would want to know whether the Committee considers this to be acceptable. Leader of Opposition, are any voices of dissent for Ms. Belle's support?

There were no voices of dissent.

Mr. CHAIRMAN: There being none, I think we can agree on that. I recognise the Honourable Leader of the Opposition.

Bishop. J. J. S. ATHERLEY: Just a question as whether the quorum would be constituted by physical presence or by virtual means?

Mr. CHAIRMAN: We were going to come to that. A very fair point, we can deal with it now; it is part of the concerns that I wanted the Committee to address, which is the question of whether we will have these meetings conducted only in person or by a combination of the information technology platform and in person. Members, I am opening the Floor for your views on this matter.

Hon. A. R. FORDE: I think it can be a hybrid of virtual and physical presence because of the fluidity of the situation; you do not know what will happen now or next week as it relates to our COVID environment. Hence, a hybrid situation will be more ideal, which is virtual and physical presence.

Mr. CHAIRMAN: Fine. Any other views on it?

Senator the Hon. Ms. L. R. CUMMINS: Just to suggest that perhaps a precedent has already been set with the Public Accounts Committee which is already running the hybrid proposed by the Honourable Member who spoke before me, so that will provide a platform for us to be able to do the same thing.

Mr. CHAIRMAN: Okay. Noted.

Ms. S. R. BELLE: Good afternoon, given the complexity and urgency of matters being dealt with by the Office, it would be preferable to have a hybrid situation to facilitate other work. Therefore, I would be obliged if I could be accommodated. Thank you.

Mr. CHAIRMAN: Understood. I am not hearing any voice of dissent with respect to the suggestion, that we do this by way of a hybrid approach. Therefore, I think that we can record that we have agreed this is going to be done by way of both the information technology platform and physical participation. The question then would be in what numbers so as to constitute the quorum. How many people present would be required? Leader of the Opposition, how do you operate in the Public Accounts Committee?

Bishop J. S. S. ATHERLEY: In the Public Accounts Committee, five Members constitutes a quorum of 13 persons. Three Members must be physically present.

Mr. CHAIRMAN: Therefore, we could probably do four being physically present if seven constitutes a quorum here. Is that agreed? Four physically present and three virtual? Any dissent? Okay. It has been agreed four physically present and three virtual. Clerk, any other issues?

I would want to deal now with the question of procedure so that we can settle that. I do not intend for us to go into the substantive issues of the Vending Bill this evening but I wanted us to come to an agreement on the procedure we would follow. First, I want to make sure that everybody is in possession of the National Vending Bill, 2021. Are there any Members who do not have it in their possession? If so, please kindly indicate at this point.

Asides.

Mr. CHAIRMAN: You should have it.

Hon. K. D. M. HUMPHREY: Mr. Chairman, I just want to make sure that we are reading from the version that you are using to guide you during the session. The one I am using is dated August 23, 2021.

Mr. CHAIRMAN: Yes, that is the one I have before me.

Hon. I. A. WEIR: Mr. Chairman, I am guided by the one on Parliament's website.

Hon. K. D. SYMMONDS: Once we all have the August 23 issue....

Mr. T. A. PRESCOD: I would like to have a paper copy from you. The word "possession" is very difficult to interpret. I might not have it on me here now but you may interpret "possession" for me to have it at home. I just want you to at least give me a copy so I can use it.

Mr. CHAIRMAN: The Honourable Member for St. Michael East has requested a hard copy of the paper. Are there any other Members who would feel more comfortable having a hard copy, as opposed to the electronic PDF form? No? Do not take that Honourable Member's reflection of....

Hon. K. D. M. HUMPHREY: Sir, I suspect it is always helpful to have a few physical copies available of the latest version during these meetings from time to time for those of us should our systems be down.

Mr. CHAIRMAN: I think you have rescued the Honourable Member for St. Michael East who may have felt that he was technologically being left alone.

Hon. K. D. M. HUMPHREY: He is my friend, Sir.

Mr. T. A. PRESCOD: It is not a case of technologically being – I almost say - illiterate. Basically, sometimes when I am travelling I might park and pull out the paper copy. Sometimes I stop even when I am driving and reach the major stop to peep at something. Also, I must confess that you are not always at the location where the laptop is at.

Mr. CHAIRMAN: They say, Honourable Member, that confession is good for the soul but I do not want you to go any further down that wicket.

Having said that, however, it brings us to the next issue. Order please. It brings us to the next issue of not necessarily the whereabouts of Honourable Members, but to advise Honourable Members so that they would be conscious that it is the intention of the Chairman that the Committee's business, much like the Public Accounts Committee, I believe, would be streamed live on the Parliamentary website. Are there any objections to that? None? Okay.

We have settled the matter of quorum; the physical presence required to constitute the quorum. Honourable Members would have the necessary documents available to them. Mr. Chairman, I would want to urge that out of an abundance of caution we have a couple of extra hard copies available for every session, in the event that a Member present finds himself in a set of circumstances where he does not immediately have it at his disposal. Those who are physically present...

I am reminded that once we do it in the hybrid format, then Members should expect that an e-mail will come out to you giving you the necessary meeting credentials. It would be prior to... Is that not what happens?

You were looking at me as though that was not the case. Okay. An e-mail will be sent to you giving you the necessary meeting credentials and that will be prior to the meeting taking place, obviously. I would imagine that you would get at least a day's or two day's-notice.

With respect to the participation and the conduct of the proceedings, my first thoughts are that we should convene for our first serious in-depth assessment of this at this time Monday next week, thereby giving Members an opportunity to go through in as much detail as may be necessary.

The actual Bill before us is arranged into a number of sections. We have Part I, Part II, III, IV, V and VI. It goes all the way up to Part X and a number of Schedules. I am thinking, Deputy Chief Parliamentary Counsel, that the first five Parts do not appear to me to be so taxing that we could not do them in the course of one session.

Ms. S. R. BELLE: Mr. Chairman, there are some matters of technical detail that may require discussion. I foresee that it may cause some issues, so I would prefer probably Parts I to Part III.

Mr. CHAIRMAN: I am hearing you but I...

Ms. S. R. BELLE: Mr. Chairman, I am obliged. I am just going based on discussions prior to....

Mr. CHAIRMAN: Prior to what we have gone through before?

Ms. S. R. BELLE: Yes.

Mr. CHAIRMAN: I understand. Let us stretch ourselves a little bit because I am mindful of the time frame that I wanted to do this in. However, we could, I intend to do the first five Parts next Monday. In the event that we are unsuccessful, we can always make an adjustment, but let us let that be the target. Obviously, we would then make decisions as we go on and see what comes out that.

Initially, I am thinking that we will go through this Bill, among the Members of the Committee of the two Houses, so that we go through the 10 Parts and the Eight Schedules amongst ourselves and then once we have done that and made whatever recommendations or come to an understanding on whatever recommendations we may wish to make, if any, we then widen the scope of the discussion and have the stakeholders come in and participate.

The stakeholders, obviously, I would want to propose must include the Barbados Association of Retailers, Vendors and Entrepreneurs (BARVEN) and Wayside Vendors Association. The Police were a part of this discussion at the very beginning of the process. The Bill is designed to remove the requirement of the Police to

be as involved in the process of vending as they were before and to change the entire structure, as you know.

I am prepared to take advice as to whether Members would want the participation of the Royal Barbados Police Force (RBPF) as stakeholders in the process. My feeling is that we have passed that stage, but I am open to comment on the matter.

Senator Miss A. M. WIGGINS: Yes, I think we should because I think a lot of times the police, through no fault of their own, are not necessarily on the same page as the legislation and whereas we might make a commitment here in Parliament about a particular matter where persons should vend, when, where and how, sometimes they are suspended or stopped by the Police and arrested, even if they have their licences in-hand because those police officers may not be aware. Once you have representatives of the Royal Barbados Police Force when the stakeholders come in, they then would share with their membership what has been decided in Parliament. I think for every Bill like this that comes up in Parliament, all stakeholders should be at the table and then nobody should be able to say that we did not know this was what the case was. You see it every day on the road, even sometimes with the same COVID-19 Unit.

While I have the Floor, I was wondering if they should probably be a stakeholder, in a way, in terms of vending. I have a lot of things I want to say ...

Mr. CHAIRMAN: They? Meaning whom?

Senator Miss A. M. WIGGINS: I said the COVID-19 Unit.

Mr. CHAIRMAN: Oh, the COVID-19 Unit. Okay.

Senator Miss A. M. WIGGINS: Yes, because currently there are a lot of things I see with respect to vending that I think that the COVID-19 Unit should be involved with, so I believe they too should be a stakeholder.

Mr. CHAIRMAN: Senator, I am open to the views of the Committee on this matter because we have to collectively settle those categories of persons that we want to hear from. I am just wondering whether concerns with regards to the COVID-19 Unit may not be of a more generalised nature, as opposed to the specifics relating to how we specifically structure and manage the business of vending in Barbados.

Hon. K. D. M. HUMPHREY: I think I agree with you, Mr. Chairman. I take the point, though, because the COVID-19 Unit certainly has found itself integrated on numerous occasions with vending, but I take the point on this particular Bill, with the specificity of this Bill, that we do not necessarily need to have them as a stakeholder but that certainly we need to inform them of the decisions of this Committee. Even a wider conversation with the COVID-19 Unit as it relates to vending period for the agencies related to vending but for this Bill, given the specificity of this particular Bill, I do not think that we necessarily need them as a stakeholder.

Mr. CHAIRMAN: A suggestion is being made that we could share the legislation with them specifically and invite comment. Would that satisfy you, Senator?

Senator Miss A. M. WIGGINS: Yes, Mr. Chairman. My thing is for them to be involved. Who are the other stakeholders to whom you referred?

Mr. CHAIRMAN: This is where I was coming to because I have a couple in my mind but I really wanted this to be a collective determination. As I said, BARVEN must be a point of departure and fundamentally so. Vending takes place, as you all would have picked up from the Bill, in a number of different areas in Barbados so that, even though, for example, the Bill will speak to vending in fish markets, I am sure that BARVEN does not have, as its core representation, the fish vendors, so Minister Humphrey, I feel we should reach out to them as well.

Equally, I am not entirely sure that BARVEN reaches into all of those people who vend on the beaches. Minister Forde, it might be useful therefore for us to have an invitation extended to those people who are vending on beaches in Barbados as well. I know that your Ministry has participated at a technical level in this so we need not go back there. In my view, I feel that we need to hear and have a dialogue with those people who are at technical level in the Ministry of Public Works. They are not a core component of the legislation in terms of the ministries that had to be consulted in the regulation of vending in Barbados, but obviously the highways are a part of the place where a lot vending is done.

Minister Gooding-Edghill is with us now and I would want to think, Minister Gooding-Edghill, that there would be an opportunity given for your technical people to participate in this process as stakeholders in it because obviously, to the extent that it is done on the streets of Barbados and to the extent that it will increasingly be done in circumstances which have to be more accommodating to vendors, I think we are going to have to be on the same page in that regard.

Hon. G. P. I. GOODING-EDGHILL: No objections, Mr. Chairman. I support it. I think it is necessary to support the process that we are executing at this time, so no objections from our end.

Mr. CHAIRMAN: Alright. Those are the ones that immediately come to my mind. Mr. Prescod?

Mr. T. A. PRESCOD: Mr. Chairman, I do not like to interrupt so often, but if the Royal Barbados Police Force wants lessons then the police ought to establish a relationship between them and the Judiciary in the interpretation of the law. We are here looking at putting policy in place and I do not believe ...

One of the main concerns that we would have had from very early is decriminalising the law relating to vending and I would not like to believe that a Bill would come here without some extensive interaction between the Police Force and the people who drafted the Bill. Then something would be wrong with the sequence of things, but this attempt to make the infinite elasticity in a bureaucratic

system that we are hearing the body starts at "X" amount of people present and then, but the time we leave in here, we are going to be asking for more chairs. Then you will have a lot of confusion and not the kind of detailed analysis that is really required for us to meet a specific deadline. I think that we are stretching this thing further and further and I do not think there is a need for that. A lot of this work ought to have been done before.

Mr. CHAIRMAN: I do not want you to be at cross-purposes with us, though, Honourable Member. The Police Force would have been consulted in the drafting of this Bill. That is a fact, and we are not going to have infinite elasticity. What you see here is the core of the Committee. We are talking then about giving the opportunity to people who continue to be stakeholders in Barbados to have a hearing to say what their views are about what we are proposing. Does it necessarily mean that what they have to say will guide us? In some cases, it might impact, and in other cases it might not impact significantly or at all; but I was just I was just trying to extend the opportunity as widely as possible for that consultation to take place. If it is felt that the Police Force having already been a consulted party and having already had an input into the drafting of this, it would be unnecessary to go back there again, then that is fine by me. I was just naming one of the stake-holding communities. Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Mr. Chairman, I just want to make an observation. The issue is that you are attempting to decriminalise the activity of vending, so the underlying philosophy is that enforcement would be accomplished through other means. That would mean that, really and truly, the Police Force would be here to hear how they are not involved? To that extent, it is wondered whether it is better just to give them a copy and then they can submit their comments, but the underlying philosophy is that enforcement is really through relationship and then through fines and not imposing criminal offences and the consequential matter of having a record. Those are things that we are trying to avoid and are an underpinning of this Bill. I just wanted to make that observation. Thank you.

Mr. CHAIRMAN: Grateful. Senator Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Thank you, Mr. Chairman. I just wanted to, perhaps, make the point that I believe the last Joint Select Committee that was functioning was the one on the Integrity in Public Life Bill, and extensive consultations were undertaken with a broad cross-section of stakeholders and over an extended period of time. As you quite rightly said, Mr. Chairman, not all of the recommendations will be accepted and/or impact the final outcome, but it is important for it to be comprehensive, so that, at the end of the work of the Joint Select Committee, there can be no opportunity for any entity – top or bottom, left or right – to say that they did not have a stake in the discussions. That is the *raison d'être*, almost, of a Select Committee, so I would not wish to have anyone excluded if they are proposed, but I take the point that was made earlier as it related to the Police Force in principle. I would have thought that was more of an operational construct, along with the COVID Committee, as opposed to being part of the framing, but if they can be accommodated, whether virtually or in person, I can see no harm.

Mr. CHAIRMAN: Minister, let me then suggest that, as we did with the COVID Committee, what we can do is let us write off to the police and share with them the actual legislation as it now stands and invite any further comment that they may wish to make, extending them and the COVID Committee, equally, the opportunity to make that comment in writing or by way of oral presentation. The Leader of the Opposition.

Bishop the Hon. J. J. S. ATHERLEY: Thank you, Mr. Chairman. Just to say, and clearly so, that I disagree with the position taken over here and supported somewhat over there and by my Honourable friend from St. Michael East as well. We have had historically major problems in Barbados around the issue of vending and policing operations. The Government is seeking significantly to do a major thing here and decriminalise vending, and there has to be a clear understanding on the part of the Police Force as to what this legislation speaks to. I think simply giving them a draft of it and inviting a comment in their absence is not going to take us where we need to go. I see it as important and fundamental enough to what you are trying to achieve as a Government, that they should be here in person to present their position as well as to hear from this Committee.

Mr. CHAIRMAN: Fair enough. Minister Weir.

Hon. I. A. WEIR: Firstly, I wish to state that I am one of those who are requesting that the Royal Barbados Police Force be given an opportunity to participate in the conversation simply because it is going to make a significant difference to what they are doing in terms of policing vending, if need be.

Secondly, there are certain aspects of the legislation which the police will still be involved in, and therefore it would be important for them to participate. Equally, I recall chairing a Joint Select Committee on cannabis, where we allowed for all views to contend so that at the end of the day no-one would have had the chance to say they were unable to discuss the legislation, so they still had difficulty with aspects of the legislation.

Thirdly, Sir, I would wish to recommend not just a general approach in terms of technical ministerial staff but perhaps if you can include the Chief Technical Officer and, in my case, the Chief Agricultural Officer and Manager of Markets. There may be matters beyond by ambit that may need immediate intervention.

Mr. CHAIRMAN: Fair enough.

Mr. T. A. PRESCOD: Mr. Chairman, I just want to speak again.

Mr. CHAIRMAN: Senator Holder.

Mr. T. A. PRESCOD: Sorry.

Senator Dr. L. P. HOLDER: Thank you, Mr. Chairman. I am not going to contribute on the issue of the representation by the Police Force. If you would permit me to make a new intervention.

Mr. CHAIRMAN: Oh. Then let me just wrestle this to the ground first and then I will come back to you, please.

Senator Dr. L. P. HOLDER: Okay.

Mr. T. A. PRESCOD: Mr. Chairman, we passed legislation in the Lower House and the Upper House in recent times. The Police Force did not interpret the legislation. The Judiciary interprets the legislation. Whatever intentions we have had here have nothing to do with the manner in which the Judiciary will interpret the legislation. There was a problem between the Police Force and the Judiciary, not what is happening here. There needs to be some kind of mechanism in governance where the Police Force... In fact, on one occasion legislation was passed and the Royal Barbados Police Force did not even know that the legislation existed in relation to marijuana, so we must bring them now here, set a precedent, carry them through a schooling exercise, then for them to go back with our interpretation of the law but then that comes into conflict with what the Judiciary's interpretation of the Acts which we pass, is supposed to be.

Sir, this is what is happening in Barbados at present; on many occasions we pass legislation here. The intention is for the law to right a specific wrong, but when it gets by the Judiciary to the judge, the judge has a different interpretation and then it makes a mockery of everything that we are doing in here. Rather than this knee-jerk approach to resolving these issues, my view is that we need to think on these things clearly and not just be saying we must make sure that everybody's interests is dealt with. What does that term "everybody" mean? I can call many other people who I believe would have an impact on what we are doing here. You have talked to the Police Force already so all they need to have is a little document stating that these are the areas which are relevant and if they have any other different opinions, they can send back the report. We do not want any police representation here.

Mr. CHAIRMAN: You have the Floor. Please.

Senator Miss A. M. WIGGNIS: Thank you, Mr. Chairman. I have a suggestion to make. I am not sure if this is the right time or when we meet again. May I please proceed?

Mr. CHAIRMAN: It depends on your suggestion. I do not know. I cannot tell if it is the right time until I know the suggestion.

Senator Miss A. M. WIGGINS: Right. I was thinking in terms of the whole question of decriminalising vending, as you know because I see you passing up and down the same highway, the ABC Highway, and you can see there from Kooyman almost to the Newton Roundabout that there is an increasing number of vendors in that area. Seeing it every day and the fact that it is becoming more and more dangerous for the motorists and everybody passing there, the suggestion I thought about was whether some land could be claimed just past Kooyman. Just like BARVEN has on the Spring Garden Highway: A vending village can be built there off the ABC Highway where you would actually deviate off the main highway, go and buy your stuff and then come back onto the main highway.

Mr. CHAIRMAN: Okay. Yes. Senator, you had prefaced your remarks quite well. There is a time and place for that, and now is not the time. It may be the place but not the time. However, your vision is not running counter to the Chair's vision so you can take some measure of comfort in that.

On the question of how we treat to the representation of the Police Force, my feeling is that they are stakeholders in the business of vending in Barbados historically, and we are going to break with that traditional relationship by way of this legislation. The Royal Barbados Police Force has been consulted extensively in the drafting process, but I am mindful of the fact that this democracy requires us to be patient with all of our stakeholders and patient to the point of it never seeming to come to an end sometimes.

Honourable Member for St. Michael East, I think it would be a wise thing for us, even though we have been sufficiently resolute in terms of drafting this in the way it has been drafted, to make sure that even as we give the final imprimatur of this Parliament on the way forward that we hear those things that may wish to be said by the stakeholder represented via the Royal Barbados Police Force.

I therefore would want to invite the its members to benefit from a reading of this final draft or rather proposed final draft to have the option of sharing with us their thoughts on it, either in writing or in person, and if they choose to do so in person we can accommodate them in the same way that we would accommodate any other entity or individual who wishes to make a statement before this Committee and be heard by the Committee. It will allow us to benefit from that which is going on in the minds of the Police Force on the policy that we are proposing and equally it will allow us to share with them our thoughts as forcefully as we may wish to do. Hence, I do not see any harm in that and it can be accommodated within the timeframe that we are talking about and I would therefore urge that we send off to the Police Force in the same way the we send off to the COVID Unit, both inviting them to share their thoughts and giving them both the opportunity to appear via personal representation before this Committee at dates which will be agreed. I recognise Minister Forde.

Hon. A. R. FORDE: If I may. Throughout the eons of history there have always been the same infinite elasticity that my good friend the Member of Parliament for St. Michael East spoke about. This infinite elasticity has to with the relationship that exists between policemen and vendors. It is well-documented that there is no love loss there. I am saying, bearing that in mind and the

historical separation, we now have to "handcuff it" and glue it together in a special way and this is the platform that allows the meeting of minds where that is concerned. I believe that they have to be here, they have to be involved in the process and they have to have a limpid understanding at the end of the day where we are carrying vending in Barbados. In that light, their presence is something that I support 150 per cent.

Mr. CHAIRMAN: Fair enough, grateful. I recognise Minister Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Thank you, Mr. Chairman. I would just perhaps attempt to find an accommodation for the Honourable Member whose points are also well-taken. The process of inviting persons to a consultation of a Select Committee I think is well based on what you have just shared and taking full cognisance of the nature of a democracy and having all stakeholders at the table where all views have an opportunity to gel in a way that Minister Forde has just spoken about. However, if we use the model of the Joint Select Committee on the Integrity to Public Life Bill, there are stakeholders with whom you subsequently will have to agree that there needs to be a communication and a sensitisation programme at the end of the process to ensure that everybody is familiar with the contents of the Bill, the intent and spirit of the policy and then the implementation, so that the Royal Barbados Police Force and all of the other agencies leading up to the Judiciary who would be the interpretive role for the implementation of the law, they will have an opportunity, hopefully, once we agree as a Committee, to have that sensitisation and communications campaign that allows us to do that which was perhaps not done effectively for the Bail Act, the removal of the criminalisation for quantities of marijuana under certain amounts, which still has challenges and implementation by the Royal Barbados Police Force, and other similar bodies of legislation which had been passed and for which no sensitisation was done to allow for that bridge to be crossed. That would be my recommendation, but that will be at the end of the process, but the consultation should be at the beginning and comprehensive.

Mr. CHAIRMAN: I think that is a point well-made and I certainly would agree that at the end of the process we adopt that type of approach. We are now at a stage where I just wanted to invite Members to add to the list of entities that we had started to compile by way of stakeholders. We had mentioned BARVEN, the COVID Monitoring Unit, we just had at length discussion on the Police Force, we have accepted that I need Minister Humphrey to hear from BARNUFO. Minister Forde, I am not sure if the vendors on the beaches are organised into a separate group, but perhaps we should just reach out to them by way of written invitation and if you can assist as to whether there is a grouping that we write to would be helpful. Are there any other stakeholders that come to mind?

As I am speaking to you now, it occurs to me that legislation did not contemplate the schools being vending zones, but we do know that outside of schools are places where vending is done as a rule. Again, this is one of the reasons why perhaps conversations with the Royal Barbados Police Force are going to be very important because I am of the view that while we are trying to bring structure and order, we must not do so in such a way as to take bread out of people's mouths. It has evolved as a practice in Barbados that outside of the schools a van or two will show up and people will use that as an opportunity to do some selling; sometimes not even a van it might just be a lady with a tray and the way in which we treat to those cases is also something that I think this Committee is going to have to spend some time looking at. This is because every type of vending will not be in a zone.

Ms. S. R. BELLE: Just to make an intervention to say that the Bill contemplates the designation of zones, so that if it is that it is decided that a vending zone would be outside of a school then the provision is made for that. Thank you.

Mr. CHAIRMAN: Fine. That is something that we are going to have to think about. Are there any other stakeholders? I recognise Minister Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Thank you, Mr. Chairman. As we talk about experiential and authentic community tourism, I would like to recommend that the Barbados Hotel and Tourism Association and the Barbados Tourism Product Authority also be incorporated.

Mr. CHAIRMAN: Thank you Minister and agreed. I omitted to mention just now the Technical Officers of the Ministry of Public Works, Minister Gooding-Edghill and Minister Weir, the Technical Officers in the Ministry of Agriculture, the Chief Agriculture Officer or Manger of Markets, because they are specifically referenced in the legislation.

Are there any others that come to mind at this point?

Senator Dr. L. P. HOLDER: I would wish to make my intervention now with your permission.

Mr. CHAIRMAN: Sorry. Coming back to you, Dr. Holder. Just bear with me. I am not treating that list as necessarily exhaustive, so that if it is that as we go forward there are other sectors.... Pardon me. Yes. If there are other sectors that come to mind whatever reason, for example, like the Ministry of Health, we can always add them to mix. Dr. Holder.

Senator Dr. L. P. HOLDER: Yes. Mr. Chairman, in relation to the stakeholder groups, I wish to suggest that we also consider the retailers because in a very similar vein to the conversation around the Police Force a few moments ago; and I did not comment on that because I thought that the majority of persons in the room were of a similar view that they needed to be included. However, as you were having that conversation I note that historically speaking our retailers, especially the large retailers, have not always seen in a congruent way the issues as it relates to vending as our small and micro firms.

Mr. Chairman, I am of the view that the retailers, the large ones and maybe there are some small ones as well,

could be considered as a specific group, may be represented by the Barbados Chamber of Commerce and Industry (BCCI), for example, so that we get their perspectives as well in the dialogue.

Mr. CHAIRMAN: Senator Holder, I am indebted to you and I had indicated to the Clerk privately that we could look at the Barbados Private Sector Association (BPSA). I have no difficulty if you widen it to the BCCI but I, in principle, no challenge at all with the observation.

Senator Dr. L. P. HOLDER: If I can speak again, Mr. Chairman, on the point. If you consider BPSA, then you may not need the BCCI because at the end of the day we are trying as a private sector to, I guess, promote the umbrella body, which as you know is the BPSA. If it goes to them, they may very well look within the membership and identify the BCCI, for example, as may be the member to participate.

Mr. CHAIRMAN: Okay. In the discussions we have had, Mr. Eddie Abed has participated. I believe he did so as a former President of the Chamber. If it is your advice and you are very equipped to advise on this matter, if it is that we go to the Chamber then the Chamber is....

Senator Dr. L. P. HOLDER: The new Chairman since Friday of the BPSA is now Trisha Tannis who is, as you know, the Head of Unicomer; one of our biggest retailers, so I suspect that they may very well be able to identify the BCCI as the representative for the private sector in this forum.

Mr. CHAIRMAN: If you advise on the way forward on this particular matter then, it would be for us to reach out to the new Head of the BPSA.

Senator Dr. L. P. HOLDER: Yes. I think that we should write to the BPSA.

Mr. CHAIRMAN: Sharing the legislation and equally inviting comment verbally and/or orally?

Senator Dr. L. P. HOLDER: Yes. I think they should be given the opportunity similar to the issue as it pertains to the Police Force, because, as you know, historically the challenges that we have had with the larger retailers and vendors, so I think that this is also a public relations activity that we want to manage well and to have them involved in the consultations which I think would do us well in the long run.

Mr. CHAIRMAN: I accept that. We have heard most persons. I think we have two representatives of Labour present; one from the Lower House and the other from the Upper House. Are there any views on this from Labour's perspective?

Ms. T. N. S.-A. MOORE: Nothing to add specifically. I do not believe that I need to interject where there is concurrence and where I agree.

Mr. CHAIRMAN: Very well. Senator?

Senator J. A. HUNTE: Similarly, I am in general agreement with the discussion relative to the involvement of the Royal Barbados Police Force. I think that the suggestion that we include large retailers is also an important one because sometimes the problems that the vendors are concerned about have to do with how they are perceived as impeding the business of the bigger retailers. There is nothing further at this point.

Mr. CHAIRMAN: Okay. Thank you. Someone else had requested the Floor. Ms. Belle.

Ms. S. R. BELLE: Mr. Chairman, just to indicate adding to the Technical Officers suggested by the Minister responsible for Agriculture is the Senior Manager of Markets in relation to the fish markets specifically. Bearing in mind that the Sixth Schedule speaks to the National Vending Committee where there are a number of stakeholders listed, you may want to take note of that listing and see whether that can also inform who should be present. Thank you.

Mr. CHAIRMAN: Very well. Thank you.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, I have a query. Aside from our organic identification of the agencies or the entities that should form a part of the consultative process, is there scope for us to potentially, as has happened in the past, place a public notice inviting persons who would wish to make a written submission, potentially, to so do as well, so that anyone that we do not capture here in this discussion also still has an opportunity, by way of a broader sweep, to submit and to engage in the process.

Mr. CHAIRMAN: Fully agreed.

Senator the Hon. Ms. L. R. CUMMINS: That would include consumer groups, for example and so on.

Mr. CHAIRMAN: Fully agreed. I wanted to go there and ask in terms of precedent, how have we treated to that issue of inviting wider comment from the community.

Ms. S. R. BELLE: Public notice was given in relation to the discussion of the *Public Finance Management Act*, as well as the Data Protection legislation, so there is scope for public participation. Persons were allowed to submit comments in writing and they were also allowed to appear.

Mr. CHAIRMAN: Do we put a notice in the newspapers? How is it done?

Senator the Hon. Ms. L. R. CUMMINS: Normally, Parliament would do that. It is a function that would come from the Parliament.

Mr. CHAIRMAN: Right. Okay. Fair Enough. Are there any other issues? I believe, Ms. Belle, you had been consulted on availability during the course of next week and you are going to share that with me. I would not try to set meetings for next week until I hear from you on that but I do think that we can then set Monday next week, as the first date on which we will try to delve into this matter more substantively. Was one o'clock a convenient time for everybody or do you prefer a later start?

Asides.

Mr. CHAIRMAN: Monday mornings, for those of us who have Ministries, tend to be meetings with the senior staff, and I do not want to run too late into Members' evenings either.

Hon. K. D. M. HUMPHREY: Mr. Chairman, I can only speak for myself and so I will. Most of us have senior meetings on Monday, I agree, but we could also reschedule some of those meetings to any day during the week considering that we chair them. The issue that we have with senior meetings, we chair those meetings. For me, the idea is that I would like to think that we need to give this some priority and focus. It is a short-term intervention; three weeks or so. One o'clock realistically means that we get a rhythm at two o'clock and that does not lend itself to being able to justly deal with the Bill, in my opinion. I would like to think that we can start the meetings about 10 o' clock and deal with business before Parliament, which I would like to think for a month could be prioritised over our individual ministries.

Mr. CHAIRMAN: I was very sensitive to Minister Gooding-Edghill who I know has a very difficult Monday. Minister, you are a very critical component to this. Are you good with that suggestion?

Hon. G. P. I. GOODING-EDGHILL: I would prefer the morning rather than the afternoon, as you would well know.

Mr. CHAIRMAN: Very well. If you are good, I think we will then... Ms. Belle?

Senator the Hon. Ms. L. R. CUMMINS: Let me just flag, however, that I will go with the consensus. However, as I feed into the ministries and the COVID-19 Cabinet Sub-Committee meetings which require me to have my meetings on Mondays so that I am in a position to advise all of the agencies on flights schedules for the week, all of that, I do not have that flexibility of shifting off of Monday mornings because I have timelines to report in.

Mr. CHAIRMAN: Understood. Ms. Belle?

Ms. S. R. BELLE: Thank you, Mr. Chairman. I am hoping that everyone is cognisant of the sensitivity of discussion. I am assigned to work on free zones. That has been identified as a major issue to be addressed and as such it is a competing factor in terms of the participation, so I am just putting that as a flag in relation to that and some discussion needs to be had in terms of the organisation of time in relation to that. Thank you.

Mr. CHAIRMAN: Okay, but with respect to the specific question about Monday next week at 10 o'clock, is that convenient for you?

Ms. S. R. BELLE: I would prefer afternoons, to be quite honest, because the mornings would allow for other things to be done that certainly need to be done within our Office. However, things can be moved around. Thank you.

Mr. CHAIRMAN: As you know, Ms. Belle, I am usually indebted to you and I am mindful of the way in which you have accommodated us before. I am going to beg you for Monday morning. I will speak with the Attorney General on your behalf. I cannot guarantee that we will always do it on Monday morning or that it will be a morning meeting all of the time, therefore, you may well have your way, but next Monday, let us try to start early, and remember the large nature of the ambition, that we want to get through about five of the Parts of the legislation. I agree with everything else that Minister Humphrey has said; it is a question of just giving the next three of four weeks to Parliament in order to make sure we get through this aspect of Parliament's business.

I know the Leader of the Opposition has said to me on the Floor that he wanted to see us put our energy into this and not let it languish as other Committees of Parliament of this nature have languished, so I know I have his support in that regard.

Are there any other comments, observations, inputs that any other Members of the Committee would wish to make? Minister Forde.

Hon. A. R. FORDE: I just want to say that coming out of information from the Ministry of Youth, when I was Minister there too, is that 60 per cent of the school leavers in Barbados, the young people in this country, are interested in vending; some entrepreneurship of sorts. I am suggesting that the principals of Youth Entrepreneurship Scheme (Y.E.S.) be invited to be a part of this Committee because it is our young people who have a new zeal, an interest and a fervour for vending so I think that the Youth Entrepreneurship Scheme and the principals should be involved in this Vending Bill.

Mr. CHAIRMAN: Bear with me. We are looking at the Sixth Schedule which lists a number of stakeholders already. The point is noted and we will invite them as well. Okay.

Mr. T. A. PRESCOD: Mr. Chairman, just let me make this point. I got the impression that we were trying to make a radical departure when the Bill was introduced in the House of Assembly and I remember you premising your discourse on historic materialism and you obviously said that you were looking at it from a materialist base in your assessment. I hope that all of these people that belong to the various establishments that is now a part of the infrastructure or the superstructure of the society itself, would be able to purge themselves of a colonial mind-set and try to see how we are trying to humanise vending. I do not want people, after we have finished this legislation and we are saying that we are moving to decriminalising and now are attempting to create a kind of civil – I do not want to say punishments – but damages, if you are dealing with contracts, if you breach the contract, well, you know you have to face that. If you do something that is perceived as... If a man goes around and he says one or two little things... one time a policeman would just 'run aboard' the man and it becomes a criminal offence and it ends up in the criminal court. I think that what we are trying to do at present is not to let vendors feel intimidated and we are now going to have to face a lot of people who are now a part of the establishment, who were schooled in that

colonial environment, and that is why I said that I do not know if we can put a limit on discussions, if we begin to bring up all of these people with all of these warped views on what a vendor ought to be in 2021. That was my reservation through all of this thing; that at the end of the day, these people are starting off with a warped view of the criminalisation of vending. I am not going to condemn it because I do not know what the outcome would be but I really got the impression that first we were trying to radically transform legislation and to introduce something which is more conducive to a modern Caribbean jurisprudence and it is a little surprising to me, Sir, that...

Mr. CHAIRMAN: Do not be surprised, Honourable Member. We practise an art form called 'democratic socialism' and I want to remember that the most powerful 'tool' - I almost said 'weapon' - but I prefer to say 'tool', that you have is the power of cross-examination of those people who you ascribe to having or to whom you ascribe having warped ways of thinking, so once they appear before this Committee you have the right to question them. You can question them in such a manner as to expose the warped thinking and I am sure, persuade them to bring a certain level of intellectual and moral rectitude to the way in which they conduct themselves and their thought processes. Is that fair enough?

Mr. T. A. PRESCOD: All I am trying to make sure is that I purge the criminal influence on the legislation.

Mr. CHAIRMAN: You will get an opportunity to get to the destination, Honourable Member. Be of good cheer. Let not your heart be troubled. Alright. Are there any other Members who wish to make any observations at this point?

Ms. S. R. BELLE: Mr. Chairman, very sorry. Just as a practical matter. Just a reminder that the programme in which we produce our legislation is not accessible remotely and so you would have to go into the Office in order to get things done so it is just a matter of mechanics in terms of how we produce. Say, for instance, you then have your meetings end by, let us say 4 o'clock, then it leaves the next day for the work to actually be practically done. I just need to flag that as an issue.

Mr. CHAIRMAN: You mean it would not be an instantaneous thing?

Ms. S. R. BELLE: Exactly.

Mr. CHAIRMAN: Oh, no. I did not expect that.

Ms. S. R. BELLE: I am just reminding all that that is not the case and so it would not be, if I am here typing, that is not how ...

Mr. CHAIRMAN: I know you are capable of heroic undertakings, Ms. Belle, but I did not expect you to... Next thing you would be feeding 5,000 with five loaves.

The proposal is that next Monday we will convene here at 10:00 a.m. and the question would then be, 10:00 a.m. until what time? I do not envisage us going pass 1:00 o'clock. Guide me. Is there a provision usually made in these matters for lunch?

Asides.

Mr. CHAIRMAN: I am guided. I am told that if the Committee decides that they require lunch, then lunch can be put on; in which case then, we could get through a substantial part of the day if we dedicate Monday to that purpose. I am flexible but I do not want to inveigle too heavily onto other Members' time.

Asides.

Mr. CHAIRMAN: I am being advised that snacks were provided for this meeting. It is a good thing he said so because I did not know. For Monday's meeting, if Members, for example, were able to dedicate Monday... When I say ten o'clock, let me just say, Colleagues, that there is a practice of starting Parliament half of an hour later than Parliament is set to start. When I say 10, it will be 10, so that we will get going at 10 a.m. The intention, therefore, would be to run on probably until three o'clock or 3:30 in the afternoon. Leader of the Opposition? If that is the case, we can have a break for half-hour or 45 minutes for lunch and proceed without doing too much damage to the day's effort. I believe then we can cover a significant amount of ground. Ms. Belle? If all are agreed on that process. Minister Cummins, it will give you an opportunity to do your due diligence to the other areas of Government which you serve and then join us later on.

Senator the Hon. Miss L.R. CUMMINS: Not quite. Unfortunately, I will be off island on duty-leave on Monday.

Mr. CHAIRMAN: On Monday?

Senator the Hon. Ms. L. R. CUMMINS: Yes.

Mr. CHAIRMAN: Would you be able to participate remotely?

Senator the Hon. Ms. L. R. CUMMINS: Unfortunately, no. The purpose for which I am travelling would not allow me to do that.

Mr. CHAIRMAN: Fair enough. I will delve no further. We will miss you. That apart, that will be the proposal, so if we can agree to that then we will reconvene on Monday. What date is Monday, please? Monday, October 4, at 10 a.m. in the forenoon.

ADJOURNMENT

***Mr. CHAIRMAN**: The meeting is adjourned.*

SECOND MEETING OF THE JOINT SELECT COMMITTEE ON THE NATIONAL VENDING BILL, 2021 HELD IN THE CHAMBER OF PARLIAMENT, WORTHING CORPORATE CENTRE

MONDAY, OCTOBER 4, 2021

SECOND SESSION 2018-2023

PRESENT:
Hon. Kerrie D. SYMMONDS, M.P. (Chairman)
Hon. G. P. Ian GOODING-EDGHILL, M.P.
Hon. Adrian R. FORDE, M.P.
Hon. Indar A. WEIR, M.P.
Hon. Kirk D. M. HUMPHREY, M.P.
Mr. Trevor A. PRESCOD, J.P., M.P.
Bishop Joseph J. S. ATHERLEY, J.P., M.P., *(Leader of the Opposition)*
Senator the Hon. Ms. Lisa R. CUMMINS
Senator Dr. Lynette P. HOLDER
Senator Damian R. SANDS
Senator Miss Alphea M. WIGGINS, J.P.

ALSO IN ATTENDANCE:
Mr. Pedro E. EASTMOND, Clerk of Parliament
Mr. Nigel R. JONES, O.B.E., Deputy Clerk of Parliament
Miss Beverley S. GIBBONS, Deputy Clerk of Parliament
Ms. Shawn Raine BELLE, Deputy Chief Parliamentary Counsel
Mr. Anderson CUMBERBATCH (Chief Business Development Officer, Ministry of Energy, Small Business and Entrepreneurship)
Miss J'anne C. GREENIDGE, (Procedural Clerk to the Committee (Ag.)) Typist

Meeting commenced at 10:20 a.m.

Mr. CHAIRMAN: Can we come to order, please? Members, I want to begin, first of all, by inviting the Committee to note the presence of Mr. Anderson Cumberbatch, Chief Business Development Officer, Ministry of Energy, Small Business and Entrepreneurship. I had asked Mr. Cumberbatch to make himself available to work with the Committee in much the same way as we have Ms. Shawn Raine Belle from the Office of the Chief Parliamentary Council to offer technical assistance to the Committee. Obviously, Mr. Cumberbatch's assistance would not be on the drafting side but more on the policy side.

I would want at this stage to invite Ms. Belle to do a comprehensive overview of the legislation, then after that she can walk us through the specific focus to the first five parts.

Ms. S. R. BELLE: Good morning, all protocols having been observed, my name is Shawn Belle, I am from the Office of the Chief Parliamentary Council. I am going to give an overview of the National Vending Bill, 2021. The Objects and Reasons of the Bill seek:

(a) regulating vending in Barbados;
(b) protection of the rights of vendors; and
(c) matters related to paragraphs (a) and (b).

The Short Title is: *"The National Vending Act, 2021"*.

In terms of Interpretation, Clause 2 (1) makes provision for the definition of words and terms that will be used throughout the Bill. I will draw attention to those words and terms as they become necessary in understanding the various provisions.

Ms. S. R. BELLE: Part II, Clause 3 provides an explanation of what vending is and what vending is not for the purposes of the Act. That is the general overview there.

Part III Clause 4 provides for the licensing requirement at the baseline. There is a matter that needs to be drawn to the attention of the Committee, so [that] when we go into the greater examination of the Bill, I will then raise it. It also seeks to indicate that you need a licence to do vending, and that is in a general sense.

5.(1) Application for the grant of a licence:

There are two general categories, there are the licensing regime that speaks to beaches, esplanades, gardens and parks; and the licensing regime where you are not operating on beaches, esplanades, gardens and parks.

If you are operating on the beach, esplanade, garden or park, then you would be regulated under the National Conservation Commission, and if you are operating otherwise then you will be regulated by the Minister of the Ministry of Commerce. When you are then granted the licence, it will be on consultation with the Minister with responsibility for Fisheries and the Ministry with responsibility for Public Markets. That is an important matter to note.

There is also a policy matter that needs to be drawn to the attention of the Committee and I will deal with that when we get into the comprehensive discussion.

6.(1) Vending Licence:

This deals with the form of the licence itself. The form can be found in the First Schedule, so that in relation to those matters that licence that is dealt with for beaches, esplanades, gardens and parks, that can be found in Part II of the First Schedule, while the form for licence for those that are not would be found in Part IV.

7.(1) Register of Vendors:

That imposes and obligation on the Minister responsible for Commerce to keep and maintain a register of all vendors. That Register shall be in electronic and physical form. The National Conservation Commission will have an input in the sense that any information that they may collect under their regime they will be obligated to provide such information to the Minister, but what you want to do is to have one place where you can find the information on vendors generally. Thus that is the thinking behind that.

8.(1) Revocation, suspension or varying of a licence:

9.(1) Notice of intention to revoke, suspend or vary a licence:

This again splits into two parts, the National Conservation Commission and the Ministry of Commerce, depending on which regime you are operating under.

10.(1) Occasional vending that is not on a beach, an esplanade or in a garden or a park:

11.(1) Occasional vending on a beach, an esplanade or in a garden or a park:

These two clauses speak to the regime regarding occasional vending. Now, occasional vending is defined in Clause 2, so you would take reference there. We will examine that in our close examination after the overview, but just to say in Clause 10 if you are operating in an area that is not a beach, esplanade, park, garden then you will have to apply for a permit. That permit would be for the duration of a particular event, so usually the occasional event would be speaking to things like fairs – one-off events generally. The form of the permit would be in the Second Schedule. That is dealt with by the Minister of Commerce.

If you are dealing with occasion vending in the context of selling on the beach, esplanade, garden or park, then that is regulated by the National Conservation Commission and a permit is issued therein. The form is in the Second Schedule. Fees generally are set out in the Third Schedule; just to draw your attention to that.

12. Part IV Vending Zones:

You will see that there are areas specifically identified, so just to draw attention that certain areas would be regarded as vending zones, so beaches, esplanades, fish-landing sites, gardens, parks, public markets.

There are then areas particularly described in the Fourth Schedule.

There is provision for the future proofing of the Act, meaning that the Minister, with consultation with the National Vending Committee, would be given the capacity to designate a zone. This is more particularly dealt with in Clause 13;

13. Designation of a vending zone:

As I articulated, the Minister on consultation with the National Vending Committee may by Order designate a vending zone for the purposes of this Act.

14(1). Beaches, esplanades, gardens and parks:

This clause makes it clear that the National Conservation Commission shall be responsible for the management and operation of certain vending zones, being beaches, gardens, esplanades or parks. It also makes clear that a vendor operating in that context shall do so in compliance with the *National Conservation Commission Act*, Cap. 393.

Clause 15 speaks to public markets and fish landing sites, so this is where it is important to note all the different functionaries here. It states as follows:

"The Manager of Markets shall be responsible for the management and operation of

a) a public market that is not a fish market;

b) an area more particularly described in Part II of the Fourth Schedule; or

c) a zone designated by the Minister on consultation with the National Vending Committee."

Clause 15 (2) states that the Senior Manager of Markets shall be responsible for the management and operation of a public market that is a fish market.

Clause 15 (2) states that the Minister responsible for Fisheries shall be responsible for the management and operation of a fish landing site.

The provision also makes it clear at Clause 15 (4) as follows:

"Where a vendor seeks to operate in a public market, he shall do so in compliance with the Markets and Slaughter-Houses Act, Cap. 265 and the Markets and Slaughter-Houses Regulations, 1958 (L.N. 1958 No. 73)."

Clause 16 imposes prohibition on persons engaging outside of vending zones and if they do so, they will be subject to an administrative penalty. The administrative penalty is under Clause 28 and in more detail in Part IX. Let me move on to Part V and in particular Clause 17. This clause lays out the general rights of vendors and emphasizes that there is a right on the part of a vendor to carry on a business without fear of harassment or unreasonable impediment once they are complying with all the laws, including this Act and any other enactment that is relevant.

This is important to know and also that they are within the terms and conditions of their licence. There is also the imposition of conditionalities when there are the circumstances of relocating, evicting or the seizure of any

goods belonging to the vendor. Therefore, this is a very important matter that needs to be highlighted that these particular rights would be protected by law. Clause 18 outlines the general obligations of vendors. They are as follows:

A vendor shall:

a) produce his licence for inspection where requested to do so by a customer, the Manager of Vending Zones or a person authorised by the Manager to conduct such inspections;

b) remove his merchandise and any equipment, materials, wares or goods used in conducting his vending business at the expiration of time allotted to him for conducting his business by

i. condition of his licence;

ii. enactment; or

iii. contract;

c) maintain the cleanliness of a vending zone;

d) keep amenities and any other public property, equipment or tools in a vending zone in good condition;

e) not, while vending,

i. use abusive language or make insulting gestures;

ii. intimidate or harass any person;

iii. consume or be under the influence of alcohol or drugs;

iv. sell, serve or distribute alcohol without an appropriate liquor licence; and

f) where he sells, offers or exposes for sale food he and his employees shall comply with the *Health Services (Food Hygiene) Regulations*, 1969 (S.I. 1969 No. 232).

Those are things that are set out there and if he is in contravention, then an administrative penalty is imposed under the appropriate part. Part VI deals with the relocation and eviction of vendors. In particular, Clause 19 speaks to the relocation and eviction of vendors and the procedure that needs to be observed. One of the things that needs to be noted is the definition of "Manager of Vending Zones" because this term has its particular meaning in a particular context. For instance, if you are dealing with a vending zone that is a fish market, then the Manager of Markets for the purposes of this section would be the Senior Manager of Markets.

This is how it is supposed to be interpreted. Clause 20 speaks to the procedure regarding the seizing and reclaiming of goods, so that there may be instances where an emergency or otherwise may be to seize goods. This section deals with that specifically but then, there is also a procedure for reclaiming the goods and it is outlined accordingly. Clause 21 speaks to the establishment of the National Vending Committee which is supposed to be an advisory body. This body is to advise the various functionaries, namely the Minister of Commerce, Minister of Fisheries and in context, the Minister responsible for Public Markets. They deal with overseeing the implementation of the policy, assessing implementation risks, monitoring and evaluating achievement of objectives.

They also speak to the different standards that should apply to vending zones generally, including hygiene, cleanliness, also the aesthetics and then, dealing with amenities. I must emphasize that it is basically an advisory body. Part VIII deals with Appeals. Clause 23 speaks to the grounds for appeal which is basically for the refusal, revocation or suspension of a licence. There can be an appeal to a National Vending Appeals Tribunal which is dealt with under Clause 24 in terms of the establishment. There is the suspension of decisions pending an appeal to the Tribunal which is dealt with in Clause 25. The powers of the Tribunal are dealt with specifically under Clause 26.

However, it is also made clear in Clause 27 that if there is a problem with the decision of the Appeals Tribunal, then you may appeal to the High Court. Part IX speaks to administrative penalties and just to speak generally to the idea of the administrative penalty, it is basically monetary penalties assessed and imposed by a regulator. It is due and payable to the regulator rather than the court. They determine where there is a breach. The regulator is then very circumscribed by the Act and cannot operate otherwise. Clause 28 states as follows:

"A person who contravenes a provision set out in Part I of the Seventh Schedule is liable to pay to the Manager of Vending Zones an administrative penalty in the amount so specified in the Seventh Schedule."

Again, drawing your attention to the meaning of vending zones, it will take its meaning from whomsoever is responsible for the administration of the vending zone in contest. There is an administrative penalty notice that has to be issued where the decision is made to impose the penalty and it should be in a certain form which is set out in the Seventh Schedule and also the notice is to specify the nature and speak to the contravention, speak to the penalty to be paid and the time of payment. There is also procedure for challenging the administrative contraventions in Clause 13 and Clause 31 speaks to the fact that administrative

penalties constitute a debt to the Crown so if it is that you do not pay that debt then you can be pursued in the Magistrate's Court.

Clause 32 speaks to the fees to be collected under the Act so the fees collected by the Minister in this context which would be the Minister of Commerce shall be paid to the Consolidation Fund whereas fees collected by the Commission pursuant to this Act, the Commission meaning the National Conservation Commission (N.C.C.), they will constitute funds of the Commission as set out in Section 10 of the *National Conservation Commission Act*.

Clause 33 as a transitional clause and speaks to the preservation of certain licences within a certain period of the Act so licences that were issued under the *National Conservation Commission Act* or the *Markets and Slaughter-Houses Regulations* shall be valid for a year after the commencement of this Act and then after the expiration of that period, then vendors would be expected to apply under this Act.

Clause 34 gives the capacity, grants the Minister responsible for Commerce the power to make regulations.

Clause 35 gives the power to the Minister by Order to amend the various Schedules, namely, the first, second, third, fourth, fifth and seventh Schedules.

Clause 36 speaks to the consequential amendments and consequential amendments are basically those amendments to other enactments that will allow for the regime to function properly within the legislative framework so you will see the naming of the enactment in column one and the nature of the amendment to that enactment in column two.

Clause 37 makes provision for the Act to come into operation on a date fixed by proclamation, so that this mechanism is designed to allow for the time for the Administration to make certain preparations before it comes into full operation. That is the reason you would have such a commencement clause in place.

As you would see in the Schedules, we went through them in the general presentation but you can have a look at them. There are about eight of them. This concludes the overview. In relation to some policy matters, I will draw the Committee's attention to those that require attention. Thank you so much.

Mr. CHAIRMAN: Grateful to you, Deputy Chief Parliamentary Counsel.

Colleagues, though it may appear that we are being almost pedantic, this is an important perspective and overview because of the fact that though Honourable Members debate Bills, it often happens that they are not intimately familiar on a clause by clause basis with the totality of the Bill which is before them and in a matter of this nature where there are going to be a number of potential policy issues, I wanted there to be absolute clarity of purpose.

Just let me say to you that I benefit now from an Agenda which I did not have at the start of the meeting and the Agenda would direct me to the need for use to deal with the matters of Minutes and Minutes Arising. The truth is that we are that stage of the Committee's work where Minutes are not yet ready nor fulsome because what we did last week was very, very abbreviated. What I would want to do at this stage is to have a motion, please, for the deferral of the Minutes.

The motion so moved and seconded.

Mr. CHAIRMAN: Proposed and seconded. All of those in favour? All of those opposed. The motion is carried. Thank you.

Now we can then return to the substantive issue of the agenda which is the consideration of the Bill. Before doing so let me just advise Honourable Members that I have benefited from a written submission from Senator the Honourable Lisa Cummins. Would it be the Barbados Tourism Marketing Incorporated (BTMI) or would it be from the Ministry of Tourism.

Asides.

Mr. CHAIRMAN: A combination of the Ministry of Tourism and the Barbados Tourism Marketing Incorporated (B.T.M.I). It is a written submission which I will wish to have properly recorded as part of the evidence of the meeting and I will take guidance from the Clerk-at-the-Table as to how we should proceed. This is the very first one we have.

Mr. CLERK: Mr. Chairman, the first thing we will do is to circulate these comments to Honourable Members and it is suggested that we take those comments when we actually get into consideration of submissions from the entities that we would have written.

Mr. CHAIRMAN: Okay. Fine.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, just to advise that during the course of today we should have at least one more submission as well from the Tourism partners in the accommodation sector.

Mr. CHAIRMAN: Thank you very much, Honourable Minister, and we will treat that similarly. Senator Wiggins?

Senator Miss A. M. WIGGINS: Mr. Chairman, I did not exactly hear what the Clerk-at-the-Table said, but I believe he was saying that you would have written all the people in that list that we would have compiled last week so that they can make the submissions.

Mr. CLERK: Yes. We have and you might have seen in the newspaper over the weekend, we had the notices out and we have written those persons who have indicated so once the submissions come in we will circulate those to Honourable Members and when the time comes to deal with submissions we will deal with them.

Mr. CHAIRMAN: Okay?

Senator Miss A. M. WIGGINS: Yes, please.

Mr. CHAIRMAN: Okay, thank you very much, both Senators. Now we could probably, Deputy Chief Parliamentary Counsel, revert to the matter of the consideration of the Bill and if you would be so good then

as to allow us now to do this on a part by part basis beginning with Part I. Use your microphone please, Honourable Member.

Mr. T. A. PRESCOD: First of all, let me apologise for being late to everybody, including you, more so than anybody else.

I was just wondering if what I missed this morning is like a cross-checking of areas in the provisions in this Bill that will be related to other Acts that we have had before. Looking at if there is any probability of any conflict that could arise from any amendment that we make here because through the entire document, I noticed that you have been making reference to the Ministry of Health, the National Conservation Commission (NCC) and all of those agencies have their own pieces of legislation so I just want to be sure that we have actually cross-checked to see if there is any contradiction. I do not know, but I am just querying.

Mr. CHAIRMAN: Deputy Chief Parliamentary Counsel?

Ms. S. R. BELLE: Mr. Chairman, yes, it is recognised that the subject of vending covers a number of different stakeholders and as such it was necessary to make amendments to the various Acts that touched on vending because really and truly what this Act is seeking to do is to streamline the legislation on vending and try to address it in one Act. Hence, what would have happened is that the consequential amendments that are discussed in the Eighth Schedule speak to the different enactments that would have been necessary to be amended to make this potential piece of legislation work. That is an initial response. Thank you.

Mr. CHAIRMAN: I trust Honourable Member that that satisfies you. Now, therefore Ms. Belle, the proposal is to go through via the arrangements of Section beginning at Part One. How would you recommend that we deal with this, in that you do a more in-depth deep dive to the substance of the various parts and then allow members of the Committee to raise questions on a part by part or section by section basis?

Ms. S. R. BELLE: Mr. Chairman, usually the Bill is done Clause by Clause but the intention was to cover at least five parts today. Hence, my proposal is really to start from Clause 3 and go onward because Clauses 1 and 2 are formalities, but we will return to Clause 2 as it becomes relevant. We will begin with Clause 3 which is the jumping point of the Bill which is what is to be understood as vending and what is not to be understood as vending. Therefore, we can begin there.

Mr. CHAIRMAN: Fine, no problem. Honourable Member of the Committee, are there any challenges at all with that proposed way of proceeding? None? The floor is yours, Ms. Belle.

Ms. S. R. BELLE: Mr. Chairman, as you would have recognised there was a definition of vending under Clause two. Vending has the meaning assigned to it by Section 3 which will now be Clause 3. Clause 3(1) speaks to what is vending or what is to be considered vending and it reads as follows," For the purposes of this Act, vending refers to the offering for sale of merchandise or the rendering of services in a vending zone for the purposes of earning a living; or for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only." As you would recognise, it speaks to two major aspects of vending which are the offering of sale merchandise and the rendering of services. That is a very important aspect of understanding vending. It also speaks to vending in the vending zone for the purposes of earning a living and in (b) it mostly speaks to occasional vending during these one-off events that speaks to fairs and farmers' markets *et cetera*.

Just to speak to what merchandise covers. I draw the Committee's attention to Clause 2, the definition of merchandise means fruit, vegetables, ground provisions, poultry, eggs, fresh meat, fish, food, crafts, pieces of clothing, or any other small items. Just to draw the Committee's attention further to the definition of food which has the meaning assigned to it by the *Health Services (Food Hygiene) Regulations, 1969*. Fresh meat has the meaning assigned to it by the *Markets and Slaughter-Houses Act, Cap. 265*. Those are the terms that you need to keep in mind when you are speaking to merchandise.

Mr. T. A. PRESCOD: Are we not seeing emerging in our societies what culturally I would describe as a form of vending that might not fall under "festival" or any kind of social activity or any vending zones, because what I think I am seeing is people trying to sell at the side of their houses on a small piece of land. Would that not be captured in the definition which you have in this legislation?

Ms. S. R. BELLE: What we are trying to do for those who are vending for a living, you are trying to capture that they ought to be vending in a vending zone. Those vending zones are articulated in the Act at Clause 12, and then there can be room for designation. If you are engaging in occasional vending which would be the one-off events like the farmers' market, *et cetera*, then there is a separate mechanism which is the permit mechanism that is spoken to in Clauses 10 and 11. However, anything else, then you are trying to rule that out, because what we are trying to do is to formalise the system and make sure that it is regulated properly.

Now, I cannot speak to the why because that is a policy issue, all I am saying is that that is the approach that was taken in the drafting. Thank you.

Mr. T. A. PRESCOD: Mr. Chairman, I am more concerned with what the Government's intention was and what the draftsmen put to us as their intention. My view is that what the Government's intention is. As a consequence of the rapid increase of abject poverty, we are now seeing people selling outside of any zones without any underpinning festive season or special occasion. Once when things like this occur, the police sometimes would assert themselves. We do not want the police to assert themselves unnecessarily in any matters related to vending,

especially knowing how the police became a force to reckon with in the emergence of vending coming out of a background of slavery. I am not capable, but I still feel that some kind of reasonableness must be applied to this reality because it is widely spread especially across the urban areas that people are setting up these little businesses at different locations. How would this Act allow an administrative unit from within to be able to visit these persons or at least register them and also regulate them, especially if we are hoping that there are no features or any impressions that are formed that we are still seeing vendors subject to the pressure and the oppression of police officers?

Ms. S. R. BELLE: Mr. Chairman, I have to, first of all, disabuse the Committee of any notion that any draft that was produced by our Office is separate from the will of the Cabinet. We draft on the instructions of the Cabinet, so this is a distillation of what came out of the original Cabinet Paper, as well as the discussions that ensued thereafter, so that must be understood.

Secondly, I do not know how closely you would have been paying attention to my presentation, but the understanding is that there is certain vending that must take place in zones and we are doing that in the interest of formalising this sector that was not formally regulated so much but trying to give it the semblance of standing, so that vendors can then also have rights that can be enforced. If you would take notice of when the police appear, the police really only appear where it comes to the relocation and eviction. Basically, that is to help the Manager of the Vending Zones in the specific part, so that they do not emerge at any other time really and as such, they should not be any real acrimony unless there is some kind of resistance. Even then, there will be relevant enactments, otherwise what is included in this Act that will prevent and give protection to vendors where necessary. Thank you.

Mr. CHAIRMAN: I would want to invite Mr. Cumberbatch if you were minded to share any thoughts you have in the context of what your reading of the Honourable Member's question is.

Mr. Anderson CUMBERBATCH: Good Morning, Mr. Chairman and Members of the Committee. My understanding of the question that is being asked is whether we would have treated to the possibility of persons vending outside their homes as currently obtains, especially given the climate in which we are operating. When the policy was being developed, the submissions made by vending representatives is that they called for regulating of vending. As we know, within the Barbadian scenario, the practise of selling from outside one's home is very prevalent. Perhaps, this is something that we would need to treat to but based on the fact that the Minister is allowed to create vending zones, we may want to suggest that a vending zone would include certain areas around one's residence, *et cetera*.

I think that it could be managed within that context but it is a reality that we need pay attention to, especially given what is happening within the current scenario.

Mr. CHAIRMAN: Let me just share my thoughts on this. Obviously, I wanted to defer to any policy discussion that had taken place before I became Minister. The question that you are raising, Honourable Member, is a very important one; it is important because it takes us to the real core of the developmental issue that is before us. I think that the first thing, as a point of departure for me, that I want you and others of the Committee to be mindful of is Clause 37 of this Bill which points us to the fact that the Act will come into operation on a date to be fixed by proclamation. This is important because we as Government, therefore, have some control over the lead-in period between when this passes Parliament and when effectively it gets assent to become operationalised.

During that period of time, there are a number of things that we have an opportunity to do, in terms of developing the sector and preparing stakeholders for the roles that they must play. If you think about it, it becomes self-evident. For example, the Ministry of Agriculture will need to have facilities where they will be able to store a vendor's cold produce because it has been seized. Under this legislation, you will pay compensation to the vendor if that produce is damaged, destroyed or whatever. There are things that have to be done in any way.

I start there with regard to your question because I think that one of the things that we have to do is to get vendors who are now acting in a natural way, in the context of the economic circumstances of the day, who are reacting kind of spasmodically and, therefore, say to themselves, "*I have lost my job. I have to earn a living. I decide I am going to sell and just put a tray or stall. It might be next to a house. It might be somewhere else and I just do what I have to do.*" We are trying at a policy level to bring some structure and order to the business of vending, and to formally bring them into an environment which is structured. Therefore, it may well be that the question has to be determined by this Committee as to whether it is truly desirable for it to be done in the traditional *ad hoc* way that vending was done before, which is alongside the house, road or wherever you chose to find a spot, or should it be a matter that we are presented with an opportunity to create vending zones in this Bill?

I agree with Ms. Belle in the sense that we have to determine where the vending zones are going to be or ultimately the Minister is going to have to determine that, but certainly I would want this Committee to advise on that because we have no limit on the amount of vending zones that we can create in this country or the way in which those vending zones are structured; this is something that we can determine for ourselves.

I take your point. I agree with the concern because it has been at the back of my mind from Day 1: How do we deal with all and sundry? For example, there are some, and I think I have raised this with Minister Weir, where in his constituency after you pass Mrs. Ram's hotel

and heading in the direction of Six Roads, there is a woman who has a lovely stall. She has decorated all around it with plants. She sells fruits on a daily basis. There are no other vendors on that stretch, but her. She has been there for, I suppose, many years but the reality is, how do you deal with a situation like that? It is not an area where vendors have collected, so you cannot properly call it a zone that vending is taking place in above and beyond her. However, it is clearly a small business exercise that she began and has maintained. You do not want to just shut it down because it is not in a zone that is already prescribed in the legislation. People like her, I think we have to take into consideration.

Another issue that will arise is the one I was discussing with Senator Cummins earlier this morning: the people who have chosen to go out front of a school. There may be one or two people with a tray or even with a motorcar these days, who do their business of vending from there.

The legislation does not at present treat directly to them but we have to find a way of accommodating them.

It is either that we are going to do this within the context of how we define vending zones or alternatively, we are going to have to find a way of bringing them and their business in a more formal and structured way into the mainstream of what vending is supposed to be.

I think that when you hear from BARVEN, you will hear exactly what Mr. Cumberbatch pointed you to, which is, that BARVEN itself is concerned about the unregulated practice of vending in Barbados. It is concerned that, in a sense, it has to be controlled otherwise. While you are trying to accommodate one or two people who may be doing this, as I said in a spasmodic way, "*I am going to do this because I have to solve a financial problem immediately.*" The rest of the vending community feels that it does them justice because of the way in which it is taking place. These are some of the issues.

Senator Ms. A. M. WIGGINS: Mr. Chairman, to continue from where my Colleague was speaking about persons vending from their homes, you just said BARVEN was concerned about people popping up everywhere but could we not have a situation where the traditional areas where people vended from their homes incorporated with where you had one or two vendors at schools. Can we not continue with that traditional way, along with creating new vending zones, including the lady vending by that road in St. Philip you alluded to? I believe that she might have set up there because originally that area was supposed to be a hotel where tourists and various people would have been traversing, and she would have expected business. Now, if that hotel was not closed you would have found more vendors setting up along that same stretch of the road. So I believe that we have to create the new vending zones where the people are and then continue with the traditional way where persons set up outside their homes. I feel it should be stipulated in the legislation that someone selling outside of their home cannot be asked to remove their items by the authorities. I think that we should be able to encompass all of these areas. As I said before, when we spoke to the issue of creating the traditional vending zones - I do not know if this is the time to speak to it again or if we would come to that eventually, Mr. Chairman?

Mr. CHAIRMAN: We will come to the vending zones as a substantive aspect of it.

Senator Miss A. M. WIGGINS: Okay. Thank you.

Mr. CHAIRMAN: Senator Cummins and then Minister ...

Senator the Hon. Ms. L. R. CUMMINS: Thank you, Mr. Chairman. I think it is an important issue and it is one that I believe is in need of adequate ventilation and I think, when I say adequate ventilation, I speak not of only the importance of us taking into account the traditional notion of vending and where people have vended historically, but the importance of creating that regulatory framework of which you have spoken, the buy-in that has come from the stakeholders themselves as represented in BARVEN. Of course, I like the way that you have defined it, about the spasmodic response to what we are dealing with here now and, of course, the historical notion of people setting up in front of their homes. But I think we also have to balance that because when I look at the Fourth Schedule, for example, Ms. Belle, where the vending zones are designated, one of the comments that I will raise when we get there is perhaps the need for a greater expansion of those zones, certainly by parish, because they are quite limited when you go through them. That is one of the things we have also raised in our submission, including the recommendation on an additional number of areas that ought to be designated. Perhaps by treating to a parish-by-parish approach that allows for multiple zones to be so designated in each parish could allow for that regulatory framework to take place.

But I am also sensitive, Mr. Chairman, that we live in communities where families who have lived next-door to each other for a long time become enemies and feud; feuds evolve because when you set up to sell in front of a residential home that was not designed for that and you are blocking my driveway and my son's girlfriend cannot get in the driveway when they come home late and the baby has to get out of the car and you have all kinds of personal considerations that come into play, when you are then functioning in a residential space, those too also have to be brought into consideration so that neighbours continue to function as neighbours; families continue to function as families and we are able to have that ease of integration of commercial and residential living without the two being in perpetual conflict. It is that balance, Mr. Chairman, I am hoping that we are able to find perhaps by broadening the zones and scope of the Fourth Schedule.

Mr. CHAIRMAN: I agree, Minister. I think that my own personal approach to this would be to broaden the amount of zones and adopt a facilitative approach to vending by way of making us have wider zones, more

zones. If you look at the schedules you will realise that the zones really, quite frankly, are right now woefully inadequate so that is easy to agree to.

I think where we have the challenge, where Senator Cummins is pointing us to, is the question of finding that balance, that 'sweet spot' because, frankly, I do not see it working. I know you may want to accommodate people who are now selling from next to their houses or whatever, but the reality is that there is a need to have anything done in a structured way and for some people in rural Barbados where houses may be far apart that is not a big deal. From time to time, just to give you an analogy because I do not want to go into all of these micro examples; you all would think that I spent way too much time across the island in many different spots. I only did that because I really and truly have canvassed widely across Barbados. But if you go from Conset Bay over to Bathsheba and you are taking that road which is almost impassable you will find a lady who sells in front of her house. The distance between her house and the next door neighbour's is probably almost the length of this room. It is not a difficult thing to achieve, but where you have a street and there are several people on that street and you have a plurality of them doing it, you could find, easily, the concern that Senator Cummins is raising becoming a real problem which is to say that you just are blocking people from having access and egress to their place. These are the balances that I think we have to able to find and I think the solution really lies in encouraging people to do their business from within a vending zone.

I do not know that we can actually have a vending zone that is next to your house. I think there must be a vending zone that is within reasonable proximity to most places in Barbados. That means we have to increase the amount of zones. I certainly would want to hear from the Committee any suggestions as to where they feel that more vending could be done and be done usefully. I actually do have it in the back part of my mind and I say so now, that when we pass this stage and we come more into the implementation phase, to write to every Member to get the recommendations of Members of Parliament as to how they see their constituencies having more vending zones and where those zones could be located on a constituency by constituency basis.

That is my perspective on it, Honourable Member. I hear your question and I accept the point, but I do not know at first blush that we can discuss it some more, obviously, but my own initial position is, as I just indicated. I would want to facilitate by way of having wider and broader zones. Mr. Forde?

Hon. A. R. FORDE: Thank you, Mr. Chairman. I just want to say I want to thank my colleague, Mr. Trevor Prescod, representative of the good people of St. Michael East. I know he has unbridled scope when it comes to social dilemmas and for that I want to thank him for raising these types of questions. But basically, I think the question is answered in the Bill. From your response and certainly Ms. Belle's who is more lettered in the terms of law than myself, I think if we go to Section 12, it specifically says: *"A zone (a vending zone) is a zone designated by the Minister on consultation with the National Vending Committee."* That being said, I suspect that if a person out of their necessities of survival, post pandemic, post anything, and they required, based on their needs and their instinctive desire to fulfil their financial obligation and they decided to have vending in the circumference of their property, I think they can apply for a vending licence and based on this Bill it can be designated as a zone by the Minister or in consultation with the National Vending Committee. So there are provisions if it so is determined by the National Vending Committee in consultation with the Minister to make that area a vending zone. When you look at all the variables that Senator Cummins would have spoken of in terms of geographical space and inconvenience and what is not, once the Committee, in consultation with the Minister determines that is a vending zone then it becomes a vending zone.

I am saying that I do not think we have to catch glottal fry in here determining right now what is a vending zone because the legislation speaks specifically at Section 12 to giving the Minister the power, along with the National Vending Committee, to make those zones out of necessity, out of investigations, follow-up, whatever, that you and the Committee have that vested power based on the legislation.

Mr. CHAIRMAN: I will only add that the Minister can act of his own volition in terms of trying to broaden the amount of zones and do so after consultation with the Committee. I obviously could not determine how long I will be Minister, but I told you that that is my approach to it. I think that this is really a matter for us to try to encourage people to come more within the formal structures that allow for the development of vending, but equally to do so in a way that is facilitative and broadens the purpose that we are trying to serve. I recognise the Leader of the Opposition and then Ms. Belle.

Bishop J. J. S. ATHERLEY: Thank you, Mr. Chairman. I hope I am not jumping into the river at the wrong point in picking up where you are. It seems to me the discussion revolves around those people who operate selling activities from homes and that is part of Barbados's culture. I think people do that for economic reasons, some people do it for other reasons and some might be medical and health-related. I certainly do not think the widening or expansion of vending zones would capture that or treat to that problem. If I am on sound ground with reference to where the discussion is, my view on that matter is that that type of activity you should find some way of delinking it from that which is defined as vending in this legislation. I think if you try to stop that type of activity by bringing it into the formal arrangements of the legislation; if you try to treat to that by the expansion of the zones, and you are expanding zones all over Barbados - this is an everyday cultural thing that these people have done for years and some of us here have been raised on their backs or their efforts - I think you have to treat to the definition of what

vending is under this legislation and exclude some of that. Perhaps you can provide for a mechanism whereby these people can be allowed to apply for permission to do what they do outside of these formal arrangements. That is my view.

Mr. CHAIRMAN: Minister Weir, I am coming to you. I just wanted to ask a question of the Leader of the Opposition. As you spoke, I realise that that there may be a conceptual issue that we have to deal with even at the level of this Committee. Selling from home is what you used as an example. The Honourable Member sitting next to you said selling from in front or next to the house. Again, I am not being facetious there is a difference. Many people have sold from home and for example, you have a shop evolving next to the house or part of the house thing. What we are conceiving of by way of this conversation about vending is slightly different from that. The real question is, do we not want to encourage people not who are necessarily running a shop, but people who are just doing the vending trade to be more formally involved in the structure that the state has created. For me, that is the policy dilemma.

Bishop J. J. S. ATHERLEY: The dilemma for me is how do you provide for formal arrangements around vending in Barbados to make sure there is decriminalisation and people are allowed to empower themselves through the Act to at least support their families etcetera and at the same time or allow for a situation where people sell from beside their homes or on the front step, through the side door or the backdoor or however it takes place. To me that type of activity is a special arrangement, it is a deeply and routed cultural situation driven by many dynamics and I think if you try to respond to that by vending zones you will have vending zones all over Barbados and a mixed analysis of the legislation and if you try to bring those people into formal arrangements without referring to their particular situation you are up against a serious challenge.

Mr. CHAIRMAN: Okay. We are going to have to talk it through. I recognise Minister Weir.

Hon. I. A. WEIR: Mr. Chairman, I wish to agree with the Leader of the Opposition.

Bishop J. J. S. ATHERLEY: The Honourable Member agrees with me.

Hon. I. A. WEIR: We should seek a mechanism which seeks to delink those persons who may want to engage in vending at the side of their house, simply because I do not think that you want to have legislation that is going to disrupt cultural practices and equally you do not want to have legislation that seeks to aim at perfection because perfection is the obstacle to progress as we often hear. However, what we can do is make sure that those people are still captured, because there is another piece of legislation that is coming to this Parliament by way of a Food Safety legislation, where those people are still going to have to conform to some legal framework. I do not think we can perfect it through this. I think the vending zones would take us as far as we ought to where we come to the commercialisation of vending and putting a policy in place to make sure that there is some element of control. However, I would have difficulty with the person that wakes up in St. Philip South without money to feed children and want to sell some bakes outside or some breadfruit off the tree in the backyard and feel as though the system has come out against them to prohibit them from doing that.

Mr. CHAIRMAN: Thank you, Minister. I recognise Senator Dr. Holder.

Senator Dr. L. P. HOLDER: I ask permission to offer a brief submission. I want to go back to Mr. Cumberbatch's intervention earlier. Let me refer to what I call the spirit of the legislation, because when the Task Force that was originally set up to look at this under your predecessor, I recalled being a member of that Task Force; our focus and the spirit behind this was to address the illegality, if I can call it that, that existed really within the sector. As espoused by many of the stakeholders and organisations, one which I represent, we have about 125 vendors in our membership, it was to look at the issue of persons who are operating illegally in one instance and the like. I think that that was the spirit that they wanted to address.

Mr. Chairman, in light of that, I am of the view, and I think Senator Cummins made a point that we may have to look at including in this legislation the opportunity for those who are already doing so from their homes or garages, but the point is on their property, that is what I am hearing coming out, so they are really not breaking the law and what Minister Weir just mentioned about food safety and so on is another issue. Therefore, I think that those persons should be allowed to continue to do what they have been doing. Other members made the point that it is a part of the culture of Barbados, so I certainly would not want to see the conclusion of a piece of legislation that seeks to prevent that from happening as I said it is a part of the culture, but to address what it is that the task force and what it is I believe that I would suspect the Cabinet through this policy wants to deal with having heard from the key stakeholders and that is of persons who are operating illegally, persons who are operating without proper regulations and so on. I think that is the issue. Comrade Prescod in bringing this point to the fore, I think we would want to ensure that we do not in any way disrupt that cultural practice that we know to be a part of our society as a country.

Mr. CHAIRMAN: Thank you, Senator Holder. May I ask the Members of the Committee; how do you feel about this form of language if we were to go back to Part II Clause 3(2) and at Clause 3(2), if we were to insert among those activities, "*the sale of goods, chattels, food or drink within the curtilage of an occupied home*"?

Ms. S. R. BELLE: Mr. Chairman, that does not cover the aspect of where you are, depending on what you vend for a living. Therefore, the vending for a living is an

important component of the matter. What I wanted to suggest is perhaps inserting a mechanism where if it is that the applicant can establish that there was a kind of tradition or a historical aspect in terms of their operation within that area that is outside a recognised zone or one that would be anticipated to be designated as a school, *et cetera*, that based on that paradigm then you can be given the special dispensation to operate there. Of course, this would have to be fleshed out but that is the recommendation that I am making.

Mr. CHAIRMAN: It would seem to me, Ms. Belle, to be enormously more difficult to manage. In other words, I think that you are trying to do it in a more inclusive way in terms of identifying and including those people who would qualify. What I am suggesting is that it might be easier for us just to carve out those people which the Committee is pointing us to who would be the people who do it from their homes. Whether they do it occasionally or the livelihood, I would not have to worry about that because you are doing it from within your home and the legislation is not going to trouble you. You would be only saying that if you are selling goods, food, chattel, *et cetera*, from the curtilage of an occupied home, then you are not counted as relevant for this legislation.

Minister Weir's pending legislation can capture you with respect to the food and drink because of the considerations of health and safety.

Ms. S. R. BELLE: Mr. Chairman, that would not cover the individual that you were referring to because that person is operating for a living in a particular area that is not recognised and you would want to have adequate regulation. I am just saying that you should consider it because these are specific carve outs that deal with areas that you definitely do not want to be considered vending for the purposes of this Act. It draws in the regulatory regime that you would not want to have. All of the food safety standards and standards in relation to the property has to be jealously guarded. Thank you.

Hon. K. D. M. HUMPHREY: Deputy Chief Parliamentary Counsel, just for clarity, in your consideration and contemplation would it be persons who are currently doing that kind of business for whom your proposal would be referring to? Therefore, as we go forward given the exigencies of the time and the circumstances people face these days, would your legislation or proposal not be able to cover persons who, for example, may lose a job tomorrow and then find a need to do this kind of work from home? Would they not be covered under the proposal you contemplate?

Ms. S. R. BELLE: For instance, I was basically speaking to the person that the Chairman was referring to earlier in the meeting where you can establish that over a period of years this is where this person operated.

Mr. CHAIRMAN: That person is not operating from a house or in front of it. It is just an individual on a stretch of road.

Hon. K. D. M. HUMPHREY: Kindly let me finish this point very quickly. It is not a point I want to finish. It is just clarity that I am really seeking. By your train of thought, tomorrow or next week if persons then decide to vend or to sell from their house because they are not in this tradition, then what you are proposing does not cover them. I am asking philosophically if that is the position that we wish to take as a Committee. For me, it is certainly not the position that I wish to take. I have heard the Opposition Leader, Minister Weir and Mr. Prescod also, but I am saying that what you are proposing does not address the concern that is actually put on the table.

Senator the Hon. Ms. L. R. CUMMINS: Before Ms. Belle comes to speak again, I just wanted to be clear. Member of Parliament, Mr. Prescod made the point that there is a difference between policy. The policy is derived from Cabinet and by the Minister who is leading the process and then, it gives instructions to drafters who figure out how those policies can be implemented in the drafting of the legislation. I think that it is important for us to separate those two things. I am not confident that -my memory may be failing me- the policy of the Government of Barbados is to create an exclusionary type environment as is being proposed.

The recommendation that you have made, Mr. Chairman, to have the exclusions as at Section 2, Clause 3 (2) I see a bakery, canteen, club and hospital. Those are all established entities which are adequately covered in the legislation and I do not know if I think that your proposal in any way renders an injustice to those persons who are practicing in their homes. I am going to also say from a policymakers' perspective that I would not be in a position to agree with the proposal being made by the legal drafting team. It is on the basis of this point, Mr. Chairman, that the notion a tradition exists does not mean that has to have been a historical practice which was undertaken by an individual at a given time.

The fact people selling in and around their homes is traditionally Barbadian does not mean that I as an individual Barbadian must prove that I have a historical claim to having vended from my house. Those are two very separate things, Mr. Chairman, and I do not think that they should be linked in any way, shape or form. If a single mother who has no day-care for her child is in her home and has no means of going anywhere else to sell and chooses to sell from in front of her home, then she has no reason to prove that she is Barbadian and part of the cultural patrimony of Barbadians to say that she can sell in front of her house.

I think that as long as we create carve outs that Minister Weir has said, then take those persons outside of the framework of this Bill and they are not defined as vending, and perhaps that we create the exclusion as proposed by you Chairman in Section 2 so that persons are earning a living, whether it is a living or a livelihood. Those are normal and decent requirements that we have for every average Barbadian. I would wish to see an accommodation that does not draw them into this definition, Mr. Chairman.

Mr. T. A. PRESCOD: Mr. Chairman, I would just like rather than drifting wide on whether we accept the principle of zoning or not, it is a given. It is not debatable. We understand that it would be in an expansionist programme and zoning is one of the formal structures that would be put in place. However, there is a reality. We are wrestling with the limitations related to what constitutes vending. Barbadian people hold a different view of what is vending. For Barbadians it is not only just in a formal structure in a zone or somebody setting up an ice-cream parlour or somebody selling bread, that is not Barbadians' view of vending. If you go to the corner in The Pine, you will see a young man making a licking trade there. If you come up My Lord's Hill, you are going to see three major places that Barbadians go and shop for fruit and ground provisions every day, some sell sweet bread. All I may ask, and that is why I am saying that I know the drafters may try to respond to the intention of the Cabinet of Barbados, but the truth is you do not know if the response is precisely what the Cabinet of Barbados wanted. I do not even know if the Cabinet itself had a universal view of the concept of vending or just they came with the old tradition and I will say it again and that is why I was opposed to the Police coming here, to come with the same colonial mind-set that must impose a top down approach. In my view, this legislation should not only be decriminalising and not only regulating, but we should be able to capture all of the people that we feel constitute vendors in it so that they can still enjoy the same privileges or we leave them out there subject to the ridicule, and the Police and the torture and the harassment of the Royal Barbados Police Force (RBPF). I am hoping that this is modern legislation. We are not tinkering, we are not just writing down a lot of words and following old time formats and thing and then we end up in an environment where people who believe they are in a formal structure are perceived as vendors, but people who are not selling. In My Lord's Hill, or if you come across Howell's Cross Road - my constituency is a microcosm of my ideas. If you come across Howell's Cross Roads now you are going to see a woman that lives in Tichbourne occupying the step of a friend. Those things come into Barbados and when they are delivered to her. She lives in the gap beside of me. I do not have the space, but I do not have any problem with anybody selling in front of my gate. I do not have those kinds of thoughts in my head. A truck brings about two or three truck loads when the merchandise comes in and she, every morning, gets up with a box-cart and pushes the box-cart across to the Belle Gully corner and you will see her there. Some other people opened up just opposite Storey Gap, you have another one there. My Lord's Hill as I told you has about three so these things are happening. Anybody who has eyes will see that these things are happening. These people are not going to be in a zone because the zone is prescribed by Government. These are things that are evolving because of the economic circumstances and if you know how institutions form philosophically it emerges from the kind of environment that they are living in at a specific time. We are seeing new things occurring because of the times that we are in so I am just saying let us have legislation that address itself to that. If it is an issue, Mr. Chairman, that the people that drafted the legislation need to spend a little time we may not be able to capture it here.

Mr. CHAIRMAN: I think we are largely ad idem on this. I value the concern raised by Ms. Belle but I think that part of where we are now, is to try to find a solution that will capture this inescapable reality. I think the Members who have spoken have all pointed in the same direction, largely, that there is perhaps an oversight in the Bill as it is currently constituted in that there is a practical issue before us. People do sell from within the curtilage of their property. Do we want therefore to try to deprive those people of that livelihood? I think the answer to that must be no. The next question for me is: What is the solution? That is why I try to find a form of language that will allow us to have a carve out without doing an injustice to the broader issue of vending on the streets of Barbados.

Ms. S. R. BELLE: Mr. Chairman, if you do that this is the impact that will happen. You will not then be subject to some important regulatory standards that are supposed to be in place and the reason why we are formulising so then you would have to go out of your way to say that though you are not captured by this you would still have to be subject to the *Food Health Regulations* and so on so that has to be made very, very clear, but I think you are losing the aspect of the formulisation; that was highlighted as a part of the initial underpinning in the first place.

Mr. CHAIRMAN: I understand where you are going but I am yet to be persuaded that Health and Food Safety legislation that will come from the Ministry of Agriculture, for example, will not satisfactorily deal with this nor am I necessarily persuaded that in that period of time that we have between when this Bill passes Parliament and then when it is proclaimed that we do not have enough time to do the kind of sensitisation of those people who, for example, will be selling from their homes that they do not necessarily fall within the four corners of the Vending Bill or Vending Act at that time, but rather they are going to be dealt with by other pieces of legislation that will have requirements. I think that is where we have to go because I am mindful that the members of the Committee, without being so precise in their language, simply pointed us to a reality. The economy of Barbados right now is such that we cannot afford to be excluding people from earning a living in the way in which they have been earning it. While we will broaden the vending zones, I think we have to be mindful of the fact that it is not going to be possible for granny, for example, who is selling from next to her house to be going into the vending zone. That may do her more harm than good, which is not what we intend. Thank you very much, Honourable Member for St. Michael East for raising it. Ms. Belle, please proceed.

If that could be agreed upon. Before you go there though,

I think we have to agree on the form of language because I think we have an agreement on the way forward but the language we use. I have to ask you, even though you may not have agreed with all that we have said, to advise us on the form of language. My thinking is that at Clause 3, Sub-Clause 2, the following activities are not to be construed as vending for the purposes of this Act. Would it be practical to include in there the sale of goods, chattel, food and drink within the curtilage of an occupied home?

Ms. S. R. BELLE: Mr. Chairman, Clause 2 can be amended to cover that. That would be the general idea, but I think it is more to say, maybe the sale of merchandise generally because you want to cover as wide a set of products. We also want to consider also covering services and then we can say - where you are engaging in the sale of merchandise, of the rendering of services from the curtilage of one's home then that can be inserted or language similar thereto - was the undertaking by this office to provide the wording at the meeting.

Mr. CHAIRMAN: Fully agreed. I thank you for that Ms. Belle. I recognise Minister Weir.

Hon. I. A. WEIR: Sir, do you want to say one's home or private property?

Mr. CHAIRMAN: The question from Minister Weir, do we wish to say, "from one's home" or "from a private property"? I suppose a private property is more general.

Senator Dr. L. P. HOLDER: The Deputy Chief Parliamentary Counsel did indicate that she would submit the correct language a little later so I think that she understands the spirit ...

Mr. CHAIRMAN: I think that goes a little bit beyond language Senator. I think it is really a question of how wide do we wish at a policy level to throw the net. Right now people sell from within a private property.

Mr. T. A. PRESCOD: The point I tried to make, which I believe should be able to capture that if you use private property or any property in which they have been granted permission, because I am telling you that the lady that lives in my gap goes away from her property on somebody else's property who have granted her permission to function from there. Therefore, the legislation has to ...

Mr. CHAIRMAN: That is still a private property.

Mr. T. A. PRESCOD: I am just thinking about how the law goes .....

Mr. CHAIRMAN: That analogy will fall within the definition of a private property. Ms. Belle, I suspect that if you make a note to yourself that you look at the private property language you can always advise us when you come, but I think that that throws the net sufficiently wide.

I am advised by the Clerk to point out to members of the Committee that this is being streamed on the Parliament website. Not that members have acted in a manner that would be inappropriate for streaming, but I just wanted to remind Honourable Members. That is not intended to light any fire under the Leader of the Opposition. Leader of the Opposition you have the floor.

Bishop J. J. S. ATHERLEY: I have a concern with the use of the term private property. That could speak to anything. They are people who sell from private property who do quite well and are serious commercially. I wonder if you might consider term domestic space.

Mr. CHAIRMAN: Let us leave it to the Deputy Chief Parliamentary Counsel, she will advise us at the next sitting.

Mr. T. A. PRESCOD: If you have marijuana and you have it under the cellar and you have knowledge that the marijuana is under the cellar, the law clearly explains what procession means. Therefore, you can go into town, leave the marijuana under the cellar, when the law says that you have knowledge that it is there it is perceived as procession in law. The drafters will know how to define it. It does not have to be a definition that comes from an Oxford or Collins Dictionary, you define it according to law, so I do not think there is any complications about that.

Mr. CHAIRMAN: Thank you very much. One second Deputy Chief Parliamentary Counsel. I recognise Senator Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, perhaps let us let this point play out and then I will come back to what I wanted to say.

Mr. CHAIRMAN: Okay. Fine. Deputy Chief Parliamentary Counsel?

Ms. S. R. BELLE: Yes Sir, if you say private property as opposed to the curtilage of your own home those are two different policy concepts. If you say the private property part it is definitely wider, but then some of the scenarios that I am hearing are a lot wider than that and the question is whether you really want to go that wide. I am just asking for clarification, thanks.

Mr. CHAIRMAN: The question is a very fair one colleagues and we need to be very precise in how far we are going to throw this net. If we go to private property, it becomes almost uncontrollable, all things become possible. If we say from within the curtilage of one's home it very concisely treats to those people who the Leader of the Opposition quite rightly points out have been doing this as a matter of course for tradition.

Now, the reality is that the Honourable Member for St. Michael East has pointed us to a situation where a lady leaves her home to go to somebody else's home in order to do this thing. Is this a home from which she does it?

Asides

Mr. T. A. PRESCOD: Almost all the cases that I spoke to they do not own the property but have an oral license so to speak to operate on the property, the owners say you can operate from here, I cannot argue about consideration being given and they paid ten cents or five

cents for permission, I do not think that I necessary, that is a civil matter on its own. However, this is civil legislation and as long as somebody says you can function on my land and it is alright between the two parties the person sets it up.

Mr. CHAIRMAN: Respectfully Honourable Member, that takes us beyond where you originally raised the question. Your question originally was within the confines of your home or in front of your home or something like that. You are now taking us down the road to a piece of land, which is a different thing. I believe that if you are prepared to journey with your merchandise to a piece of land we may be able to put you in a zone.

Mr. T. A. PRESCOD: These people select specific locations that they know that there is a body of traffic arriving at this strategic point so they know that they can capture revenue. We cannot talk about passing progressive legislation and then force people into a zone. This is almost regimental, this is more regimental than regulating, this almost doing exactly what you say you do not want to do anymore. I do not want to just say you must go in this location because this is what we prescribe for you as a zone. I do not think we should do that. It is a conflict of the interest of the people.

Mr. CHAIRMAN: If I can assist again Honourable Member. This is where the benefit of having the overview that was given at the very start of the day's work becomes important, because one of the things that Ms. Belle pointed out to us was at Part five under the Rights and Obligations of the Vendors is the right to be consulted in respect of any assignment of a new site or location in relation to the carrying out of vending business, and to be assigned to a site or location which is conducive to the carrying out of the business so that there is no hint whatsoever of a regimented approach where you are being driven somewhere, quite the contrary. You are for the first being given the benefit of consultation and assignment on the basis of conduciveness to the success of the vending venture. Therefore, I say all of that simply to say that if it is that an individual is going to be assigned to a zone these are the considerations that would be underpinning any such step. I think that we have to be equally fair to the first point that you made, which is, if people have been doing it within the curtilage of their house that we should not obstruct them from earning a living in that way going forward. I think we found a solution to that, but if it is that people are journeying from their home to go elsewhere then I think you need to equally meet us half way and allow us to as the legislation is already saying we are building out for the first time a body of rights and obligations at Part 5. That becomes part of the law and the law would be that you are consulting the vendor in respect to any assignment to a site or location in relation to the carrying out of the business and that one of the things you are looking at in that consultative process is being assigned to a site or location which is conducive to carrying out the business. Senator Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, I have a query and I am growing increasingly uncomfortable. I do not want us to be exclusionary and I thought that the proposal which you made earlier was perhaps a reasonable one, but I too have discomfort about the term "private property". I do understand the limitations of saying, "within the confines of your own home" but that is where we started. It is where the initial query was raised and I supported that. However, when you start dealing with private property, Mr. Chairman, I want to make reference to the Leader of the Opposition and use his language when he was speaking on the Bill to vest the Glendairy Prison some time ago.

He spoke about with specificity to Clause 2 and not just the provision of merchandise, selling of merchandise but also the rendering of services. The Leader of the Opposition spoke at the time about mechanics in communities and what happens when you start to function and provide certain types of services in your communities. Mr. Chairman, I am very familiar at this point with a case which is before the court where an individual functioning in, I believe St. George North, was in the traditional practice of running his mechanics shop from his home and the inevitable spillover that takes place. He was initially given oral permission by the owner of the property at the time. When the property was sold and passed onto the subsequent owner, the position was not followed through.

He refused over many years to remove his derelict vehicles from the people's property. As I speak, there are now about three parcels of land owned by three different people who are all caught up in court cases not just because they are unable to get this individual who is claiming traditional use of the property even though there are multiple notices asking him to cease and desist, but he is now filing for adverse possession of the sections of the people's land on which he had previously run his mechanic business. Therefore, you have people who cannot construct their homes. When you start creating this notion of vending in residential areas and use of private property beyond your own home, you are going down a slippery slope that does not only perhaps empower the individual but it disenfranchises other people in the immediate environs of the peaceful enjoyment of their own property.

We have to find that balance that we spoke about earlier. We have to find that balance.

Mr. CHAIRMAN: I think that Senator Cummins has pointed us in the correct direction. Deputy Chief Parliamentary Counsel, please proceed on the basis of the first proposition which would be within the curtilage of one's home.

Ms. S. R. BELLE: One's home, as opposed to private property?

Mr. CHAIRMAN: Yes, as opposed to private property.

Hon. I. A. WEIR: Mr. Chairman, I believe that that should be checked thoroughly and perhaps returned to because one's private property is really and truly different from one's private home. What it does is allows you to cast

the net further in that, you might be my brother and I will allow you to vend from a space next to my house where you would pitch a tent, but it is not your home. I would want to be careful with the language. Why I am saying this is that we have enough legislation to deal with adverse possession. Those things work themselves out. The owner of property who does not agree to someone pitching a tent and vending from there should take the necessary action in the first place.

Mr. CHAIRMAN: Let me just remind you, Minister, because I do not think that we are at odds on this. I think that the language I had proposed was that we were doing this within the curtilage of an occupied home. Was that not the language?

Ms. S. R. BELLE: Mr. Chairman, it was "the curtilage of one's home". It did not speak to the occupation.

Mr. CHAIRMAN: I see. Well I would wish to assume that if it is your home, you are occupying it unless we have a different definition of home.

Ms. S. R. BELLE: Mr. Chairman, that is why I wanted to mainly flag the private property element which would give the wider scope.

Mr. CHAIRMAN: I think that we have to be very cautious about going as far as private property because that may be a never-ending story. Okay.

Mr. T. A. PRESCOD: I do not like false concepts to be accepted easily. Property law is distinct from what we are doing here. Adverse possession is an element of property law. If you occupy a person's land for 10 years or more uninterrupted and the person gives you notice or there is any contact with the person who purports to be the landowner, then you do not have any case in property law to argue on the grounds of adverse possession. If I see you on my land selling and I say get off....

Mr. CHAIRMAN: Honourable Member, I am sure that you are right but that perhaps would not be germane to the issue before us.

Mr. T. A. PRESCOD: No. It is germane because you are talking about property and it was entertained.

Mr. CHAIRMAN: Though being entertained, it was not the deciding factor behind the decision that was made to proceed.

Mr. T. A. PRESCOD: However, it was used as a defence of persons who are putting a tray, bench or occupying land.

Mr. CHAIRMAN: I am urging, Honourable Member, that we be mindful of the time. I think we have made progress on the point.

Mr. T. A. PRESCOD: I do not want to limit itself in the home because we are not talking about cases alone in the home. We are talking about cases outside the home, unless the drafters could find a definition for "in the home" that includes who are outside.

Mr. CHAIRMAN: Honourable Member, when Ms. Belle presents us with the proposed language next week we will have an opportunity to revisit this in an equally robust manner.

Ms. S. R. BELLE: Mr. Chairman, what was agreed was "the curtilage of the home". It was what was agreed, so that is what we will see.

Mr. T. A. PRESCOD: Therefore, Mr. Chairman, it means that the point that I substantiated with empirical support, that if you come to Howells Cross Road, you are going to see people selling outside there. When you come to the Pine, you are going to see another man selling. When you come to My Lord's Hill, you are going to see about three persons selling. These are not in the homes.

Mr. CHAIRMAN: No, Honourable Member. They are not but what we equally have said, and I am asking you to remember the broad language of the legislation. The legislation is carrying with it a provision for zones. Zones can be created virtually anywhere. The reality is that if we are going to say that you are leaving your place of residence or wherever you go to collect your merchandise and you set up at another location, then you are outside of the very useful point that you drew our attention to which is that some people sell from their house. Outside of their house....

Mr. T. A. PRESCOD: I was not the person that made that point.

Mr. CHAIRMAN: That was the first point that you made.

Mr. T. A. PRESCOD: I spoke about people because I had a mental construct of what I witnessed every day and that was outside of the homes, but in close proximity on their land or land that owners approved the persons could sell on it.

Mr. CHAIRMAN: Okay. I am inviting you to join me at the point where once you are outside of the house, then it allows for the legislation to creatively make the zones. The vending zones can be anywhere. As an Honourable Member, you will have an input into the vending zones in your constituency. Therefore, the people you are pointing us to will not be disadvantaged unless you choose to turn a blind eye to their circumstances.

Mr. T. A. PRESCOD: Every time a new vendor comes up, it has to be approved....

Mr. CHAIRMAN: No. We have to be practical. If you have an area, for example, in the Ivy where they are some people who may be vending but there are not at their house and wherever located, then the fact of the matter is that we would want to create a vending zone so as to have proper accommodation for all of those persons who may be in that immediate area. Again, remember that the vending zone is not just about a place to put up a stall. The vending zone is intended to be an area of empowerment so that you want to have the Wi-Fi access, you want to have the bathroom facilities, you want to have the special lighting so you can do it at night, you want to have parking and so on. It is really an opportunity to do vending in more commodious circumstances, it will require for some vendors to shift their location, but again, we all have to be

practical about this. We cannot have a vending zone at every junction so there is going to be some give and take in the process. Agree? Fine. Let us proceed then. Ms. Belle, the Floor is yours.

Ms. S. R. BELLE: Mr. Chairman, moving on to Clause 3(2), the following activities are not to be construed as vending for the purposes of this Act. It speaks to the sale of goods and chattel pursuant to the *District Auctioneers Act*, Cap. 114.

Hon. K. D. M. HUMPHREY: Sorry, Deputy Chief Parliamentary Counsel, you either have to go closer to the microphone or remove the mask because you are muffled and low.

Ms. S. R. BELLE: Apologies. Yes, so Clause 3(2) we are dealing now with activities that are not to be considered vending for the purposes of this Act so (2)(a) goes into the sale of goods and chattel pursuant to the *District Auctioneers Act*, Cap. 114, the sale of merchandise by a retailer, the sale of food or drink in a bakery, canteen, operating in a club, hospital, institution or school, club, a hospital, an institution or a restaurant not operating on a beach, esplanade or in a garden or a park or a hotel which is not operating on a beach, esplanade or in a garden or a park whether carried on for profit or not and the sale of merchandise where the profits thereof are used solely for a charitable purpose. Provision has been made to deal with the amendment of Clause 2 by order which is unusual but it is not unheard of, but this is because you have an anticipation that it maybe that these matters would have to be adjusted and so you are giving some flexibility to intervene without triggering the full Parliamentary process. Thank you.

Mr. CHAIRMAN: Are there any questions that members have with respect to Part II? Senator Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Thank you, Mr. Chairman. I just have two points, 1) which is specific to Clause 3(1). We spoke about vending referring to the offering for sale of merchandise or the rendering of services and I am just querying if there is a reason why that language or "the rendering of services" is not continued throughout the text because we have here at Clause 3(2)(b): "*... the sale of merchandise by a retailer ...*" Is there a reason why it is not "*... the sale of merchandise and rendering of services ...*" at Clause 3(2)(b) making sure that the language is consistent. Just that query and (2) then I had raised earlier for a request for the definition as it relates to Clause 3(2)(c)(7): "*At a hotel or which is not operating on a beach, esplanade or in a garden or park ...*" and you did mention in the informal discussion that we had before about the National Conservation Commission (NCC) legislation but I went through Schedule 8 where it did speak about consequential legislation and I am not sure which specific legislation you were referring to so I just wanted to have clarification, Mr. Chairman.

Mr. CHAIRMAN: Deputy Chief Parliamentary Counsel?

Ms. S. R. BELLE: Mr. Chairman, in relation to Clause 3(2)(b). "*... the sale of merchandise by a retailer ...*". Just important to remind everyone of what the definition of "retailer" would be in context, "*a supermarket, shop or other entity that offers for sale or disposal merchandise to the public*" so in that sense, because of that restricted definition that would not then be contemplating the rendering of services. That is the first thing. The second in relation to what Clause 3(2)(c)(7) has to do with the fact that as a consequence of trying to address the ... Sorry.

Asides.

Ms. S. R. BELLE: Okay. Let me start again. In relation to Clause 3(2)(c)(7), one of the things that needs to be realise is that the *National Conservation Commission Act* sought to regulate the operations of vending on the beach where it spoke to hotels and so what needed to happen then is that there needed to be a mechanism for regulating that to preserving that regulatory function. That regulatory function is therefore preserved in Clause 5(6), but it was important to point out in Clause 3(2)(c)(7) that we still want to make sure that you were not regulating hotels that are not operating on a beach, esplanade or a park so that is the reason why it was approached in that way. Thank you!

Mr. CHAIRMAN: Any other questions? Observations? Okay. Madam Deputy Chief Parliamentary Counsel please proceed then to Part III.

Ms. S. R. BELLE: Are we proceeding to Part III or are we going Clause by Clause? Just for clarification.

Mr. CHAIRMAN: Sorry?

Ms. S. R. BELLE: For clarification, are we going Clause by Clause?

Mr. CHAIRMAN: Yes, just as you did before.

Ms. S. R. BELLE: Right, but you indicated to move to Part III, but we are still in Part II.

Mr. CHAIRMAN: I thought that Part III begins at Clause 4.

Ms. S. R. BELLE: Okay, so now Clause 4 is in Part III.

Mr. CHAIRMAN: Yes, correct.

Ms. S. R. BELLE: Okay. Sorry about that.

Mr. CHAIRMAN: No problem.

Ms. S. R. BELLE: Clause 4 is a licensing requirement so vendors are required to have a licence, but – and this is where they were supposed to be some new drafting in relation to persons – they are supposed to be of a certain age and have a licence. The thing is though, from a policy perspective starting from 16, this may be an issue under the *Minors Act* and also under international conventions and so, in spite of the fact that it may have been the intention to encourage entrepreneurial spirit, it may be better to say, unless he is 18 years old or older and he has a licence. Thank you.

Mr. CHAIRMAN: What are you saying specifically with regard to this? Let us deal with the

Minors Act first and then any international commitments that we may have. What is the provision in the *Minors Act*?

Ms. S. R. BELLE: The *Minors Act* is saying that the minor would be a person under the age of 18 and under that Act you would not have the capacity to make legally binding contracts. Therefore, there is a proviso that allows for the recognition of some.

Mr. CHAIRMAN: Let me just interrupt you, just for clarity. You would not be able to contract up until what age?

Ms. S. R. BELLE: You are supposed to be 18 years old and up so you may have to amend it to 18 years old and over.

Mr. CHAIRMAN: Understood. Minister Forde.

Hon. A. R. FORDE: Yes, please, Mr. Chairman. There is no way that we can work out something for persons who are just about 16 years old because based on where I sat in 2018-2020 or so as Minister of Youth, there is an unequivocal desire for all school leavers, 16 years when they leave school to become entrepreneurs and business people; 60 per cent of all school leavers, and that is a confirmed survey. Hence what I am asking is this. Can a provision not be made for those 16-year-olds who are interested in having their own little business [for them] to be accommodated, somewhere, somehow?

Ms. S. R. BELLE: One of the things for us in the *Minors Act* was a *proviso* where they recognised some contracts but that would be voidable. Then that can be a bit of a problem. However, the thing is, that you can create probably a clause that would recognise the capacity to enter into those types of contracts in this context, notwithstanding the *Minors Act*, that is a policy issue and there are some other issues that you may want to take into account, so [that] I would leave that for the discussion of the Committee.

Mr. CHAIRMAN: I must tell you that I am a little bit hesitant about going too far down the wicket in this regard because we are also talking about vendors supplying services; services are wide and as you have quite rightly pointed out already the *Minors Act* makes provision for some types of contracts to be voidable and to do that primarily because of the fact that this 16-year-old still may need to be protected somewhat.

It may well be beyond the scope of what we are intending to do here, to make alterations to the *Minors Act*, as just a simple consequential amendment. That may require a wider and a more focused degree of attention by the Cabinet. I remember the first draft, the first draft was not 16, but 18. Was it not?

Ms. S. R. BELLE: No, Chairman, it was always 16.

Mr. CHAIRMAN: Colleagues, I think that simply put, what we have done is to have a little bit of a collision between this and another piece of legislation which is intended to protect some young people and an arbitrary change to that legislation is now what we would have to decide to do. Minister Forde, you wanted to ask a question?

Hon. A. R. FORDE: Mr. Chairman, are the same 16-year-olds not allowed to be employed under contracts? I am trying to get an understanding because these same 16-year-olds of whom I am speaking, who are so interested and excited and have this fervour to become entrepreneurs and business people in this country, whom the unemployment rate speaks to most negatively and unfavourably as it relates to their level of unemployment in this country, so that this now is an opportunity for them to be engaged and to be involved in commercial enterprises. I am really putting up a serious fight because I faced it, I lived it, I felt it as Minister of Youth, and I know of their excitement; they were into paper art, all types of juices, and they are suffering with this level of unemployment. Therefore, I just want to know if they [cannot] be given work on contracts when they are given work when they leave school and if we cannot make some provision for these 16-year-olds.

Ms. S. R. BELLE: Mr. Chairman, as I would have indicated earlier, there is a *proviso* of Section 19 of the *Minors Act* that would give recognition, but the thing is, that it makes such contracts voidable, so that in any case if it were to come before a court the court is going to cancel it anyway because a minor would be involved. Hence, I am just putting it out there and since it is out there, then would it not be more prudent to have 18 years and older? However, as I said, it is a policy issue, the *proviso* contemplates it, it is just that it is voidable, so whether or not the other person has a legitimate claim the court is going to void it because of the age of the person involved.

Hon. A. R. FORDE: Mr. Chairman, if I were to offer a 16-year-old a contract now in my business, are you saying if there is a situation that it goes before the court that the court will void it because of the laws?

Ms. S. R. BELLE: Yes. Let me try to bring up that piece of legislation.

Mr. CHAIRMAN: While you do that, Ms. Belle, the Honourable Leader of the Opposition had wanted the Floor. Perhaps while you do that we could hear from the Honourable Member.

Bishop J. J. S. ATHERLEY: Mr. Chairman, I strongly support what Minister Forde is saying. He speaks about the spirit of entrepreneurship. I am not coming from that perspective. We have very high incidents of youth unemployment in Barbados. We have a lot of people leaving school between the ages of 16 and 18. We have big problems with youth deviancy in Barbados. There is the whole issue of expediency. There are a lot of people in St. Michael West, I know, who came out of very poor families and the day that they finished school, their mother, grandmother or aunt wants them to find something legitimate. We can exclude them perhaps because of some legal consideration, but what we will find is that there will certainly be drawn into that net of deviancy. We have to address it from the other issues. I cannot argue the legal perspectives here, I am simply saying I support Minister

Forde and I understand what the Honourable Member is saying about entrepreneurship, but there are other issues such as high levels of unemployment, the whole issue of economic expediency existing at the level of households and families in Barbados and the problem we have with youth deviancy.

Hon. K. D. M. HUMPHREY: Mr. Chairman, sorry before you move off on that exact point, I want to make the point made by the Honourable Leader of the Opposition.

Asides.

Hon. K. D. M. HUMPHREY: I mean in relation to the fact that you were also agreeing with the Minister of the Environment. Mr. Chairman, on a serious note; youth unemployment is a situation of young people who are looking for a job but cannot find a job, with the age range being defined by the United Nations as 15-24, so you are considered an unemployed youth by the United Nations which will go towards out staggering youth unemployment figures but at the same time we are saying that a person who falls within that age range is denied the opportunity to be an entrepreneur. It is almost contradictory, the more you think about it. Mr. Chairman, my question is: Are we saying by virtue of what is written here that a person simply cannot be registered as a vendor, but are we depriving the person from being able to work? Mr. Chairman, are we saying that we can continue to do this business as a vendor of sorts, but that you would legally not be registered as a vendor, you would not get a licence, but [that] we are not preventing the person from... Like if my daughter determined that she wants to sell at 15 from my house, either snow cones, ice creams or something, we would not be preventing her from doing that, we are only saying legally you are not registered as a vendor?

Ms. S. R. BELLE: This is what I am trying to draw the Committee's attention to. We have an Act on the books that speaks to whether minors can be drawn into contracts. Currently Section 19 of the *Minors Act* said:

"PART III

MINORS' CONTRACTS

19. *"Contracts by minors, except for necessaries, to be void All contracts whether by specialty or by simple contract, henceforth entered into by minors for the repayment of money lent or to be lent or for goods supplied or to be supplied (other than contracts for necessaries) and all accounts stated with minors, shall be absolutely void:*

Provided that this Act shall not invalidate any contract into which a minor may, by any existing or future enactment or by the rules of common law or equity, enter, except such as now by law are voidable."

Ms. S. R. BELLE: Mr. Chairman, ...

Mr. CHAIRMAN: Before you intervene Minister, just let the Deputy Chief Parliamentary Counsel finish making her point.

Senator the Hon. Ms. L. R. CUMMINS: If you could please ask the Deputy Chief Parliamentary Counsel to assist the Committee by speaking into the microphone, because we are struggling and asking her on each occasion....

Ms. S. R. BELLE: Mr. Chairman, then there is the proviso of the *Minors' Act*, which states as follows, *"Provided that this Act shall not invalidate any contract into which a minor may, or by any existing or future enactment or by the rules of common law or equity, enter, except such as now by law are voidable."*

Therefore, the thing is that there is some wiggle room for the recognition, but the problem is that in the public interest it would be voidable, so that even if the other party has a legitimate claim it would not matter because it would be voidable in the public interest. That is what I am trying to point to you, and so the question is, in light of what was just read, whether it is that you can create the exception formally, or which may be easier, just put in the age to 18 years and over and move forward. That is a decision that has to be made policy wise.

Mr. CHAIRMAN: I recognise Senator Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Thank You, Mr. Chairman. Now, I believe the *Education Act* requires children to be in school up until the age of 16. I am not clear, I am not an Attorney, but perhaps I can be advised by those in the Chamber if the legislation actually does require for formal education to take place until age 18. If not, there is a gap between age 16 when a person leaves school and age 18 when they can apply for a job. Mr. Chairman, I think that we are now talking about a consequential amendment of the legislation given the overall gap that is created by the education legislation and the *Minors' Act* that is described by the Deputy Chief Parliamentary Counsel. On that basis, I am not sure that we should in the context of the unemployment levels of which Minister Humphrey spoke, the agreement by the Leader of the Opposition and the primary point made by Minister of Environment who was previously Minister of Youth, that we should in policy have a situation continue where there are two years in legislation where 16 to 18 years olds are not required to be in school but they cannot legally be employed or engaged in any kind of employment type relationship. Therefore Mr. Chairman, I would want to recommend that the legislation, in fact, as it is drafted now remains at 16 and perhaps under the context of consequential legislation amendments that you and perhaps the other affected Ministers may wish to raise that the substantive legislation may in itself need to be amended.

Mr. CHAIRMAN: Here is what is going to happen, because I think that Deputy Chief Parliamentary Counsel has given us a very sound exposition on the law and pointed us to the fact that there is a proviso that can be applied, but we should walk cautiously when applying that proviso. The Committee in my judgement must be careful not to engage in whimsical conduct so that I would want to

urge therefore that we take advice from the Ministry of Youth Affairs on this matter and equally so from the Solicitor General and we ask them to come back to us in the shortest possible amount of time. Then, based on that very solid sourced advice we will be able to decide as to whether we move this from 16 or not. I would not want for the Committee to undertake that venture without the benefit of the best possible advice, otherwise, we would be acting on a frolic of our own and I do not think that it is appropriate. Ms. Belle, you can please proceed. Mr. Clerk, can you please have the necessary letters sent off at the earliest possible opportunity to both the Ministry of Youth Affairs and the Office of the Solicitor General. You were at Clause 4(2) mam.

Ms. S. R. BELLE: Mr. Chairman, Clause 4(1) requires the age discussion and then you are required to have a licence to operate as a vendor. In the circumstances as set out in Clause 3. Clause 4(2) states that if you are in contravention of Clause 4(1) then you will be subject to an administrative penalty. Clause 5 gets into the application for the granting of the licence and at this point, I will invite comments concerning this matter.

Mr. CHAIRMAN: Are you inviting comments on Clause 5?

Ms. S. R. BELLE: Yes, Mr. Chairman.

Also, in relation to one of the policy matters, fresh meat was supposed to be covered under the vending legislation .....

Mr. CHAIRMAN: Sorry, under which legislation?

Ms. S. R. BELLE: The vending legislation that we are considering here. As a consequence, there were some amendments to be done to the *Markets and Slaughter-Houses Act*, inadvertently, there were some provisions that were left out and that is Part 2. Part 3 and 8 of the *Markets and Slaughter-Houses Act* was supposed to be taken out as a consequence because we are trying to deal with vending here in this legislation. I just wanted to flag that. Hence, in the subsequent draft that would be submitted for next weeks' consideration then those particular amendments would be put back in the consequential amendment and that will be in Part 8 of the Bill. Thank you.

Mr. CHAIRMAN: I did not hear the last couple words you said.

Ms. S. R. BELLE: Part 8 deals with the consequential amendments.

Mr. CHAIRMAN: Fine. Beyond the consequential amendment, colleagues I think what the Deputy CPC is now inviting therefore is our views on Clause 5 in its entirety. Now, we had gone through this at the start of the morning when we did the broad overview of the legislation. Are there any issues that any Members have in respect to Clause 5?

Mr. T. A. PRESCOD: Mr. Chairman, I am trying hard to identify the Section where the Minister refuses to certify an application. The matter can be reported to a Judge. I am wondering if we will do everything that we can to keep these matters out of the Court system unnecessarily when most of these matters can be resolved and are not that seriously contentious and it must end up before the Court. I personally believe that a mechanism could be put in place where the Minister makes such a decision a provision can be inserted that will allow the individual to apply to a special Committee or Tribunal within that could receive the matter. Is it in there?

Mr. CHAIRMAN: Honourable Member, I say for the benefit of other Members who may have felt that this morning's exercise was overly pedantic. This is precisely why it was conducted. We are going to come to that, Honourable Member. Keep your powder dry. I think at this stage we are at the point of determining the process of application for the granting of a licence. Deputy Chief Parliamentary Counsel, it might be easier to tease out any concerns if you just went through this once again.

Ms. S. R. BELLE: Mr. Chairman, hopefully you can hear me. I am so sorry. Generally, Clause 5 deals with the procedure for applying for a grant of a licence. There are two regimes going on here; applying for a licence in the context where you are not vending in a beach, esplanade, garden or a park. You would then have to submit an application form to the Minister. The Minister in this context would be Minister responsible for Commerce. This is 5(1) and 5(2). Under 5(1), you are dealing with those vendors who are not operating within the esplanade, garden or a park and they would be required to submit an application form, proof of identification, proof of address.

If you intend to operate as a food vendor, then you have to show a certificate of good health by a registered medical practitioner and a licence to carry on a food business. Those who are seeking to operate outside of the public market as a meat vendor, they have to show that their meat shop or premises is in a certain type of condition. The Minister under Clause 5(2) on consultation with the Ministers responsible for Public Markets and Fisheries would grant a licence to an applicant referred to in subsection (1). We come to the licensing regime which deals with the persons who intend to vend on a beach, esplanade, garden or park.

They would then have to apply to NCC and would be submitting an application form, proof of identification and proof of address. If you are operating as a food vendor, you need the health certificate, licence to operate a food business for the health services and food hygiene regulations, and also the payment of a fee. The fee is applicable also in the first case. The NCC, may grant a licence to the applicant referred to in Clause 5(3).

In subsection (5), where a person submits misleading information in their application they will be subject to payment of an administrative penalty. The next provision stipulates that subsections (3) and (4) which deals with vending on the beach and if they are a hotel, restaurant or other business, they would have to apply as well. They would have to show that they have a valid

licence under the *Liquor Licences Act*. This is Clause 5(6).

Hon. A. R. FORDE: I just want to ask a question. Are there any provisions in this legislation which speaks to the proof of the source of the goods? Oftentimes, we fear that farmers and other persons lose their stock. Is your licence subject to proof that your source of goods is a legitimate source?

Ms. S. R. BELLE: You have a separate regime that regulates transactions. It is a separate regime, so that is going to be dealt with then under the Protection of Agricultural Products Bill. It is a separate regime where you are regulating the transaction itself and at that point you would have to then show where things came from, *et cetera*. Therefore, that is a completely separate regime.

Mr. CHAIRMAN: I caught the Leader of the Opposition first but you are next, Senator Holder. The Leader of the Opposition prefers to give way to you, Senator.

SENATOR Dr. L. P. HOLDER: Thank you. I have always known him to be a gentleman. A question through you, Mr. Chairman, to the Deputy Chief Parliamentary Counsel. Based on her intervention earlier, I want to have an understanding of the process and only because of something you said. Is it that the applicant to the NCC and/or the Minister responsible for Public Markets will apply there and will get their licence to operate from those two entities following consultation with the Minister of Commerce? Did I hear that in terms of the process?

Ms. S. R. BELLE: Mr. Chairman, there are two regimes. There is a regime that regulates when you are vending from a beach, park, esplanade, *et cetera*, and that is regulated by the NCC. However, if you are selling outside those zones, then you will apply to the Minister of Commerce but in the grant of the licence, the Minister of Commerce would have to consult with the Ministers responsible for Fisheries and Public Markets given the fact there are some overlapping jurisdiction, and they should have some input in how the licence is granted.

Thank you.

Senator Dr. L. P. HOLDER: Mr. Chairman, it is that word "consult" that I thought I heard earlier and that goes to process. All of us in the Chamber knows that these processes can at times be long and arduous. They can at times be at the disadvantage of the applicant. Mr. Chairman, I am wondering if there is a way that the legislation can enable a process that allows for the Minster of Commerce in the instance where the applicant applies there, who can issue that licence and may be communicate to the other ministries following that submission with the proviso that it can be revoked if there is something untoward that the due diligence suggest.

Mr. Chairman, if there can be another simpler way because I am conscious that we are talking about persons who want to maximise on whatever opportunity it is. We all know that in business, time is money. We want to avoid in this modern time these long and unnecessary bureaucratic processes.

Mr. CHAIRMAN: Senator Holder, this matter I would have to say to you was perhaps the most challenging of the areas that we confronted in the process of bringing this legislation. There is a separate regime standing on its own which the Ministry of Environment had for dealing with the beaches. Equally, the fish markets are governed by their own regime and everything else in Barbados is considered a market to be governed by the *Markets and Slaughter-Houses Act* under the Ministry of Agriculture.

It really became a challenge to try to bring these three together into one unit. I understand what you are saying. It is perhaps the best that we can make of the circumstances to have it done in the way that we are doing it because effectively what we want to do is to have one piece of legislation which ensures equality of treatment across multiple theatres of commercial activity and each of those theatres of commercial activity had previously been governed by its own rules and regulations so we are trying to bring them together in one. I understand clearly the challenge you have because it is a matter that I had turned over in my mind as well. I believe that when we speak about consultation it should be understood that it is not just about minister to minister consulting, but rather the principle, I cannot remember what it is, ...

Ms. S. R. BELLE: The Carltona Principle.

Mr. CHAIRMAN: ... the Carltona Principle that ensures that it is really the staff of the Ministry who do this interfacing and effectively what would be happening is that the Ministry responsible for Fisheries and the Ministry responsible for Fisheries alone will be in a position to say they are four available stalls at Oistins Fish Market and one at Payne's Bay. Nobody else can determine that therefore it is for the Ministry of Commerce to reach out to say we have applications, can you fill the space or is there space for the applicants to be satisfied and it is only then when once that consultation is done that you know what exist within the Ministry of Fisheries. It is not an automatic thing therefore that if all of the fish market stalls and so on are taken up at present and you have five applicants to have a fish market stall that you could automatically get it. That is the reality and the only way that could be governed really is by the Ministry responsible for Fisheries making that determination. Hence too it is with the National Conservation Commission (NCC) because they must maintain the beaches in a certain way and because they have a certain responsibility for the environment and all of the other things related to the management of the beaches, flora and fauna, they must be in a position to say, this is the amount of space we are allocating on any beach for vending and the only way that we can know that from commerce is by interfacing with them at the staff level. I understand the challenge but it is really the only, up to this point, feasible way of operationalising this that we have been able to come up with.

Senator the Hon. L. C. MOE: Mr. Chairman, a follow-up, is it a case where the applicant then applies to

the Ministry, for example, in this case, of the Environment and/or Markets and so on, and those ministries issue the license and those Ministries then, in turn, notifies the Ministry of Commerce. Is that the process?

Ms. S. R. BELLE: Mr. Chairman, no. You apply to the Minister of Commerce and then when there is a decision to grant, but there must be a consultation where the Minister responsible for Fisheries and the Minister responsible for Public Markets. That is how it is supposed to work.

Mr. CHAIRMAN: At the back end of that, obviously, the ministries outside of Commerce, Fisheries and the Environment, must be able to keep Commerce abreast of what are the licenses issued so that we are able to maintain the register properly.

Ms. S. R. BELLE: Mr. Chairman, just to be very clear. You have to recognise the two regimes that are being regulated here. There is the regime where you are dealing with the parks, esplanade, *et cetera*, that is dealt with by the NCC along but where you are outside of that, then that is dealt with by the Minister who is responsible for Commerce, but then in the approval or the granting of the license we must still have consultation with the Minister who is responsible for Fisheries and the Minister who is responsible for Public Markets. Thank you.

Mr. T. A. PRESCOD: Mr. Chairman, could we put in a mechanism in the legislation that says where there the interests of two departments or two ministries, not necessarily come into conflict.

Asides.

Mr. T. A. PRESCOD: Converge - correct, thank you very much – that there will be a mechanism that will allow a kind of inter-ministerial or inter-departmental committee to be able to … Can you do that in legislation?

Ms. S. R. BELLE: Mr. Chairman, just to say that originally, it used to be consultation with the Vending Committee and then there was a long discussion and the thing is what we have here is as a result of prolong discussions by stakeholders. Admittedly, it is not perfect, but we do not want to perfect to be the enemy of the good. In addition, I have to make the observation that the Act does not come into effect immediately, but that there is provision for it to come into operation on the date of proclamation. That then gives all the functionaries the opportunity to come up with a mechanism that would view the thing as efficiently as possible. Thank you.

Mr. CHAIRMAN: The Leader of the Opposition.

Bishop J. J. S. ATHERLEY: Thank you, Sir. Money is not big, but in my view the principle, p-r-i-n-c-i-p-l-e is big and I do not know why we continue to attach fees to things like this. I have said this before. I understand if we ask very affluent lawyers to pay a professional fee to be allowed to operate on a yearly basis so the medical people or what have you and I understand that. I do not understand why you are asking vendors still in 2021 to pay a fee. The money is small but to me the principle is a big thing. I understand the penalties for breaches and they should be applied but a license fee to sell pears down the road. Certainly that is behind us. The Government cannot make much money from that. What is the fee for?

Mr. CHAIRMAN: Senator Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, thank you. I just wanted to raise a point here in the licensing application process. The legislation does speak to, in great detail, the information required for the licensing, what happens in the issuance of that license and what happens in the instance of breaches, but I am not seeing any requirement for an obligation on the part of the Government agencies of which you spoke to turn this around in a time-frame that does justice to the applicant so, Mr. Chairman, if we are to have persons who have submitted an application for a license and they are there for the purpose of earning a living and their livelihood and they are not those that are earning significant sums of money on a monthly basis, if they are paying an application fee of $150 as is unfortunately, not unusual in the system of the bureaucracy to take over an extended period of time I think then that creates a challenge and, Mr. Chairman, I would want to urge perhaps that we would want to have at least some level of predictability given to turnaround time for this in the interest of applicants.

Mr. CHAIRMAN: May God bless you for that, Minister. I know that this is a matter that also attracted our attention earlier and I am glad that I am not alone. I feel that this is perhaps – and I will come back to the Leader of the Opposition – but this is perhaps a matter that we could benefit from some guidance on as to how best this check and balance on the system could be implemented because with the best wishes in the world, unless there is some sort of, at a minimum, an agreement that there is a standard of service arrangement between the two ministries or among the three ministries. There is that almost predictable and inevitable challenge that we will come up against whereby something will just take too long on somebody's desk at some point in the process to the detriment of an applicant. I would be happy to hear any suggestions as to how we can get around that. The Leader of the Opposition is speaking without having the floor, but I am happy to hear him. Leader of the Opposition, your other point, to be fair to you, you made the point about fees when you spoke in the House where this matter was introduced, I felt then as I do now that it is an interesting point. The register of vendors which we come to at Clause 7 has to be created and it has to be maintained. It will be done in an electronic form and also in physical form. To the extent that it is going to be in physical form, it will require some manual work and I basically think that we are talking about a nominal fee but effectively one has to have the manpower to do these things. Now I am not going to say that the $100 that is being charged for an annual licence or the $25 or $50 for an occasional licence is adequately or accurately reflecting what you are going to pay somebody to maintain the

register. Equally, however, in my judgement, precisely because it is small it does not do harm or injury to the applicant but at the same time everyone who has to pay a cent in anything takes a stake in the process and I think that that is also an important thing as well. Honourable Member, I am prepared to hear your argument on this further if you wish to come back again. Deputy Chief Parliamentary Counsel, are there any suggestions that you can make to us on the point that Senator Cummins raised?

Ms. S. R. BELLE: Mr. Chairman, a time period would be inserted in terms of the decision for the grant of a licence, so it would just be a discussion of policy point in relation to the time period that can be set, so is it seven days, is it 14 days, what is in the interest of business but also balancing what are the resources of the Ministries involved or the functions involved in order to get that job done. Thank you.

Mr. CHAIRMAN: I am reluctant to arbitrarily try to set a time-frame from this position, but I would be grateful like Minister Forde, Minister Humphrey, and Minister Weir if you all will speak with your technical chiefs and get an idea as to what they feel would be a reasonable turnaround time.

Hon. K. D. M. HUMPHREY: Mr. Chairman, just to be clear. There are going to be circumstances where the response is going to be we have no space. That more often than not will be the response. For example, in the Fish Market, there are hardly any spaces, the people often want to be selling fish, especially we found a tremendous increase in the last year because circumstances were so hard. However, the response would be we really do not have any space. I do not know in those circumstances that persons should pay an application fee when we clearly do not have any space. What normally happens now is that persons only pay a fee when we are offering a space not necessarily on the application itself, so verbally we would say sorry we do not have any space. Once such is done and there is a facility that can actually have someone, then we say this is the fee, this is where you have to pay it, and so on going forward. The response time for me can be very quick because more often than not I am saying I do not have a space. If there is a case where there is a space and we are offering the person a position in the market, then you would be able to set a time-frame.

Mr. CHAIRMAN: I think that is what we need, because in the negative it really is not an issue, you can say that immediately. If the affirmative is the issue, then we will need to know what form your Ministry's perspective of the considerations.

Hon. K. D. M. HUMPHREY: I am agreeing with you Mr. Chairman, I am just saying in practice instead of taking people's money for an application where people are applying and there is no space.

Mr. CHAIRMAN: Now you argued two things at one time but I take the second point as well. Effectively if I am understanding you correctly, you are saying and the Leader of the Opposition is not listening, I want him to listen, the suggestion from Minister Humphrey is that you would not charge a fee to someone who is not going to have an affirmative answer to the application. The Leader of the Opposition is going further.

Hon. K. D. M. HUMPHREY: I was not responding or trying to rebut what he is saying, I am sure what he saying is coming from a very decent place. All I am saying is that current practice now is that that person only pays once we are in a position to give them a space and that was more in relation to Senator Cummins question about the time from and so on. Hence, I take the point that on the one hand where there is no space the response is almost immediate, but does that response come from you, the Minister of Commerce, or from me, the Minister of Maritime Affairs? That ties into the issue that Senator Holder raised. I do not think that we want to create systems that unnecessarily become more and more convoluted. If the Prime Minister was here she would speak about the byzantine architecture that we seem to build. The way I had envisioned this Mr. Chairman would be, beyond an application a person is determined to get a space if they are trained to a certain extent, so that the person has the skills to be there in the first place, at some point we were looking at person's behaviour, if the persons had a history of causing disturbances in the market and so on. Hence, I am saying there are other things that come to bear beyond issuing a licence that Commerce will surely not be aware of, and I had thought that the way this would work would be that the person would come to us, we will do the necessary work and make the recommendation to Commerce so that Commerce's only responsibility would be to assume obviously that we have done the work and then we pass it on until you issue the licence, you keep the register because that will be on that end. I do not know that you want to inherit the work of actually investigating all of these persons on a case-by-case basis. That work remains with the Ministry and at the end of that work, you simply say, okay we are going to recommend you for the licence through the Minister of Commerce, so that you have your files and records but you are not getting involved in the minutiae.

Ms. S. R. BELLE: I think you are getting a little bit lost here because all of that is supposed to be captured in the consultation process.

Hon. K. D. M. HUMPHREY: I do not think I am lost; I think you are lost. What I am saying Mr. Chairman, is that in terms of consultation, why would the Ministry of Commerce wish to engage itself in these matters that can easily solely be determined by one Ministry? Why then would we have to go to make this process so complex? Why the Ministry with the skills, the know-how, and the relationship, cannot make the assessment and make a recommendation? The consultation then comes between the Ministry of Maritime Affairs and the Ministry of Commerce, but I do not know that you want to engage every single vendor.

Mr. CHAIRMAN: Deputy Chief Parliamentary Counsel are you leaving us? I think that there is a provision

in the legislation for there to be a register maintained of all of the vendors. I think it is Clause 7. That register is there and is maintained by the Ministry of Commerce. I believe that where Ms. Belle was going is that when once you have done all of your due diligence internally and have agreed to the issuance of the licence, then the register reflects the fact that the licence has been issued and has to be maintained, which is obviously a question of us facilitating each other with the flow and exchange of information.

Hon. A. R. FORDE: Mr. Chairman, if I may. What I am gathering here is that from the legislation because we are having one Vending Bill and you as Minister of Commerce that persons apply to the Ministry of Commerce in the event that it is an application that would require the visual acuity of either myself as Minister responsible for NCC, Minister Humphrey or Minister Weir based where the person seek to vend. I think what Ms. Belle was saying was that there is a central ministry which is the Ministry of Commerce and then you would pass on that application to the various ministries. This is what I am sensing the legislation is speaking to. It is rather than individual persons applying to individual ministries.

Mr. CHAIRMAN. Yes, except for the ministry that you lead, Minister Forde. I believe that the NCC because of its unique responsibilities has the complete control over that. Equally, you share with us that information with respect to issued licences. Senator Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Thank you. Mr. Chairman, I take the points raised by colleagues, Minister Humphrey and Minister Forde. I take also your explanation and that of Ms. Belle's. I just want to perhaps offer a bit of a counter to some of what we are thinking. From a regulator's and administrator's perspective, what we are doing functionally works whether it is the consultative mechanism or individual ministries which have the relationships leading. From an administrator's perspective, it is fine but I want us to pause for a minute and think about it from a user's perspective. Is it overly burdensome to the user to have to go through what could be perceived to be a bureaucratic process when perhaps we have an opportunity in 2022 to craft a process that enables the user to have an efficient engagement with a One-Government approach where we rationalise where the information needs to come from but the user must have a single interface.

I think if we were designing this may be in the early 2000s or late 1990s, we could perhaps take a different approach but we have an opportunity close to the end of 2021 and the beginning of 2022 to modernise some of these processes in the interest of users of the system. Mr. Chairman, I have to say that oftentimes, the comfort of a salaried job clouds judgment when $150 has been shelled out for an application process and you are waiting for an extended period of time to get an answer. It seems like a lot of money not just spent, but money lost in the interim. It also makes criminals of people who are really just trying to earn a living not because we want it to be so, but because we could have had an opportunity to make it user-friendly.

I just want to perhaps return to the earlier recommendation that among the agencies affected, there may need to be a discussion on what that time-frame would look like but also to layer on top of that what the process should look like to make it user-friendly and as simple as possible.

Mr. CHAIRMAN: The point is taken, Minister. I must tell you that the Clerk and I were exchanging similar conversation here at the table. First of all, probably what we have to decide is the time-frame within which the user gets an answer if it is in the affirmative. I must tell you that I genuinely do not know what happens in Agriculture, Fisheries or equally at NCC in this regard. However, it would seem to me that a week should be an outer limit. I really cannot envisage why it should take much longer than a week. In case of you, Minister Humphrey, you would know how your fish markets are and what capacity you have. It is either you have or do not have it. It should not be that hard, so a week might be even too long.

I do not want to sit here and say that glibly. Minister Forde, are you agreeing with me or disagreeing?

Hon. A. R. FORDE: I am saying that I suspect those questions will be answered by the various entities and we can revert as soonest.

Mr. CHAIRMAN: The Manager of Markets is present. Would you be willing to assist us, Sir? Before you speak, let me alert Members of the Committee that it is my proposal to take the luncheon interval at 1:15 pm. Depending on how much conversation is triggered by the Manager of Markets, we may have to push that back a bit. It is not meant to shorten your contribution at all, Sir. However, we will go to lunch for 45 minutes, return and then do another hour or one hour and fifteen minutes before closing for the day. Please proceed.

Mr. SHERLOCK KING: Mr. Chairman, it all depends on the type of activity you are looking at doing. Some activities require some background information to go through the police, *et cetera*. Some activities you have to make a decision on the spot. I would have explained that you have perishable commodities. You are a farmer and the commodities are perishable. You cannot wait for a week or two for a decision. As it stands, if a person comes to a public market, he has some commodities and there is space, you make the decision on the spot to allow that person to sell.

If you are a butcher and looking to get a butcher's licence, you have to go through a series of steps such as health regulations. If you want to sell food, again, the food hygiene regulations are there which would require some investigation. Persons may have to go through different things. You may have a situation where a person who decides they are going out to fish, if they catch a huge number of Jacks they cannot wait for a two-week period because the commodity is inherently perishable. I agree with the Minister of Maritime Affairs that I understand what your intentions are with respect to the Bill but there

are unique situations within the fish market setting.

He knows quite well that we are trying to do some work with the vendors to improve SPS measures which will require a duration of time and some training. The same thing happens with those persons who are involved in meat vending as well. Again, for a person who want to sell food from a canteen, a week or two weeks may be enough. However, a person who has highly perishable commodities, time is of the essence. As Senator Cummins has rightly said, you do not try to make persons jump through too many hurdles in order to make an honest living because some persons may have a pressing situation at hand and would want to get involved in a business activity as quickly as possible.

Mr. CHAIRMAN: Mr. King, surely then you are pointing us to a zone where we have to find some reasonableness. It can be fairly short in some instances or it can extend for over a week in others. We have to find a way of finding a sweet post somewhere in the middle where it would be a best practice that we would be aiming at getting everybody to come to. I am not holding you to this now but just to advise the Committee. If you had to advise the Committee on where you felt that reasonable zone across the Ministries would be, where would you say? I refer to the time-frame. How long?

Mr. SHERLOCK KING: I would say no more than a week in my view. If you have a large Committee that it has to go through numerous people, you know that will be problematic. If you have a very, very small committee or that you can round-robin rather quickly, you have a decision within a week or so.

Mr. CHAIRMAN: The way I see it, to be honest with you, Mr. King, my Director of Commerce or the Chief Business Development Officer contacts you or contacts your counterpart in Fisheries or alternatively Mr. Als, and that is really the Committee. Mr. Als at the National Conservation Commission (NCC), Mr. Eric Lewis from Fisheries, yourself or Mr. Cumberbatch and effectively in some instances that is no more than a phone call and if it was, even if there was need for collaboration across the four of you, you can do that at a zoom meeting for a couple minutes. It is not that difficult so I am thinking that we should be able to say at an outer limit that a decision has been taken of this nature within a few days. Seven days, in my judgment, is more than enough.

Mr. SHERLOCK KING: Mr. Chairman, you have also taken into consideration that some activities require a level of investigation...

Mr. CHAIRMAN: Agreed.

Mr. SHERLOCK KING: Okay, and in some instances, from our standpoint, let us say for argument's sake with the Royal Barbados Police Force (RBPF), sometimes the application can be protracted because of a number of things. The Police may want to see the physical area, they may want to make sure that there are no obstructions, you are not blocking anyone, then there is also the aspect of the Barbados Fire Service as well. As you know, in the market system those issues do not exist but as you start to go in outdoor vending spaces, on streets and on highways and so on, you have to take a different approach in terms of how you are going to do the approval of the applicant and again, the nature of the activity. As long as you start to go into prepared food, processed food and so on, the requirements are again, different. They have to go through different...

Mr. CHAIRMAN: There are health and safety considerations.

Mr. SHERLOCK KING: Precisely.

Mr. CHAIRMAN: Okay, that is fair enough.

Senator Miss A. M. WIGGINS: Mr. Chairman.

Mr. CHAIRMAN: Yes, Senator Wiggins.

Senator Miss A. M. WIGGINS: Thank you. I want to introduce a new ball here right now.

Mr. CHAIRMAN: You want to do what? Sorry?

Senator Miss A. M. WIGGINS: I want to introduce a new ball here right now.

Mr. CHAIRMAN: A new ball?

Senator Miss A. M. WIGGINS: Yes, Sir.

Mr. CHAIRMAN: A new ball is never a good thing to introduce just before lunch.

(*Laughter, Asides*)

Senator Miss A. M. WIGGINS: Given that we are talking about the regulations for the licensing requirements, I was wondering even in a little bit of Segway moving on from what the Manager of Markets was saying that if you are going to be doing background checks and investigations and you are regulating vending and you are regulating these activities, where would we put praedial larceny because you want to, more or less, regulate the whole aspect because a lot of vendors before you can take your produce to the supermarkets and so on, you have to have a licence and possibly a receipt to show the source where you have gotten the produce from so I am just wondering if this would also be a good mechanism to control the whole question of praedial larceny even in terms of granting licences as well as to approve because the Manager of Markets is saying a week, and suppose if the Police or the Ministry of Commerce here is investigating and there are issues of praedial larceny, if it would not take a little bit longer so that is the end of my bowling spell, Sir.

Mr. CHAIRMAN: I understand. You may have changed games. You may have actually gone to baseball and introduced a curve ball, but I think that we can allow Minister Weir to speak. He can choose either before or after the luncheon interval but his Ministry is working on another piece of legislation which would treat to this matter as I understand it.

Mr. CHAIRMAN: Do you want to go, Minister?

Hon. I. A. WEIR: Yes, Mr. Chairman, thanks. I will be very brief.

The Deputy Chief Parliamentary Counsel already

alluded to it earlier. This is under a separate regime really and the legislation itself is highly modernised with technology so that within a space of hours you can get information with anybody with produce.

Hon. K. D. M. HUMPHREY: Mr. Chairman, may I have one quick, quick second?

Mr. CHAIRMAN: Minister Humphrey.

Hon. K. D. M. HUMPHREY: I just want to get the process right. We brought a Bill here two weeks ago on the National Maritime Transport Facilitation where every intention of the Facilitation of International Maritime Traffic-FAL is to have, as we are seeking here to do, you submit from the international ships one time and then through an electronic process, the various agencies responsible for information get it. It is almost on time, basically these things happen immediately to facilitate international ships and international business and hopefully to move our marking up the Doing Business Index.

In this circumstance we too must be seeking to facilitate business, we are seeking to facilitate the vendors and to make them have an experience now that is quicker, it seamless, it is less painful, less bureaucratic. I appreciate that we need to have a single repository of information which is commerce and I totally support it as I have always supported it, but I think we have to be very clear that the process is, as you are seeking to do, Sir; expeditious and not challenging on the persons because my whole focus was simply that I am thinking because we know our people and we know the circumstances it would have been easier to work the other way, but if it coming from you Commerce would then have to be as Markets, as Fisheries, but I have to be very, very clear that as soon as the application comes in, it would have been nice in a situation similar to that Transport Facilitation, where that information is shared almost immediately because we have built a whole architecture to facilitate the ships so the application comes into the Ministry of Commerce, it then has to go to an officer – bear in mind that the person knows nobody in the Ministry of Commerce – and then they have to contact an officer in Maritime who is probably going to be a senior officer who has to go and contact the lower level officer. I just think, Mr. Chairman, when we think this through, and I agree entirely, it goes to one repository, I am challenging that at all, but we have to put as much effort into building that system to ensure that this does not take unnecessarily long because I am telling you, as it stands, we have added about two layers almost of additional bureaucracy that currently do not exist. It is oftentimes very difficult to appreciate that adding bureaucracy expedites anything. I am just saying we have to be very clear in our step by step deconstruct and reconstruct, we know those words well, and just be sure that what we have done actually makes it easier on the vendors while we try to make it easier on the Government because we are seeking to make sure we have this repository and that the Government is clear about its business, but we have to be clear that the persons for whom we are seeking to offer a service feels the improvement in the service that we have offered. As I close, when I used to be head of the Constituency Councils we created a system very similar to this. Every Constituency Council had a go-to person in every Ministry in the hope that you would facilitate business, but what we found was that those persons never felt that was the work of their Ministry. In the Welfare Department you had a go-to person, in the National Assistance Board (N.A.B.) you had a go-to person but when you contact your go-to person it was like, I am busy with other stuff. In practical terms, because Fisheries really and truly is not the work of the Ministry of Commerce, and I do not want it to be a situation where it is seen as two or three tiers down so that when we build this out, we just have to be very, very clear that it is given the kind of priority that it needs or this conversation about six days and seven days might just be theoretical.

Mr. CHAIRMAN: That is a very good point, and I would want us to be able to reflect on it. Senator Holder, did you want the floor?

Senator Dr. L. P. HOLDER: Yes, Sir. I thought you agreed that there is at least one more over with the old ball. Minister Humphrey bowled, I think, three. There are six right? Okay, I will take the other three.

Mr. Chairman, I want to support Minister Humphrey's intervention wholeheartedly I guess because I raised this earlier, the issue of process. Sir, can it not be a situation where the applicant applies to the relevant Ministry, NCC, Markets, Fisheries and those Ministries issue the licence and the Ministry in turn then simply communicates with Commerce to have the register updated and kept current instead of the other way around. Sir, I am very conscious of the user here and representing some of the users. We want to have a nimble process, so could that not be contemplated Sir?

SUSPENSION

Mr. CHAIRMAN: At first blush, I would say it sounds as though it could be. Maybe what we should do is to let us just reflect on this over lunch. I say that seriously. I think Ms. Belle may need to have a conversation with me as well. Many of you do not know but this went through countless iterations. Mr. Cumberbatch, I am not going to trouble you to speak now, but you were in it from the very get-go and the original policy consideration is something that I would be glad to hear from you on. Maybe what we probably should do in fairness to you Senator Holder and you Minister Humphrey is to let us just take lunch, have the conversations among ourselves and come back and see whether we have been able to wrestle this to the ground.

It is now 25 past one. Sorry, the Clerk is advising me that it is closer to 1:30 p.m. and I propose that we come back 10 minutes after two, 40 minutes. I do not know that we need to have full 45 minutes. Lunch is in the customary dining room downstairs. Okay, at 10 minutes after two I will be ready to reconvene. I would hope that we have the necessary quorum at 10 minutes after two. Thank you very much, we are suspended.

RESUMPTION

Mr. CHAIRMAN: When we had suspended, we were in the middle of a discussion that I think can be resolved without doing too much difficulty to the existing legislation. The legislation as drafted would see the Ministry of Commerce being the recipient of all the applications, except for those that go under that carved out arrangement to NCC. However, NCC will furnish the Ministry of Commerce with all of the relevant information. I think what had been missing from the discussion and where I have had the benefit of having some discussion with Mr. Cumberbatch who is assisting me on the policy, and equally frankly Ms. Belle, is the fact that the point at which we enter this process is what we were discussing; where the applications are made.

Many moons ago, Minister Humphrey, this discussion had taken place and it would appear as though the understanding really has always been that once again, we have to be mindful of the fact that at the last part of this legislation at Clause 37, there is that provision where we say the Act will come into operation on a date fixed by proclamation. Again, it gives us a period of time where we can have the necessary IT infrastructure put in place and that has been the intention from the very beginning, even before I was the Minister. The intention was that there would be the infrastructural arrangements in place, so that when once an application enters the Ministry, in real-time it is connected to all of the other stakeholders.

The stakeholders are then able to do their due diligence and come back to us. In large measure, quite frankly, it therefore renders this discussion we had largely moot. As Minister Humphrey pointed out, if you are coming back in the negative that there is no space available in a fish market, then that is known almost instantaneously. If it is that it has to come back in the affirmative, there may be some checks and balances that Mr. King would have pointed us to but the reality is that every Ministry must maintain its jurisdiction over those things.

We cannot do for NCC those things which the NCC must do itself. Equally, we cannot do that for the fish markets or anywhere else. Therefore, the timeframe that we should aim at is really the only issue that is concerning those who advise me from a policy side and that would be a seven-day period as being an outer limit. I would want to urge that we find a way, Ms. Belle, to build into the legislation just a simple way of ensuring that that commitment is given. If it cannot go into the legislation, then let us put it into the regulations. I know that I cannot recall ever seeing a time-frame built into the principal Act but I know that we can have an arrangement in a regulatory structure. I would need to take your advice as to whether that is possible.

If we can agree to that, then we would be able to move forward. Are there any Members who continue to be troubled by this aspect of the legislation? No. Okay. Ms. Belle, if you have then taken all of the necessary notes on that, please proceed. I cannot remember where you were but I do believe that you were still at Part III, Clause 5.

Ms. S. R. BELLE: Good Afternoon. It is now to decide whether this concludes the concerns related to Clause 5, otherwise we can move onto Clause 6.

Mr. CHAIRMAN: That is a fair question. I should ask that. Are there any other concerns with respect to Clause 5 before we go to Clause 6? It seems as though you can go to Clause 6.

Ms. S. R. BELLE: Thank you, Mr. Chairman. Moving onto Clause 6 which deals with the vending licence, subsection (1) deals with the form of the licence that would be issued pursuant to Clause 5(2). It has to do with those vendors that will not be vending in a park, esplanade, beach, *et cetera*. The actual form can be found in Part II of the First Schedule. You see the particulars that will be required from the licensee, namely their name, gender, date of birth, national identification number.

Mr. CHAIRMAN: Could you pause there? You mentioned gender and in my little note to self, I have the same thing written but the legislation actually says the "sex of the licencee." The Schedule also states this. Would it be advisable for us to just replace the word "sex" with "gender"?

Hon. A. R. FORDE: Further to that, cannot it be removed because I do not see why a vendor has to be recognised by sex. There is nothing discriminatory about a vendor as far as I am concerned.

Mr. CHAIRMAN: It is not about a matter of discrimination, Minister. It really is about enabling those people who have to do the necessary data mining and management; how many men or women, of what age group, *et cetera*. Those are important pieces of data that we would want to keep. Why say "sex" and not "gender"?

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, it is because "sex" is the more appropriate use of language.

Mr. CHAIRMAN: I am guided. We will not make an issue of it here. Apparently, gender is more of a social construct. We will not debate it now. We will talk about that off the air.

Ms. S. R. BELLE: Mr. Chairman, these particulars are also required in relation to the licence that will be prepared in relation to the NCC and that would be in Part IV of the First Schedule. Therefore, in subsection (2) they set out the same particulars. In both instances the licence then would be valid for one year and there will be the payment of the relevant fee and also just to point out the licence will not be transferable so now the floor is open for comment. Thank you.

Mr. CHAIRMAN: Any comments on Clause 6 colleagues? The applications will read virtually in *pari materia* across the different Ministries. Yes, Senator.

Senator Dr. L. P. HOLDER: Yes, a quick question, Mr. Chairman. I know that the Government is contemplating a new national identification card and a new format of same. I will rely, Sir, on your advice here, but is

it that this new national identification card will capture some bio-data on the individual and if so, can we use that then to maybe capture some of the information needed here for the records, for example, at 6(1)(vi), I see photo of licensee. The new identification card will - I would assume, Mr. Chairman, I am subject to correction because I do not know - capture this new this information. The new digital identification card will have your photograph and other relevant bio-data so looking forward to the future, is it that digital identification card can, therefore, provide all of the relevant information that is needed to be captured here by the licensee?

Mr. CHAIRMAN: Senator Holder, I want to caution that we are trained early in our careers at The Bar to be mindful of the rule against anticipation. Neither you nor I know for a fact at this point what will happen with regard to that national identification card in terms of what data it will actually reflect or not reflect or indeed, when it will reflect. This piece of legislation is obviously going to come about before the national identification card is launched and though I understand where you are going I think we would be on our best footing if we just go by what is here, what we are certain about as opposed to anticipating and then running the risk of then being disappointed. Senator Cummins?

Senator the Hon. Ms. L. R. CUMMINS: Thank you, Mr. Chairman. I just had a query about the dates of expiry of the licence. With the *Professional Services Act*, for example, where you have an annual requirement for re-registration, there is a set date by which registration or re-registration must take place annually. Is it contemplated that the expiration of the licenses and their renewals would take place continuously throughout the year or is it meant to be in alignment with the *Professional Services Act* where there is a set date annually.

Mr. CHAIRMAN: I will allow the Deputy Chief Parliamentary Counsel to answer that, but my judgment on it would be that we so structure it in such a way that we fall naturally into sequence with that 31st December date that is used by everybody else. Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: With discussions with the stakeholders, it was supposed to be that it would be ...

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, I am again begging the Deputy Chief Parliamentary Counsel. We are unable to hear.

Ms. S. R. BELLE: Okay. Very sorry about that. The period of time is annually, but it is more in line with the sequences of the other pieces of legislation that touch and concern vending so the same Markets and Slaughterhouses, the same National Conservation Commission (NCC) they have the renewal every year. It is not linked in the same way that the professional registration would have, so it is not that type of time- table so it is different but what you are supposed to get from it is that it is supposed to be an annual licence.

I was going to speak to an issue with the Barbados Identity Management and the legislation currently reflects that wording that would be used in the *Barbados Identity Management Act* which is the national identification number. The *Barbados Identity Management Act* is presently the law so that is why it has national identification number and not national registration number. Thank you.

Mr. CHAIRMAN: Thank you.

Senator the Hon. Ms. L. R. CUMMINS: Thank you. I was waiting for you, Mr. Chairman, to give me the floor. I would not arrogate the right on to myself to speak out of turn.

Mr. Chairman, forgive me if I am thinking a bit out loud here, but the *Professional Services Registration Act* contains a range of professions that are registered at the timeline that you spoke about earlier, that 31st December and, I think, we have to give vendors and vending the recognition that it is due and the treatment of the equivalence to every other profession that perhaps we could afford it. If it is that in almost all other professions on an annual basis there is a set time for registration and perhaps, in my mind, musing, should there not be the dignity afforded to every other professional including those who are vending to have their registrations pegged to those of the more established and the more traditional professional sectors? That gives them the equivalence that, I think, they merited. I am just suggesting perhaps that if you have an opportunity to right not just a legislative wrong, but one associated with perception, where there are those and then there are others, perhaps something as simple as equating the registration times with all of the other professions may also go a long way.

Mr. CHAIRMAN: As I had indicated to you, Minister, my gut reaction to this question is exactly that which you are suggesting. I dare say that it would be for this Committee to determine that and probably rather than try to do that this evening, we probably should just hear a little bit more from some of the other stakeholders like BARVEN itself as to how strongly they may or may not feel on the matter but I am with you on it, personally.

Are there any interventions which are sought at this stage? No. Senator Holder? You looked as though you were ... No? Okay.

Senator Dr. L. P. HOLDER: That would be a post-lunch look, Sir.

(Laughter, Asides)

Mr. CHAIRMAN: Fair enough. Clause 7, Deputy Chief Parliamentary Counsel, please. I think we could hold the question of Clause 6(2)(b) until when we have had a chance to discuss with the representatives of BARVEN. That is the part that speaks to the validity of the annual licence, *et cetera*. Okay. Clause 7.

Ms. S. R. BELLE: Mr. Chairman, relating to Clause 7, as this imposes an obligation on the Minister responsible for Commerce to keep and maintain a register of vendors and it will contain certain particulars as the

name, sex, the date of birth, so many of the indicators that would be similar to the licence and any other particulars required by the Minister and it would also have the terms and conditions of the licence. As was indicated in the Overview, it would be kept both in electronic and physical forms. The electronic form would be made available on public website to be established by the Ministry with responsibility for commerce; the physical form would be available for inspection during the hours of the Ministry, and then any information that is collated by the National Conservation Commission pursuant to the earlier Clauses 5(3) and 6(2) will be shared with the Ministry for the purpose of assisting in the keeping and maintaining of the register. I am just leaving it open for comments.

Mr. CHAIRMAN: Colleagues, are there any issues with the register? It will be both in electronic and physical forms; again, the electronic form facilitates not only the ease of interfacing but business facilitation.

Okay, since there are no queries on this point, let us go to Clause 8:

8. Revocation, suspension or varying of a licence:

Clause 8 says that the Minister responsible for Commerce would be responsible for giving the notice of such.

This is where they are satisfied that there was misleading or false information on the application, or where there is a failure to comply with the conditions of the licence, a provision of this Act or regulation. That is in relation to those vending zones that are not parks, esplanades, *et cetera.* For those that are, the National Conservation Commission would then have that power to revoke. I would then link it to Clause 9 which speaks about the notice of intention to revoke, suspend or vary a licence.

9. Notice of intention to revoke, suspend or vary a licence:

This speaks about the notice and the fact that the notice requires that they would be in writing and also that there would be a period of 14 days in relation to giving licensees the right to object. That would be under both regimes, clauses 8 and 9 respectively.

Mr. CHAIRMAN: Thank you. Colleagues, the Floor is open. This is really the first of that which will come to represent a body of rights given to vendors and the duty on the part of the Minister to give notice to vendors.

Senator Dr. L. P. HOLDER: Mr. Chairman, at Sections 9(1)(b) and (2)(b):

"*The Minister shall, before revoking, suspending or varying a licence under section 8(1)*

(b) *afford the licensee an opportunity to object in writing within the period of 14 days after the date of receipt of the notice.*"

Clause (2)(b) repeats:

Mr. Chairman, my query through you to the Deputy Chief Parliamentary Council is relative to the 14 days after the receipt of the notice. Is it the standard that we refer to the date **after** receipt of notice or after **giving** of notice? Is it that we are suggesting that the recipient will acknowledge receipt of the same? Where are we putting the burden of proof? I would wish to invite comments and may be suggest that we consider changing this because I can easily say that I received it six months from the time you sent it. Is it registered mail?

Mr. CHAIRMAN: Therefore, you would prefer it to say **14 days after date of notice?**

Senator Dr. L. P. HOLDER: Instead of **receipt of notice.**

Mr. CHAIRMAN: The only problem there, though, is that I may date a letter October 1, but it may not leave my office until Friday.

Senator Dr. L. P. HOLDER: Mr. Chairman, as you would often say, there must be a way to find the balance.

Mr. CHAIRMAN: I understand where you are going. Madam Deputy Chief Parliamentary Counsel, are there any views you have on this? This is not the first time we have done this in legislation.

Ms. S. R. BELLE: Mr. Chairman, we can always try to change the wording because at the end of the day it is supposed to facilitate the vendor having the opportunity to object to the notice, so it is whatever would serve their interest in the circumstances. I am open to comments.

Mr. CHAIRMAN: Would you therefore [want to] recommend that you would be given until we next meet to come up with a form of language that would adequately answer Senator Holder's concern?

Ms. S. R. BELLE: Yes, that would be preferable. Thank you.

Mr. CHAIRMAN: You are welcome. Senator Holder, we will treat to it that way.

Senator Dr. L. P. HOLDER: Thank you, Mr. Chairman.

Mr. T. A. PRESCOD: Mr. Chairman, if the licensee objects to a decision that was made, does the licensee object back to the same body or individual who already has indicated that they are not approving the application?

Mr. CHAIRMAN: No, Honourable Member. We will come to that point at Part VIII – Appeals – whereby a person who is aggrieved by a decision of a Minister will be entitled to go to the Appellate Tribunal called the National Vending Appeals Tribunal.

Mr. T. A. PRESCOD: Okay, great.

Ms. S. R. BELLE: What is happening here is the first level of redress to give the functionary the capacity to make a decision that could be in favour of, rather than resorting to the Tribunal right away, and it is beginning to becoming a trend in relation to making provision for redress.

Mr. CHAIRMAN: Are there any other requests

for the Floor at this juncture?

There were none.

Ms. S. R. BELLE: Mr. Chairman, we now go to the regime that provides for occasional vending at Clauses 10 and 11. They basically have mirroring provisions, except for who would be the regulator, but I just want to draw to this Committee's attention to the definition of occasional vending.

10(1). Occasional vending that is not on a beach, an esplanade or in a garden or a park:

At Clause (2) occasional vending means the offering for sale of merchandise or the rendering of services for the duration of a fair, farmers' market, festival carnival or a cultural, entrepreneurial, religious or recreational event only.

Now, in the context of Clauses 10 and 11, in Clause 10 the person who is engaging in occasional vending in a place that is not a beach, esplanade, *et cetera*, would be applying for a permit to operate and it would be for the duration of that particular event.

You would also observe that there is a different redress mechanism for the permit because of the abbreviated time, they will get to apply to a judge in chamber; that way it will be a fast-tracking of a decision so that they can have their matter redressed.

That applies in Section 11 as well, but Section 11 deals with vending on a beach, esplanade, *et cetera.*

11.(1) Occasional vending that is on a beach, an esplanade or in a garden or a park:

The application for the permit would then be for the NCC, so it is for the Committee to give their comments in relation to the two Sections. Thank you.

Mr. CHAIRMAN: Colleagues, do you have any comments on occasional vending, whether on a beach, esplanade, garden, park or otherwise. Senator Cummins is that a no or yes. Your hand went up and then it went back down. You are not sure?

Senator the Hon. Ms. L. R. CUMMINS: Yes, I am not sure. Specifically, when we are talking about occasional vending on a beach, I think that is one of the things that from a tourism perspective we are very interested in, and we would want to ensure that this is something that is not just regulated but is actively encouraged. However, there are perhaps a few things that we would want to raise, and I think one of them is raised in the note which we sent through last night, but I do not think this needs to be in the actual legislation, but it will be part of the policy and the developmental component. It would perhaps be in the training of persons who are working on beaches and really interacting in tourism related spaces, speaking to issues including problematic issues that could have implications for our brand globally like sexual harassment. Those are things which reported very frequently on our beaches, and we are known to get a high profile when reported internationally whether it is locals or otherwise. I am just wondering if perhaps there could be advice not from a legal perspective, on where we could provide persons working in these spaces with the additional resources and training that will be needed to avoid having any challenges and perhaps it may be guided by your administrator.

Mr. CHAIRMAN: I think that this may be an area if I could suggest that might cry out for some collaboration between the sector and the product division of the BTMI. I know that in other areas there has been that type of collaboration and I would want to suggest that probably between ourselves we could try to facilitate that.

Ms. S. R. BELLE: Mr. Chairman, just a comment. The National Vending Committee perhaps has the capacity to at least provide a forum for discussion, but the thing is that I am not seeing tourism as one of the persons seated, so one of the recommendations may be that you have a representative from tourism sitting on this committee to provide the relevant advice and that kind of engagement can be facilitated there. Thank you.

Mr. CHAIRMAN: No problem, we can deal with that when we come to that point. However, I think that Senator Cummins was primarily focusing on training and that is something that we can set up outside of the four corners of the legislation. Agreed? Deputy Chief Parliamentary Counsel the ball is in your court again, Part 4, vending zones.

Ms. S. R. BELLE: Mr. Chairman, with Clause 12 it speaks to what would be understood as a vending zone. You see the listing, the beach, an esplanade, fish landing site, garden, park, public market. The two paragraphs that give scope for wider discussion are (g) and (h); (g) speaks to areas more particularly described in Part two of the Fourth Schedule and as Senator Cummins would have observed earlier they seemed very restrictive, but a part of the reason why was that they spoke to existing zones. So when you go back and you look at the fact that it lists the parks and esplanades and then there is another part that deals with certain areas that are primarily like streets and sidewalks. That is because it comes from the *Markets and Slaughter-Houses Act* where certain areas were identified in those pieces of legislation. What happened was that you wanted to preserve the fact that vending was permitted on those streets. Therefore, we sought to put it into the schedule so that it would be preserved. Then, the last part would be dealing with the fish landing sites. (h) deals with the zones to be designated by the Minister on consultation with the National Vending Committee and then this power is spoken to in Clause 13. Just to remind the Committee that the parts of the Schedules or the Schedules may be amended by order. Clause 12 is open for discussion.

Mr. CHAIRMAN: Thank you. You have the floor Leader of the Opposition.

Bishop J. J. S. ATHERLEY: There is a

question: Is Queens Park omitted from here because it is captured in the vending zone areas line below in Part Two?

Mr. CHAIRMAN: Please guide me to which Schedule.

Bishop J. J. S. ATHERLEY: Fourth Schedule.

Mr. CHAIRMAN: You are in the Fourth Schedule?

Bishop J. J. ATHERLEY: Yes.

Mr. CHAIRMAN: You are not seeing Queens Park and your question is why is it omitted.

Ms. S. R. BELLE: I think what may have happened is that these listings actually come from the NCC. The thing is that Queens Park can be included but that is what this listing is being informed by. Thank you.

Bishop J. J. S. ATHERLEY: Further, Mr. Chairman, the Forde-Prescod Gardens is not included in here.

Mr. CHAIRMAN: I beg your pardon?

Bishop J. J. S. ATHERLEY: The Ford-Prescod Gardens.

Mr. CHAIRMAN: The Forde-Prescod Gardens?

Bishop J. J. S. ATHERLEY: Prescod-Forde Gardens.

Mr. CHAIRMAN: Where might this be, Honourable Leader of the Opposition.

Asides

Mr. CHAIRMAN: I see.

Bishop J. J. S. ATHERLEY: I may seem a little bit mischievous but the Botanical Gardens...

Mr. CHAIRMAN: I think, again the doctrine of anticipation against anticipation raises its head. We will not go there until such gardens have been properly commissioned.

Asides

Mr. CHAIRMAN: No, not commissioned as yet. I think there is work still going on there. It is a work in progress Honourable Member. I do not know to the extent that there is a National Botanical Garden in existence, and it has certainly not been named as the Honourable Member suggests.

Bishop J. J. S. ATHERLEY: It is not named as I suggested?

Mr. CHAIRMAN: Parliament is a place of precision Honourable Member.

Bishop J. J. S. ATHERLEY: You said that it has not been commissioned? Have we not provided money in this Parliament for the Botanical Gardens under the name of Botanical Gardens?

Mr. CHAIRMAN: It is work being done under Botanical Gardens; it is not yet a completed project. Yes, money has been voted for developmental work on the Botanical Gardens.

Bishop J. J. S. ATHERLEY: I beg your pardon, for the Botanical Gardens not developmental work.

Mr. CHAIRMAN: In the context of the vending zones...

Bishop J. J. S. ATHERLEY: Mr. Chairman, I do not want to waste your time, I am just giving Mr. Prescod a little pressure here.

Mr. CHAIRMAN: Senator Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, I do have a query. In Part two of the Schedule, it speaks to the description of vending zones and it has a range of them there and then you have the fish landing sites. This is the Fourth Schedule Deputy CPC. Then, Section 12(h) of the legislation which gives the Minister the authority to designate a zone in consultation with the National Vending Committee, like the lady who is in Superlative, St. George, who has a roadside facility or in Lower Estate and so on. Is it that the Committee along with the Ministry will then undertake an audit of where people are located outside of the designated spaces listed in the Fourth Schedule, then designate those things that have been established almost as lay-bys or vending zones? Is that what the process is at this stage, Mr. Chairman?

Mr. CHAIRMAN: I think that it can be done that way. Perhaps, there are a number of ways. As you indicated, there could be an audit done. Equally, I believe there are recommendations which have already been made. There are some from your Ministry as to how vending zones could be expanded. As I had indicated already, I propose that if this matter passes Parliament, I would wish then to write to every Member of Parliament to secure from them recommendations with respect to their constituencies. I think that once we accept, and I hope we do, that there is going to be a facilitative approach to the creation of zones for people to vend in Barbados, then every effort must be made from whatever angle in order to expand the zones.

At least that is my position. Are there any other interventions at this stage? If not, Deputy Chief Parliamentary Counsel the floor is yours.

Ms. S. R. BELLE: Clause 13 empowers that the Minister on consultation with the National Vending Committee may by order designate vending zone for the purposes of this Act. It is a very wide clause that gives enough flexibility for....

Mr. CHAIRMAN: For the Minister to take onboard advice from all sources, act on his own initiative, consult with the Vending Committee and expend the zones. Yes?

Ms. S. R. BELLE: Well, not acting on his own initiative but on consultation with the Vending Committee. I have to just stick a pin there. I do not know whether there are comments on this but I will open the Floor.

Mr. CHAIRMAN: Colleagues, are there no comments from Clause 13? Okay.

Ms. S. R. BELLE: Onward to Clause 14, it makes provision for the understanding that NCC will be responsible for the management and operation of a vending

zone that are beaches, esplanades, gardens or parks. If a vendor seeks to operate on those particular zones, they will be required to be in compliance with the *National Conservation Commission Act,* Cap. 393. In relation to Clause 15, I am now speaking to different zones. Clause 15 (1) speaks to the Manager of Markets as being responsible for a public market that is not a fish market or an area more particularly described in Part II of the Fourth Schedule which connects to Clause 12 (g). Clause 15 (1) also speaks to a zone designated by the Minister on consultation with the National Vending Committee.

In Clause 15 (2), the Senior Manager of Markets will be responsible for the management and operation of a public market that is a fish market. In Clause 15 (3), there is provision for the Minister responsible for Fisheries to be responsible for the management and operation of a fish landing site. Fish landing site as referred to in Clause 2 is defined by relating back to the Fourth Schedule. Fish landing sites are listed. In Clause 15 (4), it tries to make clear that the vendor who is seeking to operate a public market, he will do so in compliance with the *Markets and Slaughter-Houses Act,* Cap. 265 and the *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73).

Mr. CHAIRMAN: Colleagues are there any request for the floor at this stage with respect to Clause 15? I sense that there are none. You may proceed Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Clause 16, is a prohibition clause that indicates that a person who vends outside of their vending zone would be subject to administrative penalty. Any objections?

Mr. CHAIRMAN: No objections are taken to Clause 16, so we go to Part V; Rights and Obligations of Vendors. This is perhaps one of the pithiest aspects of the Bill; Clause 17. You may begin, Deputy Chief Parliamentary Counsel.

Mr. T. A. PRESCOD: It is not on the provision but this word "vending" seems to be as poisonous to the psyche as imbeciles, disabled people, squatters, *et cetera.* It is worrying me and I feel that we are coming up with a new vision on how we believe we should move forward. In the transition period, I do not believe that we can accept vending as microbusinesses? You do not believe that?

Mr. CHAIRMAN: Vending is a microbusiness. All microbusiness is not vending. This is the challenge that you may have.

Mr. T. A. PRESCOD: I am fully aware of that but I believe that we could give some dignity to vendors by letting a vendor understand that he is a businessman too. I am just putting out that I would hope in the future, people who shape the legislation would take things like that into consideration. Whenever you think about a vendor, you seem to hold a bad perception. Right away, things come into the minds of officers and policymakers that they have to investigate this man because he is likely to get involved in praedial larceny and he had a record before. Now tell me, a man in Barbados who had a record before, cannot find work in Barbados and the last resort is vending. This was in my head before we came to this point.

An officer has to investigate on this man being likely to be a thief. Sir, as I said, I listen to you during your presentation. Although you did not touch on all of these aspects, I believe that you were on point because we are trying to create a humanism that is not part of a continuum of where we were when black or working class people could not get involved in vending. Even though they provide the foods that were available on the provisional lands, they could not sell it without the authorization of a criminal. A criminal was telling you that you could sell and if he did not tell you that, then you would be charged for a crime.

I believe that what we witness all the time is that vendors always carry a stigma that forms an umbrella over the character of the vendor itself. I remember when we were talking in Parliament about vending, there was a distorted perception that if a man is a vendor, he would likely to get involved in praedial larceny and the word vendor was used even in advance of even saying that the man is a criminal. I am just saying that I would like to see, in the future, I am just suggesting to the people that are drafting, I do not expect you to change all of these things that we are looking at now, but look to see if you can help me and others that are not as wise as you are to be able to justify why we can make a change like that and let us just start off seeing these people as business people and do not be subject to all of these investigations before they get a licence. That is my concern, unless you want to continue to provide work for attorneys-at-law.

Mr. CHAIRMAN: Honourable Member, I am sorry. I view what you have said with a heavy dose of sobriety and I know that it drew a few chuckles, but the fact of the matter is that from as far back as perhaps 1680, every aspect of regulation of this business of vending was governed by the heavy hand of the criminal law. That is an inescapable historical reality. It is perhaps the only aspect of Barbados' commercial endeavour that still can be traced directly to the slave economy construct where you penalised people criminally for the enterprise. Professions, tradesmen, people who are operating a nursing home, people who are security guards, you name it, all of them are governed by a civil regulatory construct and the consequences of this are seen in the difficulty of a vendor getting a reference letter, character reference because of some collision he or she may have had with a police officer while he is in the course of the conduct of his business. It has a consequential effect for those people who may want to travel, get a visa, *et cetera.* If they want to go into a different form of occupation and go into employment they cannot get a job letter, all of those are realities so I take the point you are making.

I am not sure that we can do an adjustment to the title of the legislation or to the name given to the occupation. Mr. Cumberbatch you are a policy advisor; will you please help if you can?

Mr. Anderson CUMBERBATCH: I think what Mr. Prescod is speaking to here is part of the whole legacy of vending and I would want to quote Professor Hilary Beckles who reminded us as early as the 1600s, he says that the history and practice painted vendors as a problem and the first resisters to social policy that sought to exclude the black population from meaningful commerce. Then he went on to say that vending was seen as the mother of all black economic enfranchisement in Barbados and its resilience epitomises the spirit of the black man's struggle for self-determination and nationhood. Ambassador David Comissiong speaking to the works of Professor Hilary Beckles noted that as a result of its history vending seem to have inherited a legacy of stigmatisation so whenever we hear vending, and I am not surprise that it comes up in this discussion, we ourselves seem to see vending as something negative, but vending was always something that was positive. It was on the backs of the vendors that we are here today and can make the type of contributions that we can make today so we must not be afraid of the term vending because it is the enslavers that painted vending in that light but it was always something positive to help persons in terms of their upward social mobility from way back in the 1600s so let us embrace it and if we speak to the president of BARVEN, he is always proud to be associated with vendors.

Mr. CHAIRMAN: It is really about entrepreneurship.

Hon. T. A. PRESCOD: Yes. I quite agree with that, but when vending is attached to people at the lower scale, the admission by Professor Hilary Beckles and supported by what Ambassador David Comissiong is saying tells you that a stigma affects a group, a race of people in a meaningful way so it is very difficult for you to tell me that a matter that emerged in a negative light from the 17th century and now the men of wisdom who were fortunate to be exposed to education are still wrestling with it, not if you are buying a piece of land and a man selling land, you do not even study him as a vendor, but when it comes to people selling the provisions and the fruit, there is a view, before you start the discussion there is a view, a construct of this man being a – I do not want to use the term because I know that when you try to deal with issues of this kind people that are educated in a specific way will come to the conclusion that you are saying that vendors are not worthy of becoming businessmen, but I am saying let us, at some point, use the same terms in commerce, in business, that we use for a man who is selling gold chains in Bridgetown or people who are selling clothing in Bridgetown and probably the worth and the materials available is less than what the vendor is selling. A supermarket has a whole long shelf and freezers and everything full of the same merchandise, but the man that owns the supermarket is a businessman, an entrepreneur, he is involved in commerce. I am not saying we will change it here and now, but I believe that it is a matter, Sir, as you look at it, that we should put on the table as we seek to modernise the acts of Parliament because we have to change some things and I just wanted to put it on the table. I am not suggesting that what was done here was absolutely wrong, but I am just saying it is something that we should consider.

Mr. Anderson CUMBERBATCH: Mr. Chairman, I think we should note as well that within the Ministry we tend to refer to the vending community as vending entrepreneurs because in truth and in fact, they are entrepreneurs and that is how we seek to position them as well.

Mr. CHAIRMAN: Honourable Member, as I said, I take with a certain measure of sobriety those things that you have said. I am inclined to reflect on the terminology. It may be an interesting thing if we were here debating the Itinerant Tradesmen Bill. We perhaps may wish to look at whether or not we wish to change the term vending in the Bill itself. That is not outside of the scope of this Committee's remit as I understand it.

What we do have to do, however, is to pause. While we pause we can reflect on the merits of what the Honourable Member for St. Michael East had said. The reason why we have to pause is because we have come to 3:45 p.m. and that was the time set for the suspension this evening. Added to that is the danger of going much further because they are some members of the Committee who have already had to leave to go to a meeting with the Prime Minister and I believe there is at least one other who must leave us shortly in that regard.

SUSPENSION

Mr. CHAIRMAN: What I would want to do colleagues, is to propose that we reconvene on Friday morning. I am open to doing at as early an hour as 9:00 a.m., but I am told that might place a stretch on some Honourable Members and that the preference would be 10:00 a.m., and as I look around, I am sensing that 10 is in fact the preference. If we can begin at 10, I can make arrangements with the Clerk of the House to have lunch again. We can aim at going on until Friday afternoon at this time. That is the mind of the Chairman. Is it so agreed? I am not hearing any dissenting voices, so I use my discretion to say yes, it is agreed. We will suspend at this point, and we will reconvene on Friday morning at 10:00 a.m.

Ms. Belle, at that point you will be able to go through from Part Five. I do not know that the Schedules are sufficiently taxing as to delay us, so my ambition would be that we go from Part Five through to the end of the Bill on Friday with a view on Monday morning at 10:00. I gave the Leader of the Opposition an undertaking that this Committee would work and therefore Monday morning that where my mind is at, we will have the beginning of evidence from BARVEN. Please begin the process of reaching out to them.

I would ask that everybody stay safe, you have an idea of where it is that we want to go and how fast we want to get there. I am obliged.

CONTINUATION OF THE SECOND MEETING OF THE JOINT SELECT COMMITTEE

ON THE

NATIONAL VENDING BILL, 2021

HELD IN THE CHAMBER OF PARLIAMENT,

WORTHING CORPORATE CENTRE

MONDAY, OCTOBER 11, 2021

SECOND SESSION 2018-2023

PRESENT:
Hon. Kerrie D. SYMMONDS, M.P. (Chairman)
Hon. G. P. Ian GOODING-EDGHILL, M.P.
Hon. Adrian R. FORDE, M.P.
Hon. Kirk D. M. HUMPHREY, M.P.
Mr. Trevor A. PRESCOD, J.P., M.P.
Ms. T. N. S.-A. MOORE, M.P
Bishop Joseph J. S. ATHERLEY, J.P., M.P., *(Leader of the Opposition)*
Senator the Hon. Ms. Lisa R. CUMMINS
Senator Dr. Lynette P. HOLDER ***(online)***
Senator Damian R. SANDS
Senator J. A. HUNTE ***(online)***
Senator Miss Alphea M. WIGGINS, J.P. ***(online)***

ALSO IN ATTENDANCE:
Mr. Pedro E. EASTMOND, Clerk of Parliament
Mr. Nigel R. JONES, O.B.E., Deputy Clerk of Parliament
Miss Beverley S. GIBBONS, Deputy Clerk of Parliament
Ms. Shawn Raine BELLE, Deputy Chief Parliamentary Counsel
Mr. Anderson CUMBERBATCH (Chief Business Development Officer, Ministry of Energy, Small Business and Entrepreneurship)
Miss J'anne C. GREENIDGE, (Procedural Clerk to the Committee (Ag.)) Typist

Meeting commenced at 10:25 a.m.

Mr. CHAIRMAN: Good morning Colleagues, this meeting is called to order. I am in possession of the Minutes for our First Meeting. I also want to say that we have online Senator Holder, Senator Wiggins and Senator Hunte. We may also have Minister Forde coming online, as he has indicated that he has an emergency at his residence. If Colleagues have been shown and have read the Minutes, I beg to move that those Minutes be now adopted.

On the motion of Hon. K. D. M. HUMPHREY, seconded by Senator D. R. SANDS, the question was put and agreed to in the affirmative without division.

Mr. CHAIRMAN: Colleagues, when last we adjourned we were at Part V, Clause 17:

"RIGHTS AND OBLIGATIONS OF VENDORS

Rights of vendors

17. A vendor has the right to carry on the business of vending

(a) in accordance with the terms and conditions of the licence granted under this Act;

(b) subject to the provisions of this Act or statutory instruments made thereunder or any relevant enactment pertaining to the vendors,

without fear of harassment or unreasonable impediments.

(2) A vendor is entitled to 30 days' notice before the imposition of an eviction notice subject to section 19(3).

(3) Where a vendor is subject to a relocation notice pursuant to section 19(2) he is entitled to

(a) 30 days' notice before the imposition of a relocation notice;

(b) be consulted in respect of any assignment to a new site or location in relation to the carrying out of his vending business;

(c) be assigned to a new site or location which is conducive to the carrying out of his vending business;

(d) reclaim any merchandise which is seized pursuant to the eviction or relocation notice;

(e) make a claim for compensation in writing to the 9(f) Manager of Vending Zones for any loss, damage or destruction of merchandise pursuant to a relocation or eviction notice issued under section 19 or a seizure notice issued under section 20 subject to paragraph (f);

(f) compensation for any loss, damage or destruction of merchandise seized pursuant to a relocation notice in accordance with section 20(4)."

At 10:35 a.m. this point the electricity went off mid the Honourable Leader of the Opposition speaking.

Mr. CHAIRMAN: Colleagues, the electricity is off, seems like we are going to have to get technical support. We have lost our Colleagues online. This should give you some time to think about your answer, Deputy Chief Parliamentary Counsel.

RESUMPTION

At 10:50 a.m. the systems were back on.

Mr. CHAIRMAN: Colleagues online, we are sorry about that, we got knocked out by a power surge. I think at the point when we were knocked off, the Deputy Chief Parliamentary Counsel was about to proffer an opinion with respect to the matter that was raised. Madam Chief Parliamentary Counsel, the Floor is yours.

Ms. S. R. BELLE: Mr. Chair, in the current context, the meaning of "consulted" would take its ordinary dictionary meaning and be informed by the context in which it is used. However, if it is that you want to give something more robust, then the option could be to put in a provision which would define the nature of consultation that would mention the fact that you would have to have meetings with the relevant functionaries that are responsible for granting the licence, then it would get into the method of consultation, whether in writing or by meeting or both. So those are the suggestions I am putting forward.

Mr. CHAIRMAN: I am not sure if that satisfies the Honourable Leader of the Opposition.

Bishop the Hon. J. J. S. ATHERLEY: Is there likely to be a provision for the need for the vendor to agree? The consultation maybe that you dictate to me whatever process you use: sit down, face-to-face, letter – whatever, but there is no requirement that I have agreed. If you say I have to go, then I have to go, whether I have agreed or not.

Ms. S. R. BELLE: But the right to consultation does not necessarily mean the right to get what you wanted; it is basically to take into account any decision that is being made, make sure that you are being given the opportunity to be heard and then the relevant decision can be made in terms of giving a firm agreement or to give you what you want that would definitely be a 'water's edge'. What you would want especially is that most of the time when you are making these decisions you would not be consulted at all, but this is now giving you the opportunity to put forward what are your basic interests.

Mr. CHAIRMAN: As I said, I take some degree of succour in Clause (c) which I think points us in the direction in which I want to go, which is to say that the vendor is assigned to a site or location which is conducive to the carrying out of his business.

Ms. S. R. BELLE: Mr. Chair, just to remind that you have mechanisms to be able to challenge decisions in relation to the license, so that perhaps it can fall within Section 23, the Appeals. The thing is, though, you do not want it to get to that point. This is why I am saying that perhaps you can go into defining what "consultation" would be and provide the parameters but I do not think that you can then go on to suggest that as a result of the "consultation", then we guarantee that you would be given what you wanted.

Mr. CHAIRMAN: And I agree with you very strongly there. I think that it would be impossible to tie the hands of Government because of any unforeseen circumstances that might arise. But I do want us to be able to say that we have a form of "consultation" that goes a little bit beyond that which, for example, is required between certain office holders of the Constitution.

Bishop the Hon. J. J. S. ATHERLEY: Yes, Mr. Chair, that is true, let we just say that we say we allow people the privilege of "consultation" but then they have no right of taking a position with which those in authority would disagree and then confrontation becomes merely a cosmetic process. If, as is being said by the Chief Parliamentary Counsel, that there is a right to appeal this as well, if that is provided for, then that is cool, but if that is not provided for, the right to appeal this type of decision, then consultation just simply amounts to a cosmetic process.

Mr. CHAIRMAN: Leader of the Opposition, we are on all-fours. I think, Deputy Chief Parliamentary Counsel, what I think we would be well-advised to do is to revisit this point when we come to Clause 23, the appellate process, and equally with an eye to the power of the Tribunal at Clause 26, to see whether we cannot fashion a way of making sure that the substance of the "consultation" is protected.

Ms. S. R. BELLE: Mr. Chair, I have no problem with that discussion taking place but I was just wondering whether it might be more prudent to get into what are the elements that would be required to constitute a fair consultation. So that if you do provide the forum, whether in writing or person, or both, a time period but also you would have to put in the *proviso* that there is no guarantee that you would receive what you wanted but at least you would have been "consulted", and certainly the functionaries would not --- because they have as a part of their decision-making process the requirement to take into account what is required for their purposes. So again I am putting this forward for consideration. Thank you.

Mr. CHAIRMAN: I have no difficulty with that, Deputy Chief Parliamentary Counsel. Ms. Moore, you have the Floor.

Hon. Miss T. N. S-A. MOORE: Mr. Chair, that is exactly the line I was going because we have taken note of the fact that a vendor is entitled to 30 days' notice but for Sub-Clauses (b) and (c) to occur there was no specific time frame, and I was wondering if to make it more robust whether there should not be some consideration being given to time frame within which this would take place,

because a person who is assigned to a new site or location, for instance, should still have some reasonable period of time to advise customers and so on of a new location. So if we just leave it as lose as it is, to say that "consultation" should take place, and a person is assigned to a new site, that could happen under this provision as it is the day before, and the vendor finds himself/herself in a very uncomfortable situation. So I was just thinking to make it a bit more robust. There is no need for agreement, the appeal process we could discuss further down, but we should establish some time frame within which Sub-Sections (b) and (c) might take place.

Mr. CHAIRMAN: Thank you, and I have no difficulty with that. Is there anyone else wishing to make a contribution?

Mr. T. A. PRESCOD: Mr. Chair, it is obvious that within the definition there is no clear definition on "consultation"; you are actually saying that it takes a dictionary meaning, whatever that is, a very generic way of looking at things but the reality is, based on the conversation that we are having here, there still seems to be a kind of contentious debate surrounding "consultation". I believe it is more appropriate for the Act itself to give a clear definition of the word "consultation" within the context of the Act. If you have that, then whatever the consequences are; if I believe that the tenets that are stated, or that are implied in the Act is not, in my opinion, proper consultation, then I have a recourse to challenge the procedure. So I personally believe that what would be required is that "consultation" be clearly defined in the Act itself so that people will know if you have actually adhered to what you have stipulated in the definition of the word "consultation".

Mr. CHAIRMAN: Honourable Member, again, I must confess, I am inclined to agree with you. I think perhaps I could proffer a solution for the Committee to mull over until when we come to Part VIII which deals with the Appeals at Clause 23 of the Bill. That solution that I propose to you would be we say that the "consultation" would be in writing and with reasons for the assignment to a new location in relation to the carrying out of the vending business.

The reason I propose that it would be in writing would be because there would be clarity in terms of evidence if you had to go towards an appeal by a vendor who is aggrieved at the decision and the reasons would also be there for all to see so that if, in fact, there was a vendor who is then aggrieved, pursuant to Part VIII, Clause 23 which deals with Appeals, that person, in the same way that they can become aggrieved by a decision of the Minister and can appeal that, [in the same way that that person can] be aggrieved by the decision of the Commission on Vending and appeal that, [in the same way that person can] be aggrieved by a decision of the Manager of Vending Zones with respect to relocation or eviction, I think they would have the benefit of having the reasons for the relocation in writing and that that would then enable an appellant tribunal to make a decision which will give teeth, as the Honourable Leader of the Opposition is, in my view, quite appropriately pointing us to in this matter.

I just threw that out there for all of you to mull over until when we come to that point, but if we do so then, Leader of the Opposition, I would ask that we could proceed from here and revert to that at another juncture. Are there any other Members? Minister Cummins?

Senator the Hon. Ms. L. R. CUMMINS: Thank you, Mr. Chairman. I just have one question specifically on the role of the oversight bodies that tend to represent the vendors so in this instance we agreed in our First Meeting and we would invite the representatives for vendors through BARVEN and any others, and I just wanted to see, if as in the case of entities like the social partnership where you have the representative bodies, as well as the individuals having an opportunity for consultations, if there is a role envisaged for such associations in this process.

Mr. CHAIRMAN: For which associations, Minister?

Asides.

Mr. CHAIRMAN: BARVEN, I believe, has been already invited.

Senator the Hon. Ms. L. R. CUMMINS: I am not referring to them being invited, I am speaking about the notion of consultation, if it is going to be only through individuals?

Mr. CHAIRMAN: Oh, I see what you are saying. In other words, even though we are speaking about consultation with respect to the assignment of an individual, to have BARVEN involved in the process of the consultation. Again, it is an interesting suggestion.

Senator the Hon. Ms. L. R. CUMMINS: It is more a question of intent. Is that the intention?

Mr. CHAIRMAN: Up to this point it had not crossed my mind because I was seeing it more from the perspective of an individual thing, but there is really no reason why we could not and again, with a view to lending teeth to the consultative process, have the representative body, assuming that the vendor is party to that representative body because all vendors are not necessarily members of BARVEN.

Ms. S. R. BELLE: Mr. Chairman, just to remember the orientation of this process because it is really in the context of the functionary granting the licence and also in the context of the Manager of Markets making certain decisions about allocation of sites, so that those functionaries do no, under this present construction, consult with anybody in making those decisions.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, I heard the legal drafter but there is more a policy question, to be quite fair. At this point while we are treating to questions of manufacturing, while we may consult with individual manufacturers, we do recognise the role played by the associations, and I could go on and on from tourism to small business and every other sector. Equally so, when we are treating to the questions of

relocations and movement, we also typically consult *en masse* with the representative associations as well as the individuals and from a policy perspective, I just wanted to be guided as to whether or not there may not be a role for the association, in the consultative process, given the fact that in any event if you are moving vendors from one sight to a new location you are typically not moving one person alone but you are moving more than one person who may or may not be members of a representative body.

Mr. CHAIRMAN: I agree. I do not have any problems with that. I do not see any merit in resisting a wider input, so from my perspective I am in full agreement, Minister.

My only other observation would be that even though the legislation does not speak specifically to this question, the appellate process, I would imagine, would enable the vendor who is appearing to be represented, and ordinarily that person would be represented by an attorney-at-law and/or a friend. Is that not correct?

Ms. S. R. BELLE: Yes, Mr. Chairman.

Mr. CHAIRMAN: Therefore, it would enable the vendor to have, as his or her friend, the representative of the overarching body which would be BARVEN, or any similar entity that represents vendors.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, I would support that as a policy measure, largely because, I think, we have to be fair to persons who are engaging in the appellate process or in the consultative process at the outset and give them the best possible tools and resources, including their representatives, in the instance where they may need to use those resources because sometimes putting an individual vendor before a tribunal can be imposing and I think we have to give them the benefit of support.

Mr. T. A. PRESCOD: Mr. Chairman.

Mr. CHAIRMAN: Go ahead, Honourable Member.

Mr. T. A. PRESCOD: Mr. Chairman, I want to posit the view that the trade unions should always be, especially if we are trying to create a new form of governance, they should always have the right to accompany any person who is a member of the trade union in areas of consultation because, as you would say, the word "consultation" could be subject to facing the complexities of trying to understand rights, duties and so on and sometimes a worker or an individual cannot really deal with those complexities. I think that is the point that the Minister of Tourism was just trying to make.

I believe that some workers' association which might not be registered trade union movements, if a worker belongs to a workers' association or if there is an individual, an attorney-at-law or an individual that the person considers to be more – I do not want to say abled-bodied – but at least clever enough to be able to deal with these issues. I know how it is sometimes for an ordinary man on the street to sit in a room with all of the mahogany and people appearing to be esoteric in their language and frightening individuals and so one and have people saying yes, ma'am, no, ma'am and all of that time the rights are withering away from the individual. I would just like to see some provision in there so that that person with whom we are "consulting" – that is where the problem really lies - what really is "consultation"; and that they have an individual or institution to help support them when they have to be confronted with issues of this kind called "consultation".

Mr. CHAIRMAN: Fine. Senator Wiggins.

Senator Ms. A. M. WIGGINS: Good morning and thank you, Mr. Chairman. We speak to the issue of the consultative process and whether or not vendors will have the right to bring a trade union, a lawyer or friend with them. How does that sit in terms of the fact that we are looking at providing vending zones? If the Government through this Bill is looking at providing new vending zones for vendors, how does that conflict with the rights of those vendors in terms of... Yes, we are going to have the consultative process with those vendors, but if we had determined that an area across the road from Waterford, the Belle Plantation is going to be a vending zone, let us say you have some vendors who want to sell corn along the ABC Highway, would you then have still to consult with those vendors who want to sell along the ABC Highway, given that you now have created a large vending zone, let us say in the area of the Belle Plantation? Does that necessitate a consultative process in the way that I am hearing being described here? Or, is it that once these vending zones are created, not that we are mandating, but I would think it is the cleanness process essentially for all vendors to move to that area. Also, as you know, I have already spoken about the vendors along the ABC Highway, that if zones are created for them they should move. I do not think that there should be the back-and-forth in terms of arguing with them or their representatives whether or not they should move, unless, of course, they are operating from within their own curtilage.

Mr. CHAIRMAN: Senator Wiggins, I hear you, but I must respectfully disagree. I take the view that in all matters it is desirable for us to have that exchange of views. I think the vendor must benefit from a clear understanding of what Government's policy perspective is or policy intention is, and equally, it is an informative exercise for the vendor to understand that if he or she is being relocated for whatever reason and being put in a vending zone, that this zone was constructed with a view of empowering and facilitating them and their business development.

At the same time, on the other side of the coin, I think Government benefits from hearing views that it may not have given thought to, for example, what we are doing right now as a result of the Leader of the Opposition's intervention. However, it does not mean, and I think this is where you going, and in this regard I want to give you the assurance that it would not mean that because we have engaged in the discussion, that Government cannot act and govern because that is ultimately what Government must do; it must at some point govern, but I do not see that there

is any difficulty for us engaging in the conversation, getting the benefit of a cross-section of views and then when the time comes for us to govern we are better informed and I think better-advised to take whatever steps necessary. That is my take on the question you asked. I would say 'yes', we would be best-advised to have the consultation on every level whenever it is necessary to relocate vendors.

Ms. S. R. BELLE: Mr. Chairman, just to speak generally in relation to the vending zones. Just remember that Clause 13 provides that the Minister shall consult with the National Vending Committee in terms of the designation of vending zones generally. The National Vending Committee has a number of membership representation including BARVEN, so that it would include consultation with the vendors generally, should they decide to be a part of that process.

I just wanted to remind the Committee of that provision, thank you.

Mr. CHAIRMAN: Grateful to you, Deputy Chief. If then, I could try capture where we are, I would suggest, Deputy Chief, that what you want to do at Clause 17 Sub-Section (3) ...

Ms. S. R. BELLE: Mr. Chairman, I just want to make a recommendation. I am going to use the language specifically if it was an Act. You would have to create another subsection dealing with the definition of "consultation" and then set out all of the parameters that we discussed, including the requirement for there to be consultation in writing with the appropriate functionaries; that there would be an appropriate time frame and that there would be reasons. Thank you.

Mr. CHAIRMAN: Yes. Fine. Are there any other requests for the Floor on this point? I see none. Therefore, Deputy Chief the Floor is yours, you were at Clause 17, Sub-Section (3).

Ms. S. R. BELLE: Mr. Chairman, it is more now to move to Clause 18 because we would have gone through all of them.

Mr. CHAIRMAN: Okay. No problem. Let me just make sure that all Members are on the same page. Does anyone have any other issues that they wish to raise under Part V, Clause 17? There you go, Minister Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Thank you, Mr. Chairman. At Clause 17 Sub-Clause (3)(d), I did have a note here on the question of "**reclaim any merchandise which is seized pursuant to the eviction or relocation notice**". I was noting here that prior to Clause 17, there is no mention of that in the legislation, perhaps it does come later, the mechanism on how it is being done, it does come later, but having made reference to it here, perhaps it needs a further clarification because you that is up front without context and it does create some angst in the mind of somebody who may be reading it.

Mr. CHAIRMAN: Minister, I sense that you are not to be faulted because the practice of the law really is, as you say, put it up front and even though a level of angst might be created, you are invited to continue to read the legislation and that angst would be settled (sic!).

Ms. S. R. BELLE: Mr. Chair, it is basically to set out generally what the rights would be and then the articulation or any specifics will come later, so I do not think that there should be any problem because it sets out... and clearly you would have to use the arrangement of Sections to inform how you go about understanding the legislation. Hence, the normal tools of understanding legislation would apply. Thank you.

Mr. CHAIRMAN: We are on the same page, Deputy Chief. What Part V is attempting to do is outline in brief, if you will, what the rights are and then they would be elaborated upon as you go further into the body of the legislation. Could you then proceed to Clause 18, please?

Ms. S. R. BELLE: Chair, Clause 18 (1) speaks to "**General obligations of vendors**" in relation to the circumstances in which they would be required to produce their licences; circumstances in which they would be removing their merchandise in the conducting of their business; the requirement to maintain the cleanliness of the zone; keeping amenities and other public property in good condition; the requirement not to conduct themselves in a certain manner, including not using abusive language; insulting gestures; intimidating; harassing people; consuming or being under the influence of alcohol or drugs; or serving or distributing alcohol without the appropriate licence. There is also the requirement to make sure that if you are engaging in the sale of food that you are in compliance with the *Health Services (Food Hygiene) Regulations, 1969 (S.I. 1969 No.232)*. If then you contravene those obligations, you would be subject to an administrative penalty. Thank you.

Mr. CHAIRMAN: Thank you, Deputy Chief. Now, at Clause 18, Colleagues, are there any issues arising from that overview of the general obligations of vendors? Minister Cummins.

Asides.

Mr. CHAIRMAN: I beg your pardon. Senator Holder.

Senator Dr. L. P. HOLDER: Yes, my hand was raised.

Mr. CHAIRMAN: Yes, you hand was raised. The problem was not your hand, it was my eye. Senator Cummins had caught my eye but I am sensing that she is prepared to give way to you, so please proceed.

Senator Dr. L. P. HOLDER: Thank you, Chair. Thank you, Senator Cummins. Sir, I wish to seek clarification on this word at Section 18(3)(e) which is "consume". Some time ago we talked about appreciating cultural realities and norms, et cetera. Chair, is it that we are suggesting that the vendor, as we know is the case, may be invited to have a Shandy, for example, that I think has three or four per cent alcohol, with one of his or her

consumers or guests?

Are we saying that that vendor ought to deny the particular offer, and while in that arrangement not be able to have one drink with the consumers there? Is that what we are suggesting by the use of the word "consume"? I understand that we are seeking to discourage vendors from being under the influence or from being intoxicated in any manner. We understand that and we totally agree but, Sir, is it that we should use the word "consume"? Should there be a synonym that maybe helps to get this point across?

Mr. CHAIRMAN: Senator Holder, I am a bit perplexed, I confess. I think that you have both asked and answered the question. The only thing I can add is perhaps that, as in all things, there is going to be an element of discretion, but the intention is to avoid persons being under the influence of alcohol or drugs while engaged in the business of vending. I do not know that if I followed your analogy that it would cause a market manager reasonably to intervene because he saw somebody sipping a Shandy. It is possible, but I do not know. You have bowled an unplayable ball, Senator Holder.

Senator Dr. L. P. HOLDER: It is very possible, Chair. Not that I doubt the Manager of Markets, whoever he or she may be, and their capacity and competence and so on, but as much as we can give guidance through the legislation so that we avoid persons who may be prone to apply their own morality to situations, we should do so.

Mr. CHAIRMAN: Perhaps, Senator, you will help us considerably if you were able to propose an alternative because, again, in the event that this obligation was breached, the consequence would be to invite the vendor to pay or compel him or her to pay an administrative penalty. Now, again, the vendor has a right to challenge any administrative penalty that he or she feels is unreasonable. In the circumstances that you have outlined, were I a vendor, I certainly would challenge an administrative penalty of that nature. Therefore, while the vendor would be subjected to some form of inconvenience – and I suspect the Manager of Markets would be subjected to a level of public disapproval – I am not sure that the legislation itself can, unless you have an alternative, account for the grey area which you are creating by way of your example.

What we want to do is avoid consuming certain types of things while in the business. The same principle applies, quite frankly, to those of us who are driving motor vehicles; we are not supposed to be consuming drugs or alcohol while driving a motor vehicle. I am not aware of any case where a police officer has been successful because a man drank a Shandy.

Hon. K. D. M. HUMPHREY: Chair, through you, I suspect that, as in all things, the law has to stand the test of reasonableness and I do not know that any market manager.... As it stands now, we do not allow people to consume beer while they work and the reason the consumption of alcohol in the markets was stopped was because these things escalate very quickly. I think in the test of reasonableness, I cannot begin to imagine a person intervening for a Shandy, to be truthful. I have not seen it but you do not want a case where you allow the consumption of alcohol on the premises.

In the Bridgetown Market, for example, and in Oistins and in a lot of our markets, vendors understand that so when they want to have a beverage they find themselves somewhere off the property. I think we do not want to encourage alcoholic consumption in the markets or in the vending zones and so on, but I do not know that in this Act by the end of the day that we are going to be able to reasonably put into the legislation every single possible scenario, but you have to assume that the actor in this instance is a reasonable man. The law, as we all know, must stand that simple test of reasonableness.

Mr. CHAIRMAN: Thank you very much, Minister Humphrey.

Mr. T. A. PRESCOD: I would just like to suggest that I can understand if somebody becomes intoxicated. I can understand if somebody uses abusive language, but in my little understanding of even case law, I have never seen a person being charged for consuming alcohol. I have never seen it. I would like any lawyer to show me it. I would like a judge to show me it. I have never seen a man being charged for consuming alcohol. You are charged for ***committing an offence*** but not ***for drinking alcohol***. Drinking alcohol is not an offence. We are getting confused sometimes with class values because many people drink alcohol on their jobs but they cannot drink alcohol and abuse persons, use obscene language, in any way reveal any forms of indecency or assault anybody.

Those are the issues that the law of tort will deal with but there is nothing in tort law, from my superficial understanding of the subject matter, that speaks to drinking alcohol. Ethics, morals and persuasion is something completely different; you can persuade a person but you cannot tell a man, "You cannot work here because you drink alcohol." You cannot send him home for that. You can send him home if he gets drunk on the job or does something wrong.

I believe that this is an oversight and I think that we should hear persons who have drafted it and try to find out exactly what it is that they were trying to address. In the end I think that the influence of alcohol or drugs, although I believe is not strong enough but at least that is more explicit than to talk about consuming alcohol. Probably, we need to hear the views of the lawyers present.

Mr. CHAIRMAN: Before you speak, Deputy Chief Parliamentary Counsel, and I will also come to Ms. Moore before I go to Ms. Belle, I just want to assure you, Honourable Member, that before this came to Parliament there were a number of meetings with the relevant executing departments of Government. Remember, the Department of Commerce does not execute any day-by-day governance over the activity of vending; that is dealt with either by the Ministry of the Blue Economy; it is dealt with by the Ministry of Agriculture; and equally by the

Ministry of the Environment.

In particular, with respect to fish markets and other markets, it was made very clear by the Manager and Supervisor of Markets, respectively, that there have been instances... In fact, Minister Humphrey's term just now was used by them; that things can escalate very quickly, and have in the past escalated quickly. Therefore, it is not desirable to have intoxicating beverages – I want to be as clear as possible - or the consumption of drugs while in the process of vending.

While you speak about case law, Honourable Member, there are an abundance of cases under the criminal jurisdiction of the courts in Barbados which begin with acts of violence being perpetrated in circumstances where the parties, one or more, were intoxicated. What I think we are trying to do is to avoid that eventuality.

To be fair, I understand where your concern is but I think that we would do well to hear from the Manager of Markets on this point when he comes. Can I ask us then to agree to hear the Manager of Markets and the Supervisor of Markets from Fisheries when they come, so that the Committee can be guided by the daily experience of those gentlemen and lady who have to treat to these particular matters? I would not want us to rush to a judgment on this point without having had the benefit of wide consultation. Ms. Moore, the Floor is yours.

Ms. T. N. S.-A. MOORE: Thank you. Related to the point of ***consumption of alcohol while vending***, it took me to the definition of vending at Part II, Clause 3(1). It states as follows:

"**Vending**

For the purposes of this Act, vending refers to the offering for sale of merchandise or the rendering of services

(a) in a vending zone for the purposes of earning a living; or

(b) for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only."

Chair, I heard Minister Humphrey perhaps outlining what the practice is; that you step away from your station if you want to drink 'something'. I go to the definition and I am thinking that if you are seen stepping away from your station, even if you are not at your vending station and you are consuming, it can bring the person in the example you raised similarly in breach of the law. I am just wondering what is the intent and if what is actually their squares.

Mr. CHAIRMAN: Yes. Honourable Member, I chose my words carefully just now. I am going to say now what I perhaps did not say then. There are some things that happen that ought not to happen. We have to be mindful of those realities and in all things there is going to be the exercise of some discretion. There are those who on the Floor of the House will be speaking after having had a beverage. That has happened.

Asides.

Mr. CHAIRMAN: I have been around here for 20 years, so I know it has happened. It is not something that one wants to encourage but it is a reality.

It is the same reality and I do not want us to bring any artificial class barriers to it because it is the same reality; people will leave a fish market, have a beverage and come back. The question of being 'under the influence' really then becomes the question of your ability to tolerate that which you have ingested. I think what we are trying to achieve by this legislation - and remember in a fish market – well, there have been one or two instances in the House as well – but in a fish market you have people who are wielding swords, cutlasses, *et cetera*, as part of the tools of trade. We know that in Parliament there have been instances where people have pulled weapons on each other. The fact of the matter is that what we are touching on here is a reality of Barbadian life, whether it be the upper crust or at the root of the society and what we have to deal with is to treat to that reality in a way that is sensitive to the culture but at the same time making sure that we bring order.

Ms. T. N. S-A. MOORE: It is for that reason that I raised it because I agree with you 100 per cent and I would not want that in the application of the definition that everything you so eloquently described is used against a person who may take a break or be at lunch.

Mr. CHAIRMAN: Fine. Therefore, it may be best for us to take a bit of guidance from the Manager and Supervisor of Markets, respectively, who treat to these matters on a daily basis.

Ms. S. R. BELLE: Mr. Chairman, just to be absolutely clear. There is no creation of a criminal offence in relation to that conduct.

Asides.

Ms. S. R. BELLE: No, but it was put forward that the legislation was in fact creating it. It was not.

Mr. CHAIRMAN: Sorry, that escaped me.

Ms. S. BELLE: It is that an administrative fine would be imposed. If it is that you have a problem with that, then you can appeal it. I am just pointing that out as a matter of clarification.

Mr. CHAIRMAN: Point taken and I am very grateful to you. I have Senator Holder online who wishes to have the Floor. The Floor is yours, Senator Holder.

Senator Dr. L. P. HOLDER: Thank you again, Mr. Chairman. I listened to the intervention from Minister Humphrey. He referred to reasonableness. Sir, while I understand that point, I still am of the view, this legislation here is not unique to markets. This is not unique to that demographic that he is referencing, therefore, whatever we can do at this level to make sure that we are as general as possible in the language, I think, Sir, ought to be

contemplated and so when Comrade Prescod intervened to suggest let us hear from the drafters, *vis-à-vis,* the meaning here, I was looking forward to that because I do not think, Mr. Chairman, that we can discount those occasional activities that would happen: the fairs and the entrepreneurial showcases and all of these things that do occur. I somehow feel that the word "consume", taken very literally, may not be what we are intended here in the outcome and the spirit of the legislation but we are really talking about being under the influence, being intoxicated and the like. Therefore, could there be reconsideration, if you will, of a different concept, a different verb even, then the word "consume" because taken literally, Sir, I do not think that is what is the spirit of the legislation.

Mr. CHAIRMAN: Ms. Belle, do you have view on this observation by Senator Holder?

Ms. S. R. BELLE: Mr. Chairman, I do not think this is quite frankly anything unusual in relation to how most professionals are required to operate and so it is strange that you would raise something like this. However, I give way to the policy and if it is that "consume" is a problem, then you can remove the word "consume" and just deal with "being under the influence of alcohol or drugs", and that can be done. I am just proffering that as an alternative. Thank you.

Mr. CHAIRMAN: What I am going to ask the Committee to do then is to let us know where we are at Clause 18, Sub-clause (3)(iii): **"Consume or be under the influence of alcohol or drugs"** to be raised specifically with the Supervisor and Manager of Markets, respectively, when they come. I believe that, interestingly enough, the Police were to be invited to appear before the Committee. Perhaps it should be raised with them too before the Committee makes any determination as to where we go on this matter of consumption.

Minister Forde and then Minister Cummins.

Hon. A. R. FORDE: Thank you, Mr. Chairman and Committee Members. I just want to say that I think I should just read: "you should not consume alcohol or drugs", because in order for you to determine if something is '*under the influence*', you would have to have either a Breathalyzer test, or some person doing some type of test or something because a person who may have maladaptive patterns of behaviour may not be *under the influence of drugs*; they might just be going through an emotional moment. It should not just be "consume", it should be: "should not consume alcohol or drugs" should be the right wording of the legislation because we cannot determine by using what type of visual acuity we have that a person is under the influence of alcohol because of some maladaptive pattern or behaviour that they exhibit. To me the legislation should just read *"the consumption of alcohol or drugs which is identified by a witness"* or something like that, if they see the person drinking or so.

Mr. CHAIRMAN: Mr. Minister, I have heard you. I thank you for the intervention. I just caution you that while you are entitled to your view the law, very often, is about precedent. The Road Traffic Act, I am very sure, uses the language of "driving under the influence". Again, there should have been way back then a way of testing it in the objective way that you have suggested but that language has been around long before there were Breathalyzer tests, so we can box ourselves into some difficult situations if we change the language too loosely and I just want to caution on that. Minister Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Thank you, Mr. Chairman. I have listened to the submissions that had been made by to colleagues and I am sure that in each instance there was merit in the position being put forward but I just want to caution, Mr. Chairman, that while I understand the questions being raised about the intent of the legislation and the way in which it can be legitimately administered objectively, I just wanted caution that we not go too, too far down this rabbit hole.

Mr. Chairman, we live in a country – and I am going away from the Vending Bill for a moment in order to come back to it – where on every single day, in the middle of a pandemic we have our public health officials, our enforcement officials begging people to comply with the regulations, seemingly to no avail, urging people to follow what is being asked of them; in this instance, to keep them safe and to keep everyone else safe. I think we have to be careful that we do not, in attempting to facilitate the normal cultural practices of our society and human behaviour, that we do not create a legislation that is so permissive that there are no parameters within which people are required to function in what must still be a rules-based society and so the question of consumption of alcoholic beverages on the job is not something that is unique to vending, but as was said by Colleagues here, you do not, typically, have in legislation the permission being granted by way of its exclusion from your regulations, either administrative or legislative, the ability to consume alcoholic or otherwise intoxicating or behavioural altering products while on the job.

If I leave my job and I go off to lunch or to dinner and I have a drink, as you have said as has happened elsewhere, then that is one matter, Mr. Chairman, but I am not certain that the legislative parameters within which we are framing a society to protect all would allow for us to remove "consume" from its legislation.

Mr. CHAIRMAN: Thank you, Minister. I am inclined to agree and I would only add this much Colleagues. I want us to think this thing through holistically. Before us also is a recommendation that we reduce the age at which one can vend legally, to 16 years old. At the same time, we cannot have it being done in an environment if it is a 16-year-old participating in vending in an environment where because we have just changed the legislation to make the drinking of alcohol possible only at 18-years-old so that there is a need for us to make sure that we bring the most holistic type of consideration to this matter. Minister, the Floor is yours again.

Senator the Hon. Ms. L. R. CUMMINS: Mr.

Chairman, I forgot to just make the point here that this Section along with Clauses 17 and 18, the two really have to be read together and in furtherance of my earlier point, I think we stress a lot of our conversation on rights, but we have to balance that in all instances between rights and responsibilities, rights and obligations, and I think that the two Clauses: **"Rights of vendors"** at Clause 17 and **"General Obligations of vendors"** at Clause 18 really have to complement each other so people understand very clearly that, yes, you are being given rights and that you are entitled to those rights but that you are also obligated to have certain responsibilities which you must live up to and that has to be the society that we help to frame in this country, Mr. President.

Mr. CHAIRMAN: Not Mr. President.

Senator the Hon. Ms. L. R. CUMMINS: I am sorry, I am so used to a different person sitting in that Chair, Mr. Chairman.

Mr. CHAIRMAN: Thank you very much, Colleagues, for the interventions. Before we go to Part VI, just for the benefit of the officers who have to take a record, we are using our language very loosely and it can cause some challenges. It is preferable, because we are discussing a Bill, for us to be speaking to Clauses in the Bill, as opposed to sections. Sections are more appropriate for an Act. I think we all understand what it is we are trying to say but it needs to be properly said and if it is not properly said in this place, we cannot expect for our language to be used well elsewhere. We have to set that standard for ourselves.

Mr. T. A. PRESCOD: Mr. Chairman, I just want to make the point.

Mr. CHAIRMAN: Sorry, I beg your pardon. The Leader of the Opposition did indicate that he wanted to have the Floor.

Bishop J. J. S. ATHERLEY: That was quite some time ago, Mr. Chairman, thank you. It has to do with the matter of administrative penalty for use of abusive language. That was more my concern than the consumption of alcohol because the degree to which you do that could affect your ability and bring the kind of dispositions that can cause all kinds of issues for others. However, I do not know that at ***"(i) use of abusive language or make insulting gesture"***, in average terms a Bajan could speak with either colour or clarity without recourse to abusive language. We have heard here off the Floor. Mr. Chairman, some of the most colourful language I have heard has been in the precincts of this Parliament; some outside of the Chamber and some in the Chamber. I think you have been exposed to that as well. My concern is about us trying to address the matter of use of abusive language here. This is not a class matter, I have heard this used all across classes in Barbados in all professions and trades, so it is not a 'market' thing. I have heard this used among those in the clerical or ecclesiastical circles. Where I disposed myself that way I would have used some because you had me here waiting so very long to get your notice and attention.

Mr. CHAIRMAN: I believe that the rules of the House still apply.

Bishop the Hon. J. J. S. ATHERLEY: But they have been breached very often.

Mr. CHAIRMAN: If you had been so inclined, you would therefore have to be censored for such a matter.

Bishop the Hon. J. J. S. ATHERLEY: I am not so inclined by nature and I am not so inclined in this instance, but were I so inclined I would have had just cause. What I am saying here is that to me this is more likely to be observed as a breach. What administrative penalty for using colourful language?

Mr. CHAIRMAN: Honourable Leader of the Opposition, I am not minded to say anything on that matter other than that there is a time and place for everything and I think what we are trying to do is to make sure that those times and places are applied.

Senator Wiggins, you had also indicated you wanted the Floor.

Asides.

Mr. CHAIRMAN: Bear with me, Senator Wiggins. The Honourable Member for St. Michael East seems to have a challenge.

Mr. T. A. PRESCOD: Well, I have a challenge.

Mr. CHAIRMAN: Are you seeking the Floor, Sir?

Mr. T. A. PRESCOD: I am seeking the Floor.

Mr. CHAIRMAN: But you must wait, I have called on Senator Wiggins first.

Mr. T. A. PRESCOD: Okay, I am quite willing to do that; following traditional practices of ladies first.

Mr. CHAIRMAN: There you go. Thank you. Please proceed Ma'am.

Senator Ms. A. M. WIGGINS: Thank you, Sir. I just wanted to ask a question. Generally speaking, when Bills and so on are being introduced in Parliament they are being introduced to correct a problem or to address a short-sightedness that had happened before. The question – and Comrade Prescod had actually asked as well – is where there is a policy where there is a lot of alcohol being consumed with vendors, regardless of their location because this would have to have been put in there for a particular reason, so is there a precedent where there has been a lot of drug and alcohol use, as we would say, 'on the job', and if this legislation now is being introduced to correct that deficiency, or if we are looking towards the future? Thank you, Sir.

Mr. CHAIRMAN: The concern arises out of two things, as I understand it Senator, and I will be very candid with you. In the preparation of the Bill, it became clear that there had been a number of instances where, as Minister Humphrey said, things had gotten out of control very quickly when you have a very strenuous disagreement, in

some circumstances where people are working with implements that are capable of doing grievous bodily harm. Hence, we have that backdrop.

The second thing is that we are trying to lift this business of vending out of the confines of the criminal jurisdiction. In so doing, I think we also have to be mindful of the fact that we have to protect against those things that might lead, unintentionally, to the police once again having to have a role to play in this matter.

Now, I think it we are frank for ourselves, we know that whether you are driving under the influence, whether you are in the House of Assembly under the influence, whether you are flying an aircraft under the influence or doing whatever, it very often leads to bad judgement and then impaired judgement can lead to types of behaviours that can cause challenges with the criminal law. In reality that is what was informing this consideration.

Hon. K. D. M. HUMPHREY: Mr. Chair, may I say something?

Mr. CHAIRMAN: Minister Humphrey wants the Floor. That does not compromise you, Honourable Member for St. Michael East, it is on the same point.

Hon. K. D. M. HUMPHREY: I note the point raised by Senator Wiggins, and the truth is, currently, in all of the markets you see a sign saying "No alcoholic beverages allowed". This has been the tradition. As a matter of fact, if you were to speak to the persons who work in the markets, for the most part, well-over 90 per cent of them do not wish to see any persons consuming alcohol or doing drugs in the market, out of fear, so there is oftentimes a real fear among the women that when persons are consuming alcohol they tend to behave in ways that would lead to all kinds of harm. Therefore, it is not only a new thing, it is something that we have been doing. In my example, when BARNUFO, which is the Barbados National Union of Fisherfolk Organisation, I know for a fact that they do not wish to see alcohol being consumed in the markets, so it is not that we are imposing something against people's will, what we are actually doing is reflecting the will of the majority of persons who actually occupy the market.

Mr. CHAIRMAN: Grateful to you, thank you. Member for St. Michael East.

Mr. T. A. PRESCOD: Sir, the law is not about what the majority of people want to do or if vendors agree to allow people to drink alcohol or anything like that. We are talking about a provision in law. We are not talking morals or ethics; we are talking about law. I have never seen anything in law, this is a precedent, a small state precedent of a population that is less than... It is not even a reflection of the general population; that is telling you now that if you "consume", not get "intoxicated". There is an effort here to try to mix intoxication and consuming alcohol. You want to tell me that if someone drinks a small portion of alcohol, if that is wrong it is morally wrong here and it is also illegal here too. If at the highest in the land you all can make available all different forms of alcohol - I drink some - but nobody cannot tell me that I cannot come in here because I drank it.

Mr. CHAIRMAN: Honourable Member. Is this working? Honourable Member can you hear me?

Mr. T. A. PRESCOD: I am speaking the truth.

Mr. CHAIRMAN: You may well be. However, Honourable Member, you cannot.....

Asides

Mr. CHAIRMAN: No, I am never going to suggest that of you. The term "creating an illegality", this Bill will create no illegalities.

Mr. T. A. PRESCOD: No, but the fact that you can be penalised for doing it; a penalty is applied. He is not even perceived to have "consumed".

Mr. CHAIRMAN: You just heard the Minister responsible for Fisheries who has jurisdiction over every fish market in Barbados saying that it is not allowed for you to be consuming alcohol in fish markets at present.

Mr. T. A. PRESCOD: All I am saying is that we do not put certain things in legislation. You are not allowed to come work late on mornings, but you do not make legislation to allow management to call in a man and say the law states this, it does not happen. I [have] skimmed through the areas of law - I am not an attorney - but at least I am a qualified paralegal and I have been involved in working with attorneys-at-law. I have never seen anything in law.

Mr. CHAIRMAN: Honourable Member, I want to help you. Are you suggesting that Minister Humphrey's Ministry, which oversees the Division of Fisheries, would just have meaningless signs up in the fish markets saying you are not permitted to drink alcohol but if you drink it there is no penalty to be attached to the drinking of it? Is that what you are suggesting?

Mr. T. A. PRESCOD: Sir, because he is Minister responsible for Fisheries it does not mean that he has a right to preside over the drafting of the law.

Mr. CHAIRMAN: No, no. Honourable Member, we are not fighting. We are not being combative. I am just seeking guidance. Perhaps I could ask.... If you pause a minute, hold your powder, keep your powder dry. Minister Humphrey, is there a penalty attached if I drink in the fish market as a vendor right now?

Hon. K. D. M. HUMPHREY: Sir, what we do, because most people comply anyway, is that people have to apply normally for a licence at the end of the year and these things are taken into consideration. Have you been compliant? Have you been causing problems, and so on and so forth? These things add to the determination, of course.

Mr. T. A. PRESCOD: Sir, we are making law. People can put up whatever signs they want to. The reason lawyers get work is when lawyers recognise that what the individual administrator has done is a wrong, we go before

the court. It goes before the court for civil action or criminal action, in which the police will be directly involved. If I have been charged before in a court for entering onto the premises, in the defence of young children at the Ministry of Education, for trespassing, these broad generalisations make no sense but nothing – I cannot even remember the term that was used – was written to explain what "trespassing" meant, so the case went through the window. All I am saying is do not make laws that are ineffective. Are you charging a man for consuming? You can charge a man for becoming intoxicated, using offensive language, inflicting some harm or doing some wrong. You cannot charge a person for consuming.

Mr. CHAIRMAN: Honourable Member, you may well be right, and all I have asked you to do – and I thought you had agreed prior to reopening the discussion – was to wait until when the representatives from the Ministry of Agriculture and the Ministry of Fisheries were here so that we can get the benefit of their input. You may well be right.

Mr. T. A. PRESCOD: I will agree on that but I would also like to suggest that from their perspective, that is all right and I understand that concern, but if the Solicitor General's Office has not given us what we believe we ought to have here, I would like to invite somebody from the University of the West Indies who deals with serious jurisprudence and deals with the logic of these things, because in my view this is devoid of logic in relation to the context in which it is applied. That is all I am saying.

Mr. CHAIRMAN: Honourable Member, your point is taken. You have been heard clearly but we are not going to take it out now. We are not troubling it now. We are going to have the benefit of some discussion on it before we take it out.

Hon. A. R. FORDE: Chair, with your permission, the reality is that....

Mr. CHAIRMAN: Hold on a second, the Honourable Member is not yet finished, apparently. Are you finished now?

Mr. T. A. PRESCOD: Yes, Chair.

Mr. CHAIRMAN: Okay. Good.

Mr. T. A. PRESCOD: I am just hearing arguments that seem to be implying that if you drink alcohol, that you are intoxicated and the chances are that you are likely to do wrong. I guess that would be the reason administrators would say do not drink alcohol on the job, but you do not carry a man, you do not have any strength to just say he drank alcohol. Will you carry a man to just say he drank alcohol on the job? I have never seen that yet. I am saying that other people drink alcohol too.

Mr. CHAIRMAN: There is merit in your argument, you know. I am just asking you to keep your powder dry. We will come back to this. Minister Forde, the Floor is yours.

Hon. A. R. FORDE: I just want to say that we can always deal with the consequences and whether a person should be charged and what the charge is and so on, but the reality is that the Minister of Maritime Affairs understands the environment and his people understand the environment in which they operate. Oftentimes I go into the fish market and the worst thing that crosses my mind is if these guys were to get into a 'noise', with all of those swords and sharp knives around.

I think that in the same way I would not expect people to go in front of a school and be selling 'jello' shots or any type of alcoholic beverage or in any other place where there would be weapons and so on, you have to understand the sensitivity of the environment you are in. I think that is what we have to look at when we look at the legislation. The same signs go up in the Ministry of Environment in terms of not consuming alcohol, and there is a reason for it. You have to understand the situation, the circumstances and the environment you are in when you are making these decisions. That is all I wanted to say.

Mr. CHAIRMAN: Thank you, Minister. Minister Humphrey.

Hon. K. D. M. HUMPHREY: Sir, I just looked at the *Markets and Slaughterhouses Regulations* which currently guide us. We abide by the *Markets and Slaughterhouses Act*. The definition for intoxicating beverages is given there, so this is not new. Intoxicating liquor has the meaning assigned in the *Liquor Licences Act*, so that is defined somewhere. This Act is old, and they go on to state that no person shall consume – in the original Act – intoxicating liquor while in the markets, so I do not know that this is new or that we now have to go and find a university lecturer to tell us what intoxicating liquor is. I mean, seriously?

I know the Honourable Member is not attacking me but I am just saying there is a reason that the architects of this original legislation put these things in, and the reality is I am thinking of the markets in which I spend a lot of time, Sir.

The legislation says no person in any public market shall sell, consume or otherwise dispose of intoxicating liquor, so it is already here. We are not adding something new or changing the legislation to penalise persons, Sir. I do not know then that it is fair to say that this is the first time it has been in any legislation because it is in the 1958 legislation.

Mr. T. A. PRESCOD: Chair, I have to reinforce the point. I am not saying there is a problem with intoxication. Apartheid was law years ago but it was not justice, it was not right. We come to Parliament on a regular basis for amendments to the law because the law is not fixed. From time to time, we change the law when we observe that there are things in the law that ought not to be there. So to tell me that the law existed since 19-something and 20-something does not mean anything. There are laws which existed in 16-something that we are dealing with in Barbados at present.

Hon. K. D. M. HUMPHREY: Sir, the only reason I am mentioning that is because the Honourable Member is the one who did say that it does not exist in any

law, so I was just saying that it does exist in a previous law.

Mr. T. A. PRESCOD: Well, I would like to believe that you are a modern thinker.

Mr. CHAIRMAN: Gentlemen, we are not going to debate this particular point any further. I think that we are going to move on and when we have the benefit of hearing from the Supervisor of Markets and the Manager of Markets, respectively, we will then revisit this issue. I think all the views on the matter have been made. Minister Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chair, may I say something on Clause 18 generally?

Mr. CHAIRMAN: On Clause 18 generally, yes. Do you wish to have another intervention? Please proceed, Minister.

Senator the Hon. Ms. L.R. CUMMINS: Chairman, I have two queries on Clause 18. The first one is at Clause 18(1) and the second is at Clause 18(1)(c), so I will start with Clause 18(1).

"*A vendor shall*

produce his licence for inspection when requested to do so by a customer, the Manager of Vending Zones or a person authorised by the Manager to conduct such inspections".

Mr. Chair, I just wanted to get a sense from the drafters – this is more the legal question – since precedent exists when you walk into a physical store that your licences are displayed. Equally so, in public transportation they are also displayed, so I wanted to get a sense as to whether or not there was a reason for persons being required to produce, rather than to display their licences for inspection. That is the first query.

Mr. Chair, the second one is in terms of Clause 18(1)(c):

"*Maintain the cleanliness of the vending zone*".

Mr. Chairman, again going back to that question of "***obligations and rights***", we do have some issues with areas being left in an unkempt and untidy state for an extended period of time. I wanted to know whether or not it was intent perhaps by the addition of administrative regulations or if you wanted to put it in the primary legislation to include a timeframe within which cleaning space had to be done. For example, the Ministry of Health is navigating presently the dengue issues and leaving coconut shells on the roadside to accumulate water, especially during the rainy season, becomes a problem over an extended period of time. Is it intended as a policy measure for us to have a timeframe within which cleaning and the removal of debris should be undertaken at Clause 18(1)(c). Those are my two queries, Mr. Chairman.

Mr. CHAIRMAN: Let us just deal with the last one first. At Part X: "***Miscellaneous***", Clause 34 states as follows:

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

It is the intention of this Minister that that particular matter of the cleanliness of the vending zones would be addressed in the regulations and, yes, with respect to the considerations of time.

I defer to the Deputy Chief Parliamentary Counsel on Clause 18(1)(a) regarding the display of a licence.

Ms. S. R. BELLE: Mr. Chairman, that was simply instructions and nothing more.

Mr. CHAIRMAN: However, to say that is to only reflect on the instructions. I think that there is merit in the view that we should be able to have vendors display licences wherever possible upfront. In the event that it is not displayed, then perhaps you can have them being requested to do so. However, I see no reason we should not have or encourage vendors to display their licences.

Ms. S. BELLE: Mr. Chairman, the obligation on request to do so already exists, so it is just to put in the display aspect. The question to some extent of the practicality in some circumstances where you are selling that may have informed the policy, but I am not sure.

Mr. CHAIRMAN: Okay.

Hon. K. D. M. HUMPHREY: Sorry, Mr. Chairman. In a market you might have four or five persons in a stall. There is really very little space to display a licence. In a fish market, for sure, it will be very difficult to display that is why you would say, "Show when asked."

Mr. CHAIRMAN: Fair enough. This seems to be a reasonable answer to me. Minister, does that satisfy you?

Senator the Hon. Ms. L. R. CUMMINS: It does in principle, Mr. Chairman. I have no objection. I think the practicality is a real concern. That is not to say that we could not in the same way establish single-standing signs or something that would allow for persons to have their things displayed, not on concrete columns necessarily but it could be something as simple as a stand so people can be displayed. I think if we are professionalising the sector, then I would want us to go all the way and give it the professionalism that it deserves.

Hon. K. D. M. HUMPHREY: Mr. Chairman, the point is taken.

Mr. CHAIRMAN: Okay. We can proceed, Deputy Chief Parliamentary Counsel, to Part VI: **Relocation and Eviction of Vendors**". This is the pith and substance of the legislation, so I expect that it will draw the interest of the Members of the Subcommittee.

Ms. S. R. BELLE: Mr. Chairman, Clause 19 speaks to the relocation or eviction of vendors. Clause 19 (1) speaks to the reiteration that there shall be no relocation or eviction of vendors without there being 30 days' notice given by the Manager of Vending Zones. The Manager of Vending Zones has to do this by notice. The Form of the notice is in the Schedules to the legislation, the Fifth Schedule namely.

Mr. CHAIRMAN: **The** Fifth Schedule, Part III and Part IV.

Ms. S. R. BELLE: Yes, Mr. Chairman. In issuing the notice, there has to be some stipulation about the nature and there is a recital of what would constitute the breach,

including whether there was a breach of the condition of the licence or breach of an enactment; whether there was a suspension or a revocation; whether there was an emergency or a public safety element.

As stated before, the 30-day notice will be waived where there is an emergency or other circumstances as stipulated in the public safety, public order or public health. Where there is a requirement for assistance, then the Manager of Markets has the discretion to ask for the assistance of the police, if necessary. I invite comments in relation to Clause 19.

Mr. CHAIRMAN: Colleagues, the Floor is yours. There are Sub-Clauses (1) through (5).

Mr. T. A. PRESCOD: Mr. Chairman, again I think that this also brings into contention the causalities that would allow the Manager to be able to exercise certain rights in terms of what are the things that would allow him to take such action as to evict. When I hear "evict", it says something. I could understand if he is not honouring his payments or contractual relationships, then he can be evicted. A man can also abuse the right to move a man from one location to another; in other words, I have heard about instances sometimes where people working in the Civil Service, for example, - this might be an extreme point – but sometimes senior officers are not pleased with the person and you abandon them, you send them in exile in St. Lucy, as close to the cement plant as possible; so that you would move them from Bridgetown and send them to the Cement Plant, knowing that they live in St. Philip.

We have to think through these things when we do them because you have people that are very subjective in their approaches and sometimes they could do things that they believe give them some inner satisfaction. I do not want to describe that behaviour but I think we have to look at it, especially when we are talking about evicting persons. The word "relocation" could almost be synonymous with evicting if somebody is very sinister in their approach to resolving administrative problems.

Is there anything that you have here which I have not seen or probably saw, but do not understand, that you can point to that gives me some idea of what are the responsibilities of a manager in relation to what would give him the authority to relocate or to evict an individual? Or is it unnecessary, in terms of legislation?

Ms. S. R. BELLE: Mr. Chairman, just to point to Clause 19, Sub-clause(2) which speaks to the grounds:

"Where the vendor is in serious breach of

(i) a condition of his licence;

(ii) in breach of the provision of tis Act made thereunder or any other relevant enactment;

(iii) the vendor's licence has been suspended or revoked;

(iv) where there is an emergency; and

(v) when there is a danger to public health, public order or public safety.

(vi) In addition, if it is that the vendor is aggrieved by a decision of the Manager of Vending Zones then he may appeal that decision under Clause 23.

The required mechanism for protection is in place. The Manager must operate within the scheme of the legislation but the legislation also provides for redress if the decision aggrieves the vendor. Thank you.

Mr. CHAIRMAN: Thank you, Deputy Chief Parliamentary Counsel. Are there any other requests for the Floor on this matter?

Mr. T. A. PRESCOD: I just want to go a little further. The tenets that influence the manner in which management carries out its responsibility must be unequivocally clear, that is why I am saying that loose generalisations would not work. We do not want to make the work of the Judiciary hard. We try to at least draft the law in a very detailed way so that we do have to wait until a judge or even a magistrate presides over matter of this kind and then he has to spend a couple days before he could really understand what the legislation intended. It is an imperative that everything here must come under detailed analysis so that we can make sure we do not pass on all kinds of ambiguities to the Judiciary, then to wait for them to tell us what the interpretation of the law is. As I have said before, we have had those experiences here, even in this Government at present. We have had those experiences here where they appeared to be small matters, but then we discovered that a major decision had to be made at the level of the Judiciary. I am just urging, I am not pointing out any specific aspect of it, the importance of ensuring that we get this right before it gets itself passing the assent of the Governor General.

Mr. CHAIRMAN: Honourable Member, I have heard you clearly. Is there any specific area of generality that you wish to point the Committee to in this regard or are you just issuing a warning to us?

Mr. T. A. PRESCOD: It is not a warning, I am just trying to give primary guidance, if I am so qualified to do. I am saying that what we are talking about here is not disconnected of some of the things we were talking about earlier in Section 5, so I am just suggesting ...

Mr. CHAIRMAN: Agreed, and I have taken it on board. I was just wondering whether there was a specific instance that you wanted to draw attention to, but noted. I see online Senator Hunte seeking the Floor. The Floor is yours.

Senator J. A. HUNTE: Thank you, Mr. Chairman. I see that there is reference to the penalties that a vendor who is considered to be in serious breach of the conditions of his license that he can face. This is, therefore, more so a request to be pointed in the right direction, but I do not remember seeing guidance in the earlier parts of the legislation where we can be comfortable that the Manager

of Vending Zones who has the authority to effect evictions or relocations, that he is provided with a way to determine a serious breach or should I say a minor breach, on the other hand. I am concerned that if there is just reference to what can be done in the case of a serious breach that that may introduce a measure of arbitrariness in legislation that we might be best not to have to do and I think it may allay some of the fears raised by the previous speaker.

Mr. CHAIRMAN: Thank you, Senator. Deputy Chief Parliamentary Counsel, I am inclined to hear you on this. I would have thought that, as with most things of this nature, when once a person feels aggrieved and has been provided with reason for taking that position of being aggrieved, then they go by way of appeal to the powers that will make a determination as to whether or not the administrative act was reasonable or otherwise, but I can be guided.

Ms. S. R. BELLE: Mr. Chairman, there is a mechanism by way of appeal under Part VIII, starting with Clause 23 about any decision made by a functionary in relation to decisions that are made, so that an appeal can be made. If it is that they are aggrieved by the decision of the Tribunal you can further appeal it in the High Court. That provision is made for in the legislation as well.

I can take the point about the serious breach, the language, but the thing is then only real thing would be the taking out of the word "serious" breach. The fact of the matter is that you want to be able to have a recognition and an understanding that the vendor must comply with the conditions of his licence and the provisions of any enactment as any other person who is operating within a scheme would be required to do. Thank you.

Mr. CHAIRMAN: I am inclined towards agreement with Senator Hunte, as I understand the submission that the word "serious" – not his language, but mine – may well introduce an element of arbitrary and discretionary thinking here. Either you are in breach or you are not in breach. There is penalty for being in breach. If you get into the realm of what is "serious" breach or not so "serious" breach and so on, that allows for some arbitrary and discretionary wiggle room which might not be helpful in public administrative law so I am thinking, therefore, what we probably should be doing is taking out the term "*serious*" here because the seriousness of one issue, for me, may not be serious for my successor, in which case we would have it varying with the size of the Manager of Vending Zones' shoe; as one Manager of Vending Zones comes, something is "serious"; when he goes it is no longer "serious". It may best be that if you are in breach then you are in breach of a condition of your license, provisions of the Act, regulations made there under, vending without a license, emergency within the meaning of Section 2 of the Emergency Management Act, or being circumstances where there is a danger to public safety and with those areas, clearly and certainly defined, then we are in a better position.

Ms. S. R. BELLE: Yes, Sir, so the word "serious" will be removed. Thank you.

Mr. CHAIRMAN: Thank you, Senator Hunte, so the thinking then would be that we will remove "serious" from the language of the legislation and it will simply be that:

"A *vendor is in breach of*

(i) a condition of his licence".

Thereafter, all of the normal considerations and public administrative law will apply and your appeal process already outlined in the Act will follow. Good?

Senator J. A. HUNTE: Yes, Sir, that is satisfactory.

Mr. CHAIRMAN: Okay. Fine. Are there any other concerns or issues being raised under Clause 19? There being none we move to Clause 20: "**Seizing and reclaiming of goods**".

Ms. S. R. BELLE: Mr. Chairman, moving onto Clause 20, this Clause seeks to set out the procedure for seizing and reclaiming of goods, so that when there is a failure to vacate pursuant to Clause 18(1), the Manager of Vending Zones may seize the merchandise of the vendor. Where there is seizure or a proposal to seize them, there must be an issue of a seizure notice, the Form of which is set out in the Fifth Schedule. The particulars set out in the notice will be the time the merchandise was seized, the location, the list of the merchandise seized, and the description of the items seized, including quantity, weight, size, condition and other descriptor that the Manager of Vending Zones determines as relevant and then the procedure for reclaiming the merchandise. There was also an obligation to seek the assistance of a member of the Police Force where necessary.

The vendor shall also seek to reclaim the merchandise seized within 24 hours of the receipt and will comply with the procedure for reclaiming the merchandise as set out in the notice. Where the merchandise is subject to the seizure notice and it is non-perishable, then the Manager of Vending Zones shall release the merchandise to the vendor within two working days; where it is perishable they shall release the merchandise immediately to the vendor on receipt of claim from the vendor.

The vendor shall be compensated for lost in certain circumstances under Sub-Clauses (c) and (d) of Section 19(2), but the compensation shall not exceed the value of the merchandise seized, and that had to do with the extraordinary measures there which was the emergency. Additionally, where there is not claim for the merchandise seized, then the Manager of Vending Zones will have the discretion to sell the merchandise and if the sale cannot be conducted then dispose of it in the appropriate manner and the proceeds of sale will be paid into the Consolidated Fund.

Are there any comments in relation to Clause 20? Thank you.

Mr. CHAIRMAN: Colleagues, the Floor is open. I see Minister Cummins.

Senator the Hon. Ms. L. R. CUMMINS: Thank you Mr. Chairman. I did have a query and a comment but the comment will come perhaps based on the response to the query. At Section 20(1): "**Where a vendor fails to vacate a vending zone...**". This is within the 30 days' notice which would have been given under Clause 18.(1) and the specifics contained therein, then Clause 20, Sub-Section(2)(a) would step in where there is a seizure notice. Is it the contemplation of the legislation that if the 30 days have elapsed and the vendor then is being issued with a seizure notice, is the seizure notice being given after the seizure of the goods or is it that the seizure notice is the final notification that you must now within a scale of timeframe? Let me try to simplify this because I think I am even confusing myself. If I have a notice that I must move and I have 30 days within which to do so. I do not do so. Then I am being given a seizure notice. Is it that I have until the end of that 24-hour period before the seizure is going to be effected, or is it that my goods are going to be seized immediately and then I am issued with a seizure notice and I have the opportunity to reclaim?

Ms. S. R. BELLE: Mr. Chairman, it is supposed to be that if you do not comply with the period then the Manager of Vending Zones will issue the seizure notice. That is how it is supposed to work.

The other thing is that it is contemplated that there would be regulations to flesh it out more but on its face it would be that upon the elapse of the period then you would be issued a notice.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, that was my reading of the legislation as well and in the spirit of the discussions around the legislation itself, I just wanted to... Perhaps, the prerogative of mercy is something that I think we have fought for in other pieces of legislation. I am just making the point here that perhaps if the 30 days have gone and on the morning of the 31st day the goods that the person not yet moved, the seizure notice could contemplate telling that person that if by the end of the business day on the day of the 29th or the 30th day you are about to be in breach. If these are not removed this is what is going to kick in, so that people understand that they have a last chance within which they must comply. I am just suggesting that rather than after the fact that we do it before the fact and give people an opportunity to avoid having their goods seized.

Mr. Chairman, I say that only because sometimes people's failure to comply is not necessarily just a refusal, it is about that which is outlined in the basis of this legislation: earning a livelihood and making a living. And so, if people do not have an alternative as to where they are going to go and how they are going to support their families, them remaining in a given place may not be because they do not want to comply, it may simply be that they do not feel as if they have an alternative. I just wanted to make sure that we were not too draconian, even though we are decriminalising this. I would like to be able to see persons have at least one last chance within day 30 to 31 to say "I want to avoid my goods being seized by the end of this business day" and the seizure notice takes into account that timeframe.

Mr. CHAIRMAN: Is this the same Minister Cummins who just warned us that we have to be guarded against the permissive society?

Senator the Hon. Ms. L. R. CUMMINS: It is, Mr. Chairman, and so context matters. I am saying that you have framework here that allows for grace, and so the grace is 30 days, you have a set time frame, but what I am suggesting is that by the time that time frame has elapsed I would not want to have a person on day 31 say, "I did not realise that time went so fast". Let them have the seizure notice on day 30 to say, "if you do not pick this up and you do not move by the time frame you are going to have your goods seized". That may be the impetus.

Mr. CHAIRMAN: Effectively, Minister, you would be giving them not an extra day but you will be giving them a days' notice that this is what is about to happen whereas the seizure is about to take place?

Senator the Hon. Ms. L. R. CUMMINS: Yes, that is all I am making. I am not turning back the clock from the 30 days, I am just saying that you have now issued the relocation notice already and before you issued the seizure notice it should be before and not after the fact.

Mr. T. A. PRESCOD: Mr. Chairman, I think that there is also a practice... I am not sure, I think this is something that we need to think about; sometimes the court gives notice to remove a house within a specific amount of days, so you should remove the house within the days stipulated, but then I understand that the onus is also on those who are supposed to execute, to remove it within a given time, and if they do not then they have to go back through the process. So that if at any time you notified a person that within 30 days you must do A, B and C, the onus also has to be placed on you that you must take action within the next five days or if that time expires, that has nothing to do with the person who must be removed – the vendor – but the enforcer also ought to have a certain amount of time, limited time, to execute the decision. If he does not, he has to go back through the process, so that the vendor may end up being there for the next three years. He has to do the work right. You see, I am trying to get away from all of these burdens falling on the vendors to honour agreements.

Mr. CHAIRMAN: I am sorry, Honourable Member. That last point eluded me, I must confess. It may be my difficulty.

Mr. T. A. PRESCOD: Is it my poor way of explaining myself?

Mr. CHAIRMAN: No, you are usually very clear. I am prepared to accept responsibility.

Mr. T. A. PRESCOD: I believe the Minister of Tourism or the leader of the Barbados Workers' Union – in these circumstances I would hope that is from where she speaks – would both be able to articulate that and be a lot more lucid than I am.

Senator the Hon. Ms. L. R. CUMMINS: I did,

Chair.

Mr. CHAIRMAN: Just restate your submission.

Mr. T. A. PRESCOD: All I am saying is that the burden is placed on the vendor to move within a given period, 30 days, but I also believe a responsibility must be placed on management to execute his responsibilities within a given time. If that time expires, then he knows very well that he has to go back through the entire process of sending out a fresh notice, giving the person another 30 days in order to take action.

Mr. T. A. PRESCOD: Mr. Chair, my brain is at a point where I am not a 'top-dog' observer. There are a lot of 'top-dog' observers inside here and everybody seems to be....

Mr. CHAIRMAN: Inside this Committee, Honourable Member? I cannot allow you to disparage Honourable Members of the Committee.

Mr. T. A. PRESCOD: I am not. They probably might be observers. Sir, I am going back again to an area where people probably heard me expressing my views. There is a lot of pro-colonial thoughts going on, and these laws that we are talking about were designed before many of us had any authority to say anything about the law, no more than being critical of it. Now that we have an opportunity, I do not want us to be absolutely guided by what people did before, I want to know what it is that we can do now at least to take some of the burden off. If we are talking about decriminalising, we have to be very careful that we do not even become regimental, so you may decriminalise but then you become regimental. For me, regimental is equally as evil as criminalising, so I will say that we should put some emphasis on the role that management must play as well. Management must not be perceived in these discussions as dominant paragons of virtue. We came out of a history where management was always very sinister, and I am saying that cannot be our approach, so if a manager, he or she, is going to say 30 days' notice is for you, I want to know how many days' limitation we are going to put on him. Rather than leaving a man there every day worrying about if he is coming today or tomorrow, the man would know that if five days have passed and he has not executed, the man has a right as well to put up a defence.

Mr. CHAIRMAN: Honourable Member, therein lies my challenge with both your submission and that of the Honourable Senator who spoke before you, the Minister Tourism. Part 2 of the Fifth Schedule, for those who have it in hard copy, at Page 59, speaks to the eviction notice. I want to remind Honourable Members that the eviction notice must come 30 days before the eviction takes place. That eviction notice says that:

"Due to (state the reason)

the manager of vending zones has determined that it is necessary to evict you,

Mr. Trevor Prescod (for argument's sake), vending licence number 123,

engaged in (type of vending) from (vending zone). This notice shall be effective at the end of the 30-day period after the date of service on the vendor".

Hence, you know, for the purposes of the Honourable Minister of Tourism, that if you got the notice on October 1, it is 30 days later that this notice becomes effective. I am not sure then why the State has to issue you a reminder, having issued you a notice that contains all the necessary information. My question, therefore, would be: Does that not place an undue burden on the State administratively?

Then, now with respect to you, Honourable Member for St. Michael East, you lament the fact that management does not do things in a manner that is timely, but it is the legislation that states that immediately after that 30 days expire, Part V seizure notice cuts in, when the Manager of Vending Zones has to issue you the seizure notice.

Now, I do not know that it is practical to expect that in every case, one day after the 30th day, you are going to get the seizure notice put into your hand. It may well be that that cannot happen until two days after the 30th day, or in circumstances where we may have had something happen on the island it may take three days to get to you. The point is, do we need to proscribe a time frame within which that seizure notice is put in your hand when the vendor now – I go back to Minister Cummins' point about not wanting an overly permissive society – had been placed on notice that he or she, within 30 days of receipt of that notice, is going to be liable to have their goods seized. You exercise good judgement, prudence and common sense. Do I need to wait for a man to come and hold my goods or do I begin to take steps from Day 1 to put those goods in such condition that they can be looked after appropriately rather than wait for the 30th day or 31st, 32nd or 33rd day when the man can come and seize them? I do not want to say the arguments are not substantive but the substance is eluding me.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, if I may respond and I may have to... I would not attempt to assert any real knowledge of the law. I am not an attorney so I cannot say what is normal in the course of law but I do know of several instances, whether it is an eviction notice where you are given notice to vacate premises, when that period of time has passed, you are then served. Mr. Chairman, if it is the case of the environmental health and protection regulations, if you are being required to remove, for example, an old vehicle from a location, you are served with a notice in a time period within which it has to be done and then you are served thereafter with notice that it is going to be moved because you have not complied.

I am just speaking of this particular legislation in the context of those two examples, where after you have been given notice, you are then told this is the enforcement action that is going to be taken and you are given a reasonable opportunity in this instance, whether it is on the 30th or the 31st day, to comply with this, otherwise this

action is going to be taken.

That is the basis on which I was making the recommendation. Equally so, I agree with the point being made by the Honourable Member for St. Michael East. At Part III, where we were speaking about licensing requirements, *et cetera*, we agreed - and I understand it as a matter of principle not specific to a clause but to legislation and policymaking generally - that there has to also be a set of standard operating procedures that then created an obligation on the State to turn these things around in a reasonable time frame.

If you have served a person with an eviction notice, the 30 days have elapsed, and you notify them that action is about to be taken against them because they have not complied with the notice, as is the case with the two examples that I gave previously, then the responsibility on the State is to act within "X" period of prescribed time as a Standard Operating Procedure, so that you do not have a scenario where things fall through the cracks in a system and a person remains in a location from which they have been evicted for three years as has been mentioned by the Honourable Member for St. Michael East. It is a matter of ensuring that there is completeness of the circle and follow through both on the part of the vendor and the State within reasonable and predictable time frames.

Mr. CHAIRMAN: I just want to hasten, though, to point out that the Honourable Member for St. Michael East used that three-year period very arbitrarily. I do not know that that is rooted in fact. I am prepared to hear other Honourable Members. Minister Forde caught my eye and then, the Honourable Member for St. George North.

Asides.

Mr. CHAIRMAN: No, he has insisted that ladies go first.

Ms. T. N. S.-A. MOORE: Mr. Chairman, I was just going to say that in addition - not alternative to - but in addition to what Senator Cummins just mentioned, we agreed when we were examining Clause 17 (3) (b) and (c) that we would look at establishing time frames. I think that this is where the Honourable Member for St. Michael East was going, in terms of shifting the burden away from the vendor alone. If time frames are instituted to address Clause 17 (3) (b) and (c) in terms of the consultation and the assignment to new location, if these time frames are not met, then the 30-day process in a sense is null and void and we have to look at it all over again, we have to start the process all over again.

I think in addition to what is being said that if we institute time frames beyond the 30 days at (a) and at (b) and (c), those time frames we agreed we would look at for consultations and assignment to new locations, if those are not met then the whole 30-day notice period that we are looking at would have to be revisited.

Mr. CHAIRMAN: With great respect, Honourable Members, I would like to hear your thinking because we are shaping policy. I just want to hear your thinking on this matter. If you go back to Clause 19, Sub-Clause (2) (a), (b), (c), *et cetera.* As I understand it, you are looking to place an element of responsibility on the State to move swiftly or within a defined period of time in circumstances as follows:

"The Manager of Vending Zones may issue an eviction or relocation notice pursuant to subsection (1) where

a) the vendor is in serious breach of
   i. a condition of his licence;
   ii. the provisions of this Act, any regulations made thereunder or any other relevant enactment;
b) the vendor's vending licence has been suspended or revoked pursuant to section 8;
c) there is an emergency within the meaning of section 2 of the Emergency Management Act, Cap. 160A;
d) there is danger to public safety, public order or public health."

My question is: What is the policy benefit to trying so strenuously to find a way to set this process back to the start, to begin it all over again in circumstances where the action being taken is one in which the responsibility or the obligation of the vendor has been violated and he or she is in breach. Worse yet, he or she might be in circumstances that are conflicting with public health, public safety, public order or a public emergency. I threw that out but the Honourable Members to whom I threw it out have fled the scene, only the Member for St. George North remains [sic].

Ms. T. N. S.-A. MOORE: I do not mind taking it up because my concern might be a lack of my understanding because when we look at Clause 17 (3), it speaks about a 30 days' notice period before the imposition of a relocation notice. It goes on to speak about consultation. So my understanding is that this might be a charge being brought against the person but not necessarily proved, otherwise, why would you be consulting, *et cetera*? It is not an attempt to set the clock back, it is rather an attempt to make sure that the process is tight, so that if the State is putting in place this 30-day notice before the imposition of a relocation notice, it is going further to ensure that everything else is airtight so that you do not have to start the process all over again but you can proceed along the lines that you have so determined if you are so convinced that the person is definitely in violation of the licence and the other provisions. You want to keep the process tight and not restrict the onus to being on the vendor alone, but also on the State.

Mr. CHAIRMAN: I am seeing the Honourable Member for Christ Church West Central.

Hon. A. R. FORDE: I just want to say, Mr. Chairman, and I suspect that that is where you were trying to carry us in terms of the discussion but as the Minister who sits in the fulcrum of these types of Bills, whether it is the Ministry of Environment or whatever, I think that if I sit and tell you all the issues that we have, especially in these dire economic circumstances, as it relates to payments, subletting and all the other issues associated with the idiosyncrasies in this type of arena, I think that we have to govern. I think that we have to manage. I really think that before it gets to this stage where we are speaking about any legislation, there is an exhaustive process of consultation.

I can say that from my Ministry's perspective. There is an exhaustive process where the vendor is given the opportunity to make amends. Before it gets to this stage about even serving notice 30 days or an extended notice to quit, there is an exhaustive process that goes on. There is a process where persons come in and make certain arrangements to pay off the arrears. I am saying that before it gets to this, there is a lot of dialogue and exchange between vendor and manager and then they are given the chance to make things amenable. I think that this is the end-stage of a long, exhaustive marathon. I do not know if there is any other way that we can do it, other than to just manage the process. Without this type of legislation, I would not be able to manage anything at the NCC, honestly.

Mr. CHAIRMAN: I think that you may only add injury to an already difficult set of circumstances if you were to say that you now dial it back by another 30 days, bearing in mind – and I want Honourable Members to be mindful of this - we are going where none others have gone before. This idea of 30 days' notice is unprecedented; effectively now you would be saying that instead of 30 days, you shift the burden onto the State that they must act within three or four days of that 30 days, otherwise you have to take 60 days, which really makes the governance of the situation... It was problematic because it was not fair, the playing field was tilted completely against the vending community, now we have been asking for the playing field to be tilted completely in the opposite direction which I do not think is what, in my judgment, we want. I think we want to have a more balanced thing where people are mindful of a certain responsibility and when I go back to the notice that is given, you are put on notice that within 30 days your goods are liable to be seized, that is the period of time within which you can make amends or seek so to do. If you have not made amends or sought so to do, then the eviction cuts in, and I am not clear what the benefit would be, either to the vending community or to the State, if we were to say now, well, on top of all of that latitude you can go and start the process all over again.

Ms. T. N. S.-A. MOORE: I think, Mr. Chairman, that you are speaking solely in terms, or if you examined it in terms of an eviction notice only one may be inclined to see it the way you do, but I think my contribution looked at it being a relocation because this Section speaks to relocation or eviction and in relocation circumstances, ensuring that the new site that you are going to be allocated is suitable and so on, my contribution took into consideration that if those discussions were not made in good time then to proceed to seize and all of these other things, they may not lend to the kind of thinking that I thought we agreed to when we said that we would establish time frames at 17(b) and 17(c). For instance, if then it is a relocation and not an eviction notice that we are considering and on day 29 the individual is being told, I will send you to Solidarity House, then that is not deemed by the individual as a suitable alternative location. What that person then has is just an additional day to scramble about, to move their things, they do not have the opportunity to rebut, consult in a meaningful way for anything to be done so I am just saying, or the contribution just seeks to have us establish those time frames, not to restart the process at day 31, but to ensure that in the course of the 30-day period there is also a responsibility on the State to follow through on certain things to ensure that the area that we have gone where no other people have gone before, that it really meets the objective that we have set out for it to achieve when we looked at putting it in place.

Mr. CHAIRMAN: As the Honourable Member for St. George North got into stride, I think, the clarity that I was seeking came. Effectively, you have drawn the distinction that mattered to me and I understand. If you were talking about relocation it is probably worthy of being looked at different to if it is an eviction, and the relocation does carry with it an element of other things because you are looking at the discussion of where you are going to go and the effectiveness of that as a site to vend and so on.

It might be a useful thing therefore, Deputy Chief Parliamentary Counsel, for us to try to make that distinction between how we treat to the relocation process. I could see that being bound by time, on a time provision being built in for the Crown to have to, sorry the State – because by 30th November it will no longer be the Crown – for the State to have to have a period of time within which to initiate and complete those discussions. Deputy Chief Parliamentary Counsel, are you following me?

Ms. S. R. BELLE: Yes, Chair. I am.

Mr. CHAIRMAN: Right. So that will be a separate form of treatment from how we would treat to an eviction.

SUSPENSION

Mr. CHAIRMAN: Colleagues, it is 1:00 o'clock. I am minded that we could break for lunch at this point and come back at 1:45 p.m., with a view to working until 3:30 p.m. We will take 45 minutes' lunch at this point. Those Colleagues online, we will then reconvene at 1:45 p.m. Grateful to you all.

On the motion of Hon. K. D. M. Humphrey, seconded by Hon. A. R. Forde, Mr. Chair suspended the Sitting for lunch, to be resumed at 1:45 p.m. this afternoon.

RESUMPTION

The meeting resumed at 1:55 p.m.

Mr. CHAIRMAN: Honourable Members, when the Suspension was taken, we were at Clause 20 and to that we shall return. Are there any other requests from the Floor for any other observations or interventions on Clause 20?

There were none.

Mr. CHAIRMAN: Not seeing any, I will now move to Part VII: National Vending Committee:

Ms. S. R. BELLE: Mr. Chair, Clause 21 deals with the **Establishment of the National Vending Committee**. The clause speaks to the establishment but then it also speaks to the citation of the Sixth Schedule to deal with the members of the Committee and other procedures relating to the Committee.

"PART VII

NATIONAL VENDING COMMITTEE

Establishment of National Vending Committee

21.(1) For the purposes of this Act there is established a body to be known as the National Vending Committee.

(2) The provisions of the Sixth Schedule have effect with respect to the constitution of the Committee and otherwise in relation thereto.

Functions of the Committee

22. The Committee shall advise

(a) the Minister responsible for Commerce on matters relating to the National Vending Policy including;

(i) overseeing the implementation of the Policy;

(ii) assessing the implementation risks of any one or more of the Policy recommendations;

(iii) monitoring and evaluating the achievement of the objectives of the Policy;

(iv) ensuring that all government related entities involved in the implementation of the Policy consider their responsibilities therein and design their work plans to suit;

(v) preparing annual briefings on the status of the implementation of the Policy; and

(b) the Minister responsible for public markets, the Minister responsible for beaches, esplanades, gardens and parks and the Minister responsible for fisheries on the following:

(i) monitoring and ensuring continued upgrade and maintenance of vending zones;

(ii) monitoring the compliance of vendors with the conditions applicable to the vending zone allocated to them and the conditions under which the zone has been allocated;

(iii) standards that should be adhered to by vendors relating to

(A) personal hygiene;

(B) the cleanliness and public hygiene in the vending zones;

(iv) the amenities that should be made available in vending zones for vendors including access to

(A) waste disposal;

(B) public toilets to maintain cleanliness;

(C) drinking water;

(D) protective covers to protect against the weather;

(E) storage facilities including cold storage;

(v) the aesthetic design of stalls.

Ms. S. BELLE: As you can see, the constitution of the Committee is set out. You will note from the note that was submitted to the Committee that there was an insertion of a representative of the Ministry with responsibility for Tourism, so in the draft that would have been submitted with the amendments arising out of the last meeting that insertion would have been made, but as you can see all the members are set out:

"SIXTH SCHEDULE

National Vending Committee

Constitution of the Committee

1.(1) The National Vending Committee shall comprise the following:

(a) a representative of the Barbados Chamber of Commerce;

(b) a representative of the Barbados National Standards Institution;

(c) a representative of the Barbados Association of Vendors, Retailers and Entrepreneurs;

(d) a representative of the Association of Wayside Vendors;

(e) a representative of the Ministry responsible for Commerce;

(f) the Registrar of Cooperatives;

(g) the Manager of Markets;

(h) the Senior Manager of Markets;

(i) a representative of the Ministry responsible for vocational training;

(j) a representative of the Ministry responsible for health;

(k) a representative of the Ministry responsible for technology;

(l) a representative of the Ministry responsible for education;

(m) a representative of the Ministry responsible for fisheries;

(n) a representative of the Town and Country Planning Department; and

(o) a representative of the National Conservation Commission.

(2) The Minister shall appoint a Chairman from among the members.

Tenure

2. (1) A member of the Committee shall be appointed for a period of 3 years by instrument of appointment and is eligible for re-appointment.

(2) The Minister may at any time revoke the appointment of any member of the Committee.

Resignation

3. Any member of the Committee may at any time resign his office by instrument in writing addressed to the Minister and transmitted to him through the Chairman, and from the date of the receipt by the Minister of the instrument the member ceases to be a member of the Committee.

Publication of membership

4. The Committee as first constituted and every change in the membership thereof shall be published in the Official Gazette.

Procedure and meetings

5.(1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Committee determines, but the Committee shall meet not less than twice a year.

(2) The Chairman may at any time call a special meeting of the Committee, and shall call a special meeting to be held within 7 days of a written request for the purpose addressed to him by any 2 members of the Committee.

(3) The Chairman shall preside at all meetings of the Committee at which he is present, and in the case of his absence or inability to act at any meeting the members present at the meeting constituting a quorum shall elect one of the members to preside at that meeting.

(4) At any meeting at which the voting is equal the Chairman or the person presiding has a second or casting vote.

(5) The quorum of the Committee is a majority of the total membership thereof.

(6) Subject to this Schedule the Committee may regulate its own proceedings.

(7) The validity of the proceedings of the Committee is not affected by any vacancy in the membership thereof or by any defect in the appointment of a member thereof.

Remuneration of members

(6) There may be paid to the Chairman and other members of the Committee such remuneration and such allowances as the Minister may determine."

Ms. S. R. BELLE: Mr. Chair, are there any submissions to be made in relation to this clause? I thank you.

Mr. CHAIRMAN: Colleagues, are there any interventions sought under Clause 21? If not, we will move to Clause 22 which gives you an opportunity to have...

Senator Dr. L. P. HOLDER: Mr. Chair, again I am conscious that you may not have seen the raised hand.

Mr. CHAIRMAN: No, I do apologise. Please proceed. The Floor is yours, Member.

Senator Dr. L. P. HOLDER: Mr. Chair, I am reviewing the Sixth Schedule, the composition of the Committee. Whereas I quite agree with the addition of the Ministry of Tourism and International Transport, I note that there is also a trade association that is missing from this list, that, from my recollection, has in excess of 100 of its members that are vendors and so we have the Association of Wayside Vendors and BARVEN, I would wish to make a submission that this association known as the Barbados Small Business Association be considered by the Committee as well for inclusion on this National Vending Committee.

Mr. CHAIRMAN: Colleague, your point is noted. Colleagues, are there any views on that? Mr. Cumberbatch, did you want the Floor?

Mr. A. CUMBERBATCH: Mr. Chair, I think that the Barbados Small Business Association plays a very important role in the ecosystem and I have no difficulty including that organisation as a member of the Committee.

Mr. CHAIRMAN: Fine. Thank you. Minister Gooding-Edghill, the Floor is yours.

Hon. G. P. I. GOODING-EDGHILL: Mr. Chair, thank you. I am not dealing with that point specifically but I am dealing with the Sixth Schedule. I just wanted to understand at (g) and (h), where you have the Manager of Markets and then the Senior Manager of Markets. I recognised that at the last count there were about 16 persons on the Committee, plus if we add the Barbados Small Business Association it now becomes 17 members, but I would like to understand why we needed to have both the Manager of Markets and the Senior Manager of Markets included.

Mr. CHAIRMAN: The challenge, Minister, is that the Office of Manager of Markets, if I recall correctly, is a creature under the Ministry of Agriculture and Food Security, whereas the Office of the Senior Manager of Markets is created under the Ministry of Fisheries and so that creates that challenge for us.

Hon. G. P. I. GOODING-EDGHILL: Mr. Chair, understood, but perhaps then just for clarity I think we should make the point here "*Manager of Markets (if is Fisheries or Senior Manager of Markets and the Ministry associated with that post*". So that we do not get confused, so that another person would not do the same thing I am doing. I am asking the question.

Ms. S. R. BELLE: Mr. Chair, in relation to Clause (2) which speaks to the Definitions, the Manager of Markets is defined and the Senior Manager of Markets is defined.

Mr. CHAIRMAN: Oh, it is done earlier in the

Act. Is that your point?

Ms. S. R. BELLE: Yes, Chair, so that it is made clear what would be the portfolios of both the Manager of Markets, and that of the Senior Manager of Markets. The Senior Manager of Markets is especially included to deal with the fish markets. I thank you.

Mr. T. A. PRESCOD: Mr. Chair, could you be gracious and accommodating enough to allow me to go back to Part V, Clause (18) Sub-Clauses(e)(i). I just hope that we have some clarity on this term: "use abuse language or make "***insulting gestures***".

I hope that we could at least break that down so that we can have a clear understanding of what it is that we want to address by the term "***insulting gestures***". I know what is acceptable by one set of people as "**insulting gestures**" might be just normal way. Mr. Chair, I will tell you why: I have had the experience of a young lady who was dismissed from a Government institution once because after having conversation with management, the lady walked away swaying her hips and the management interpreted that to be indifference, they figured that she showed no respect for management and because the nature of the employment...

Asides.

Mr. T. A. PRESCOD: No, the physique; the physique was extremely rhythmic and management was offended and decided that they would dismiss her from the job. This is a bit wide and it gives some comfort to people who think in that specific way.

Ms. S. R. BELLE: Mr. Chair, to indicate that in the Public Order Act it speaks to abusive, insulting words of behaviour; behaviour would be larger than gestures. So there are different wordings that would be used throughout legislation and they are normal within the statute book. I thank you.

Mr. T. A. PRESCOD: Mr. Chair, most legislation when we have things that sound a bit abstract, the legislation normally states: "For the purpose of this Act such a term or such a word is described as such". In many areas of modern legislation when you have something that is so expansive there is a clear indication in the Act that you give it a clear definition to see how it relates. Or, only if there is established judicial precedent that you can rely on the precedent and apply it to the actual legislation itself.

I do not know. I am just suggesting that. You are the expert, but I am suggesting that, that we be very clear on what this attempts to capture body language that is good and body language that is bad, what it is that you intend to have. In modern times we are seeing young people doing so *(the Honourable Member indicated by hand gesture)*, and sometimes when they say so *(by indication of hand)* we are in agreement; sometimes when they do it in this way, *(by indication of hand)* you can interpret that to suit you. If an employee is talking to someone and the person do so *(by indication of his hand)* and come up slow it is one thing and if you do so *(by indication of his hand)* and push it forward, so it is a different thing.

It is different to if a man is talking a manager and he takes off his pants and he turns around. I believe that might be interpreted to be some level of obscene or form of indecency or something like that, but these new terms that we see being introduced into law, even people that understand the English language well, and I certainly do not purport to be one, but those terms are a bit too extensive. It is just a small point that I just saw and I just figured that we can think about it and at least be very clear or at least in some area where we are clearly defining language according to the Act itself, we have a provision in there that states this is what it really means so that ordinary people can understand, as well as Lawyers.

Mr. CHAIRMAN: Ms. Belle, do you feel particularly strongly on the question of gestures?

Ms. S. R. BELLE: Mr. Chairman, you can change it to "behaviour", but for instance in the Public Order Act it is actually an "offence"; in this Act it is basically subject to an administrative penalty. Hence, the thing is that to me the "gesture" is lower than "behaviour". I can put in "behaviour".

Mr. CHAIRMAN: "Insulting behaviour"? Does it say "insulting behaviour" in the Public Order Act?

Ms. S. R. BELLE: In the Public Order Act it speaks about threatening, abusive or insulting words or behaviour.

Mr. CHAIRMAN: Then, maybe we should emulate the language of the Public Order Act. Now, Colleagues, if I can go back to the Sixth Schedule to directly treat to Dr. Holder's point. I do not think there is any objection to the Small Business Association being named. However, Ms. Belle, I do also feel that even though we have defined this matter of Manager of Markets and Senior Manager of Markets in the legislation, it may be useful for the avoidance of doubt to find a form of words, even if it only takes us back to the original clause.

Ms. S. R. BELLE: Mr. Chairman, that would be cumbersome.

Mr. CHAIRMAN: I know.

Ms. S. R. BELLE: I think that when there are conventions on the interpretations of legislation you should observe them. That is why you put the definitions in Clause (2), to inform how those expressions are to be interpreted. Therefore, I do not think that that would be wise.

Mr. CHAIRMAN: It does not look tidy. I agree with you, but I just recognised that this keeps coming back up repeatedly.

Ms. S. R. BELLE: Mr. Chairman, then it requires persons to read, that is what it requires. I am sorry but you do have to read.

Mr. CHAIRMAN: Ms. Belle, I am sure that you genuinely feel that way, but I equally am feeling that it might be necessary for us to try to make life a little bit easier for those who, as you put it, have not read fully.

Kindly reflect on it and if we can come up with a form of words that might be able to accommodate (g) and (h) without it being overly cumbersome.

Colleagues, are there any other concerns we have about the Sixth Schedule? Okay, then we can move to Clause 22, which is the elaboration upon the functions of the Committee. I am sorry, before we go there, I think I see Senator Wiggins' hand online. Senator Wiggins you are muted.

Senator Ms. A. M. WIGGINS: Probably by the host, not me.

Mr. CHAIRMAN: Indeed, I would not have wanted the host to have muted you, but you are fine there now, please proceed.

Senator Ms. A. M. WIGGINS: Yes, Sir, thank you. I was only saying in relation to the matter just discussed. Can we not just put "agriculture" in brackets next to (g) and "fisheries" in brackets next to (h)?

Mr. CHAIRMAN: That would seem to be a very simple solution. I have no difficulty with it, I leave it to Ms. Belle to determine. Thank you, Senator Wiggins. Are there any other requests online or offline? No. Fine. Deputy Chief, you have the floor. Clause 22: **Functions of the Committee.**

Ms. S. R. BELLE: Mr. Chairman, Clause 22 goes into the **"Functions of the Committee"**, bearing in mind that it is an Advisory Committee. The Clause goes into the matters as follows:

"The Committee shall advise

(a) the Minister responsible for Commerce on matters relating to the National Vending Policy including

(i) overseeing the implementation of the Policy;

(ii) assessing the implementation risks of any one or more of the Policy recommendations;

(iii) monitoring and evaluating the achievement of the objectives of the Policy;

(iv) ensuring that all government related entities involved in the implementation of the Policy consider their responsibilities therein and design their work plans to suit;

(v) preparing annual briefings on the status of the implementation of the Policy; and

(b) the Minister responsible for public markets, the Minister responsible for beaches, esplanades, gardens and parks and the Minister responsible for fisheries on the following:

(i) monitoring and ensuring continued upgrade and maintenance of vending zones;

(ii) monitoring the compliance of vendors with the conditions applicable to the vending zone allocated to them and the conditions under which the zone has been allocated;

(iii) standards that should be adhered to by vendors relating to

(A) personal hygiene;

(B) the cleanliness and public hygiene in the vending zones;

(iv) the amenities that should be made available in vending zones for vendors including access to

(A) waste disposal;

(B) public toilets to maintain cleanliness;

(C) drinking water;

(D) protective covers to protect against the weather;

(E) storage facilities including cold storage;

(v) the aesthetic design of stalls.

Mr. CHAIRMAN: Colleagues, the Floor is open. I am seeing Senator Dr. Holder.

Senator Dr. L. P. HOLDER: Thank you, Mr. Chairman. I have a query again relative to the Sixth Schedule, the constitution of the Committee. Sir, I am querying having heard Minister Gooding-Edghill's intervention earlier about the size of the Committee, the authors of the Bill would have envisioned that, yes, they needed someone from the Ministry of Education, Technology and Vocational Training as well, recognising that these three disciplines are all a part of the same Ministry.

If it is a case where the technocrats, if I can call them that, are of the view that these three need to stand out independently of each other or if it is a case where because of the current composition of the Ministry that we can have one individual representing that Ministry and therefore maybe reduce the size of the Committee. Mr. Chairman, query through you to the Deputy Chief Parliamentary Counsel.

Mr. CHAIRMAN: Deputy Chief, the Floor is yours.

Ms. S. R. BELLE: Chair, from the discussions that were had in-house, for instance, the Ministry of Education was requesting their inclusion in relation to schools. In terms of technology, you wanted to be included so that if there are technological aspects that could improve the operations for vendors, they would be included. In terms of vocational training, I cannot remember the rationale for that one.

Asides.

Ms. S. R. BELLE: The thing is that you want to be able to have representation from these differing voices so that their interests could be reflected and allowed for vendors to operate fully. Thank you.

Mr. CHAIRMAN: Dr. Holder.

Senator Dr. L. P. HOLDER: Yes, Chair. I understand the rationale in light of the reality on the ground. I know that Education and Vocational Training tend to be merged within the same Ministry. Yes, in the past we have had Technology in another space but given that Education and Vocational Training tend to be within the same Ministry, yes, we do not know what will happen

in the future. How would this now be operationalised when the Ministry is so notified in light of how the Ministry is composed now, Chair? This may not be a question relative to the legal drafting but, in a practical way, I would hope it is not a case where we are inviting three persons from the same Ministry to serve going forward.

Mr. CHAIRMAN: I had allowed for the Deputy Chief to voice her view on the matter but I personally think that we may be advised best to rethink this replication, especially within the context of the current arrangements.

Ms. S. R. BELLE: Okay. Noted.

Mr. CHAIRMAN: I am pausing because I am actually reflecting here on it. You are perfectly correct, in my view, that right now we have three on its face, Dr. Holder. It would read as though there were three representatives from one Ministry. I am not sure that is what we are trying to achieve. Yes, Deputy Chief.

Senator Ms. A. M. WIGGINS: Mr. Chairman, I want to say something before the Deputy Chief intervenes, Sir.

Mr. CHAIRMAN: Sorry. Senator Wiggins, just bear with me. Mr. Cumberbatch also wanted the Floor. Senator Wiggins first and then Mr. Cumberbatch.

Senator Ms. A. M. WIGGINS: Mr. Chairman, I want to say that I totally agree with Dr. Holder, and because of what she said, because we have the Senior Manager of Markets, then we have a representative of the Ministry responsible for Fisheries, so that is a duplication there as well. I just thought I would bring that to your attention, Sir, and I totally agree with what Dr. Holder said. You only need one representative from the Ministry of Education, Technological, Vocational and everything else. I do not think we need to have ten people representing the same Ministry. With the Senior Manager of Markets and who in this case is representing the Fisheries Department and then a representative of the Ministry responsible for Fisheries. That is duplication also.

I think a lot of this duplication has come about because previously these areas were under separate Ministries, or in the case, for example, the Ministry of Agriculture, it used to be Agriculture and Fisheries. Now we have Agriculture under one Ministry and Fisheries under the Ministry of Maritime Affairs. I think that is where you are getting these things confused a bit.

Ms. S. R. BELLE: Chair, just to reiterate, in relation to the inclusion of Manager of Markets and Senior Manager of Markets, it is not a duplication. The Manager of Markets has a separate portfolio from the Senior Manager of Markets. The Senior Manager of Markets deals with public markets that are fishing markets. The Manager of Markets deals with another portfolio, and as I also explained, these terms are defined in Clause 2. There was a concession to trying to make, I suppose, the portfolios clear here in the Schedule - if people do not really want to read - from Clause 2, but otherwise that is not a duplication.

In relation to the other matters, I must raise a flag in relation to the inclusion of vocational training, technology and education. They were highlighted in the meetings that we had prior to this Bill being introduced, as persons who had a stake in the matter, and I pointed out the reasons for education and for technology. I could not remember the vocational training but I think that we should invite the opinion of Mr. Cumberbatch from the Ministry in relation to the inclusion. Thank you.

Mr. CHAIRMAN: Thank you very much. Mr. Cumberbatch, the Floor is yours.

Mr. A. CUMBERBATCH: Yes, Chair, when the issue of the Vending Committee was first discussed, and looking at what has resulted here, I think that there may be a case for the combining of vocational training and education, and therefore have one Ministry representing both. As it relates to technology, my understanding is that the thinking was that this person should come from the Ministry of Innovation, Science and Smart Technology.

Mr. CHAIRMAN: Say again? I beg your pardon.

Mr. A. CUMBERBATCH: I was saying that there may be a case for combining the representative for vocational training and education. I think two of those can be combined, but as it relates to the person responsible for technology, my understanding was that the thinking was that that person should be coming from the Ministry of Innovation, Science and Smart Technology.

Mr. CHAIRMAN: Understood.

Mr. A. CUMBERBATCH: Then there is another apparent duplication here at (m), where it reads "a representative of the Ministry responsible for Fisheries". I think at the time we were perhaps looking at the Fish Landing Sites but we also have the Senior Manager of Markets, who is from the same Ministry. Is that so, Minister Humphrey?

So that is a duplication.

Ms. S. R. BELLE: Chair, again, I have to intervene. That is not a duplication. The Ministry responsible for Fisheries is to deal with the Fish Landing Sites, so they have to be represented from that perspective; then the Senior Manager of Markets for fish markets. Very specifically, those are the delineations.

Mr. CHAIRMAN: Minister Humphrey, do you have a view?

Hon. K. D. M. HUMPHREY: The Deputy Chief Parliamentary Counsel is absolutely correct. As it stands, the Ministry responsible for Fisheries here is for the Fish Landing Sites and the Senior Manager of Markets is responsible for markets, but given the size of the Committee, I think we could, as a Ministry, make one representation and it would be on us to meet probably before the Committee meets, so as to reduce the size. It is not to say there is duplication but given that we are one Ministry I believe that we could undertake to do the necessary consultation before the meeting so that the person representing the Ministry can speak with some authority on both areas.

Ms. S. R. BELLE: Mr. Chairman, there is no

duplication. I reiterate that.

Mr. CHAIRMAN: I was going to say to you that my understanding of what Minister Humphrey is suggesting is that we can, in the interest of trying to make the Committee a bit smaller and hopefully therefore more manageable, the representative for the Ministry responsible for Fisheries can be taken out, and at the level of the Senior Manager of Markets, the necessary consultations will be done across the Fisheries Division.

Ms. S. R. BELLE: Mr. Chairman, I am wary in relation to that because I do not know the extent to which the Senior Manager of Markets deals with the Fish Landing Sites. I thought that it would have gone the other way where you invite a representative of the Ministry responsible for Fisheries and what would happen is that you would take out the Senior Manager of Markets and then you would do a consultation to see which representative should go then.

Hon. K. D. M. HUMPHREY: Mr. Chairman, I understand the concern but the markets are by far more numerous than there are Fish Landing Sites in terms of the people we have. The active Fish Landing Sites where we have vendors would be Pile Bay. We have other landing sites but there really do not have the personnel, so we would have more markets needing representation. I take your point, Deputy Chief Parliamentary Counsel, but I believe that we could have conversation, and that the Senior Manager of Markets could make the necessary representation.

I do agree that the Committee is too big and some compromise has to be made. I am not suggesting there is any duplication because there is none. I am suggesting that in the interest of the function of the Committee that the Senior Manager of Markets would then have to do the consultation in-house before he comes to this meeting. If the Chief Fisheries Officer was here, she might disagree with me, to be honest, but I think the necessary consultation can be done in-house.

Mr. CHAIRMAN: I think that having heard the Minister responsible, far be it from us to supersede that...

Ms. S. R. BELLE: Mr. Chairman, just for clarity, who are we including?

Mr. CHAIRMAN: The Senior Manager of Markets.

Ms. S. R. BELLE: Okay, just the Senior Manager of Markets.

Mr. CHAIRMAN: Would Colleagues online, when you are not speaking, kindly remember to mute your microphone? You are not running afoul of that requirement at this moment but apparently it had been an issue at some point. Mr. Cumberbatch, with respect to the thinking about the constitution of the Committee, I am hearing it being repeatedly stated that the Committee seems to be on the larger side. Are there any strong feelings that were held in the early stages of the work on this matter about which you might be aware with respect to the size of the Committee? What was being intended?

Mr. A. CUMBERBATCH: Well, initially the size of the Committee was more a matter of having the wider consultation. To my mind, I am still of the view that it is a bit too large, so where we could be trimming... We may have a Committee and invite persons to make their submissions before the Committee. Perhaps, such an arrangement could be made. There may be a little trimming where that could be done but then, we could still invite the views of other persons to give their submissions.

Mr. CHAIRMAN: Okay. Can I ask that, Sir, you please give this some thought, or have a recommendation from you on how we might relook the constitution of this Committee? It may or may not pass the Parliamentary Sub-Committee but I think that we would do well to give this a bit of thought as we go forward because adding to it today as we just did, it would then become almost 20 members.

Ms. S. R. BELLE: Mr. Chairman, just to remind the Committee also that this particular Committee is advisory. It is basically to collate as many of the stakeholders as possible in place, so we do have to be cognizant of that when we are determining the number and doing our "trimming" as you say. Thank you.

Mr. CHAIRMAN: I am guided. Thank you. I have one observation that I would like to draw to your attention. With respect to Clause 22, Sub-Clause (b), it states:

"The Minister responsible for public markets, the Minister responsible for beaches, esplanades, gardens and parks, and the Minister responsible for fisheries on the following:"

I think that Minister responsible for Commerce should be one of those people who are advised as well. I think that because the policy resides largely in the Ministry of Commerce, issues related to monitoring and ensuring continued upgrade and maintenance of vending zones, compliance of vendors and the conditions under which they are functioning, *et cetera*, are things that the Ministry with the broader policy responsibility needs to benefit from advice on.

Ms. S. R. BELLE: In Clause 22 (a), we have the Minister responsible for Commerce on matters relating to the National Vending Policy. What would be recommended is that the Minister responsible for Commerce also be added to Clause 22 (b), in spite of Clause 22 (a)?

Mr. CHAIRMAN: Yes.

Ms. S. R. BELLE: Thank you.

Mr. CHAIRMAN: For the avoidance of doubt; in other words as you go deep into the belly of the provisions of Sub-Clause (b), you are getting into things like waste disposal, sanitation matters, protective covers, *et cetera*. These are things that might not always be top of mind in the Commerce Division but do impact the policy.

Hon. K. D. M. HUMPHREY: Madam Chairman. Sorry, Mr. Chairman.

Mr. CHAIRMAN: I do not mind being called by

the wrong title. For example, I have heard President, *et cetera*, but if you are going to say "Madam" I am going to have strenuous difficulties with that [sic].

Hon. K. D. M. HUMPHREY: I am so sorry, Mr. Chairman. Normally, in this place when I say "Chair", it is usually Madam Chairman. I apologise. I saw the hesitancy in the Deputy Chief Parliamentary Counsel and I am now inclined to agree that perhaps given what you just said, we should take out Senior Manager of Markets and leave "a representative of the Ministry responsible for Fisheries" which would also include the Senior Manager of Markets, if necessary. It seems that there are wider issues that would also be consulted on here. I would remove (h) and leave (m).

Mr. CHAIRMAN: I want to just say this, though. The reason why I just want Members to recall and Minister Forde is not with us at this point, one of the concerns we had with respect to the Supervisor of Markets and the Senior Manager of Markets was this question of evictions, relocations and that day-to-day management of the process because there is no one else who can really speak to those issues outside of the Senior Manager.

Hon. K. D. M. HUMPHREY: That is what I am saying, given the Committee, because the representative of the Ministry responsible for Fisheries would still be on my recommendation the Senior Manager of Markets but in the instance where there are wider considerations - I just heard you speaking about other things - it would be, I think, in the Ministry's interest to have a lens that is zoomed out somewhat so that the representative of the Ministry responsible for Fisheries would more than like be the Senior Manager of Markets. The challenges would not arise in the Ministry of Agriculture because they do not have two instances of markets, while I have markets and I have landing sites, they just have one so their Manager of Markets is going to cover everything they need. In my instance, I have markets and I also have fish landing sites which would both require some consultation but if they are advising the Minister responsible for Fisheries, I think it would not hurt to zoom out somewhat because the representative responsible for Fisheries would be the Senior Manager of Markets. If we were to do it the other way around it would mean that I could have no other person other than the Senior Manager of Markets and nobody else in Fisheries, but I suppose it is somewhat intellectual.

Mr. CHAIRMAN: May I suggest then, Minister, that much like Mr. Cumberbatch that you too give some thought to this and we could always be advised as to what your formal position is?

Hon. K. D. M. HUMPHREY: Yes, Sir.

Mr. CHAIRMAN: Colleagues, it may well be that even though this Committee at first blush does appear to be very sizeable, for the practical purposes that we have all been pointing to, it may be impossible to get the benefit of wide consultation advice and at the same time not maintain the size of it.

Asides.

Mr. CHAIRMAN: Well, yes, as the Clerk of Parliament makes the point, there is really no inherent problem with having a large Committee. Okay. Are there any other observations or interventions sought on Clause 22; if not, we go then to Clause 23, please, Appeals Part VIII.

Mr. T. A. PRESCOD: Mr. Chairman, I just want some clarity. I do not know exactly which part a provision such as this, but I think it should be placed, but I believe there is a major conflict that the State is failing to address, while giving the impression to both the Ministry of Maritime Affairs and to the National Conservation Commission that they have any rights absolutely to control vending on beaches. The private sector is claiming, under a convention called accretion, that they have conventional rights extending right down to the high water mark on the beaches and when NCC or any of the Government agencies attempt to assert themselves, the Private Sector is laying claims under this so-called term "accretion" to private ownership of the lands extending down to the high water mark. Therefore, when the NCC enters into an arrangement with a vendor to put chairs on certain areas on the beach, the private sector is saying no, this is our property. In some cases, the private sector puts chairs and blocks off the entire beach and obstruct people on the beaches and they are arguing they do not have to have the approval of an institution that is protected under statute and allowing a convention to overrule statutory law.

I believe that at some point, I do not think it is a matter that can be easily resolved here, but I think that the luminaries and the academics or whoever, we ought to address these issues because sometimes I get the impression we are withdrawing from facing some realities because of a fear and believing that we are going to disrupt the order, so I would like to know if it is the view of those who are responsible for drafting of giving some clarity to the authorities of the State which is, in this case, the Ministry of Maritime Affairs, the National Conservation Commission, Coastal Zone Management Unit, on those beach lands, if it is clear that where the Ministry of Maritime Affairs or where NCC has the legal authority, that conventional practice must play a secondary role to the legal authority that is vested in the three State agencies' hands. I think it is a matter – I am not talking about coconut trees now – but I think it is a matter that we have to address because we are having that problem now on all the coastal lands, especially with people putting up chairs and then the only body at NCC can assert themselves in dealing with is the "small" people, but when "big" people do the same thing and abuse the law they can continue to do it because the State backs off and allows them to do what they want to do. So I would like to believe that we will have some discussion at some point and I do not know if in the property law or if it is in the law relating to vending that we need to address these issue, but I think it is something that we should consider because it is an issue with the State.

Ms. S. R. BELLE: Mr. Chairman, in relation to the original presentation that was made, under Clause 5(6) it was made clear that a person carrying on a hotel, restaurant or other business in respect of which there is an existence of a valid liquor license, that they would be required to apply for a vending license under the present legislation and they would be applying to the NCC. This is the preservation of a power that was once under the National Conservation Commission Act. So that area has been addressed.

Mr. T. A. PRESCOD: Is this in relation to a liquor licence?

Ms. S. R. BELLE: Mr. Chairman, just to be clear, we imported what was under the National Conservation Commission Act and put it in this piece of legislation so that the NCC would have the authority to deal with hotels that carry on their businesses near the beaches and other areas that are covered by the NCC in relation to vending, but there was the other part in relation to the liquor licenses that we also had or were asked to preserved which we did, so I am just saying that there was an active preservation of the NCC's powers in relation to these entities. Thank you.

Mr. T. A. PRESCOD: All I am saying is that at present there is a wide complaint on our beaches by persons who are asking for permission to carry on a business, having chairs on the beaches; they applied to the NCC, the NCC grants permission, but lots of the people in the private sector who owns beachfront land do not believe that they have a duty also to apply to NCC to ask for permission to place beach chairs on the lands adjacent to their property that is extended down to the high water mark which is classified as accretion. I am just saying that to me it seems as though there is a preferential treatment, that is the general discussion on the beaches by ordinary people and I am just asking if this legislation is the appropriate legislation that we can use to address such a problem. I am not trying to make things complicated, I am just asking if we can resolve it because it has happened more than once while I was Minister. Before that as well, I had to venture to the beach where business people decided this was their area of land; men came out with loud speakers and said this is their area of land and that they did not have to ask NCC for any permission, and they told people who were in their restaurant that they cannot enter back here if they were to deal with vendors on the outside. They do not have the authority and I am just saying that we need to address it. I am not saying that you must address it in this piece of legislation. I just need clarity but we have to address it.

Mr. CHAIRMAN: I follow you, Honourable Member, and I would want to also suggest to you that perhaps the better piece of the legislation will be the National Conservation Commission Act.

Ms. S. R. BELLE: Mr. Chairman, sorry, I really do have to intervene. Again, that Part that gave the NCC that authority was transferred into this legislation and I went through pains to explain how it was incorporated and so I am saying that I have provided the response that is required.

The legislation provides for the enforcement mechanism and the obligation has been created and the power to regulate has been created, so I am not really sure what is the issue. Thank you.

Mr. T. A. PRESCOD: If this right exists, does it exclude the claim that is being currently made about the right to accretion. Is it on the general principle of statutory law and preponderates any kind of conventional practice and therefore it stands? I am just trying to find that out. We are not writing narratives here about fiction.

Mr. CHAIRMAN: And what I very humbly would wish to draw to your attention and indeed to remind the Deputy Chief Parliamentary Counsel, is that the Vendors Bill does not, in any way, shape or form, begin to address the issue of accretion nor should it be taken to the extent that it will address those issues or any derivative thereof. As we like to say in Barbados, hold your lane, let us keep our lane and make it very simple and easy for everybody to understand.

No doubt, Honourable Member for St. Michael East, you are raising substantive issues that do in fact exists but they will not be fixed in this piece of legislation.

Mr. T. A. PRESCOD: Okay, understood, Sir.

Mr. CHAIRMAN: Okay. Now, can we move to **"Appeals"** at Clause 23?

Ms. S. R. BELLE: Mr. Chairman, Clause 23 speaks to the grounds for appeal and a person who is aggrieved by a decision if the Minister, a decision of the Commission or a decision of the Manager of Vending Zones may apply and there are the specifications for the grounds for which they can apply. That is basically the substance of that provision. I am open for comments.

Mr. CHAIRMAN: Colleagues, I am not seeing any request for an intervention. As they saying: going, going, gone. Please then can we proceed to Clause 24.

Ms. S. R. BELLE: Mr. Chairman, Clause 24 speaks to the establishment of the National Vending Appeals Tribunal. It speaks to the composition, the tenure, the terms of appointment and reappointment and remuneration. Are there any comments?

Mr. CHAIRMAN: Colleagues, are there any issues relating to the establishment of a National Vending Appeals Tribunal? We have the composition of the Tribunal. We have the tenure. We have the Leader of the Opposition on the Floor. Please proceed.

Bishop the Hon. J. J. S. ATHERLEY: Just a query. I do not know if it falls anywhere, and I do not see in Clause 24, but is there any provision stipulated here with respect to time frame within which that National Vending Appeals Tribunal should meet and dispatch or dispense with matters before it. I asked that against the backdrop of what now obtains where people with industrial relations problems cannot get their matters resolved in good time - the Tribunal is not meeting. We are hearing all kinds of excuses and explanations, there is no facility wherein they

can meet, this and the next and delays and protracted delays and people's matters are not heard, to their significant disadvantage. Are we going to repeat this? You will not bring that kind of situation to obtain with reference to this matter, I am sure Minister, but what undertaking/assurance there is, if we fall short of a guarantee, what assurance is there that appeals will be disposed of in good times such as not to disadvantage people we are trying to empower.

Mr. CHAIRMAN: I take the point, Leader of the Opposition. I think that would be a matter that would have to be dealt with by way of regulations to the legislation. I do not know that it could tidily be dealt with here. I will hear the CPC on it, please proceed.

Ms. S. R. BELLE: Mr. Chairman, just to say that in Clause 23, the persons who are aggrieved in relation to the decision of the various functionaries may within 14 days of the receipt of the notice of the decision appeal to the Tribunal. That is the one of the timelines stated. As you would have articulated, the general procedure may have to be fleshed out in regulations and the power has been given for the Minister to do so.

Bishop the Hon. J. J. S. ATHERLEY: I see that, Mr. Chairman, with your leave, but that is the time frame within which one can give notice or make an appeal, but to have the matter dispose of becomes another issue.

Mr. CHAIRMAN: And it is to that that I was speaking. I think the CPC is also pointing you in that direction. I think it is Clause 34 of the Bill where it allows the Minister to make regulations and quite rightly what you are seeking is a provision which will facilitate a finite and defined time frame within which these appeals are administered.

Mr. T. A. PRESCOD: I just want to make another point. Sir, this thing about restricting people in a Tribunal from being a participant if they have less than 10 years' experience. It is strange that a person with a specialty and have been an outstanding scholar in this specific area, will have to wait 10 years before he is perceived as qualified to serve on a Tribunal. There are some people that have spent 10 years in service and have never reached level of some persons that have spent 10 months in the service. I would like to see an area where a person has the appropriate specialty that they can qualify on merit; ten years do not necessarily mean that that was based on any judgement of meritocracy. You can be in 10, 20 or 40 years and you still cannot perform at the level or you still cannot understand the complexities of some of the public issues that are likely to come before us. There must something else that we can do; that if a man comes in and he is well-qualified and we know that he is well-qualified, there are always ways of finding out if he is well-qualified to apply the appropriate judgement and understanding of these things, but he should not be debarred from participating because he does not have 10 years' experience.

Mr. CHAIRMAN: Honourable Member, I would be the last person to have a challenge with meritocracy, but I think you would appreciate that even as the legislation speaks to an attorney-at-Law of 10 years' standing, what the attorney is being asked to demonstrate, hopefully by that 10-year' period of time, is that he or she has developed some level of experience and expertise.

Equally, with the vendor at least 10 years' experience, one was hoping that he become familiar with the business of vending in all of its shapes and forms across the island. If there was a more objective standard to be offered, I would be happy to hear it but in the absence of that, what do we do? While you mull over that answer, let me hear, Senator Sands, please.

Senator D. R. SANDS: Sir, dealing with the same point. While I understand the point that you just highlighted with the attorney-at-law having 10 years' experience, my difficulty here, and I guess the Deputy Chief Parliamentary Counsel can assist me here, is: When we deal with Clause 2(b) which mentions a vendor of at least ten years' experience. How exactly do we measure ten years' experience? By definition, a vendor is a person who has a licence. We would assess a vendor as a person who has a licence, so would the ten years be based on ten years' continuous holding of that licence? Is that what we determine to be ten years' experience, because we are narrowing back to the definition of what a vendor is? If we check the description of a vendor, he or she is a person who has a licence as opposed to a person who has only been in the practice of vending over ten years and now has a licence and we are assessing them, not necessarily based on the point at which they received the licence but based on the overall time they would have been in the practice of vending. That is my concern as to how we measure ten years' experience, so I guess the Deputy Chief Parliamentary Counsel can give me some guidance.

Ms. S. R. BELLE: Chair, it was really supposed to be assessed based on your practice as a vendor, so that was the thinking, but I understand what is being pointed out. It is just now how does one reflect on the person with the requisite experience, so I would need some kind of policy directive in order to point you to attract the right type of person to be sitting in this chair?

Senator D. R. SANDS: Chair, if you look at (c) which speaks of a person with knowledge and experience in the business of vending and the operation of markets, would that not also overlap then with a vendor of ten years' experience?

Asides.

Senator D. R. SANDS: Point taken.

Mr. CHAIRMAN: Question asked and answered.

Senator D. R. SANDS: Indeed, Chair.

Mr. CHAIRMAN: Go ahead, Miss Moore.

Senator L. P. HOLDER: Sir, we did not have the pleasure of hearing.

Mr. CHAIRMAN: Oh, I beg your pardon,

Senator Holder. The observation was that a person with knowledge and experience in the business of vending may not necessarily be a vendor, and therefore the difficulty of a potential overlap does not necessarily arise.

Ms. T. N. S-A. MOORE: Chair, my mind was just going to the Employment Rights Act, for instance, where a Tribunal is established and where you have an attorney, an employers' representative, and an employees' representative. I am wondering if the way to get around (b) is to suggest that the person is selected from among the vendors such as BARVEN or on whatever the other associations may be agreed as may come up from time to time. I am wondering if they get to choose their own person to sit on the Tribunal because that is how it is done and it is effective in other areas of the legislation. Certainly, an association would choose from among the best that they believe exists to represent them, so I am just wondering if that is not something which we can look at.

Mr. CHAIRMAN: Or so one hopes. Agreed. The suggestion then, Honourable Member for St. Michael East, is that we could have Clause 24(2)(b) replaced by "a vendor selected or chosen by the Barbados Association of Vendors".

Ms. S. R. BELLE: Chair, would "an organisation which represents vendors" not make it more general?

Mr. CHAIRMAN: Sorry. "An organisation representing vendors".

Now, the only danger is that there is a plurality of organisations representing vendors, so how do we determine which organisation is the one that would do so?

Asides.

Mr. CHAIRMAN: I am being very serious about it. I do not know that that is possible, given the lay of the land at the moment, because of the very informal nature of the whole business.

Ms. T. N. S-A. MOORE: According to the draft, though, what is before us: "a vendor of at least ten years' experience". Who is doing the selection in any case? How was this person to be decided? By whom?

Ms. S. R. BELLE: Chair, the Minister was supposed to do the appointments, so that is how it would be done.

Mr. CHAIRMAN: These are appointed by the Minister, correct? Yes. So, the proposal would have been for the Minister in his discretion to determine or appoint a vendor of ten years' experience. Going back to Senator Sands' question, it would have been a vendor who has been holding a licence for ten years, at least. Now, the issue is this: If we are going to depart from that line of thinking, I have no difficulty with that but let us not make it unduly cumbersome. If we are going to have it as a representative of an association of vendors, I think we have to choose the association or find a way of making sure that the association is representative of the broad community of vending, which at present seems to be difficult. I am quite happy for this to be a matter that can be put before the vending community when they come to give evidence.

Ms. T. N. S-A. MOORE: You have BARVEN. You have them at (c) and (d), under the "Constitution of the Committee", as well as the Association of Wayside Vendors; we have them listed and we have the Barbados Association Vendors, Retailers and Entrepreneurs, so I think you are right that it could be a matter for discussion with them, Chair. I personally do not like the idea of any Minister determining for vendors who will represent them on a Tribunal. Sir, I am sure some should not like it either.

Mr. CHAIRMAN: The Minister has listened to the Honourable Member's tone and is properly schooled. Schooled and scolded. I see Senator Holder's hand.

Senator Dr. L. P. HOLDER: Thanks, Chair. I actually was just about to lower it because the last intervention by the Honourable Member Ms. Moore was actually what I wanted to suggest. Chair, I know that from your experience over the last year and some in the sector you are aware that this is a challenging undertaking. Unlike the example given by Honourable Member Ms. Moore with the Employment Rights Tribunal, those agencies are well structured and have good governance arrangements in place and so on, so you do not really have a challenge if you are very practical. There is a high level of informality in the vending sector, and so that could easily be a challenge.

Mr. Chairman, I understand your concerns but it would be interesting to see if we are able to get the two to agree on who that person should be, because there are mainly two that represent the majority, if you will. Failing that, Minister Symmonds who is responsible for Commerce, may have to make the decision. Yes, we do not like a Minister appointing persons to a tribunal but in a case like this, if we are unable to draw on another model, we may have to look at (2) (b) as a person with at least 10 years' vending experience.

Mr. CHAIRMAN: Noted, Senator Holder. The challenge really would be how do you formulate that view into.... Before we go there, let us give ourselves the benefit of having the consultation on this point with the community. This way we would be able to question them, get an understanding of how structured they really are and what their thoughts on the proposal are. I think we would do ourselves a lot of good if we just deferred this particular point until when we have had an opportunity to have it more fully ventilated. Is that agreed to? Fine. Minister Cummins, did you want the floor? She is online but does not appear to be with us at this time. We will go to Clause 25.

Ms. S. R. BELLE: Mr. Chairman, Clause 25 allows for the suspension of decisions of the various functionaries being the Minister, the Commission and the Manager of Vending Zones pending the appeal under Clause 23 on application of the appellant and suspends the operation of the decision until the appeal is determined.

Mr. CHAIRMAN: Colleagues, this is not a

difficult clause. This clause is effectively saying that if you are minded to appeal the decision made by the Minister, the Commission or Manager of Vending Zones from against whom you are appealing, those decisions are suspended until the appeal is determined. Any issues with that? None? I proceed to Clause 26; Power of the Tribunal.

Ms. S. R. BELLE: Clause 26 deals with the powers of the Tribunal, so you will see that there are interventions that can be made in relation to changing of decisions or directing of certain actions in relation to the decision. You can allow or dismiss certain appeals or confirm certain decisions. In relation to compensation you can set aside an amount or substitute for an amount compensation. There are number of powers that the Tribunal has pursuant to this clause. If there are comments, I am obliged.

Mr. CHAIRMAN: Colleagues, are there any interventions being sought under this clause? None?

Ms. S. R. BELLE: Mr. Chairman, Clause 27 gives the power of a party to appeal the decision of the Tribunal on a point of law to the High Court. This is basically Clause 27.

Mr. CHAIRMAN: Colleagues, the appeal to the High Court? Honourable Member for St. Michael East, the appeal to the High Court?

Mr. T. A. PRESCOD: The correct practice needs to be followed on at this point. After the Tribunal, the next caucus that is appropriate is the High Court.

Mr. CHAIRMAN: Fine. No issues?

Mr. T. A. PRESCOD: No issues.

Mr. CHAIRMAN: Okay, I am moving to Part IX, if I am not seeing any other requests for the Floor.

Part IX: Administrative Penalties.

Ms. S. BELLE: Clause 28 speaks to the general provision on administrative penalties. Where a person contravenes a provision as set out in Part I of the Seventh Schedule, they would be liable to pay the Manager of Vending Zones an administrative penalty as set out in the Seventh Schedule.

Mr. CHAIRMAN: Any request for the Floor? Okay, Clause 29.

Ms. S. BELLE: Clause 29 requires the Manager of Vending Zones to issue an administrative penalty notice if they find that there is a contravention. The Form of the notice is set out in the Seventh Schedule. The notice will specify the nature of the act, the penalty to be paid and it will be a requirement to pay the penalty within 14 days of the date of the notice. A person who is in receipt of the administrative penalty notice shall pay the amount of the penalty set out in the notice on or before the date specified in the notice.

Mr. CHAIRMAN: That is Clause 29 Sub-Clause(1) through (3). Colleagues, any issues or can we go to Clause 30?

Senator D. R. SANDS: Mr. Chairman, I have a query. I do not know if it would be appropriate for Clause 29 but if the person is asked to pay a penalty, is it possible within the law that in circumstances where a person is unable to pay the penalty in full that there could be provisions for a structured payment settlement open to the vendor to negotiate with the Manager of Vending Zones? In other words, if I cannot pay the full amount of the penalty by the specific date, is there a way that through the law I would be able to pay it over a period of time so that I am not in breach of the penalty? This is my query.

Mr. CHAIRMAN: Do you wish to reply, Deputy Chief Parliamentary Counsel?

Ms. S. R. BELLE: Mr. Chairman, a provision can be inserted to give that kind of a discretion.

Mr. CHAIRMAN: Personally, I have no objection to such a provision being inserted. I think it would be humane in keeping with the spirit of the legislation. In these matters I like to defer to the views of the Honourable Member for St. Michael East. I do not know if he wishes to go on the record on this issue.

Mr. T. A. PRESCOD: Mr. Chairman, you are correct. I always believe that when we structure legislation, we structure legislation knowing very well the category of individuals, the class of individuals and the social standing of individuals that are going to be affected. Therefore, with penalties you still have to take all that into consideration, especially if the principles are undergirded by some kind of humanism. You would hear me use that word over and over again because it guides me. Sometimes, people just get up and say that you will have to pay within a certain period of time and know that it is almost unrealistic. The only thing that you will be doing is that it will have to go another stage in order to penalise the person in a severe way simply because they cannot pay at the specific time.

I am really admiring the young Senator for at least attempting to address the humane concerns in the legislation. This is not a draconian or colonial period where when we wanted to penalise a person and we went to the extreme and said that we would hang you. You do not hang a man for not having a bicycle bell. You have to always be reasonable in your judgments and see how you can apply the legislation, but that is why sometimes I hold a position which is not critical of any specific person. I am equally as loving to that person or any other person when I finish having discussions because it is just reasoning and I might just have a style that might be perceived by social types as an aggressive and militant style, but it is probably that I am more loving than many persons can even imagine, Sir.

I really believe and support the proposal that we have that provision in place that if person cannot pay the lump sum we will allow them a reasonable period of time to pay in small instalments.

Mr. CHAIRMAN: Honourable Member, none of us in here are able to bear testimony, to the best of my knowledge, of the extent of your amorous nature so we take you at your word.

Asides.

Mr. CHAIRMAN: The Honourable Leader of the Opposition is suggesting that there may not be much in your reputation that substantiates this view that you proffered, but that is not germane to these proceedings.

I think then we can agree, Deputy Chief Parliamentary Counsel, that we could write into the legislation some provision for these payments to be made by way of instalment and the nature of the instalment and so on would have to be determined. I would imagine you will make the appropriate recommendation to us.

Now, I think then we go to Clause 30.

Ms. S. R. BELLE: Clause 30 makes provision for challenges to administrative penalty provision under Clauses 28 and Clause 29 Sub-Section (3). Sorry, basically what it is making provision to do is that if there is an issue with the administration of the administrative penalty then that person may appeal to the Tribunal in accordance with Section 23.

Mr. CHAIRMAN: Does anyone seek the Floor on this matter. I see no hands. Please proceed then to Clause 31.

Ms. S. R. BELLE: Clause 31 speaks to the fact that any outstanding administrative penalty constitutes a debt to the Crown and is recoverable in civil proceedings before the Magistrates' Court.

Mr. CHAIRMAN: The Floor is open, Colleagues. The administrative penalty to constitute a debt to the Crown in recoverable and civil proceedings before a Magistrates' Court. Fairly standard? No problem.

Part X – Miscellaneous Provisions.

Ms. S. R. BELLE: Mr. Chairman, Clause 32. The fees collected by the Minister responsible for Commerce shall be paid into the Consolidated Fund. The fees that are collected by the Commission, this is the NCC now, shall be retained to the Commission and shall constitute the Funds of the Commission as set out in Section 10 of National Conservation Commission Act, Cap. 393.

Mr. CHAIRMAN: Colleagues, are there any requests for the Floor. None? Let us then proceed to **"Transitional" Provisions"**, Clauses 33(1) and Sub-Clause (2).

Ms. S. R. BELLE: Mr. Chairman, it is an attempt to deal with those licenses that would have been issued under the National Conservation Commission Act and the Markets and Slaughter Houses Regulations, that those licenses would be valid for a year after the commencement of the Act. Then in Sub-Clause (2), after the expiration of that period referred to in Sub-Section (1), the person seeking to operate as a vendor shall then apply for a license to do so under this Act.

Mr. CHAIRMAN: Fine. Grateful to you, Ma'am. Are there any requests from the Floor? Are there any interventions proposed under Clause 33(1) and Sub-Clause (2)? None?

The next three:

"Regulations.

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

We have discussed that myriad of times today.

"Amendment of Schedules

35. The Minister may by Order amend the First, Second, Third, Fourth, Fifth, Sixth and Seventh Schedules".

I think the Deputy Chief Parliamentary Counsel has gone through the Schedules in some detail already and No. 36:

"Consequential amendments

The enactment set out in Column 1 of the Eight Schedule are amended in the manner specified in Column 2 of the Eight Schedule".

This came about as a result of the passage of the Act.

Now, there is a matter which I wish put before the Committee. I raised this in the parts of my First Reading speech and I want to be faithful to that which I said to the House of Assembly. It is my judgment, and I think it is supported by some of the Members of the Parliamentary Group of the governing party, that we should attempt to use this opportunity to expunge all convictions previously made against the vending community. That is a matter about which I seek guidance, Deputy Chief Parliamentary Counsel because quite frankly, it was not within the contemplation of this Bill. I am not sure if it can be done in this Bill or if it would have to be done in a separate piece of legislation, but first of all, before you advise on how it can be achieved, what I would like to do is to have the views of Members of the Committee, as opposed to the Parliamentary Group of the Barbados Labour Party, what your feelings are about expunging the records of all of those people who have carried criminal convictions for vending prior to today. The Floor is open if there are any views.

Asides.

Hon. K. D. M. HUMPHREY: Mr. Chairman, I suspect that the silence is just all of us in total agreement with the position that you have espoused; that we should expunge such records.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, I am online and my hand was raised.

Mr. CHAIRMAN: I am sorry. I am only now seeing it. I beg your pardon, Minister.

Senator the Hon. Ms. L. R. CUMMINS: Thank you very much, Mr. Chairman. I wish to wholeheartedly endorse the position which you had just put on the table. I think that the notion of criminalising and decriminalising an activity like vending in the context of this Bill is perhaps one of the most seminal things that we could do in addition to providing rights and a framework within which they may operate and I think perhaps if the Deputy Chief Parliamentary Counsel can so guide, I too would be

interested in hearing whether or not that is something that can be done as a consequential amendment and we can go back and treat to that as at the past and then we would have righted all future wrongs by way of this current legislation, so my wholehearted support is going behind it, Mr. Chairman.

Mr. CHAIRMAN: Thank you, Minister. I have heard *sotto voce* from the Leader of the Opposition. He has no objection. Senator Wiggins, you have the Floor.

Senator Miss A. M. WIGGINS: Mr. Chairman, I need to be guided by you on the question that I am asking: If that is the proposal that you are putting forward now, is it possible that it can be including in this Bill, rather than letting this Bill go forward as is to be passed and then come back to make an amendment. Truthfully, that mean a substantial amendment if you intend to expunge all of the wrongs - if you want to put it that way - of vendors in the past. Hence, is it possible that it can be added? In my simple way, I am asking that question, if it can be added to the Bill now rather than passing this and then doing an amendment, which makes it tidier?

Mr. CHAIRMAN: Your question is understood and perhaps I had put I badly because that is effectively what I was trying to find out from the Committee; first of all, whether you are in agreement with the idea, and secondly, to invite the Deputy Chief Parliamentary Counsel to advise us on whether it is possible to do it in this particular piece of legislation or whether we have to adopt a different course.

I am not sensing that there is any resistance to the idea, other than that I see the Honourable Member for St. Michael East wishing to take the Floor. I cannot imagine that he is objecting [sic]

Mr. T. A. PRESCOD: Certainly not, Sir. It is not to be perceived as just as simple... Probably the words do not fully express how important this decision is by all of the Members of the Committee and Parliamentary Groups. And I have heard these views expressed as high as the leadership of the institution and certainly we are hearing these views being expressed by the Leader of the Opposition and many other reasonable persons in the general public of Barbados. Sir, the reality is that for these minor offences, misdemeanours, many times these encumbrances serve to stop that person from making any form of mobility in life and not having access to work and in some cases they even use to stamp them in the back of your passport when you are leaving to go overseas. Obviously, it was not just there for decorative purposes. It used to leave a negative stain on the psyche of the individual and stopped a lot of persons from getting basic jobs; sometimes when somebody ask for a Police Certificate of Character and you just had a minor offence, this destroyed the entire livelihood of the entire "victim" and I say "victim" deliberately. It worries me to know that we took so long to be able to expunge these records of persons who would have been accused and to some extent being labelled as though it is a criminal offence and obviously if you commit a criminal offence people see you as a criminal. Therefore, I am glad to know that at least we are taking it into consideration and I hope that we can record it in this Committee and that what is recorded in this Committee, whether it is reflected in this piece of legislation or not, that we take it as far as the House of Assembly and come to a decision about the urgency of expunging the negative records of persons who are vending. I really look forward to seeing that. That would be what you would call a very special day, a glorious day, Oh, what a glorious day it will be. What a day that will be. Sir, I strongly support it and I am sure that all other Members share the same view.

Mr. CHAIRMAN: Fine, thank you, Honourable Member. Deputy Chief Parliamentary Counsel, can you advise, please, as to how we might achieve this?

Ms. S. R. BELLE: Mr. Chairman, the pilot Ministry was advised that in relation to the procedure for expungement of criminal records, that that is addressed in the *Criminal Records Rehabilitation of Offenders Act Cap. 127A*, and so therefore there already exists a mechanism for such expungement.

Mr. CHAIRMAN: But how do we get from this point to that? What do you advise that we do? What are the steps that we must take to get there?

Ms. S. R. BELLE: There is already a piece of legislation involved, so the thing is that the persons who have such records may proceed under the appropriate legislation as cited. A mechanism already exists providing for expungement. That is what I am pointing out.

Mr. CHAIRMAN: That would have to be done on an individual basis, or case-by-case basis?

Ms. S. R. BELLE: Yes, Mr. Chair, you would have to do it in accordance with the existing piece of legislation.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman.

Mr. CHAIRMAN: The Leader of the Opposition had the Floor. I note your desire to speak, Minister Cummins.

Bishop the Hon. J. J. S. ATHERLEY: Can you not simply write into this legislation a reference which makes a link with the existing legislation, so that this properly belongs here. You do not have to rewrite the law, but at least you provide for it.

Mr. CHAIRMAN: And that is exactly my concern. I cannot recall from the top of my head where I have seen it, but I am sure that I have seen at some stage in the last 20 years, a step taken where the legislation on passage then repeals convictions which had taken place before.

Ms. S. R. BELLE: Mr. Chairman, if you have a mechanism that already exists for such expungement....

Mr. CHAIRMAN: I want you to try to bear with me, Deputy Chief. You are thinking purely legally and I know that you are on good ground, legally. There is

another dimension to the thinking taking place here, which is a very social dimension. What we are trying to do is to remove the stigma - that the Honourable member for St. Michael East has pointed us to - from the name of those people who have been given criminal convictions. What we would like to be able to achieve is that with a broad brush, put that whole sordid history which has been part of Barbados's evolution behind us, at one time. There are some people who would have died and gone to the Great Beyond carrying that burden. They cannot come and clear their now by an Act that they are taking consciously under the *Criminal Records Rehabilitation Act*, but if we can do this for them, then we have done justice. That is what I am thinking.

Ms. S. R. BELLE: A provision would have to be created to recognise that class of persons. That class of persons would stretch over different pieces of legislation, so it includes *Markets and Slaughterhouses Regulations*, *National Conservation Commission Act*, and all the relevant enactments and it would have to be starting from the coming into operation of those enactments. That is the structure that you would be looking for.

Mr. CHAIRMAN: I think so. The only thing I can add usefully to that is that even if it was possible to do it before those enactments, but I do not know the legislation under which. Well, I have an idea of some of the pieces of legislation which they would have been already convicted under, but I would not know all of them. However, the reality is that where our minds are – and if I can speak for the collective - is that we recognised that throughout the annals of the evolution of our history there have since the 1700s and 1800s and going on, there have been people who have been convicted for this business of vending. What we would like to do, as robustly as possible, is to expunge all of those records. If it can only be done practically with the *Markets and Slaughterhouses Act* and the *National Conservation Commission Act*, et cetera, then fine, but ideally we want to be as broad and all-encompassing as possible.

Ms. S. R. BELLE: Mr. Chairman, you would have to say all enactments *touching and concerning* the subject of vending. I would be cautious. I have some reservations.

Mr. CHAIRMAN: I would like you to add that to your homework and advise us, please, on how we can achieve this.

Mr. T. A. PRESCOD: Sir, we would go right back to the 17th century.

Mr. CHAIRMAN: As far as I am concerned, we should, but I recognised the challenge legally because there were different pieces of legislation and you cannot very easily do it without identifying the legislation under which people were convicted. However, if the Deputy Chief Parliamentary Counsel is able to, then this is where we will spend some time when next we reconvene. Or should I give you an extra day? We will come back on Friday as well.

Ms. S. R. BELLE: Chair, there are several other areas to prepare for so I can try to get it done by Friday.

Mr. CHAIRMAN: No problem. I am grateful to you, and for those online the Deputy Chief Parliamentary Counsel has undertaken to try to put us in a position by the end of the week to have a form of words that we might use to achieve this very important undertaking.

Mr. T. A. PRESCOD: Chair, historic research has been done and a whole set of Acts have been passed. I was just asking my comrade, because he has some knowledge of that. Professor Sir Hilary Beckles has done extensive research on all the Acts between the 17th century and now, and I think that we should try to capture it by making reference to the specific Acts that he has recorded. If there are any others, research can be done within the next 48 hours so that the information can be made available to the Deputy.

Mr. CHAIRMAN: The Honourable Leader of the Opposition. Honourable Member for St. Michael East, I agree with you. Thank you.

Bishop the Hon. J. J. S. ATHERLEY: Sir, I noticed that you are intimating that we would likely meet again on Friday. I just wanted to say that is all right with me because I recognised there are some timelines attaching to the deliberations of this Committee, but there is also some important work of the Public Accounts Committee that we have on hold, so I personally as Chairman would want to suggest that we accommodate this Friday. We have been using Fridays but I am not too sure about the Friday after that. I am just alerting you.

Mr. CHAIRMAN: I am very grateful, Honourable Member, and I assure you I would like to be able to be finished with that by next Friday.

Bishop the Hon. J. J. S. ATHERLEY: All right. With respect, if you do not mind, you went so quickly. On Schedule 4: Part II – **"Vending Licence for Vendors not operating on a beach or an Esplanade or in a Garden or Park".** Is there usually an expiration date indicated on these licences? This has "date of issue" but no "date of expiration". Is that normal?

Mr. CHAIRMAN: I speak subject to correction but I believe that the licences last for a year in each case.

Bishop the Hon. J. J. S. ATHERLEY: Should the Form not indicate that? That is not on the Form.

Mr. CHAIRMAN: Assist us, please, Honourable Member, which Schedule are you at?

Bishop the Hon. J. J. S. ATHERLEY: I am at Page 40. I think it applies to other than Page 40 but Page 40 has to do with the vendor's licence; licence for vending, operating on a beach, esplanade, et cetera. The date of issue is given but I do not see the expiration or expiry date. I do not know if that is the normal format.

Mr. CHAIRMAN: I would not want to hazard a guess but my gut instinct tells me that if the licence is for an annual renewal, then if it is issued on June 1 then it will be valid until June 1 or May 31.

Bishop the Hon. J. J. S. ATHERLEY: Thank

you. Perhaps more substantially, Page 55 has to do with vending zones. At Page 55(4) I look through that and the geography takes me down Roebuck Street, across Country Road to Baxters Road and then left. I wonder why we would have gone through Country Road, rather than down Roebuck Street, across Pinfold Street, capturing Whitepark Road and those areas at the back of the Library that bring us back to Baxters Road? A lot of vending goes on in those areas.

Ms. S. R. BELLE: Chair, just to respond. These particular areas that are cited in Part II were directly lifted from the *Markets and Slaughterhouses Regulations*, that is why they appear in this Form.

Bishop the Hon. J. J. S. ATHERLEY: I understand the point, Mr. Chairman, but all I am saying is that a lot of vending takes place beyond Country Road; when you turn right to go towards Baxter's Road a lot of vending takes place.

Mr. CHAIRMAN: I think you are missing the point, Honourable Leader of the Opposition. I think what the Deputy Chief Parliamentary Counsel is saying is that this was lifted from what existed, but there is an abundance of room, including within the remit of this Committee, to broaden the scope of the zones.

Asides

Mr. CHAIRMAN: Yes, I am agreeing with you so we will come to that. Senator Cummins, you wanted the Floor.

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, through you I would like to perhaps request the Parliament to provide you with some assistance with regard to those of us who are online. I think I requested the Floor some time ago but without us being physically present it seems as though we are almost invisible, and so the discussion proceeds very quickly even though we have requested the Floor and indicated we wished to speak on a particular matter, so now we are well-past where I wanted to intervene. That, notwithstanding, maybe in time for the next meeting, the staff from Parliament can assist the Chair in ensuring that those of us who are online are recognised.

Mr. Chairman, on the question of the point just raised - since I am going to abandon my earlier point because we have moved on - at Page 4, I just wanted to ask a question, a procedural question. We have now come to the end of the substantive sections of the legislation and we are now moving into some examination of the Schedule. We agreed that we were going to have a number of persons who would come in and make submissions. What is the proposal for us going back over the actual substantive Clauses of the legislation, subject to the interventions of the persons who would be invited to present before the Committee? I just wanted to understand where we are going from here now that we have ended our consideration of the last Clause in the actual Bill.

Mr. CHAIRMAN: One moment, please.

Asides.

Mr. CHAIRMAN: I am not sure if it is related to the opening concerns that you have voiced, Minister, but I sensed that the staff at Parliament would prefer, as we go forward, to have the background which is the official background for parliamentary online participation being utilised. Does this apply to the Senate? Does the Senate go online?

Senator the Hon. Ms. L. R. CUMMINS: No, we do not.

Mr. CHAIRMAN: I think then that the background would have to be accessed by Senators.

Senator the Hon. Ms. L. R. CUMMINS: Background notwithstanding....

Mr. CHAIRMAN: I am coming to you. I think you may have actually jumped the gun there because we have to deal with this matter now as part of the housekeeping as we go forward. I am proposing for us to begin, not tomorrow, on Wednesday morning at 10 o'clock. As I understand your question, you wanted to know whether or not we will be going through this substantive legislation again?

Senator the Hon. Ms. L. R. CUMMINS: That is correct, Chair.

Mr. CHAIRMAN: I think we will probably revisit pieces of it but I do not think we are going to go through it Clause by Clause as we have done. This was for the Members of the Committee to have their input and so on, first. We are now going to come to the stage from Wednesday morning when we will begin, I believe, with the Barbados Association of Vendors. We will start to take oral evidence from people who are stakeholders and we will also deal with the written evidence which, for example, has come from your Ministry. Mind you, let me pause to ask whether you would wish for an officer of your Ministry to participate orally as well. Would you?

Senator the Hon. Ms. L. R. CUMMINS: Absolutely. We could facilitate that, Mr. Chairman.

Mr. CHAIRMAN: Fine. The Clerk would make the necessary arrangements for that related to time, *et cetera*. The intention would then be that once we come to the oral participation we would have the Committee, if it is that the participating entity has submitted something in writing, we will have it distributed beforehand, treat it as being read and allow for Members of the Committee to question those persons who have made their submissions in writing in the context of those submissions, and also against the backdrop of the legislation because obviously they are writing about their understanding of the legislation.

I think it may be helpful, I think, if people who have done a written submission perhaps be invited to share in a very thumbnail-sketch-kind of way the substance of the submission that they are making or that they have made. However, I am mindful that for some people that may mean reading through the whole submission and I am not really minded that we take up a lot of time doing that. I prefer for it to be circulated for Members, they read and then, if it is

that somebody is being a bit too laborious in their presentation we would just get straight into the questions and to the pith and substance of what it is all about.

If that satisfies your question, then the next issue for me would be how we deal with Wednesday morning and Friday because I am looking at us meeting at 10 o'clock on Friday as well.

My proposal at this stage would be to begin with BARVEN. I am not sure how many people will make submissions under the umbrella of BARVEN but I think that we could adequately deal with them between 10:00 a.m., if we start punctually and lunchtime on Wednesday morning. In the afternoon, I know that we already have Ambassador Comissiong who has made a submission and a request to have an oral presentation. I look forward to the contribution from Ambassador Comissiong and the Honourable Member for St. Michael East. We will reach out to Ambassador Comissiong to find out whether he can attend on Wednesday. In the event that he cannot, I would want to suggest, Minister Cummins, that you have your people from the BTMI on standby that they could attend on Wednesday afternoon.

I think we can use the times that we used today, so let us say from 1:45 p.m. onwards. Ideally, we should be finished by 3:30 p.m. We have gone a bit passed that this afternoon. Alright?

There is another association of vendors. I do not want to presume that BARVEN speaks for everybody. I am trying to remember the name of the other association.

Senator Dr. L. P. HOLDER: Wayside Vendors.

Mr. CHAIRMAN: I would want to make assurance doubly sure. I know we have reached out to BARVEN. Have we reached out to the Wayside Vendors Association? If not, we must do so, please, at the soonest possible opportunity.

Mr. Clerk, are there any other submissions that have come in thus far that we can then try to....

Mr. CLERK: No.

Mr. CHAIRMAN: Not as yet. Fine. I do not know that there is much more that we can do at this stage. Senator Wiggins, your hand is up; as in up for a new intervention or from before? Hold on, keep your powder dry. Mr. Clerk?

At this point, there was some discussion between Mr. Chairman and the Clerk.

Mr. CHAIRMAN: The intention is that when BARVEN does their presentation we will have them in the Committee Room and they will be streamed live into this room. Are you with me? This is to facilitate the social distancing protocols. It is similar to what happened during the Estimates Debates. I presume that the Senators would be familiar with that but effectively the Committee Room is just across the corridor from where we are. They will be seated over there; they will say what they have to say and we can interface with them from over here.

Ms. S. R. BELLE: Mr. Chairman, I have just a concern in relation to practicality of making the amendments necessary for Friday. If we are having the extra session on Wednesday, it does create some....

Mr. CHAIRMAN: I understand that you will not have all the amendments ready. I understand that. We are just keeping a record of things suggested. The Committee still has a bit of life left in it, yet. Senator Wiggins, the Floor is yours.

Senator A. M. WIGGINS: I was only saying that in terms of BARVEN, I think that we would probably have to allocate an entire day for them; both BARVEN and the Wayside Vendors Association. They are one of the most important stakeholders in this entire exercise and just to limit them to two hours, essentially, might not be enough. I would think that on Wednesday we could dedicate that time to both associations of vendors.

Secondly, on Page 40, where the Minister signs at the end of the Vendor's Licence it has the Minister responsible for Public Markets and the Minister responsible for Fisheries.

I do not know if you would want to say specifically the Ministry responsible for Agriculture and then, the Minister responsible for Fisheries and Public Markets which could be one and the same. There is a bit of duplication there on Page 40.

Mr. CHAIRMAN: Well, it is structured to reflect the current arrangements but your point is taken. It may not always be this way.

With respect to the vending associations, I hear you and agree with you, Senator. The fact of the matter is that my judgment was that we give them the first bite of the cherry. If it is felt by lunchtime on Wednesday that if there is a desire for them to have further contribution, it can be accommodated. I am just trying to manage the day as best as possible because, equally, you may find that they are so much in agreement with that which is put before the Sub-Committee that there are no challenges.

It is for us, by way of our exploratory questioning, find out whether there are any adjustments or amendments to the legislation that are desirable.

Are there any other requests for the Floor? No? The Honourable Leader of the Opposition? Okay. The Honourable Leader of the Opposition wants to make a motion to adjourn.

Honourable Members, could we please be as prompt as possible because that way we would be able to get through the business of the day?

ADJOURNMENT

On the motion of Bishop J. J. S. ATHERLEY, seconded by Hon. K. D. M. HUMPHREY, Mr. Chairman adjourned the Joint Select Committee until Wednesday, October 13, 2021 at 10:00 in the morning.

THIRD MEETING OF THE JOINT SELECT COMMITTEE ON THE NATIONAL VENDING BILL, 2021 HELD IN THE CHAMBER OF PARLIAMENT, WORTHING CORPORATE CENTRE

WEDNESDAY, OCTOBER 13, 2021

SECOND SESSION 2018-2023

PRESENT:
Hon. Kerrie D. SYMMONDS, M.P. (Chairman)
Hon. G. P. Ian GOODING-EDGHILL, M.P.
Hon. Adrian R. FORDE, M.P.
Hon. Indar A. WEIR, M.P.
Hon. Kirk D. M. HUMPHREY, M.P.
Mr. Trevor A. PRESCOD, J.P., M.P.
Ms. Toni N. S.-A. MOORE, M.P ***(online)***
Bishop Joseph J. S. ATHERLEY, J.P., M.P., *(Leader of the Opposition)*
Senator the Hon. Ms. Lisa R. CUMMINS ***(online)***
Senator Damian R. SANDS
Senator Julian A. HUNTE ***(online)***
Senator Miss Alphea M. WIGGINS, J.P. ***(online)***

ALSO IN ATTENDANCE:
Mr. Pedro E. EASTMOND, Clerk of Parliament
Mr. Nigel R. JONES, O.B.E., Deputy Clerk of Parliament
Miss Beverley S. GIBBONS, Deputy Clerk of Parliament
Ms. Shawn Raine BELLE, Deputy Chief Parliamentary Counsel
Mr. Anderson CUMBERBATCH (Chief Business Development Officer, Ministry of Energy, Small Business and Entrepreneurship)
Miss J'anne C. GREENIDGE, (Procedural Clerk to the Committee (Ag.)) Typist

Meeting commenced at 10:33 a.m.

Mr. CHAIRMAN: Good morning, Honourable Members. Let us please come to order. I note that the time is 10:33 a.m., I want to begin by welcoming all Honourable Members of the Committee, both online and present and to just very briefly urge Honourable Members that they need to be mindful of the fact that we are, at this stage, of the Committee's deliberations where we have invited attendees to the Joint Select Committee to offer evidence, and it is particularly important that we treat our guests with the maximum degree of respect and courtesy. I feel that if we have invited people to be here for 10 o'clock, then we must be in a position to begin to entertain them at 10 o'clock and not 10:35 a.m. On behalf of the Committee I, therefore, want to extend my humble apologies to the people who have been waiting.

Honourable Members, specifically with us today on the other side of this room, so as to make sure that we are able to practice social distancing requirements, are the representatives of the Barbados Association of Retailers and Entrepreneurs (BARVEN). I am made to understand that present are:

Mr. Alistair Alexander
Mr. Robert Maloney
Mr. Valentino Barrow
Mr. Junior Greenidge
Mr. Leonard Allsopp

From where I sit, I cannot now see you but I believe that you are there and therefore (that's better) I want to welcome all of you gentlemen.

Asides.

Mr. CHAIRMAN: The Leader of the Opposition is facing a screen that is not working. Could we have that rectified, please? I would not want the Leader of the Opposition to conclude it is as though the Honourable Member is not there or that the Honourable Member is not to be treated with the level of courtesy that the Honourable Member is required. I ask Members online and the attendees to please bear with us while we try to rectify this technical glitch.

I should also note that with us is Mr. Sherlock King, Manager of Markets from the Ministry of Agriculture and Food Security. Mr. King, you can indicate to me now but at some point this Committee is desirous of hearing from you and I should ask perhaps here and now but are you available to be with us on Friday?

Mr. SHERLOCK KING: Good morning, Mr. Chairman, good morning everyone. I think we have some important matters to attend to on Friday but I would

probably like to spend a few minutes with you. At the same time, I also have another competing matter taking place at 11 o'clock, so I may have to nip out and come back in afterwards.

Mr. CHAIRMAN: Okay. Thank you. We will speak with Minister Weir. Mr. Alexander, I would now wish to invite you on behalf of BARVEN or any designee of yours to say...

Please bear with me. There are some housekeeping matters that we wish to dispense with. Colleagues, the Minutes of the previous Meeting are not as yet available and I would like to have a motion that these Minutes be deferred.

On the motion of Hon. K. D. M. HUMPHREY, seconded by Senator D. R. SANDS, the Minutes were deferred.

Mr. CHAIRMAN: Colleagues, returning to the issue of oral presentation we have BARVEN. Mr. Alexander, I would be grateful if you could take the Floor. In the event that you would wish to make an oral statement before you field any questions, then I will be happy to have that oral statement. My proposed way of treating to this matter is to have those persons who appear before us having an opportunity to make any oral statement that they would wish to have; in the event that they have not already sent a written submission, and even if they have given a written submission they may wish to give an abbreviated version of that to the Committee, I would then want to exercise the Chairman's discretion to initiate any questioning that I may have to offer, and equally to offer to every Member of this Committee an opportunity to question but you will not be able to monopolise the Floor for more than a period of five minutes. That will facilitate a smooth rotation from Committee Member to Committee member and give every other member an opportunity to speak, and equally you would have an opportunity to come back. That is the way I propose to deal with it. I am sure that in as much as the Members present were having their discussion that has not been followed and I would be asked to explain that one more time. Therefore, for the avoidance of doubt I am going to say this one more time, it is my intention to have those attendees present to offer oral statement that they may wish to offer. In the event that they may wish to do so we will take the oral statement and then we will offer an opportunity to field questions. I will go first, in most cases, then every Member of the Committee will have five minutes to field some questions, then yield the Floor to another Member so as to enable a smooth rotation across all the membership of the Committee, while ensuring that everyone has equal opportunity to participate. You can come back a second, third or fourth time if you want to do. I hope I have made myself abundantly clear. I now welcome Ms. Toni Moore online. Mr. Alexander, you now have the Floor.

Mr. Alistair ALEXANDER: A good and blessed morning to the Members of the Committee; BARVEN is extremely pleased to be here.

Mr. CHAIRMAN: We are very pleased to have you, Sir. Mr. Alexander, are there any opening comments that you would wish to make before you take any questions from us?

Mr. Alistair ALEXANDER: Yes, please.

Mr. CHAIRMAN: Please proceed.

Mr. Alistair ALEXANDER: Thank you so much. In the Year of our Lord, 2021, I sit here in the People's House, by the grace of God and his journeying mercies to proclaim His Year of Liberty, for the "Mother of all black economic enfranchisement in Barbados". This Bill being moved in this Honourable House is emotionally historic. This has brought into being the Vendors' Magna Carta, the People's Commercial Bill of Rights; the decriminalisation is a national self-respecting gesture that has broken ties with the colonial disrespect shown to our most foundational business heritage and cultural icon - "Ma Vendor", that is what BARVEN calls vending – "Ma Vendor", the mother of us all, and so I wrote, under the inspiration of the Almighty:

"The Vendor's Anthem

Mother of all our Enfranchisements, ambition was it if you ever had a flaw.

Still all your days were days of oppression, when evil wore the fineries of law.

Vendor how they maligned your image, vendor how they cast it in scorn.

But take your place, oh national treasure, take your place, oh heritage icon.

Chorus

Justice is calling out all over this land. Justice is bawling out with a scale in she hand. And like a good vendor, she wouldn't stop holler; She wouldn't stop holler till somebody hear her.

Let my best hand forget all its functions, ever I forget the hand that carried the tray;

That bravely bore the stress all to make us the cream of the crop, the pick of the day.

Carry her cry from these streets children, to your brothers in power's hall.

For justice Ma asking, "Who calling." Lord help me to help she to call."

The last verse, written so many years ago, while people like Junior Greenidge was in the struggle, fighting, or people like Mr. Allsopp had struggled before, before us, before there was any organisation to represent our cause; while Robert Maloney was still struggling and Valentino Barrow who says he was born in the Fairchild Street Market. While with all of the social and political forces, we even had the armed forces against us. This last verse says:

"Justice shall soon lift up her balance. And under the weight of Ma Vendor's Prayer;

Her foes shall all crumble and tumble down.

But what will you do to hasten that day?

Take her voice from the wilderness children, tell every passer-by,

"It's Ma hand beneath the hands of justice, help we help she lift it high.""

We are so thankful for this Government, this Government that has made Ma Vendor's Prayer a reality; that has come to the rescue of the people; for we are the people. This is our most foundational business sector. We speak about Historic Bridgetown, and we say that vendors are the living heritage of Historic Bridgetown. People want to speak of dead architecture. There is no life in Bridgetown if there are not vendors. We are thankful for this opportunity to be here, not only to be an eyewitness to history, but also to participate. Thank you so much and God bless you and these proceedings.

Mr. CHAIRMAN: Thank you very much, Mr. Alexander. I deeply appreciate your recognition of the historical nature of this endeavour and its relationship to the challenge and struggle of our people throughout history. As Minister of Commerce, I also have to note and recognise the reality that you have observed, which is that life in our City is inextricably linked to vending.

I want to begin by asking you to reflect on a matter that has attracted the attention of this Committee. It might seem like a small matter, but there is an Honourable Member who, unfortunately, is not present now, who had raised this matter and it has resonated with me to some extent. I feel that I should give you an opportunity to speak to it very early.

The Member for St. Michael East, Mr. Trevor Prescod, had indicated to us that even though this Bill is entitled: "An Act to Provide for the Regulation of vending in Barbados; the protection of rights of vendors; and matter relating thereto". It has as its Short Title, it might simply be sited as a National Vending Act, 2021. He has indicated that the term "vending", for some people, carries such a stigma that we wish to reflect on whether or not we want the Act in Parliament, when it is passed, to be cited in the way it is cited, which is the National Vending Act. I myself feel that though it is very true that it has carried the stigma, there is no shame attached to vending, but it is not for me or any of us to simply just invoke our personal beliefs or value systems on this matter. I think it is really appropriate for the Committee to hear the views of those who vend on this matter. I, therefore, wanted to begin by inviting you to comment on the Title: "The National Vending Act" and to indicate to me your initial thoughts as to whether this is an appropriate title for the Bill.

Mr. Alistair ALEXANDER: Sir, I never saw the sense of running from who you are or running from the term black or even Negro. I am black. I will be truthful and even go as far as to say "nigger". If you are seeing "nigger" as black, I never saw the sense, I am who I am and proudly so. I never saw the sense of running from being African because someone looks down on Africa or Africans. We embrace the title; we embrace all that we are. We need people not to rename us and keep on renaming us for us to be proud of who we are. We are very proud of who we are. We understand through the collective effort of historians such as Sir Hilary Beckles, Trevor Marshall, and Ambassador David Comissiong, we have been re-educated and made aware of who we really are, and we have embraced it, not only through their efforts, but through our own history, [our own] understanding. We have persons like Mr. Allsopp who will tell you with pride who we are. Hence, we reject wholesale. I am sure every member here in BARVEN right now wholesale reject such. We thank him for his thoughts towards us. I know he only means well, but no, we proudly embrace the title of vendor.

Mr. CHAIRMAN: Thank you, Sir. I will only ask one other question at this time and this also arose out of the deliberations we have had thus far. It turns to the issue of the development of this very important business of vending. There are two schools of thought before us. There is one which suggests that at the age of 18, it is the best stage of entry because you are, in law, no longer a minor and therefore, you are fully (I supposed) entitled and constituted legally to trade and engage in commercial activity, make contracts, et cetera. However, there is a school of thought that we should be more developmental in our thinking and try to broaden the base of opportunity for our young people, many of whom need to have business opportunities legally in Barbados and that we should have vending beginning at age 16 as being as activity that is legally recognised.

I do not know and I do not presume to know and therefore, I am asking you, from your vast experience in this matter, what your views are about the current practice with respect to the age at which people begin to vend in Barbados, and do you share the view that it would be helpful to the business of the enterprise of vending if we were to stretch it to age 16?

Mr. Alistair ALEXANDER: Let me be very practical again. We are talking about people leaving school; people generally leave school to work, and if the age is 16, I think that is the general age at which people leave school in Barbados. If they are able to enter into the world of work, they should be able to enter into their own enterprise, and therefore we would – every one of us here – be in agreement with age 16 being that age.

Mr. CHAIRMAN: Okay. Thank you very much. Now, I will have some other questions for you before you leave the Chair but I want to allow other members of the Committee to have an opportunity to participate. I think I should properly begin by inviting the Leader of the Opposition, and I would invite any other members who care to have the Floor to properly indicate, in the accustomed manner, their desire to intervene. Leader of the Opposition, the Floor is yours.

Bishop the Hon. J. J. S. ATHERLEY: Thank you, Mr. Chairman. Good morning to you, Mr. Alexander and your team, and thank you for being here. I appreciated very much your brief opening sentiments rendered in rather

poetic terms, and I wonder if I may prevail on you, with the Chairman's leave, to ask of you a copy? I am serious about that. I am very serious. I hope it is available in written or printed form so that I can get a copy, and I thank you for that.

The second thing I want to say is that you must perhaps be careful to observe that, while I do understand the sentiment you expressed when you made a reflection on your appreciation to Government for taking this step, that, in fact, it is the Parliament of Barbados which is taking this step, and [that] this legislation will be approved or otherwise by the Parliament of Barbados so that it becomes Government policy or public policy. There will be Independent Senators who will have to give their assent to this Bill and Opposition Senators in the Other Place, and certainly at least one formally recognised Opposition embodiment in this Lower House. I am trying to urge you to appreciate the effort of the Parliament, even though you also appreciate the effort of the Government. We are on the same page with that, right, Mr. Alexander?

Mr. Alistair ALEXANDER: Very much so, Sir.

Bishop the Hon. J. J. S. ATHERLEY: I have two questions for you, really, and it is basically different sides of the same coin. Is there anything in the Bill that constitutes a significant concern for you and for BARVEN? That is one aspect. The other side is this: Is there anything that you would like to see added to the legislation that would better improve the efforts which Parliament is making to empower vendors and to decriminalise the activity of vending?

Mr. Alistair ALEXANDER: First of all, let us be very clear, BARVEN has been part of the process of the content of the Bill, and I have studied it. You know that things can be inserted after you have had consultation and such like, because it is not a BARVEN Bill, it is a Bill for the nation. Let me say very clearly that your first thought concerning it being an Act of Parliament, we are very much aware of that. We are national in our thinking. We understand that both sides of the House belong to the people.

Bishop the Hon. J. J. S. ATHERLEY: If I may interject. Do not worry over-duly.

Mr. Alistair ALEXANDER: I am not going very far with that.

Bishop the Hon. J. J. S. ATHERLEY: I am just trying to clarify that when I made that comment, it was more for the reflection of the Chairman of the meeting than for yourself.

Mr. Alistair ALEXANDER: Right, Sir. I thank you and I appreciate that, so we want to be very clear about those matters. I have studied the Bill carefully and I am very satisfied. There are those who have raised – at least one prominent person who works closely with BARVEN – concerns about certain restrictions and certain laws. I said to that person [that] those laws were necessary. He was talking about licensing and such like. We know the benefits. We are the ones who have pushed licensing. The free-for-all sounds nice but it is chaos, and we are past that stage. We are talking about organising. There is no development without organising, without bringing together, without having cooperative understanding. Therefore, we know that to be able to register all vendors would make sense within the context of organisation and development. You are able to track, you are able to help, assist financially, and you already know who is a part of the industry, and that you can approach them with all the aid necessary. If we did not know this before, as my brother and fellow vending soldier, "Fox", would tell you, even when Government needed to give financial aid to vendors, it should have been an easy process but because we did not have a register of vendors, it was not easy. Up to this day we are still struggling to get all to be registered and to access those funds which are available to legitimate vendors.

We are very pleased with the legislation. It has a developmental part to it, which is the vending policy. That is what we are really pleased about; that they would have a vending policy which speaks to the development of vending. Yes, Please. Thank you, Sir. Thank you for the question.

Mr. CHAIRMAN: Thank you very much, Mr. Alexander. Thank you, Honourable Leader of the Opposition. Are there any requests for the Floor? Minister Humphrey?

Hon. K. D. M. HUMPHREY: Thank you and good morning. Good morning, Mr. Alexander. Good morning, Mr. Barrow, Greenidge and Allsopp. Mr. Alexander, it is always good to see you.

Mr. Alistair ALEXANDER: Same here.

Hon. K. D. M. HUMPHREY: Thank you so much. During the course of our deliberations and conversations, we did have extended discussion around Clause 18(1) regarding the general obligations of vendors, and specifically the debate arose around Clause 18.(1)(c) which states that:

"A vendor shall,

not, while vending,

(i) use abusive language or make insulting gestures

(ii) intimidate or harass any person;

(iii) consume or be under the influence of alcohol or drugs;

(iv) sell, serve or distribute alcohol without an appropriate liquor licence".

I just wanted to get your take on that particular clause. Has it caused you any concern? If so, do you think we need to make any adjustments to it? I just wanted your opinion on that particular clause, before I share mine as it relates to how I manage the fish markets. Thank you.

Mr. Alistair ALEXANDER: Yes, Sir. Again, thanks for the question. We are very clear that there must be order. We are about bringing order to our sector. If there

is going to be an organised sector, we are absolutely committed that this sector is going to be orderly, according to our own upbringing and training. This is not something foreign to us; we were trained in the village that we should have respect, order and that certain things should or should not be done. As far as vending is concerned, when a person gets on that spot they have come to a place of business. It must be understood that way. If we have practices that are business-like, then we will automatically be respected.

When we have practices that are not business-like where we are encouraging nonsense, abuse and for people to be under influences that will bring that type of behaviour, we are doing ourselves no favour or the nation no favour. Therefore, we are about that. If you want to curse and get on, stay at home. This is how we see it in BARVEN. Again, I am sure that I have the support of all who are gathered here and the general membership of BARVEN.

You would find, especially in our BARVEN market, when you come through you will find a completely nice and orderly market. I call it a "PG" market where the children can come, and it should be so throughout Barbados.

We have to take the lead. The Public Relations Officer (PRO) has coined a beautiful phrase: "BARVEN puts Barbados first." Thank you, Sir.

Mr. CHAIRMAN: I think I seem to recall hearing of another institution that is similarly minded with respect to how one prioritizes Barbados, Mr. Alexander. The name of the institution eludes me at the moment but I am sure that I have come across such an institution that puts the country first. Senator Cummins caught my eye and then, Minister Forde, in that order. Before you go Senator Cummins, let me just also say, Mr. Alexander that it has been drawn to my attention that Mr. Maloney, Mr. Barrow, Mr. Greenidge and Mr. Allsopp have been equipped with microphones.

If any of these gentlemen wish to take the Floor by way of answering questions, then you are fully entitled so to do. You are not to feel restricted in any way. We want to get the fullest possible input from all the gentlemen, to get an understanding from your breadth of collective experience about the merits and if there are demerits of the Bill. Please proceed, Minister Cummins.

Senator The Hon. Ms. L. R. CUMMINS: Thank you very much, Mr. Chairman. I would like to join my colleagues who have spoken before in welcoming Mr. Alexander. I listened to you today and I have listened to you on every occasion where I have had the privilege of hearing you addressed the nation on the issue of vending. I can see very well why you have become the voice of BARVEN. I very much enjoyed your early intervention and brief comments. I do have two queries. In our earlier discussions on the actual legislation, there were two things that I wanted to raise with you. Firstly, the relevance of the vending zones and the practice of vending to the tourism sector, and the fact that many visitors to the island genuinely enjoy coming to our markets. They want to have that authentic experience. I wanted to get a sense on how you believe this Bill or any of the appended regulations would add value to the integration of the tourism sector by way of visitors engaging with you in the market, and a number of ways that have been proposed which we will hear a bit later would include things such as training and engagement with our marketing entities, so that, perhaps, there can be a regular standard set for how to engage. In particular, I want to raise that as it relates to our beaches. This was the first question. The second question is specific to the legislation at Part VI which speaks about relocation and eviction of vendors.

We did have an extensive discussion in the Committee earlier in the week on how we could treat to the question of relocation and evictions so that there is both an obligation on the part of the vendors, but also that there is an obligation on the part of the State. By that I mean, we were discussing and proposing that with the eviction notice being given at 30 days and consultation having taken place previously, we would want to ensure that the consultation would include representative bodies or associations which would include entities like BARVEN.

I wanted to get your sense on that.

Thirdly, whether or not there ought to be standard operating procedures on the part of the State that would then require the State to enforce the eviction notice once the time has expired, in collaboration with the vendor as well? Those would be my queries to you and three comments: specifically, tourism, training and engagement in particular on beaches, the incorporation of the provisions for relocation; to have a consultative mechanism for the associations and representative bodies, and what would be the standard operating procedures for the State to ensure that the relocation and eviction notices are enforced. Thank you, Mr. Chairman.

Mr. Alistair ALEXANDER: Thank you. Let me start with the last question. Again, life, to me, is very simple: Do unto others as you would have them do unto you. Justice again is simple. It is that. Justice is represented by scales because there must be a balance. Wherever you find a balance, you will find justice. If a thing is off-balanced, it will be unjust. You cannot be asking persons to manage zones, markets or operations and they do not have the tools to keep it orderly and regulated. Therefore, we know that while we would want to believe that every human being is a darling, all are not. Therefore, you have to have sanctions, penalties or something to keep persons in order, [they] knowing that if they are in breach of or continue to be in breach of the order that they can be removed.

Obviously, as we move towards a fuller development we would want that to be reflected also in their representation; that they should be represented at the highest level in such a case. We would be for the inclusion of representatives whether they are associations or even legal representation at such a time. I think that one would

be simple for us.

When we speak to vendors and tourism, let me put it this way. Throughout the world tourists like to interact with vendors. We actually have a document that relates to tourism, community and vending. It speaks about the contact that is made between vendors and tourists, and that they like to have that interaction; that they come to The City oftentimes because they want to see vendors. I think that vendors are the most authentic brief of who a people are. You can get the feeling of who people are and I feel too, it helps to establish a niche market for tourism because people like to meet [other] people. There is nothing more precious in the world than people. People talk about all of these things that we build and make and we say we have built for people to come and see. Yes, but people are attracted most to the people. We say that nobody can be you, but you. At BARVEN, we understand clearly that nobody can be you but you, therefore, it is a niche, when they are able to interact with the people at that cultural level. When you are talking about culture, it is very difficult to leave out the vendor. You will see them in paintings, all sorts of things, but not now. That has always been strange, that these ones, painting after painting and when it comes to tourism, they are "big up", but then criminalised otherwise. It never made sense, so we are thankful that we have come to this point. Again, development is about moving forward, collecting all of the pieces, bringing them together, therefore, we are talking about training now as we are going forward, training is nice. We can be trained, re-trained, re-tooled; all of those things.

As far as beach vending is concern, I will be completely honest, while we have spoken to beach vending we do not have very many beach vendors in the Association. As we go forward we would like to bring in all the players within that sector, because BARVEN, is not only, as people say, vendors, but it is entrepreneurs; it embraces a lot. So we ourselves are developing to meet the need of our people and our nation and we are looking forward to very much having a strong relationship with the Ministry of Tourism. Well, we have a relationship with tourism, but we are looking forward to strengthening it and doing all that we can do to play our part.

If there is anything that I [have] missed, you can ask. I think that would have covered it. Thank you again.

Mr. CHAIRMAN: Thank you. I assure you, Mr. Alexander, that I am sure that Senator Cummins, even after she had offered those questions, realised that it was a bit of a mouthful. What I will attempt to do as we go forward, is to make sure that Members can utilise their five minutes by coming back on a second and third question so that you do not have to strain your memory to get it all in. Minister Forde.

Hon A. R. FORDE: First of all, let me thank Mr. Alexander for being here with us this morning. I first want to say that I am following on from Minister Humphrey's question because I think that was a very important question that Minister Humphrey alluded to at Clause 18 and I want to thank Mr. Alexander for his total response. For me, the answer would have passed the sobriety test because I truly had a concern about vending and the consumption of alcohol.

My question to you, though, Mr. Alexander, is: At the Sixth Schedule, and I want to know, as we look to constitute to Committee, if there are any glaring omissions that we would have obviously left out of this Committee and you as a person who is involved and your organisation is the whole centre of this discussion in terms of vending, as a representative of the largest community, I want to know if there are any other agency or organisation that would have been left off of this Committee that you would think that it is important for us to have to lend a voice to this whole aspect of vending and how we go forward?

Mr. Alistair ALEXANDER: Yes. I would have wished that the Association of Wayside Vendors (AWV) would have been here. If you noticed, I pay absolute respect to history and they are the Association that went before us. The reality is that BARVEN represents 99.9 per cent of the vendors by the choice of the vendors, but we pay absolute respect, from the beginning, to the Association of Wayside Vendors. We have at least one member here that was or is a member, Junior Greenidge. I did give Parliament the contact number for Mr. Keith Franklyn, so I do not know if you [have] made contact.

Mr. CHAIRMAN: Perhaps I can intervene here, Mr. Alexander because I think that you may have misappreciated the thrust of the question. I am aware and I thank you on the behalf of the Committee for your assistance in enabling us to reach Mr. Franklyn and we have done so. Now, his organisation that he represents, the Association of Wayside Vendors is not going to be here today, but we do intend to treat to them in the same way that we are treating to you now, but at a later date.

If I understood the question correctly, I think that what Minister Forde was pointing you to was the Sixth Schedule to the Bill, which is - I have it, I am hoping you have a copy in front of you too ...

Mr. Alistair ALEXANDER: No, I do not have it. Just read it for me.

Mr. CHAIRMAN: Oh, you do not have it?

Mr. Alistair ALEXANDER: Even if I did have it, I do not think I will be able to see it. Oh, yes, I do.

Mr. CHAIRMAN: If you look at page 64 on that hard copy, you will see that there is National Vending Committee set up and at page 64, it gives you the Constitution of the Committee in terms of the constituent elements of the Committee, the members of the Committee to put it very simply. Now in that a 1(d), there is provision made for representative of the Association of Wayside Vendors. I think what Minister Forde is inviting you to do is to run your eye over page 64 from top to bottom from (a) through to (p) and tell us whether you can think of any entity with whom you work or whom you feel would be an appropriate stakeholder that is not represented in that list.

I think that is the thrust of Minister Forde's question.

Mr. Alistair ALEXANDER: Thank you, I understand. Thank you for bringing the clarification. Is it page 66?

Mr. CHAIRMAN: It is page 64, the Sixth Schedule.

Mr. Alistair ALEXANDER: I have looked through the composition of the Committee... Let me put it this way, when I did so I could not say... It would be something that I would have to look at again, to be truthful, but I did not see any [other organisation] that I could think that was left out. But this is a matter I would like to put to my own executive body.

Mr. CHAIRMAN: Let me help Minister Forde a little bit because I appreciate his question. We are really looking at trying to make sure we have captured all of the relevant stakeholders. I will want to invite Mr. Maloney, Mr. Barrow or any of the others present, if they can have a look at the Sixth Schedule. Even if we came back to the question, if they could just have a look at that Sixth Schedule and see whether there is any entity that comes to mind that they may wish to recommend that we consider.

While they think about that, Mr. Alexander, I have another question for you that I will just throw out here now, because it is an easy question to answer, and you will then be able to give your colleagues a little bit of time to look at the Sixth Schedule. There has been a wide discussion on the substance of this Bill during the course of the last few days at this Committee level. One of the things that was raised by the Leader of the Opposition was his concern about the fee. There is a fee structure applied in the legislation and I think that what we are proposing is that a fee of $100 be charged for an annual licence. Is that correct, Deputy Chief Parliamentary Counsel? I think that was what my memory tells me. However, my question to you, and let me be very surefooted here...

Ms. S. R. BELLE: Mr. Chairman, the Third Schedule.

Mr. CHAIRMAN: Okay. The question then really for you, Mr. Alexander with respect to the question of fees that may be charged. You can just trust me on this because I know the others are looking that the Sixth Schedule. For vending licences for vendors not operating on a beach, on an esplanade, a garden or park, the plan is to charge $100. The renewal of a vending licence for vendors not operating on a beach or an esplanade or in a garden or park, renewal fee will be $100, and they will be annual fees. If you are going to operate on a beach, an esplanade, in a garden or park in Barbados, your vending licence will be $150; and the renewal of a licence to operate on a beach or an esplanade will be $100. For those people who are "occasional vendors" who will be just operating, let us say, at a festival or some sporting event, it will be a $50 fee. Then if you were not operating on a beach, the vendor's permit will be $25.

Now, even though the Leader of the Opposition had not said it was too much money, I think his thrust was that he could not see the necessity for a fee. However, my question to you, before we go to whether it is necessary or otherwise, do you feel that these fees are reasonable?

Mr. Alistair ALEXANDER: What I am going to say will be controversial and I do not mind being controversial on the right side of controversy. This mendicant type of mentality that even politicians have encouraged is not correct. While you are facilitating business people, you must not give them the impression that everything is to be for free. This or whatever it is still have people to be paid, whether it be administration or whatever, that will be part of the process of making sure that they are able to do business. BARVEN has been clear from the beginning that we want facilitation, we do not want someone to "kill" us with fees, but we are very clear.

I know the Honourable Mr. Humphrey is listening, but you have a situation where I understand in the fish market they pay 75 cents or something like that to use the stall for a day. They run water for the whole day. This is taxpayers' money. We talk about Government money, but this is taxpayers' money and I believe that we as a community should also pay our way and contribute to our development. We need to contribute to our development and when you do contribute to your development you have a better sense of pride. You therefore know that whatever facility or whatever is given to you is not to be just destroyed because you know that you have your money or structure in there. To be honest with you, because we are here to give testimony, at one stage, I remember when I was fighting for Cavans' Lane, fighting for the improvement of what Government was building, a Permanent Secretary said to me: "But with all due respect, Mr. Alexander, they are getting it free". So because they were getting it free you can give them whatever you feel like giving them. It was hard to argue against that point. I am saying, yes, if you are giving them free you should still give them the best. However, that is how people will be thinking about you. We want to change that whole concept. Hence, we are not finding that it is wrong like anyone else, what we want to see is that Government provides an atmosphere where we can make money. There are infrastructural buildings like Cheapside [Market] that we warned against, because it was only about 'jucking' people in a building, there was no business plan. This is a new time and we want to see a new regime of things. There has to be a business plan where these small businesspeople, you plan for them in such a way that they will make money so that they can pay these fees and licences.

Mr. CHAIRMAN: Thank you, Sir. Without prejudice to the desirability on my part of the Leader of the Opposition having an opportunity to have any input that he may wish to have on this matter, I also wanted to find out whether those folks seated next to you have had a chance to look at the Sixth Schedule and if they are inclined to make any comment in response to Minister Forde's previous question?

Mr. Alistair ALEXANDER: We can say it is covered at this point. We may go away and may make a

call or something.

Mr. CHAIRMAN: Okay. Fine, thank you very much. Honourable Leader of the Opposition. Sir, before you go, let me just indicate to Ms. Moore, the Honourable Member for St. George North, that I see her hand up, so we will come to you next, Ma'am. Please proceed.

Bishop J. J. S. ATHERLEY: Thank you, Mr. Chairman. Mr. Alexander, I appreciate the virtue and the value of the argument and precept you are espousing there. It is not about encouraging mendicancy on the part of anybody, though; it is a principle that we are looking at from the other side of the coin. One hundred dollars constitutes a nuisance fee which the Government of Barbados in 2021 and the one that will next follow in 2022 can do without.

Asides.

Bishop the Hon. J. J. S. ATHERLEY: It is not the money value; it is the principle. Why are we charging in 2021 people a fee to get a licence, to earn a living? There are several professions, and some of them very lucratively positioned, and we have a couple of examples right here in this setting; only two, obviously. It has nothing to do with the profession pursued by the Honourable Member for Christ Church West Central or the Honourable Member for St. Michael South or the Honourable Member for St. Philip South, it would have to revolve around the other two persons here present. We can understand that when a fee is attached to certain professions, but I do not understand in 2021 why we are charging vendors, even though I understand your argument and you want to serve a cause and contribute to your own cause, a $100 fee which is a nuisance fee, and if we follow your argument to its logical conclusion, there will be those tomorrow who will say that that $100 which we are asking vendors to pay for licences, to provide them with the kinds of facilities and services we want to provide them with now and the kinds of services which the State is asked to provide, $100 is a nonsense and therefore, we must raise it to $500. That is the other side of where your argument leads. I am not going to argue with you very strenuously, if you and the Association feel happy paying the $100, fine. However, I am just advising that there will be a Government tomorrow that will say it should be $500 instead of $100. The fee is just a nuisance fee, in my humble view.

Mr. Alistair ALEXANDER: Thank you. I appreciate your view, Sir, but obviously we are not of the same view. We have the Public Relations Officer wishing to address that point.

Mr. CHAIRMAN: Fine. I welcome his input. Please proceed, Sir. Before you start, please state your name for the record.

Mr. Valentino BARROW: I am uncertain of the time of day so I will say good day to all. My name is Valentino Barrow, Public Relations Officer, BARVEN.

Mr. CHAIRMAN: Good morning, Mr. Barrow.

Mr. Valentino BARROW: I appreciate what Bishop Atherley has said and I can understand where he is trying to put us on a perspective of futuristic things. I daresay that we do not live in the future at any given time, nor can we dwell in the past, but one thing is certain, as long as there will be consecutive Administrations, irrespective of which side of the fence they are from, BARVEN will be here to champion the cause. If an Administration deems that this nuisance fee, as it is called by Mr. Atherley, should be raised and it is beyond a point of acceptability, then we will intervene. You can depend on that; that is reliability.

One thing is sure, and I am very strong about this: I have a history of 50 years of vending and I did not take it lightly. I had the opportunity, yes, to become an engineer but I was always drawn to vending and I always considered myself to be a proud individual, as I am sure many other vendors see themselves. If we are advancing the cause of vending, vendors do not want to be seen as "welfare" causes or as those depending on what call "handouts". Vendors want to be perceived as proud individuals. We want to show to the immense number of people coming out of our tertiary institutions that vending is an honourable profession, as in the likes and callings of doctors, solicitors, lawyers and all those which are deemed to be are the higher standard of professions in this country or the world. We, too, want to be seen in a positive light.

If you take the highest fee of $150 and we break that down and divide it by 12, I am sure you would know what we would arrive at. If you take the $100 and break it down by 12, I am sure what we would arrive at you would tip your head downwards, and if we put that to the general public, they would frown on that. What is less than $10 a month to pay to earn your way? You want something over your head to protect you from the elements; that is costly, as I am sure the Minister of Commerce would tell you. Even to build some kiosks as we were dealing with the Samuel Jackman Prescod Institute of Technology and the Barbados Community College, and you heard the price of the material just to build a prototype for one structure, it is immense. Where is that money coming from? It has to come from us through some form, and believe you me, Government has a way of extracting it from you. I am sure you all gentlemen and illustrious Members are aware of that. There is a way; if you do not get it directly, it will come indirectly. But we want to be perceived in the light of a positive element, a proper and proud profession, and $100, in BARVEN's view, is nothing to pay for our licences. We would not expect that because we see it in this light that the next Administration, irrespective of the fence, would deem to raise it to about $1 000 or something like that. We would not want that, and if that happens BARVEN would fight for better.

I remember when I was a young lad in Fairchild Street with my grandad and I saw atrocities committed on vendors. I have that memory. I was always drawn to vending, and as was said in the rolling out of this proposed policy by the Honourable Minister of Commerce, that he met a young girl who wanted to sell things. That is in her

blood, and we want to pilot a way forward for students to see that they too can become vendors, because becoming a vendor does not mean you have stagnated. It does not mean that you have to be down at the bottom, but [that] you can become a businessperson. You can perceive yourself in that light: as a businessperson, proud to be in a proud profession, the original entrepreneurial avenue for black people in the days still stands and we want to stand proud. Thank you.

Mr. CHAIRMAN: Thank you very much, Mr. Barrow. The Honourable Member for St. George North.

Ms. T. N. S.-A. MOORE: Thank you very much, Mr. Chairman, and good morning, Mr. Alexander and to all the members of your team. Within the proposed Bill there is an appeals process established for the hearing of any grievances that you may wish to raise, and these grievances may relate to such things as eviction notices, relocation, fees, and so on. We have heard in your contribution so far that BARVEN represents the large majority of the vendors in Barbados, even though you have recognised that you would want to extend to beach vendors, *et cetera*. There has been some discussion within our Committee so far that where the appeals process is set up and a tribunal established, where a vendor is to be selected to represent on the tribunal, that vendor should be selected by the vendors themselves, that is, through an association.

The Bill as it is outlined makes provision for a vendor of at least 10 years' experience. My further question to you is whether you think that stipulation for a vendor of 10 years' experience is a reasonable one, or if we are leaving the decision to the vendors' association to determine who they want represent them that there should be no qualification on the years of experience?

There may be a person like the PRO who said he has 50 years' experience in vending. Mr. Alexander, you have quite a few years of experience but they may very well be someone with fewer than 10 years' experience that BARVEN or whatever the vending association is because you may decide to not put Barbados first in some other iteration of your name – and I only say that jokingly because I come from an organisation as well that puts Barbados first in every respect. However, there may very well be a situation where there may be a vendor of fewer than 10 years' experience that the association determines may very well be the person that they would want representing them on a tribunal.

The questions are: Does your association support having the vendors' association select the person of their choice to sit on that tribunal, and would the association support the Bill in its current formulation to make a qualification for a 10-year period or would they rather see that removed, so that the association may choose whomever it wishes to represent them on a tribunal? Thank you.

Mr. Alistair ALEXANDER: Thank you. I like to try to understand the thinking of a proposal and I always put the best light on it, even if I do not agree. I would understand that whoever suggested it would have been thinking about experience and choosing somebody who has experience in what they are doing. Due to that experience, they would be able to make better judgment. I think that would be the thinking. I would prefer it not to be there, I would think that the Vendors' Association would be wise enough to consider that this is a serious task this person is being asked to do and would consider all that would be necessary for that task. Experience may be in there but to say 10 years.... There are some people, to be truthful, who [have] now "land", so to speak, and how they approach life they have brought experience, not from vending, but from life generally and you see how they approach things. They may be more suited than someone who has had 10 years' experience.

If I may at this point in time introduce my Roving Communications Officer, Mr. Robert Maloney. When I did ask the Executive to please give him his credentials, he had now come to the association. I saw a lot in him in one session. You know that they say to strike when the iron is hot, but it was necessary for him to play this role immediately. He would not have had the experience of a "Fox" or the experience in vending as Valentino Barrow or Mr. Allsopp, but he has done a tremendous job. I would like to introduce him and let him speak, even on this issue, if you do not mind?

Mr. CHAIRMAN: No, not at all. Please proceed, Mr. Maloney.

Mr. Robert MALONEY: A pleasant good afternoon distinguished Chairman and the Parliament.

Mr. CHAIRMAN: It is still morning but good morning to you.

Mr. Robert MALONEY: I apologise. Pleasant good morning, Sir. In reference to the Sixth Schedule, I see that the Rastafarian Community has not been mentioned; it has been omitted. I would like to see them also being part of that committee. As we continue to live in the age that we are living in, in 2016 for our 50th Jubilee BARVEN proclaimed ourselves as being the "living heritage of Historic Bridgetown and its Garrison". We see that there is a transformation taking place not just physically, socially or digitally, but we can say nationally, as well as internationally. We are now living in a new Historic Bridgetown and its Garrison, and also being part of the National Transformation Initiative, which would include the Clean [Initiative] and Green [Economy] and all of these different initiatives that the Government has seen fit to bring the vending community from being what it once was considered to be "informal" to become more of a "formal" sector and be able to pay our contributions.

Having said that, the organisation, BARVEN, is looking forward to the passing of this new policy as the President rightly identified it as the Bill of Rights for us to be vendors and to be proud. We know that anything that we do has to be comprehensive; it has to be holistic and that is the only way we can move forward. To be great

leaders, we need to have vision because without the lack of vision we know that the people will perish. Therefore, BARVEN has considered all that has been put before us and we found it to be comprehensive. We found it to be holistic, as well as workable.

Again, we have put forward that our model; our model is finding solutions through consultation, as opposed to confrontation, so we would not be looking, as the President mentioned, for a disorganised or disorderly community in any sector. As was mentioned, this would add also to the tourism sector because rather than just having normal vending, it would not be vending as usual. We have the vending community being the spirit, being the national heritage, as well as the national treasures of Barbados. As we know, as the President has mentioned, in everything, the building and structures are fine but there is nothing that has more life in it than the spirit of the people, and we as the vending community represent that spirit of who we are. As Prime Minister Mottley has rightly said on many occasions, this is who we are. We are essential. We are frontline and we are also heroes. As we continue forward, BARVEN would like to see, again, nothing that is one-sided or imbalanced, but a policy that is comprehensible and workable, not just for some but that it would also be workable for all, and that we are not just looking at ourselves as an individual organisation or person, but [that] we are now looking to represent Barbados at the national level, as well as the international level. Thank you.

Mr. CHAIRMAN: Thank you very much, Mr. Maloney. I am not seeing any other hands raised to seek the Floor at this point, but I will now take the opportunity to ask some of the other questions that I wanted to ask. Mr. Alexander and team, this Bill has been treated... In fact, I described it when I introduced it as being historic and I think pretty much all of you have agreed with that description. One of the things that I am particularly excited about with regards to this Bill is the opportunity for us to create vending zones in Barbados. I see it as an opportunity for us to modernise vending, bringing all of the customarily expected amenities to the vendor and the environment of the workplace of the vendor. This Government takes some degree of pride in being the Administration that has found a way to have lunchrooms become mobile and that a mobile lunchroom be facilitated equally with a bathroom facility, and that that mobile facility can be placed in cane fields, can be placed in sweet potato fields, can be moved all across the agricultural sector of Barbados so that for the first time in the history of this country gone are the days where the agricultural worker has to be subjected to the indignity, especially the female agricultural worker, of having to attend to the call of nature virtually in broad daylight in the workplace. I see and we see these things as being part of the modernisation of not only this country's economy, but the very foundation of the existence of our people and the way in which they execute cultural practices which have been the bedrock of their livelihood from as far back as the memory of man can run.

Now, having said all of that, in a similar vein, it impacts on the vending community. I see the vending zones as an opportunity for us to bring that level of modernisation and a level of structure and organisation. My question to each of you is: If you were to... In fact, I do not have to say "if you were" because you are, you are speaking now to the Minister responsible for commerce and by extension the development of the vending practice in Barbados. Question is, simply put: If you were to say to the Minister what your ideal vending zone would look like, what will be some of the things that you would wish to see? I asked you this because while I have shared already on the Floor of this House what my mind-set is, I do not feel that I am the fount of all knowledge and I want to get the input from you all who are practicing this on a day by day basis. What would it be that you would wish to see the Government facilitate you with so that you would have the ideal space within which to do the business of vending?

Mr. Alistair ALEXANDER: Thank you again for that question, Sir. This Bill with such elements as the vending zones, generally, is a Bill of an affirmative development action. That is the best way that I can describe it; a Bill of affirmative development action. It is not waiting for development to just spring out from someplace, but it is actually putting things in place for that development to happen. For me, we would not be only speaking outside of Bridgetown, we would be speaking from Bridgetown. I see Bridgetown as a vending zone. Whatever we do, it has to be comprehensive. I take this opportunity to make it very clear, as has been said by others, we are comprehensive in our outlook. At this point, after I make these little remarks, I would like to introduce Junior Greenidge, a long time vendor and fighter on the streets and let him give his input, but what I want to say is that this approach that we have at this point in time, where development is led, not just allowed to happen... It does not happen; it has to be designed. This is so blessed when we hear that agricultural workers would be given some dignity in having facilities that are coming to cane fields or coming to farms. This is what we are talking about. This is people planning for their people. Therefore, as to what we would exactly like to see, I know Mr. Greenidge wants to speak. I am not sure if he would speak directly to this, but I would like to give him the opportunity, if you do not mind, Sir, to speak at this time.

Mr. CHAIRMAN: Not at all. Please proceed, Mr. Greenidge. The Floor is yours.

Mr. Junior GREENIDGE: Good morning. My name is Junior Greenidge, known in the vendors' world as 'Fox'. I am the Steward of Bridge Street.

First, I would like to give my condolences to Mr. Stanton French of Global Products. I think he passed away on Monday. That is where I buy my products from.

Secondly, when you talk about vending space, in Bridgetown vending is all about location; vending is about on the frontline because you cannot go into the back and vend, you have to be in the mainstream of the people that

are passing. For years, I was vending. I celebrated 30 years in September which was also my birth month, and during all that time [there have been] vendors and store owners who were always at loggerheads because vendors wanted to occupy in front of the store where the people were passing and the store owner does not want that happening because he thinks that the vendors are stopping the people from coming into his store.

We could agree with that too, but you cannot take vendors and put them in the back, you have to put vendors in the zone where people are passing. I think the storeowners, especially in Swan Street, Marhill Street and those places and BARVEN, which is my Association, should come together and find a solution because every day you go down you would see the vendor come there and the vendor is quarrelling with the storeowner and it is a whole heap of things. I think we should come to some solution. You have to organise it that vendors and storeowners would work together and it would be a fair playing field. The storeowners are saying that the vendors do not paying anything; that all they do is come and set up, and that is true for some vendors.

I heard my President just now speaking about the $100 that the Honourable Leader of the Opposition said is a "nuisance" fee, but for years, from the time I start vending, I was paying $100. Thirty years ago, I was paying $100 for a licence and when I get the licence and go and set up the police [would] come and run me, so [that] though I have a licence, I still cannot sell. We have to get all of those things organised so that when the vendor comes, if he has to pay a fee, make sure he pays the fee. Or if he does not pay, then he pays the fine. I am going to tell you the honest truth: I am not in agreement to paying a fee, because in this new age things have gotten so difficult whereas that same $100 that the vendor has to pay for a licence, that cannot buy anything. Hence, when he has to look for $100 to pay for a licence, as Mr. Alexander said, to get improvement, he cannot buy anything, because things have gotten so expensive. Vending, years ago, was disorganized; vending now is much more organised, with the help of BARVEN but vending still has a long way to go because so many things have to get organised in vending, such as the prices of the stock you are buying, the trays you are using. We have to come together and embrace vending in the same way that the private sector embraces each another. That is what we at BARVEN are trying to do, we are trying to get all vendors in Barbados together, whether you work on the beach or in St. Lucy, we want all of the vendors to come and join so we will have an organisation with a voice that we can put forward our proposals on the things we have to do. However, the only way we are going to go forward with vending in the City is if the vendors and the storeowners [can] come to some sort of agreement, if not we are not going get anywhere, because the vendors want to be selling out front, while the storeowners do not want them there. I would not say the storeowners do not want them there, more so that they want their space so that people can enter, so we just need to come together and work. Thank you.

Mr. Alistair ALEXANDER: Thank you very much. You would know that in our documents we have detailed what we would want to see in such vending facilities and the zones outside. Obviously, the zones would be according to how they are set up, the purpose for which they are set up because we do not believe that everybody should be vending the same thing. There is an economic theory which is also a common-sense theory where you have the law of diminishing returns; anytime that you have too much of anything there will be a decline in value and in revenue. I know the politicians would like that there be one million vendors so they can say that they have one million jobs, but that cannot happen where we would get half-cent. It still has to be a balance organised. We have detailed those things and in my opinion that will be a long a process to speak of all that we would want in a vending zone.

Mr. CHAIRMAN: I was trying to get some specifics from you, but I think I understand. Let me make it very clear that I agree with you that you cannot have vending zones – you did not use the word but – cluttered, so that you have so many people in a zone that it makes it economically unbeneficial to be in that setting.

I also sense what you are saying is that you would like to see some variety.

Mr. Alistair ALEXANDER: Yes.

Mr. CHAIRMAN: Okay. There may also be areas which are specialised. I know this maybe more a question for the Association of Wayside Vendors but let us look at the Highway. For example, along the Highway we have many people who are selling coconuts. You may well see a zone within which you have more than one person selling coconuts. It maybe few people in that zone who would be coconut vendors, but I understand the point that you are trying rivet home is that you want zones to be structured in such a way that they are not so packed with people that it is economically unbeneficial to the persons trying to function within the zone.

Mr. Alistair ALEXANDER: Minister, if I may I would like Robert Maloney to speak on the coconut vendors' policy change.

Mr. CHAIRMAN: I will be very happy to hear him.

Mr. Alistair ALEXANDER: The truth is that the Association of Wayside Vendors do not represent the coconut vendors.

Mr. CHAIRMAN: Okay. Sorry. It is you?

Mr. Alistair ALEXANDER: Yes, please.

Mr. CHAIRMAN: Sorry, I beg your pardon, Sir. I did not want to be eroding the base of your constituency.

Mr. Alistair ALEXANDER: Yes, Sir. Robert Maloney.

Mr. Robert MALONEY: Yes, pleasant good morning once again. As we considered the coconut vending, we considered the health benefits, seeing that we

have the initiatives for 2030 dealing with climate change. As we know, the coconut is one of the most important fruits in this time. There are many benefits that can be derived from the coconut palm in many different areas, so we would know for sure that the coconut laybys and where we know that we do not want to have to have persons in the way of destruction of proceeding traffic. Hence, if we can remove that and put them in some safe areas, we know that that is a plus not just for the coconut vendors but also for the persons buying.

Again, we are considering our children knowing that they are the future and health is something that we are also promoting. The coconut water would be a good ideal product that would tend to that; dealing with the climate change, we know water is very important, and the coconut has many benefits that can be derived.

We are also considering food security, so that in the food security we can now look at rather than looking at the small crops that are short term, that would help us to reduce our foreign deficits and the money that we are spending. We see the Heart and Stroke Foundation is also speaking about healthy Barbadians, so within this new Barbados we are looking to get away with a lot of these negative trends, seeing that it is leading to a lot of obesity in our children, a lot of non-communicable diseases that is also adding to the factors of COVID-19. All of these are things that we are considering when we say we are thinking comprehensively and holistically. Then we can tap into our natural fruits where we see now that that has also become a trend around the island. Many persons are now seeking to ply their trade and again it is contributing to the climate change affect that the world is experiencing at this time.

BARVEN's role is that we will have a national coconut stakeholder's platform and BARVEN sits on that committee where we are strategically organising. There are few industries, and CARDI is also part of that which is the Caribbean Development Institute, and they are seeing the coconut industry as being a multibillion-dollar industry that we and our future children can benefit from. We know at this time employment is very low, so we are also looking to tackle unemployment issues. Therefore, once we can tap into our natural resources, we know we do not have many, but our fruits can lead to considerable benefits that can be derived to also help tackle the obesity issues and many other non-communicable diseases and different issues which we have.

In Historic Bridgetown, once again, it would be very nice to see that we do not have natural resources. What we have is a pool of collective insight within ourselves, so once we can continue to show not just to ourselves but to our nation the spirit of our country and who we are and that we are not just thinking one-minded and one-sided and it is just about money, but there are many other benefits that can be derived, then we can see the benefit of such a national policy which would, once again, engender pride and industry into ourselves and into our children. This is the way that the policy is leading and, BARVEN, thank you. After 333 years, as was mentioned by the Honourable Minister of Commerce, we can see the benefits of such a policy. Thank you very much.

Mr. CHAIRMAN: Thank you very much, Mr. Maloney. I think you raised a very important matter there: The National Coconut Stakeholders' Platform. Obviously, this is targeted at the development of the coconut industry holistically and not just at the sales or commercial end which we participate in almost right across the island on a weekly basis. I think that this a matter that would warm the heart of the Minister of Agriculture, and it certainly is something that I would want to get some more information on. If you feel that you are in a position to share more information on the National Coconut Stakeholders' Platform at this point, I would be happy to hear. If you are not in a position to do so now, then I will undertake to liaise with you afterwards because it is also something which, from my own Ministry's perspective, is an issue which we may want to get a greater feel for and certainly, which I would want to get a better understanding of in terms of what you are about and how we can better participate in and assist in the development of this.

Mr. Maloney, you would need to tell me whether it is something you would want to elaborate on at this stage, or should we do this at a different point?

Mr. Robert MALONEY: Yes, Honourable Minister. Again, there are just many benefits that are documented which can be derived from the coconut sector. The National Coconut Stakeholders' Platform, along with BARVEN, have engaged in a number of initiatives where we are looking, as you mentioned, to establish a coconut vending zone, where the coconut would be the main product being plied, and so that people can get the delicious water which we are accustomed to, along with the fresh jelly fruit. It speaks for itself, where the industry is a worldwide one right now. Once we can meet the national standards, it is quite simple, and we have had some discussions on that: You need to harvest the coconuts at the proper time. You cannot reap them when they are too small. Also needed is proper bottling, sanitising and labelling. Once you have them refrigerated at the right temperature, then it should be ready for export where you could export it to any desired market.

Again, it is an area that can also benefit us when it comes to climate change. Water is very important. People like [to drink] normal water but if we can get our children into drinking more coconut water which is a lot sweeter, along with the jelly, then there are quite a few benefits that can be derived. As I mentioned, the Heart & Stroke Foundation is pushing that initiative and in the Historic Bridgetown Heritage Site, these are things which BARVEN would like to see coming to fruition; where persons can engage and have easy access. We would need programmes dealing with food security and other issues which we are considering. In terms of coconut groves, a few acres of land should be also delegated for the persons who would wish to ply their trade in that industry. It is something very fruitful and something that can be very productive; not just to us as individuals but, as we can see,

it has broader bases and benefits which all of us, as a country, can benefit from. That is my submission. Thank you very much.

Mr. CHAIRMAN: Thank you very much, Mr. Maloney. Minister of Agriculture.

Hon. I. A. WEIR: Thank you, Mr. Chairman. First of all, let me start by congratulating the members of BARVEN for what I consider to be very important comments to this piece of statute that we are seeking to bring, to right a number of the wrongs that took place in vending in Barbados over many decades. However, I wish to note that the conversation as it relates to coconut water and standards, there is a Food Safety Bill that is currently before the Chief Parliamentary Counsel and that would clearly outline the standards to be followed, as well as practices related to bottling and so on. Shelf life and those types of things will be captured in that statute. Therefore, I would be more than happy to engage Mr. Maloney and his team because we are currently doing public consultations with regard to the food safety legislation and our sanitary and phytosanitary legislation and projects. I thought I would bring that clarity so that BARVEN would be aware, if they are not so already, but equally for the Members of this Committee to be aware as well.

Mr. CHAIRMAN: I am very grateful to you, Minister. There you have it, Mr. Maloney and Mr. Alexander. The Minister of Agriculture is pointing us to the fact that there will be – I almost said a companion piece of legislation – a piece of legislation which will come from his Ministry that will facilitate some of these considerations that we are interested in here and so you should look forward to some consultation with him and his officers in the not-too-distant future.

It is a good and useful thing, I believe, for the right hand of Government to know what the left hand is doing, and this is clearly and opportunity for us to demonstrate that we are working in sync to advance the interests not only of the people of Barbados, broadly, but the communities which are involved in farming and vending respectively.

I am not seeing any other Members who are desirous of the Floor, so let me just help us to tighten up this legislation while we have you gentlemen here. There are a couple things that, as Chairman of the process, I have had on my mind and I wanted to get your views on them. The first, I think, was already spoken to, to some extent, by Ms. Toni Moore when she made her intervention. I just want to go back there very briefly for the purposes of clarity, Mr. Alexander. I understood your answer to her question to suggest that you do not have any particular strong feelings about having a vendor being a representative of the vending community on the basis of his years of experience. As I understood what you were saying, Mr. Maloney, for example, would have been brand new to the business or the association but you saw in him those things – and certainly I have heard in him in his submissions – that make him stand out. Therefore, you did not feel it necessary to tie this to a number of years' experience. Is that correct, first of all?

Mr. Alistair ALEXANDER: Yes, please.

Mr. CHAIRMAN: Fine. Now, being guided by you, it would, therefore, mean that we can replace the requirement as we have it in the Bill. I have with me the Deputy Chief Parliamentary Counsel who is the person charged with the responsibility of drafting out this legislation. We can replace this requirement for a number of 10 years' experience with simply making it being a vendor who is nominated by the organisation or the organisations' representative of vendors in Barbados. My only concern with that is that there is more than one organisation representative of vendors and I would need to get from you your views on whether you feel that BARVEN, the Association of Wayside Vendors and any other that might emerge or exist would see it as reasonable to expect that you collectively could nominate a person from amongst you to be the representative on this Committee which would be the National Vending Appeals Tribunal.

The tribunal would be the appellate body which would be comprised of an attorney-at-Law, a vendor and a person with knowledge and experience in the business of vending and the operation of markets. That tribunal would function for about three years at a time. It would be appointed by the Minister responsible for legal and judicial affairs. The business of that tribunal would be to hear any appeals. For example, if as Minister, I suspend someone's licence, that person is aggrieved and felt that the Minister did not act right, the person would go and appeal to this body. Or, for example, it may be that the Manager of the Vending Zones may take a certain course of action or make a certain decision that the vendor feels aggrieved by and he wishes to appeal that. Do you feel, therefore, that we could comfortably rely on the associations representing vendors to just recommend from among their body of members a person, howsoever experienced, but a person who they look to? For example, brother Barrow who has been in this for 50 years and say that this is the man they want to represent them.

Mr. Alistair ALEXANDER: First of all, what challenged me there, to be honest, is how do we select that person. If we are talking about BARVEN, obviously that would be a simple matter. BARVEN, through its Executive, would select such a person. We like to be fair. We do not see BARVEN as a colossal in the sense that there can be no other persons representing vendors. We do not. We will never disregard the role that the Wayside Vendors Association has played, regardless to whatever the membership is at this point in time. We would wish to be in some kind of situation where all who are involved in the representation that we can have a body of some sort so we can do these things.

It is happening. They say, "Life happens." This is life. We do not have everything figured out already. We like to pretend that too much. I am not about that.

BARVEN is not about that. We are about real things and I am sure that this has now challenged the minds of BARVEN right here. They know how their President thinks, for certain. I know that they are all very much individuals with their own mind. You heard how 'Fox' said something opposite to what I said. This is how it is in BARVEN. We would want to have a situation where the Wayside Vendors Association is not 'unfaired' because BARVEN is representing. We will not play representation. We are not waiting on anyone to represent, we are going to represent but if anyone or group comes forward, we would want a situation where we are not fighting against each other but working together.

As I said, Robert Maloney would know that when one organisation wanted to fight us and was in the newspapers as stating certain things, I said to him, "Sir, we do not divide our house. We will have no comment." And we will move forward with that understanding."

This is something we have to work out. I would not want that at those levels where we have more than one that BARVEN alone decides. If BARVEN has to, then BARVEN would be there to do so.

Mr. CHAIRMAN: I am not asking you to do that, I was actually asking you what you thought about the proposal that you could consult with each other. You are right when you say that it is one house but in that house there is more than one room. Therefore, I would want to know that you should be able to consult with the room next door and throw up a name. If that is practical, then we can write the legislation to accommodate that but I wanted to hear your views on that first.

Before you answer, let me just indicate that I see Senator Wiggins' hand and Ms. Moore desirous to speak again, but I would allow Mr. Alexander to complete his thoughts on this matter. Please proceed, Sir.

Mr. Alistair ALEXANDER: I think I have concluded. You are quite right.

Mr. CHAIRMAN: So do you believe that it would be reasonable for us to anticipate that a conversation could take place and [that] between Wayside Vendors Association and BARVEN a name could be agreed upon?

Mr. Alistair ALEXANDER: Yes, please.

Mr. CHAIRMAN: Okay. Senator Wiggins, the Floor is yours.

Senator Miss A. M. WIGGINS: Thank you, Mr. Chairman. Once again, I want to congratulate BARVEN and members present. Obviously, I want to congratulate Mr. Alistair Alexander of his Independence Honour of Gold Crown of Merit (GCM). As I would have spoken in the Senate previously, I know of him and many of the vendors out there who have been in the vineyard toiling for a long time, so I do sincerely appreciate all your efforts today.

To continue from where you left off, I thinking that maybe you could form an umbrella body for the sake of this legislation, similar to the Congress of Trade Unions and Staff Associations of Barbados, in terms of theoretically speaking - but I am not sure if practically speaking - that that umbrella body similar to CTUSAB can be the one voice of the vendors in situations that we are discussing today.

As you know, Mr. Chairman, I would have raised before the whole question of zones. I heard Mr. Maloney speak to the issue of having - and correct me if I am wrong - a zone specifically for coconut vendors. I was thinking in terms of zones that if we have vending zones, that these zones would be of a multi-purpose nature where you would have fruits and vegetables. You can have clothing. You can have storage. I know years ago in the now Public Market that has been demolished, I think some of the vendors use to store their produce on site. Therefore, when we are thinking about these new vending zones, I am thinking that we can have good physical structures. Look at Oistins; Oistins is a prime example of a great vending zone in Barbados where you have the storage, the ice and various vendors. I know that it is primarily fish, but you have people there selling jewellery and then of course, you have the other restaurants in the area, and, of course, if we are thinking about vending zones, especially on my favourite spot on the ABC Highway, you can have, rather than mobile lunchrooms or mobile amenities like toilet facilities, the Government should be able to acquire land in some of these areas to physically build these amenities so that the vendors can use. Similarly, amenities can be built - and going off script a little bit, these types of amenities, let us say for taxi persons in Bridgetown. These are the new concepts in terms of going forward, amenities to complement these zoning activities that we are looking at. So once again I want to thank and compliment the vendors who are here and I am wishing all the best as we go forward in this new step that we are taking.

One other point, Mr. Chairman. I had mentioned it to another Member of the Committee, but I do feel that maybe the Royal Barbados Police Force, soon to be the Barbados Police Service, should be represented on this Committee so that you would not have this clash of vendors and Police as we go forward. If the Police is actually physically represented on the Committee rather than in a consultative role, they can then, when they meet with their Association, discussion what has happened at the Committee level and there would not be so much tension with vendors having to produce the license, having to get up and move on with your produce, and being evicted and their produce being confiscated, so I think that a member of the Royal Barbados Police Force should be a prominent member of this Committee. Thank you, Mr. Chairman.

Mr. CHAIRMAN: Thank you, Senator Wiggins. You have said a number of things. Let me just deal with the last one first. I think, I understand what you are saying but just for the avoidance of doubt, this Bill removes the Police completely from the process of regulating vending but, having said so, I sensed that what you are urging us to do is to have them involved in the consultative way in which the National Vending Committee functions whereby concerns relating to those things that would ordinarily fall

within the scope of regulating anything in Barbados can have their input, so that even though they are not going to be responsible for interfacing with vendors in terms of the day-by-day management of their enterprises or their endeavours, what we would have is the voice of the Police, similar to how we have the voice of the Wayside Vendors Association, BARVEN, the Manager of Markets, et cetera, so that mature discussion can take place. Is that what you are suggesting? I do not see anything wrong with that. In fact, I think that perhaps it is a very good idea. It certainly would change the historical nature of the interaction between the two entities because, I think, as Mr. Alexander indicated from his very opening remarks, the history has been a tortured one with vendors having to feel as though they were under the heel, so to speak, of the Police and this now brings everybody as equals to sit at a table to discuss matters of mutual concern, which is how we should be treating to this business.

I have no difficulty with that and, in fact, I would want to ask the Deputy Chief Parliamentary Counsel to make a notation of the desirability of having the Police sit as part of the National Vending Committee. We will still have to refine the full membership of the National Vending Committee but I think the idea of having them as part of the parties that discuss these things is desirable.

Mr. Alistair ALEXANDER: Mr. Chairman, we fully support that submission. We have, if possible again, for us a very distinguished gentleman by the name of Mr. Leonard Allsopp, a man who knows my father, [a man] who is a contemporary of my father and it is because of my father and the horrible treatment meted out to him that I started the organisation, Barbados Association of Retailers, Vendors and Entrepreneurs (BARVEN). Every time I think about it, it is emotionally hard to think of him being put into a police vehicle like a common criminal, it is really hard, and Mr. Allsopp is here. He is a veteran of the struggle; as I said a contemporary of my father and I would like him, if possible, to make some remarks. We are talking about the police, and he knows from that time. I think that his submission at this point, if you do not mind, Sir, would be great.

Mr. CHAIRMAN: No. He is most welcome, Mr. Alexander. Mr. Allsopp, is your microphone on? Press your microphone?

Mr Leonard ALLSOP: Good afternoon to you, Mr. Chairman, Members of Parliament and other distinguished guests. This historic Bill is very important because it brings back memories of how vending has been. As you may have read or know, vending came from a long way back when people used to be brought from the plantation, when they come into Town or anywhere to sell their products. It a funny thing that the agricultural people are not mentioned in this Bill, but those farmers when they bring their things down to Town, they used to be arrested and carried before the Law Courts and they had to pay money. It has come right away down until you get what you call the Markets and Slaughterhouses Act, which is a permit, which tells you the time you should sell, what produce you must be selling and what time you should leave.

The thing about it is that during my time of vending which is over 50 years, I have not gotten into anything with the Police because you have to have an understanding when you are speaking with people, how to speak; a police officer may come to you and he may not be polite, and when you go to explain to him certain things about your permit or why you are selling without a permit, he may tell you "shut your mouth" and he may be very hostile which would cause a vendor to act in a different way and [eventually] would find himself before the Law Courts. I always asked myself: How is it that you could be charged for trying to help yourself by selling and the same money that you would want to pay your rent or to buy food, you would have to pay to the Court? I used to ask myself that question all of the time, that is why I say that this Bill is a very well piece of legislation that you, the present Minister, and the Minister before, and the Prime Minister Mia Amor Mottley and her Cabinet have been able to bring this Bill up to where it is now because it helps to clear up those misunderstandings that people can sell without being a criminal.

The important part of it that I want to say, as I now heard one of my colleagues talked about the storeowners, is that you have to know that the storeowner does not want you blocking his door or his show window; you would not want it happening to you, so you must try not blocking the store windows or its doors. If you do this, you would find that you and the storeowner coming to an agreement or an understanding and you will find that things will go well. I am telling you because as I said before, I have been in it for more than 50 years and I had to learn how to discipline myself. You would find that though you are permitted to sell when this Bill is passed, that you cannot go and fight your brother who might have been there selling for more than 5 or 10 years, you cannot now go and fight with him for a spot, instead of looking for a space for yourself. That is what causes the problem, you have to be disciplined to see that that kind of thing does not happen; and in that way you and the Police would not have to come to any disagreement because it would involve the Police to be able to get that settled and so you have to know how to conduct yourself as a business person because as you might know vending is a business; you go from being a small vendor, you then find yourself going overseas and bringing in goods; then you become a big business man. That is how the business starts – the agricultural person may bring his fruits into Bridgetown, he then sells them; later he buys a van; then he becomes a big business person, so that however you look at it, you become a businessman. They used to call it a "hawker" and that word was removed because it was not a nice word – vending is good, you may even see it in law papers, they call it vending, in papers they talk about the vendor, so there is nothing wrong with being a vendor, vending is a very important business and should be treated like that.

Mr. CHAIRMAN: I agree.

Mr. Leonard ALLSOPP: Therefore, conduct yourself in a disciplined way and you will be respected for it, so that when the Police come, you try to reason with them and not try to abuse them. The Police may say some words to you that you may not like but you should bite your lips and try to keep back the words, do not try to be abusive and you would find that you and the Police get along well. I am saying this because I have had some difficult times with an Inspector, you will know of whom I am speaking, who has now retired. When he sees me, he speaks to me. I am the only person in vending with whom he could have spoken. He has done so much wrong. When the writ server cannot find you he would come and say: "Hey, Franklin, I was looking for you ever since. How are you doing?" He would then take out the summons and say, "This is for you". He was that type of person. He has retired but people still have that issue against him. That only shows you how spiteful they could be, you may meet a police who does not want to hear you, he may confiscate your goods and throw them into his van; like a white gentleman who I know who has past, nobody wanted to hear you, as long as you were a vendor selling on the streets people feel that you could be treated any way. However, this Bill here now in Parliament will change all of that, and you BARVEN and your organisation and your association, should try to enforce it.

Mr. CHAIRMAN: Mr. Allsopp, the point you have just made is correct; what we are trying to do is to change all of that. What I would like to hear from you and equally from some of the others who are next to you are your views about... We have used a lot of fancy language, we said that we have decriminalised this, which means that there will no longer be any criminal penalties. We have taken this completely out of the remit of the Police so that the management of the business of vending can be dealt with in the same way that you would deal with... For example, if you have a challenge with a lawyer and though some have been and should be carried to the court, the reality is that you can deal with this through the Bar Association and can have a civil dispute resolution process. Now, we are proposing at page 67 of the legislation which speaks to Administrative Penalties. Now, I am going to invite your comments on this because I want for you all to understand that gone now forever are the days when a police officer, as you have said, Mr. Allsopp, will pick up you and your vegetables and throw you and them in a van, or whatever and the next thing you know is that you had to appear before a court. However, a person who contravenes the provisions of this legislation will be liable to pay an administrative penalty. What I am trying to find out from you all are your views on the administrative penalties which are outlined at page 67. For example, if you are vending without a licence in contravention to Section 4(2) you would pay a penalty of $500. If you are vending without a licence or your licence has been revoked; in other words, it is not to say that you did not have a licence but that you had one, you did something wrong and got that licence revoked but you still decided that you are going to be spiteful and that you are going to vend anyhow, that penalty would be $1 500. You have another one which is vending outside of a vending zone; that is $1 500. These are proposals and what I want to hear from the practitioners, which are you all, is whether you feel that these penalties, first of all, are reasonable; and secondly, if there is a desirability of having the penalties being paid by instalments, because in another part of the legislation which is not immediately at the top of my mind it says that you have to pay within 14 days of the notice, that you have infringed and that you had to pay a penalty. Hence, we were thinking at the level of this Committee about that 14 days. I am a man who likes to be fair. I know that in these circumstances it may be difficult for some people to have to pay within 14 days but I want to hear from you as to what your views are, first of all, on the reasonableness, then on the second aspect would be the desirability of being able to pay off the penalty by way of instalment over a longer period of time. The Floor is yours, gentlemen, all.

Mr. Leonard ALLSOPP: Mr. Chair, I disagree with having to pay $500 when you vend without a licence; it is unfair when you cannot get a licence, which we a permit, and be charged $500. I disagree with that.

Mr. Alistair ALEXANDER: Mr. Allsopp, let me say, if I may intervene. We are now speaking about a different regime. There was a time, and it still exists in our minds that there are no licences to be given. We never objected to licensing, we wanted licence. They gave the impression to the population that we just did not want to go and get licences and it was never true. We tried but we could not get licences. We have a situation now where ...

Mr. CHAIRMAN: Please elaborate. I am going to allow you speak fully. I think the Committee needs to understand this because I certainly do not. Why would you not be able to get a licence?

Mr. Alistair ALEXANDER: Sir, they were just not giving us. Consecutive administrations were doing the same thing, in that they were not issuing any licences. To be truthful, when BARVEN started there was a plan, and it is documented in the media where they had intended to put all the vendors of Bridgetown into markets. They made that attempt, even with myself and many others. So it was a straightforward thing.

Mr. CHAIRMAN: You applied for a licence.

Mr. Alistair ALEXANDER: And could not get it.

Mr. CHAIRMAN: The Government of the day was saying that you cannot get any licences?

Mr. Alistair ALEXANDER: Yes, I could not get it. They were not even saying so, you just could not get it. Then the Police would come and ask where is your licence and there was no licence, unfortunately.

Mr. CHAIRMAN: Mr. Alexander, I need to be clear on this matter. You are saying to me that people in Barbados, and let us be very frank, working-class people and I do not think there are many members of BARVEN who live at an address called anybody heights or anybody terrace.

Mr. Alistair ALEXANDER: Yes.

Mr. CHAIRMAN: So people from working-class Barbados are trying to earn and honest living, they applied for a licence to vend in the land of their birth, and they are told by a government that is supposed to be administering their well-being that they are not getting any licence. Full stop.

Mr. Alistair ALEXANDER: Full stop. They are few persons who were privileged, for whatever reason – I mean a few, and you can probably count them on your hand in the City that had a licence. Mr. Allsopp may have been one of those people who were fortunate enough to have had a licence, but he would tell you that the majority of his fellow vendors could not obtain one. We are not talking about that situation; we are now talking about a situation....

Another thing, even how to get the licence, people were not even sure as to which agency or who to go to; d you were hearing all sorts of different things. This is the reality. To be truthful, BARVEN fought for licences to be given. For instance, when I met 'Fox' for instance, I saw 'Fox' appearing before the Law Court many times. I saw one newspaper article that carried his story and it broke my heart. He told the Judge [that] he used to sell drugs and [that] he decided he did not want that; that he has children and he did not want his children to come and see him doing that; that he wanted to do something else; that he had decided on vending and that all they were doing was criminalising him. I remember that. When I met him, I said: "Sir, if you need any assistance, contact me." He said: "Alexander, you can't help me". It was so hopeless at the time; he did not even believe in BARVEN. He had fought the struggle for a long time and do not care what you do it was one thing, they were not giving you a licence and they were coming for you. Mr. Allsopp is saying the same thing in that before BARVEN it was that.

At this point in time, we must introduce the name of the Honourable Mia Amor Mottley with whom BARVEN had made contact; it was a historic meeting. It was at that first meeting where she said, Mr. Alexander, what you were saying is all true. She said these exact words: "I do not believe in obeah, but we were to meet and all that you are saying in this letter is correct and we must change this, and I will do all in my power to help you". It is through fighting with her, not against her but with her that we were able to access these licences. Robert wants to speak on this issue.

Mr. Robert MALONEY: Yes, once again Honourable Minister. BARVEN's view on that matter is that we have always viewed permits as the means of maintaining order and we have fought and asked on many occasions where we were denied. Hence, once again, rather than being honest and noble persons looking to provide for our families, we were more looked at as criminals. I remember myself years ago when I was selling natural juices, I came from America and I was looking to provide for myself. When I went to my spot where I had been accustomed to plying my trade, I was met by two officers, I think either from the Defence Force or the Royal Barbados Police Force, I cannot remember exactly, with some high-powered rifles. They told me to move and keep moving. They cleared the whole street. That is when I was able to join the organisation BARVEN, because I was not desirous for my mother in America to hear that I am a criminal in Barbados. In America, I might have run into a little with the law, not due to things I wanted to do but that was that story and I wanted to bring a conclusion to that.

Mr. CHAIRMAN: Mr. Maloney, may I ask where was that spot?

Mr. Robert MALONEY: The top of Swan Street, the last street at the top of Swan Street. It was not directly on Swan Street but in the little corner street that was adjacent to Swan Street.

The Minister had mentioned earlier concerning the coconut zones, I was not indicating that it was strictly for the coconut vendors, I was just saying that would have been one of the highlights, but we know that in any vending zone it has to be multifaceted, meaning including many different persons that can be reasonably accommodated to make it attractive and aesthetic to the zone. Thank you very much, Sir.

Mr. CHAIRMAN: That is understood and appreciated. Gentlemen, I thank you for that context. The question that I had before you was the issue of the penalties, because those horrible days are over. I remember when I introduced this piece of legislation, Mr. Alexander, you would recall, I made reference to the fact that it would have been, I think about in 1800 that people were moved from Swan Street for vending and sent by way of the brutal forces administering these matters at the time to a place called "The Shambles", and the name speaks for itself. I was not as aware that it was within recent memory that men with rifles and so on would have been treating to folks in Swan Street in the same way. It tells its own story.

Mr. Alistair ALEXANDER: Let me say something. We have to really speak, because these things are hidden from our people although it is happening in public, Sir. There are so many people who do not even understand the issues. This same gentleman is speaking about this particular policeman. I remember my father was vending at the time by St. George Street and the policeman told him to move. My vehicle was there and I was trying to get my father's items loaded up as quickly as possible so that he would not have been arrested. My father is so cool; I did not know that he had that aggressive side. I heard him say these words, and it was the first time I knew that my father had been arrested for vending or had had any convictions for vending. Even though I was in his household, I did not know. He was feeding me, sending me to school. My sister became the first lady Commissioner of Inland Revenue, Sabina Walcott-Denny. He is who sent her to school. He schooled her, and he is saying to me as I am packing his items into the van as quickly as I can because I am frightened – there was no BARVEN to protect us or anything like that – I am packing

my father's things into the van and my father says: "Alistair, I have 18 convictions and all are for selling, so take your time. He can do what he wants to do!" That went through my heart. That was the first shock, so to speak, that went through my heart concerning this matter.

I believe in the providence of God. I believe in Almighty God. I know that this is a movement of God, and that was my first lesson as to what the reality was. I thought about it and I asked myself: My father has 18 convictions to raise me, to send me to school, to do all this that he has done for his children? It was heartbreaking, and at that moment when he was arrested, it was just too much. These are the realities - eighteen convictions and I did not know.

Mr. CHAIRMAN: Alistair, is it to your knowledge whether or not the convictions that your father would have been saddled with have ever stood in the way of anything he has attempted to do; for example, obtain a visa or get jobs or anything like that.

Mr. Alistair ALEXANDER: Let me say, I would not know. He has never spoken concerning that matter but I know that there are vendors to whom this has happened.

Mr. CHAIRMAN: When you say "this has happened", what do you mean?

Mr. Alistair ALEXANDER: They have run into difficulty because, as far as the Certificate of Character is concerned, they would have a conviction on it. I know that for a fact, so this is so, and we are looking to see that slate cleansed. What do they call it?

Mr. CHAIRMAN: "Expungement from the Record".

Mr. Alistair ALEXANDER: The Public Relations Officer knows that word well. Do you have any convictions, Sir?

Asides.

Mr. Alistair ALEXANDER: 'Fox' says he has 25 so he would like his expunged.

Mr. CHAIRMAN: You can take some comfort that this Committee has also been looking at the question of expungement from the record, and though I cannot say definitively at this stage – I do not want you to leave here thinking I have said definitively – but certainly we are all gathered here so inclined.

Mr. Alistair ALEXANDER: Let me let Valentino Barrow speak on the penalties.

Mr. CHAIRMAN: Yes, I wanted us to come back to the penalties, please.

Mr. Alistair ALEXANDER: He will speak on other things but he wants to speak on the penalties.

Mr. Valentino BARROW: I presume by now it is afternoon.

Mr. CHAIRMAN: Yes, it is afternoon. Good afternoon to you.

Mr. Valentino BARROW: I really had a lot to say but BARVEN and its Executive are so close. When the President speaks, he can actually speak for us all because we are all in one accord, as is stated in the Bible. I reviewed this policy last night. I had attempted to do so prior but due to what is going on with the business and other relevant matters pertaining to the vendors, I did not get the opportunity to fully review it. I did so last night and I want to say that when I was a youth with my grandad selling bread... A lot of you are young, you may not remember the bread cart way back in the days of old. I was very observant and a lot of atrocities and indignities mentioned by members of the association who spoke previously are true. All I can do now is add fuel to, as they would say. I was a little boy around the age of 12 on the premises of the Fairchild Street Market. I would see a lot of confusion sometimes and I realised that police and people used to be scuffling and people would be taking flight. Some would give Newsam a run for his money, the way they were fleeing and trying to evade capture. Not one to put things to my own understanding, I asked my grandad in Bajan terms, "Wuh dem people do dat duh getting treat so?" He said, "Maybe they are not legal, do not have a licence to sell or should not be selling there." He left it at that but I pondered on it.

Becoming older, I was attending a different institution of training, the Polytechnic, and in passing the Bridge on more than one occasion within the City I noticed such atrocities being committed. In my opinion, I deemed them atrocities. I would see fruits and vegetables, as my wife would say, being skedaddled into the river; some were trod upon, some even ended up in the road and vehicles had to try to shift them. People, as I said before, were taking flight to avoid capture because it was not a civil penalty as is being proposed in this Bill or this policy, it was criminal. I walked again and thought about all these things because, as I said, I had selling in my veins. Although I was very good at the Polytechnic, I was no "brain child" but I was relatively bright, yet I had selling in my veins, I wanted to be involved in sales. I said, "I like I got to look away because I cannot see myself running this way. I cannot see myself incurring all these things that I considered, through my youthful eyes, as wrong.

As I reviewed this policy last night, I noticed that a lot of these indignities, if not all, have been addressed. We live in an imperfect world and I have never believed nor will ever believe in perfection, except maybe after we die, if there is that place which people refer to. I have noticed that this Bill addresses many of the indignities and atrocities committed on people deemed hawkers or vendors. One, [there is] no more criminal penalties irrespective of the contravention of the criteria, policies or protocols laid out in this National Vending Bill; there are now civil penalties. although I want to put it out there that this is not a reason for people who set their sights on vending for whatever calling; whether it is to substitute their economic viability, whether or not it is because of loss of job or opportunity, whether or not it is because of lack of opportunity, whether or not, like I am, they have selling

in the blood, everything is laid out here, according to my minute understanding, where they can follow the criteria.

They can know now, they do not have to guess where to go in relation of what type of vending they want to pursue, whether it be occasional, vocational, as my friend a member of the Executive would say, career vending or that you just want to supplement your income. It is all addressed within the pages of this proposed policy. Like anything else, it might need a tidbit tweaking as we go along to see how feasible it is as we actually experience it in the rolling out thereof.

As far as the question pertaining to the amenities that BARVEN would like to see in vending zones, this also, I realise, has been addressed and certain amenities have been suggested; at least the basics are there: covering for the vendor and their produce or ware which would be a kiosk of some design; proper facility to relieve yourself from nature's call; and to sanitise which I am sure patrons would also use. Those are two of the basic factors.

One of the other things mentioned is storage. I presume that would be according to the vending zone and the type of vending that is being done whereas whether it is just standard storage or to include refrigeration. I wanted to address that as well.

As far as the penalties are concerned, I see the Bill as also leading to organising the sector and vending zones. The penalties are a deterrent, as are most penalties. I think that that is the intended purpose of them.

I cannot really comment on the amounts. I figure the amounts are geared to deterring the individual from contravening the protocols and criteria that are set up. As far as the question pertaining to if they should be forthwith or within 14 days, I beg to differ on that. I think, especially in these times or any time, we have to look at a bit of leniency in there because we do not want failure to paying the penalty you would then incur another penalty. In my humble opinion, I would suggest that it be broken down, especially in light of these environmental and economic conditions. It could be broken down to a level that would make it more feasible to the vendor to be able to pay.

Mr. CHAIRMAN: More manageable?

Mr. Valentino BARROW: More "manageable" is the word, so that they would be able to pay it and not have to go out there and do something to put them in a serious position.

Mr. CHAIRMAN: Understood.

Mr. Valentino BARROW: Thank you very much.

Mr. CHAIRMAN: No. Mr. Barrow, I want to thank you. I think that your presentation has been very fulsome, direct and helpful as far as I am concerned. We have been looking at these matters, as I said to you, and I think we now have a good grasp on where and how we can proceed. My thinking at this stage, Colleagues, is that we should pause, take lunch, return and continue with BARVEN. I am hoping, Mr. Alexander and colleagues, that you can join us for lunch and return at 2 o'clock. I promise not to keep you for very long after 2 o'clock because there is another entity that has to make its appearance before the Committee. However, there are still one or two things that I am sure we need to tidy up before you go. I believe that there may still be one or two others. Mr. Prescod has just joined us. I welcome him. I tried, in your absence, Mr. Prescod, to raise those matters which I know you had voiced before but if there are some others that you may wish to canvas before BARVEN, then you are free to do so after lunch as well.

SUSPENSION

Mr. CHAIRMAN: My proposal that we take lunch now. It is 1:15 p.m. and that we return in 45 minutes. Mr. Alexander, Mr. Maloney, Mr. Barrow, Mr. Greenidge and Mr. Allsopp, we would be delighted if you would join us downstairs for lunch at this point. Thank you.

On the motion of Hon. K. D. M. Humphrey seconded by Hon. A. R. Forde, Mr. Chairman suspended the Joint Select Committee until 2:00 p.m.

RESUMPTION

The Committee resumed at 2:20 p.m.

Mr. CHAIRMAN: Before we took lunch, we were paying some attention to the matter of Administrative Penalties and to that we shall revert. Mr. Alexander, are you with me?

Mr. Alistair ALEXANDER: Yes, please. I am.

Mr. CHAIRMAN: The question then is, having heard Mr. Barrow, he did not take any issue with the penalties but did indicated that he felt that there was some desirability for us to be mindful of the difficulties of the time, that you did not want to drive people who may have to pay a penalty to do things that may be a bit extreme in an effort to meet that requirement and I tend to agree.

Mr. Alistair ALEXANDER: I am not in full agreement. I would like Mr. Maloney to speak on the matter.

Mr. CHAIRMAN: Okay, fine.

Mr. Robert MALONEY: Yes, a pleasant good afternoon once again, distinguished Parliament. Again, I am in agreement with the President. Any forms of licences would be a means of maintain order and as Mr. Barrow had identified earlier, we do not have a problem with the fees stipulated in the Seventh Schedule. These would be reasonable. We do not want to put it too low that a person would be able to tell themselves, well, I could break it if I have a permit or do not have a permit once I could pay a little bit a money, because it would now not be a penalty, it would just be a little civil penalty and not a criminal penalty, so it would be good to keep them at these numbers that it would become a deterrent to persons and they would just look to do the right thing which is to get the permit, continue to maintain the permit, so it so it would be much cheaper to pay the $100 or whatever is required for the

permit where you would know now that you ply your trade legally and without the necessary harassment or free from certain harassment and if you choose not to choose that easy way out that would be provided for you through this Bill of Rights, then you would have to pay these fees and hopefully that would deter you that you would hopefully look to regain a permit if that is allowed through the Committee and do what is right. Again, we find that it is reasonable, not as in the sums of the money, but as in a form as a deterrent from breaking the law.

Mr. CHAIRMAN: Understood and appreciated. Are there any other views on the matter on your side, Mr. Alexander?

Mr. Alistair ALEXANDER: I think that would have covered it.

Mr. CHAIRMAN: Okay, fine. Now, I turn to my colleagues. I believe before we had the interval, I saw Minister Cummins' hand raised, then it went back down. You see, I was paying attention. Are you fine, Minister?

Senator the Hon. Ms. L. R. CUMMINS: I am indeed, thank you, Mr. Chairman.

Mr. CHAIRMAN: Okay, no problem. Are there any other colleagues who wish to pose any questions to the representatives of BARVEN? If not, then it therefore just simply remains for me, Mr. Alexander, to thank you, Mr. Maloney, Mr. Barrow, Mr. Greenidge and Mr. Allsopp for taking the time out to come and share with us. I think that your contributions were very valuable. They certainly have assisted me in coming to a couple of conclusions in my own mind and I think that you have assisted us collectively in terms of getting a better perspective of how we can tweet this legislation. Gentlemen, I want to thank you on the behalf of all of the Members of the Committee. I want to wish you well and urge you to continue to try to be safe. It is our intention to have this matter through the Parliament and hopefully to become the law of the land within the next few weeks.

Mr. Valentino BARROW: I wish to thank this Parliament for inviting us to have a say on the policy and to give our input, whether it is to agree, to disagree or to give suggestions, we are very grateful for the initiative and we are very grateful for the invitation and for extending invitations to more of our colleagues than would normally attend. We are very grateful for this honour in representing vendors at this level and for us to have an input on the policy of the National Vending Policy that will be, hopefully, rolled out pretty soon and take effect as soon as possible.

SUSPENSION

Mr. CHAIRMAN: Thank you very much, Mr. Barrow. What we will now do colleagues is to have a very short suspension so that the necessary protocols can be followed as one party giving evidence leaves and another one comes in. I will ask for a motion of suspension. It is 2:25 p.m. now and that we will reconvene in 10 minutes at 2:35 p.m.

Hon. K. D. M. HUMPHREY: Motion so moved, Mr. Chairman.

Senator Miss A. M. WIGGINS: I would like to second that, Mr. Chairman.

Mr. CHAIRMAN: Moved by Minister Humphrey and seconded by Senator Wiggins. Thank you very much. The motion has been carried. At 2:35 p.m. we shall reconvene.

RESUMPTION

The meeting resumed at 2:25 p.m.

Mr. CHAIRMAN: Colleagues, can we come to order again please? I believe that all Members of the Sub-Committee should have had the benefit of being circulated or having received the missive from the Barbados Tourism Marketing Inc. dated October 1st, 2021. That relates to this matter which is now attracting the attention of the Sub-Committee and comprises some recommendations and suggestions by the Product Development Department of the BTMI.

Minister Cummins, I would want for you to indicate whether your representative is prepared to do a brief overview of the recommendations before we go into questions, or should we go straight into questions?

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chairman, I think perhaps we can go directly into questions. Mrs. Marsha Alleyne is the Chief Product Development Officer for the BTMI, and she is going to be representing the team following up on the submission that was made by that department.

Mr. CHAIRMAN: And I believe that Mrs. Marsha Alleyne is present here on the precincts of the House. Mrs. Alleyne, let me take the opportunity to welcome you to Parliament.

Mrs. Marsha ALLEYNE: Good afternoon and thank you so much, Mr. Chairman, I am happy to be here.

Mr. CHAIRMAN: It is good to see you again. I have had an opportunity to peruse the recommendations and suggestions and I have with me a number of colleagues who are both present and online. Perhaps I should begin by asking you whether you would be willing to elaborate a little bit for us please on the question of the cashless payment options that you have referred to in your body of recommendations.

Before you go there, let me just say to you that in my mind's eye, I see the vending zones in the legislation as being an opportunity for us to craft a very state of the art and very modern set of arrangements for the vending community, bringing them, if you will, into the 21st century with every modern amenity and convenience. I think that the opportunity to have Wi-Fi in those zones is very important. Do you feel that the cashless payment options fit neatly into a set of circumstances such as the vending zones as is contemplated?

Mrs. Marsha ALLEYNE: Mr. Chairman, I

believe that your sentiments echo exactly where we are going in terms of the cashless payment options for the vendors. We really believe that it is important that the vendors be represented in as much of a state-of-art type of facility as much as possible and certainly having the cashless payment option would help to advance that type of strategy. We certainly believe that the digital technology is upon us, and it would behoove us to have a new Bill where vendors are being given the same type of experience that they had before. This is an opportunity for us to really set a new stage and to take the vendors into the 21st century. Hence, we wholeheartedly believe that any opportunities for the technological advances, even in the form of cashless payment, should definitely be advanced as part of the regulations.

Mr. CHAIRMAN: Okay, fine. Thank you. As we speak about going into the 21st century, obviously one of the things that we have to do is to be able to make sure that this legislation is as developmental as possible and facilitates ongoing development. I am heartened to see that the recommendation that you all are making also includes a training program and I would want to invite you to speak a little bit more to that issue and to how you see it working with the wide cross-section of vendors that we have in the island.

Mrs. Marsha ALLEYNE: Thank you so much, Mr. Chairman. As you may be aware, one of the pillars of our promotions in terms of "Destination Barbados" is friendliness. We pride ourselves in being one of the friendliest destinations in the Caribbean, if not the world. While we do ensure that we exhibit a level of friendliness, reports from various sources have actually indicated that there is room for improvement in this area. If we are going to be giving licences to so many members of the sectors who we consider as the informal sector, who we all know there are well-documented encounters with our front-facing customers, it would be again remiss of us not to ensure that we introduce a programme of excellence. We do have a programme called "The Barbados Together Workshop" facilitated by the BTMI, but we also have the National Training Initiative where there is a service excellence program as well and we believe that there should be some type of perquisite or condition of attaining the licence, where persons are put through a training programme of customer service. I think this will certainly help to enhance our position as one of the friendliest islands in the Caribbean and it would certainly ensure that the friendliness pillar is maintained.

We would further like to submit that in addition to having that as the initial condition, that it does not stop there but that that actually is a continuing programme where if persons are going for the renewal of their licences, that they also have a period of refresher training, because we know that if you do not actually continue the refresher training the things that you would have learned in year one and year two would have definitely dissipated, so we want it to be continued and sustained; that is why I recommend that the training programme should be part of these regulations.

Mr. CHAIRMAN: I have no challenge with that. I would say, though, that if you cast your mind back to the times when the event called "Festive Fridays" was done, I am sure that you will agree with me that part of things that were observed at that time was also the ability to have vendors feeling a comfort level so that they can, without being overly aggressive, be sufficiently assertive to be able to probably market their commodities. I would imagine that as you are looking at a training programme you would also be looking at one which enables people to feel, I supposed...

Mrs. Marsha ALLEYNE: Empowered.

Mr. CHAIRMAN: Yes, you are reading me. It has to be also not only just about being friendly, but it has to be about being able to move my merchandise without at the same time being a threatening or overpowering force. I need to be able to persuade someone to come and feel and sample the coral shells and to try them on around the neck, *et cetera*, and persuade them that it would be the most terrible mistake if they were to leave my stall without taking some home for the wife, sister, and Heaven forbid, I say this only for the benefit of one or two in this Chamber, the significant other, (sic!).

If you wanted to respond, Mrs. Alleyne, you have the opportunity to do so now, and then there is a request from the Honourable Member for St. Michael East, Mr. Prescod for the Floor.

Mrs. Marsha ALLEYNE: Thank you, Sir. I also believe that the element of service excellence has a component known as "upselling ", which is what I think you referred to when you were talking about ensuring that money is not left on the table, and so, we believe that persons should be taught to actually upsell and that would be part of the recommendation of the entire training programme so that they are able to very carefully and in a way that does not bring any kind of negative connotation to the visitor, but are able to actually get them to buy more than they perhaps had intended to buy because of the nature and skill of the vendor.

Mr. CHAIRMAN: Okay. Thank you. Mr. Prescod.

Mr. T. A. PRESCOD: Thank you, Mr. Chairman. I would just like a little clarity. I am hearing the word "informal sector" being used. I am a total neophyte to these marketing terms. What constitutes a "formal sector" and what constitutes an "informal sector"? If we are trying to build, develop or to bring some level of dignity to the vendors in this society and we are trying to cleanse it of the many different negatives that will come from the decriminalisation, why should we believe that it still constitutes part of the "informal sector"? As a simpleton, I would like to know why it is called the "informal sector"? Looking through your lens, just try to help me out, please.

Mr. CHAIRMAN: Honourable Member, does this term arise from the recommendations and suggestions?

Mr. T. A. PRESCOD: When the presenter was speaking just now, she spoke about the "informal sector".

Mr. CHAIRMAN: Oh, I see; it was a phrase that she used. I beg your pardon. I was trying to find it in the actual recommendations. Mrs. Alleyne, do you care to clarify your thoughts?

Mrs. Marsha ALLEYNE: Yes, Mr. Chairman. I would be happy to clarify. From a statistical perspective, there are certain categories in which you can categorise workers, and from a tourism perspective persons are categorised whether or not they work in the hotel industry or the attractions in tourism, proper, so those persons are categorised as persons working in the tourism sector. There is a wider population, as we all know, that is also a part of the sector but who are not necessarily categorised from a statistical perspective. That is the reason we actually refer to them as the "informal sector", but I note the sentiment and it is something that certainly we can have recommendations in terms of how we re-categorise them to ensure that there is nothing negative in terms of the connotation of calling it "the informal" or "the induced sector".

Mr. T. A. PRESCOD: Thank you.

Mr. CHAIRMAN: Thank you, Honourable Member. Senator Alphea Wiggins, you have caught my eye.

Senator Ms. A. M. WIGGINS: Thank you, Sir, for catching your eye. Just one quick question to Mrs. Alleyne. I also think Ms. Moore can correct me. I think one of our Ministers is the Minister of Labour, Social Partnership and the Third Sector. I believe, from what I understand – as I said, maybe Ms. Moore can correct me – that vendors are captured in that broad category of the Third Sector. That is one point. Ms. Moore would have to help me on that issue. When she is finished speaking, I will come back to you, Sir. Thank you.

Senator the Hon. Ms. L. R. CUMMINS: You are correct, Senator. Mr. Chairman, if I may...

Mr. CHAIRMAN: Are you intervening on the same matter? Senator Wiggins had requested the Floor again for further intervention.

Senator the Hon. Ms. L. R. CUMMINS: Just to correct, though, the Third Sector typically in this instance relates to service organisations and philanthropic-type entities and not necessarily workers in this instance, so the Third Sector, under Minister Colin Jordan, has taken a very broad-based approach of inclusion to ensure that the range of service entities that are supporting actual activity in Barbados by way of their philanthropy are integrated into the governance process. I just wanted to correct that, and with your permission, Chairman, when Senator Wiggins has completed, I would like to revert to the definition of the "informal" economy.

Mr. CHAIRMAN: Okay, fine. Thank you for the clarification. I go back to you, Senator Wiggins. You wanted a further intervention.

Senator Ms. A. M. WIGGINS: Yes, I also want to endorse Mrs. Alleyne's proposal with the cashless option. She mentioned the Ministry of Innovation, Science and Smart Technology but you can get the Youth Entrepreneurship Scheme which can assist a lot of the vendors and the new entrepreneurs. This morning we were talking about the broad category of vendors and the title "vendor" but in truth and in fact, some of these businesspersons are entrepreneurs. We know BARVEN is the Barbados Association of Retailers, Vendors and Entrepreneurs, but in terms of a collective noun, they are all entrepreneurs. I do endorse the cashless society because a lot of the young people nowadays are using systems whose names I will not call because, obviously, I would be advertising a bank, which I do not want to do. They use this payment option and they do it almost immediately online. I think it would be a good option for a lot of these vendors to avoid the whole question of stealing or getting into trouble or being stuck up after they have packed up at night. I think that is one of the options that can be introduced to BARVEN and a lot of the wayside vendors where, as soon as you finished your transaction, you just go on your phone and transfer the money to them and they get the money immediately. I think that is a step in the right direction. I thank you, Sir.

Mr. CHAIRMAN: Thank you, Senator. Minister Cummins, you wanted the Floor thereafter?

Senator the Hon. Ms. L. R. CUMMINS: Thank you, Chairman. I just wanted to clarify a little bit for the benefit of the Committee. Mrs. Alleyne, in referring to the "informal" economy, for the purposes of capturing in national accounting, you typically would see by way of foreign exchange generation, you would see by way of taxes collected, revenue earned from various sectors and broken down in your balance of payments account, as you would know. You see that typically by sector and if you are not necessarily functioning within that broad economic framework where you are engaging with the banking sector and making deposits actively, those are the kinds of things, and a number of persons employed, foreign exchange-generated, then that tends to constitute what we would call the "informal" economy. I think a lot of what is being proposed here in terms of giving the dignity to the sector that it deserves, putting the Wi-Fi that you have spoken about rightfully, Minister, in place so that there is the ability to then use cashless systems and technology to integrate a lot of the current modalities for doing business into vending will go a long way, not just in giving the dignity and being developmental but then formalising that which, for economic purposes, has not necessarily been captured in national accounting. Also, it allows persons to, in many instances, be able to do other things. I know a young lady who wants to purchase a vehicle. She wants to purchase property but because she did not have her business either registered or have a business account or was not depositing money in her business account, she now has from the banking perspective to deposit monies which she was keeping informally into an account for a set period of time to be able to establish a business relationship in order

to qualify for credit at a commercial institution. That is the formalisation of which I believe Mrs. Alleyne would have been speaking, and the kind of categorisation which really now can help to give the dignity as opposed to a stigma associated with that, because there is a formal definition associated with the term. I just wanted to clarify that, Mr. Chairman.

Mr. CHAIRMAN: Thank you for the clarification, Minister. Mrs. Alleyne, I recognise Minister Humphrey but before he goes, I wanted to ask you please to elaborate a bit on this matter with respect to Clause 5 of the Bill: "The licensing grant should also include Police Certificate of Character and verbiage from the Police Certificate of Character should indicate it is not for discriminatory reasons." At present, Clause 5 – I am not sure if you have the copy in front of you, hardcopy or softcopy, but it is Clause 5 for the benefit of Members speaks to the regulation of vending activities and the application for the grant of a licence. It states at Clause 5 (1) as follows:

"A person who seeks to operate as a vendor in a vending zone that is not a beach, an esplanade, a garden or a park pursuant to section 3(1)(a) shall apply to the Minister for a licence to do so by..."

Mrs. Alleyne, so that you are recommending, as I understand it, that we should add to this mix of requirements a Police Certificate of Character. Can I ask please what the rationale behind that?

Mrs. Marsha ALLEYNE: Certainly, Mr. Chairman. Obviously, the Police Certificate of Character is certainly not for punitive purposes but to ensure that the Committee has a better sense of who the vendors are. If there were any issues in the past, it should be flagged not for punitive measures but so that they have as much information as possible. They say that information is king and I think that the more information the committee has on all the vendors; it would certainly give them a better understanding.

Mr. CHAIRMAN: I am hearing you but I am not yet persuaded as to how that advances the interest of vendor. You say information is king. I get that. Generally, that is very true but I would be getting information that suggests, for argument sake, a vendor by the name of "Trevor Prescod" was at some stage arrested or had some challenge with the law.

Asides.

Mr. CHAIRMAN: I am sorry. Let me say a vendor by the name of "Trevor Atherley" was at some stage arrested or had an altercation with the law. I am not being facetious; I am trying to see whether there may be something that we have not grasped as yet. How do you envisage that that helps us in terms of having that information relate better to the development of the vending activity?

Mrs. Marsha ALLEYNE: Certainly, Mr. Chairman. Of course, we are looking at it from the lens of tourism and certainly from the lens of the tourism customer facing perspective. I believe that the Committee would want to ensure that if there is a person that has a history in terms of violence or negative behaviour like that, they are aware of that person and it may mean ensuring that the vending zone the person has applied for they may want to put them in a different type of vending zone based on the information coming from the Police certificate of Character.

Mr. CHAIRMAN: I have a number of hands in front of me and I believe it is true to say that Minister Humphrey wanted to raise a different matter. Before you go, Minister Humphrey, that is correct you wanted to raise a different matter? Minister Gooding-Edghill, you want to speak to this matter? Equally, so too does Minister Weir and Mr. Prescod wish to speak to this matter. We have three people.

Senator The Hon. Miss L. R. CUMMINS: Mr. Chairman...

Mr. CHAIRMAN: I have not gotten to those online as yet, Minister Cummins.

Senator The Hon. Miss L. R. CUMMINS: No, Mr. Chairman, I do have to interject because as the Minister responsible for tourism and, therefore, responsible for BTMI, I did approve this submission and send it through. However, I would wish at this point that this was something that I have flagged for my own purposes in a text. I am not sure, and I do not want to ask my Colleagues to pronounce on this....

Mr. CHAIRMAN: Minister, you are speaking to the matter before your turn comes.

Senator The Hon. Miss L. R. CUMMINS: I would wish to take it off the table in its entirety, Mr. Chairman, because I do not think that it is a matter that we should be dealing with today.

Mr. CHAIRMAN: Minister, I hear you and understand what you are hoping to do. Equally, there are some Members who do not want to speak to this negatively, as I understand it. In other words, there may be some Members who see some value in it and, therefore, you may be taking it off the table prematurely.

Minister Gooding-Edghill, could I hear you, please?

Hon. G. P. I. GOODING-EDGHILL: Thank you, Mr. Chairman. I have a difficulty with it because as far as I understand, I believe that persons who be granted a licence to operate as a vendor would be deemed to be self-employed persons, unless they otherwise work for an entity. Therefore, if we have persons who are self-employed why would a requirement for a Police Certificate of Character be necessary? Therefore, if it is going to be taken off the table, then fine. However, that is my intervention. I do not see the rationale behind having a self-employed person being asked to produce a Police Certificate of Character.

Mr. CHAIRMAN: Okay. I take the point. In an effort to economise on time, are there any Members who

wanted to speak in support of this matter remaining on the table? If Minister Cummins wants to withdraw it, then we need not hear the objections to it, it would just dissipate into thin air. I had misread the Committee. Imagine that. Minister Cummins, we are at a point where it can be withdrawn as a recommendation. The Floor is yours, Minister Humphrey.

Senator the Hon. Ms. L. R. CUMMINS: Thank you, Mr. Chair.

Hon. K. D. M. HUMPHREY: Thank you so kindly, Mr. Chairman. In looking at the notes before us, on the second page where it refers to the revocation, suspension or varying of licence under Clause 8, the note goes on to say:

"This should include specific reference to violation of the Sexual Harassment Act, a clause should be included to accommodate suspensions due to repeated complaints and after thorough investigation. Additionally, the Bill needs to include clearly identified systems to better track violations that would flag repeat violators".

Mr. Chairman, I do not know that we would wish in this room to associate ourselves with this either because it comes from the same place, in my estimation, as the clause that is seeking to have a Police Certificate of Character and to cast judgment on people in a way that does not reflect what we are seeking to do, Sir.

We are asking here for Sexual Harassment Act clauses to be noted, in circumstances where we do not ask for these clauses for lawyers, doctors, bus drivers, politicians, police, priests or taxi men. Therefore, I am trying to figure out where this is coming from and what mischief are we seeking to remedy hereby. This is the first issue. There are two issues. It is immediately after where the clause goes on to say:

"This should state up to maximum of 30 days to ensure that persons who are being evicted can be evicted in the shortest possible time-frame."

Again, it is a language that causes me some discomfort and I do not think this is where we are trying to go. I would like to get some explanation, certainly on the first issue and why it is that we would try to reduce a person's capacity to be able to represent themselves in 30 days to shortest possible time-frame, so that the person can be evicted expeditiously.

Mr. CHAIRMAN: Mrs. Alleyne, I would invite you to deal with second matter of concern, first, which is Clause 19: Relocation or the Eviction of Vendors; and the matter related to eviction in the shortest possible time-frame.

The reason I asked you to deal with that first is because I am actually doing a search of the legislation as I speak because there is some uncertainty as to the existence in Barbados of a Sexual Harassment Act.

Ms. S. R. BELLE: Mr. Chairman, I just need to intervene here for a moment.

Mr. CHAIRMAN: Please do, Deputy Chief Parliamentary Counsel. Mrs. Alleyne, while we just avail ourselves of some certainty with respect to such legislation, would you mind addressing the second part of Minister Humphrey's question?

Mrs. Marsha ALLEYNE: Not at all, Mr. Chairman. I believe that we would have actually inserted that recommendation as we looked at the entirety of the eviction notices. I think that there are three separate notices; one spoke to for emergency purposes. We were seeking to almost consolidate, so that the first article that speaks to "up to 30 days" would include if the person needs to be removed for emergency purposes as opposed to issuing a second eviction notice. That was really the only mischief that we were actually trying to ensure that was captured.

Mr. CHAIRMAN: Minister Humphrey, do you have a view in response?

Hon. K. D. M. HUMPHREY: I am reading Section 8 and I am just trying to figure out what guided Mrs. Alleyne because as I look at Clause 8(1): Revocation, Suspension or varying of a licence. Are you reading from there, Mrs. Alleyne?

Mrs. Marsha ALLEYNE: I am but I also was looking at the Fourth and Fifth Schedules where it speaks to the actual notices and they are on the Fifth Schedule, Part III there is the Emergency Relocation Notice and before that there is the Relocation Notice. We were just trying to almost consolidate, as opposed to having them separately, so that the Fifth Schedule speaks to a period as opposed to just giving 30 days.

Mr. CHAIRMAN: Okay, Minister Humphrey has indicated that he would not press this issue with you any further. I have to go back to the first one that was raised by him, which is the reference including specific reference to the violation of the Sexual Harassment Act. That is really an employer/employee piece of legislation. There is no broad Sexual Harassment Act in Barbados. It is really only a piece of legislation that treats to the very limited circumstances of an employer in his relationship with his employee.

The mischaracterisation of the law, notwithstanding, I think I understand the spirit of what you are trying to drive at; circumstances of repeated complaints and harassment and so on. I personally feel that all of our issues in this matter should be treated to by a Sexual Harassment Act in Barbados which governs all of these things, irrespective of where you are and howsoever you are functioning. That is just me personally, but we are not yet there and I will, therefore, have to defer to the broader wishes of the Committee on the facilitation of this particular idea in this legislation, but I thank you for it, nonetheless, Mrs. Alleyne, and we will reflect on this matter.

Are there any other requests from the Floor? Minister Weir?

Hon. I. A. WEIR: Thank you, Mr. Chairman. In perusing the document that was presented by the BTMI, I

think there is some validity in a number of the suggestions, especially given the fact that in any service-driven environment you want to reach near perfection and delivery. Therefore, I would want to think that these recommendations may form part of a regulatory construct rather than be attempting to be embellishing any form of statute, so that you would have statute and then regulatory construct that can address a number of the things that were raised here because in delivering service one must seek close to 99 per cent deliverables and I sense that this is where the rationale behind all of this is, therefore, I strongly recommend that this can be captured in a regulatory construct.

Mr. CHAIRMAN: That seems to be very good advice, Minister Weir. Deputy Chief Parliamentary Counsel, are there any views on that?

Ms. S. R. BELLE: Mr. Chairman, I believe that may be best because you might not want to hinge the granting of the licence and then the renewal of the licence on the training, but rather that there would be some framework and, of course, you have the National Vending Committee that can give recommendations as to how a training mechanism can be rolled out, rather than have it as a condition precedent of getting a licence and renewing a license. Thank you.

Mr. CHAIRMAN: If I were to distil from that we would be then treating to many of these recommendations in here as being developmental in terms and developmental in their intent and that we would be looking at a regulatory framework which seeks to promote these best practices?

Ms. S. R. BELLE: Mr. Chairman, yes, the thing is that you can have it in a kind of code of ethics, regulatory framework, but the only thing is to, in terms of enforcement, but again it would be the administrative penalties but even then, really and truly, you just want to be able to sensitise people as to how to behave and that can still be set out more in the regulations probably in the kind of code or guideline. Thank you.

Mr. CHAIRMAN: Colleagues, I am guided by the recommendation of the Deputy Chief Parliamentary Counsel. Mrs. Alleyne, there would seem to me to be tremendous value in us looking at adopting some of these recommendations. I should quiz you, perhaps, on one other area before I go to the question of vending zones and that is the vending identification cards. I think your submissions speaks also to vending identification cards. Do you care, please, to elaborate on the thinking behind them?

Mrs. Marsha ALLEYNE: Certainly, Mr. Chairman. In the previous submission we spoke about a reward system and just like the Bill speaks to violation of conduct, we would also want to ensure that persons are actually given a customer-driven reward system when they give consistent and outstanding service. The identification cards would actually help the customer to identify those persons that they are awarding that customer service award to, and addition to which, as we speak about going into the 21st century we certainly would want to have a digital identification card, as well as an in-person one. The digital one would actually be kept for record purposes and the in-person one would help the customers to identify the person who is given that level of excellent service which I think that we would want to reward.

Mr. CHAIRMAN: My question to both you and the Deputy Chief Parliamentary Counsel would be: How does this fit with the licence itself?

Ms. S. R. BELLE: Mr. Chairman, just to say that the licences have within its format the actual photograph; that would be inserted, and then there would be a vending license number and a number of particulars relating to that vendor in order to identify that person. Also let us remember that there is a registration system as well. But just to the point of the identification issue, the license provides for that formatting for identification and it can be presented on request.

Mr. CHAIRMAN: Thank you. Does that sound as though it would capture the spirit of your intention, Mrs. Alleyne?

Mrs. Marsha ALLEYNE: I think it would do. We were pushing for a little more but we would be happy to accept that it could presented on request.

Mr. CHAIRMAN: No. I am not going to say that half a loaf is as good as a whole one. Tell me what more you were looking for.

Mrs. Marsha ALLEYNE: It is within the whole framework of customer service. One of the key things that we want to identify in customer service is that you should learn and know the customer's name and also introduce yourself, that is one-o-one in terms of wonderful and excellent customer service, and so if we are taking the vendors into the 21st century and we want to have a state-of-the-art type of experience where you have Wi-Fi and also other types of activities going on, would we not want to ensure that the customer service is at the point where it is renowned not just in Barbados but around the World and to have a vendor saying "Hi, my name is Mikey. I make the best jewellery in Barbados". That, to me, is the kind of customer service that we really want to take vending to.

Mr. CHAIRMAN: What you are saying is that while the licence is something that the customer may not see or may, depending on the circumstances, actually see, what you are proposing is that the vendor would have identification which may actually be affixed to his shirt or whatever, depending on how creatively it is done, so that the interface begins with an understanding of who it is I am talking to.

Mrs. Marsha ALLEYNE: Certainly, Mr. Chairman. We believe in the whole adage of ladies and gentlemen, serving ladies and gentlemen, and if we were to have all of our persons who actually serve in the customer service in that framework you will see the service levels definitely rise to a new level.

Mr. CHAIRMAN: Thank you, Mrs. Alleyne. Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Mr. Chairman, I was wondering if maybe the vending licence could then be reconceived as a vending licence card in which case, then you would fit all the particulars on the card so that it would be presentable and maybe serve some of the objectives that are being identified by the BTMI representative.

Mr. CHAIRMAN: I am wondering if we actually need to do that. Maybe what we are being invited to do is... It does at first blush appear to be doing work twice, but I can see some value in what Mrs. Alleyne is recommending as a stand-alone, independent of the vending licence which everybody has to have. However, what I think she is trying to take us to is a point where you are wearing in printable format you have an identification. It might be something you wear around your neck; it might be something you put on your shirt or whatever.

Ms. S. R. BELLE: Mr. Chairman, just to say that maybe you can combine the two.

Mr. CHAIRMAN: I understand.

Ms. S. R. BELLE: You can wear that card, however, you will still have to update it in the renewal process and all of that but it will serve the purpose, rather than having a card and then the ID because the ID has the picture and so on but if you convert it then to the card it would serve all of the same purposes.

Mr. CHAIRMAN: And a quantity of information on a small space means small print. It is difficult to see from a distance. Mrs. Alleyne, are you there?

Mrs. Marsha ALLEYNE: I am here, Mr. Chairman.

Mr. CHAIRMAN: How do you feel about that because that is the flip side of this coin. You may want to put a lot of information... If you did it the way the Deputy Chief Parliamentary Counsel is suggesting, it makes life easier, I suppose, but the point is that the licence will carry a lot more things than just the name and the expiry date and the picture.

Mrs. Marsha ALLEYNE: Certainly, Mr. Chairman.

Mr. CHAIRMAN: Hence, you will have a set of circumstances where you have a lot more information trying to be displayed in a small space which means very fine print, which means it might be difficult for the interaction to take place the way you envisaged it, because [looking toward you now] I cannot read what is on your chain, or worse yet what is on your shirt. I have to pair too closely to you.

Mrs. Marsha ALLEYNE: Mr. Chairman, if I may speak.

Mr. CHAIRMAN: Yes, please.

Mrs. Marsha ALLYENE: I think it is important certainly that the most important element is the moment of truth customer experience, and we want to ensure that the customer is able to identify the vendor. I think that is really important. The other areas are technical areas that the digital ID can actually assist with, but I think having the name of the person and that identification will go a long way towards enhancing the customer experience.

Mr. CHAIRMAN: Okay, I am going to invite Minister Gooding-Edghill to share his views.

Hon. I. A. GOODING-EDGHILL: Thank you, Mr. Chairman. I wanted, as a matter of course, to inquire whether or not, especially for those persons who vend on the beach, if it would not be appropriate just to have a sign saying "approved vendor". I am not sure if that would come into the legislation or part of regulations because for persons who have established facilities on a beach or elsewhere, I think it would certainly help to establish that that person is approved as a vendor.

Mr. CHAIRMAN: You have just made it a little bit more complexed. I share the thinking, though. I must say that there is merit in this, separate and distinct from the licence itself. I think that what we are being invited to do here is to go that next step in terms of hospitality where, as Minister Gooding-Edghill is saying, you can actually use the term "approved vendor", but what you want to do is to instil that sense of confidence: I am meeting Ian, Ian is an approved vendor. I see his picture. His picture correlates with the face I see in front of me and therefore, I can lower my guard and feel that the interaction is authentic, especially in the circumstances of some places where the beach is one of them - there are others - where we have had some unfortunate incidents with regard to our tourists. Yes, Minister, proceed.

Hon. I. A. GOODING-EDGHILL: Yes, Mr. Chairman, and what I think it would also do is that it would remove some of the obstacles and our doubts associated with who is an approved vendor and who is not, especially when it comes to persons checking to see whether or not this person is an approved to vendor so that you would not have any difficulties, one, identifying and secondly invoking penalties which will then reduce the workload of the Vending Committee as it relates to proper regulation of vending.

Mr. CHAIRMAN: I think that the best place for this probably then would be within the regulations, as Minister Weir is saying. Deputy Chief Parliamentary Counsel, my feeling is that we should take this on board, both Minister Gooding-Edghill's comments and the recommendations of the BTMI, merge them so that we have an "approved vendor" concept coming out of it and that we facilitate this by way of the regulations which we will then have to roll out separately.

Mr. Prescod, the Floor is yours.

Mr. T. A. PRESCOD: Sir, I just want to make a point. It is on the underlying point of what it is we are trying to achieve in making all of these amendments, listening to all of these different perspectives. I was just saying to my friend something that I thought was lost in my memory long ago. There is a sociological theory called the dramaturgical approach and it is by a man called Erving Goffman and another sociologist called Tonnies and I

believe that I remember Hon. Kirk Humphrey in attempting to expatiate on certain aspects in this discussion, I believe, whether conscious or not, Minister Humphrey clearly understands the problems that we are facing. Sir, sometimes when you bring old jargon and mechanisms to a discourse, what it is that we are trying to do here is to put all businesses on equal status. Tourism is not giving anything to vending; vending and tourism industry both hold their own specific and unique characteristics. There is no necessity for what I call the same dramaturgical approach or theatrical approach to come into play where we impose the tenets of one specific industry on the other, so that you de-culturise the industry of vending in order to ask for accommodation within the tourism industry itself. I think when we start to talk about decriminalisation and sanitising the vending industry, to me, this is almost like a hand of arrogance. Nobody is sanitising or decriminalising in that sense, what we are trying to do is give the vending industry pride and place. You do not have to have any special tones or any unique approach because in order to do that you would now have to de-culturise and ac-culturise the industry itself. In other words, a vendor would have to behave in a specific manner in order to become suitable for inclusion or embrace within the tourism industry; and then you will lose the uniqueness of our people because you want to make an adaptation to what we consider to be socially acceptable.

Sir, I feel we have to be very careful because we are trying to say, "*We believe that what you are doing, without people just imposing on you their views about what is criminal and what is not criminal, we all accept what you are doing with a sense of pride and we want you to feel equally dignified.*" Do not try to feel that you can file off rough edges in order to make somebody look a certain way. I think that sometimes that is what causes us to make certain statements which people feel a little different about. Let us capture the spirit in which when we felt from the beginning that this was an important thing to do; in amending the National Vending Bill, we wanted to at least allow a vendor....

I am not saying that a vendor must come down the road with his pants torn and parts of the body that ought not to be exposed being exposed. These are constructs that exist. What we are trying to do is allow vending to preserve its cultural formation and still be incorporated into the tourism industry itself, with people respecting the vendor as having equal status to any of the other persons who are classified within the tourism industry.

I think we can understand that or we would not even think about Police Certificate of Character, because that is the head thing which we try to avoid. If the established businesses do not ask people who deserve to show a Police Certificate of Character for such a document, I do not want to hear that we are doing something and then imposing upon an ordinary man the obligation to produce a Certificate of Character in order for that man to return and sell pears and oranges, when the society itself has already pushed the man onto the periphery. I believe this is something that we all see and hear, so I am just saying that whatever we are doing, we need to capture the spirit of what we intended when we started on this journey of decriminalisation. The word may not be interpreted as widely as it should be, but that is why we are studying things such as how we can expunge the criminal record and how we can avoid having small matters, if they are anything less than a misdemeanor, how we allow police officers to intervene, unnecessarily sometimes, when an ordinary civil servant or officer can do the thing which the police sometimes think they ought to do.

Sir, we heard this morning about people saying they had to face all kinds of pressures, unnecessarily. Probably it is unfortunate that we could not bring everybody together at one time so we would be able to hear how other constituencies in the commercial society feel about their role in the society itself. This morning, I came here just for a short while but I heard what the vendors were saying, and we are hoping that when this legislation is finished we would not have to face those things anymore. I just want to make that brief comment.

Mr. CHAIRMAN: I thank you, Honourable Member. Let me just try to make sure that we are all on the same page. Your reference with respect to the sociology is entirely accurate and the point is taken. I do not know that I agree, however, with its application. The Certificate of Character is off the table so I hear you on that and I share your sentiments, but that is not before us any longer. On the more substantive issue before us, which is the identification card and so on, I think that this is a developmental issue and what the BTMI is pointing us to is something I think we have to be mindful of. We want to develop this sector as a commercial sector. In fact, to use the language of BARVEN's President today, "We are businessmen". They are businessmen and they want to be treated as businessmen. In a sense, therefore, it is not only within tourism but it is tourism-plus. It is also about Barbadians. He also made the point to us earlier this morning, before you were here, that the tourists go to the vendors. We know, from the discussion that took place, that very often it is the Barbadian community – not the tourist community – that has mistreated vendors. The stigma attached has been acutely Barbadian-class structure being applied to the business of vending.

I think what we are being invited to do is recognise that we have to enhance the sales environment so that those people who are from certain social backgrounds in Barbados can be persuaded to go and do business with a vendor but do not now do so comfortably, will feel a greater sense of ease. Let me be frank, in the west coast of this island which I represent a part of, there are people obviously who go to the beach like anybody else, and they see vendors on the beach as we all do. I am not entirely sure that they do as much business with the vendors on the beach as the tourists do, but I do know from my discussions with people that sometimes there may be small issues, or apparently small issues, like confidence that the person I am about to deal with is an authentic representative of the

vending community.

We have all been reared on the stories of the 'snake oil' salesmen and the man selling 'mahogany birds' and so on, but while we have laughed at it, that may have more of a significant impact on the psyche of middle-class Barbados than we imagine, and I am being very real here. I represent some of that community.

Therefore, I must tell you that I think what we are being invited to do is to recognise that if we can say to anybody, Barbadian or otherwise, *"This is an authentic businessperson, an approved vendor,"* as Minister Gooding-Edghill said – and that does not mean there are not some vendors who are not to be approved, that simply means you are giving them that stamp which says, *"I am Ian and I am approved by the BTMI or whoever and I am on the beach."* That person knows, by virtue of the identification that vendor is wearing, that he or she is doing business with somebody who is legitimate. It makes the transaction and the arrangement of discussion a lot more commodious. I think that is what we are trying to achieve here, because all too often money is left on the table simply out of apprehension, fear, misunderstanding, a feeling that you are dealing with a 'bad boy' or 'rude boy' or something else, when none of those things might actually be true. I think that is really the spirit in which this is being given. That is my reading of it.

Mr. T. A. PRESCOD: This is why I tried when I started to say that I am not dealing with any specific plank. I understand that. I also understand why people would put their views on the table. We indicated that it is off the table in relation to the submission today but I am saying that it is still very much part of the psyche of the Barbadian. We must always be cognizant these are things that we are trying to avoid but I am not talking about any specific plank in the contributions being made, either virtual or by the people who are present here.

Mr. CHAIRMAN: Okay. Thank you. I see Minister Forde, then Minister Cummins.

Hon. A. R. FORDE: Thank you, Mr. Chairman. To prevent you from getting your vocals fried today and to continuously repeat yourself as it relates to this entire issue of licence and special licence, I want to say to you, Mr. Chairman, I would alleviate that which would be obvious if you continue and continue and to say to you that this Ministry I lead and through the NCC, we have already facilitated with a special licence for all persons on all the beaches, so that is already in place. I think I can give you happy and good tidings of great joy today to tell you that that is already a system in place and it is working very well.

They have a special licence when they become beach vendors and those licences have a special notification that these persons are prescribed vendors through the NCC to vend on the beach.

Mr. CHAIRMAN: Those are glad tidings of great joy. I think then, Minister Cummins.

Senator The Hon. Ms. L. R. CUMMINS: Thank you very much, Mr. Chairman. I would like to support the comments made by Minister Gooding-Edghill but also to really support what you said just now in your outline. You also happen to be the Minister with responsibility for small business and I think that you better than many of us would know that one of the great laments in the small business sector oftentimes, is that people start out in a given space and they do not necessarily evolve into the types of businesses that Mr. Allsopp from BARVEN in his submission earlier today would have referred to where you move from being a small businessman or sole trader, you start to become the person importing and then, the persons distributing and wholesaling.

That evolution of the business person is what I understand these developmental components in this document are being designed to lend themselves to. I think part of dignity and part of removing stigma associated with certain types of activities is also allowing people to move, in our own minds, from where they once were. The notion that I may start out one place, historically this is what it has been and that there is no space to move, evolve and to become something that is more akin to the accumulation of wealth, as opposed to daily subsistence living, is something that I think this submission that Mrs. Alleyne has made in terms of the developmental components of it, those which were proposed earlier by Minister Weir and those which were just added on by Minister Gooding-Edghill are designed to accomplish.

There is something very special about the Barbadian psyche beyond those things which are negative and it is the need to be inspirational and to always aspire for more and greater. I would want to associate myself with your comments from a small business perspective but from a developmental perspective. Also, I would want to associate myself with your comments from a tourism perspective. If you look at markets all over the world - and vending is not just done in Barbados - artisanal markets are a huge drawing card for travellers wherever you go in the world. They have evolved over time to keep the authenticity, to be experiential to be that reflection of the local culture. However, they have also evolved with modernity and with commercial practices.

I think that is what we are also hoping to do here, even as we deal with the important elements of decriminalisation. Decriminalisation and supporting evolution through development, I think that is what part of our important charge is here. I would support everything that you have said, Mr. Chairman, and all the others on this particular point.

Mr. CHAIRMAN: Thank you very much, Minister. I think that we could feel comfortable in going now to the next issue which arises out of this very useful paper from the BTMI; that is, Mrs. Alleyne, the question of the vending zones. You have outlined some of the areas where vending takes place in Barbados. You have recommended that further zones be established. I just want you to be able now to take the ball in hand, guide us through where you would like to see the zones and why. Let me say to you that my mind is an open canvas on this

matter. Believe you me, I have said before you came to this place that I intend to speak with all of my colleagues who hold seats in this Chamber to get their input, so I can be persuaded on anything with respect to the vending zones.

I want us to be as facilitative of the development of this business as possible in Barbados. I do not believe that we should be "pigeon-holing" people and that we should have an overabundance of people in one small location. In fact, we heard today from BARVEN the undesirability of that. Equally, we all know that this has to be done in an orderly and structured way. We have to plan out the evolution of these vending zones. Identifying places across the island is where it all begins. In fact, this is really the first presentation that has spoken directly to the issue of what the future looks like in terms of the geography of the vending zones. I would like to hear you on this matter, please.

Mrs. Marsha ALLEYNE: Thank you so much, Mr. Chairman. Let me first start by saying that the Bill does refer to a number of areas that we agree with that are good areas for vending zones, but we would like to make some additional recommendations. We want to start off with St. James. We have divided a number of them by parishes.

Mr. CHAIRMAN: Well, you know that if you are starting there you have my undivided attention.

Mrs. Marsha ALLEYNE: That was not intentional at all, Mr. Chairman, that is just where it fell. Weston is an area that we know there are some challenges there from an environmental perspective but notwithstanding that, I think the area itself, because of the high traffic that persons traverse in that area, it lends itself to a vending zone. It could be a small one that is actually set up but we think that is an area. It is below the Limegrove Lifestyle Centre which obviously is a well-established high-end stores but there nothing after that same area that person could stop at to shop. There are one or two little boutiques but outside of that, there is nothing in that area that persons set up for vending.

We do know that there are some food and beverage activity happening in the area, but we think it could be complimented by having a full-fledged vending zone.

In addition, we think about Holders Hill. I know that this is an area that we have long felt that need more activity. During the cricket season, Mr. Chairman, you would recall that this is one of the areas that is frequented very much by our visitors and I think that if we were to get the community-based tourism going in that area, then having a vending zone in that area certainly would be very welcomed for the community because we are striving for economic empowerment within the communities. I think it would also help a lot in terms of added value.

Mr. CHAIRMAN: That is an area, Mrs. Alleyne, you do not have to spend anytime elaborating upon. You can feel free to move on. The Chairman has already noted that in red ink.

Mr. Marsha ALLEYNE: Okay. Alright. The next area is Cherry Tree Hill. I believe the plot of the land that we are speaking of is actually owned by the owners of St. Nicholas Abbey but we still think that area lends itself to a vending spot. We would like to lobby to ensure that that is cultivated as such.

Mr. CHAIRMAN: If my memory serves me correctly, there has already been some organic development of vending activity up there. Yes.

Mr. Marsha ALLEYNE: There is at the moment. Speightstown, you would have mentioned that in the Bill in terms of The Speightstown Esplanade. We then move on to St. George, the Gun Hill Signal Station. Right now people go there to actually view the Gun Hill Signal Station and to get the history of that particular area. Again, this is probably through the National Trust, but if we were to add a vending zone in that area, it would certainly create almost a multipurpose kind of area and activity that persons would want to linger and not just go to the Signal Station, so that what we try to do is not just look at open spaces but to look at places where there is a complementary activity happening and include vending in that particular area.

Another such area is the Hackleton's Cliff. If you have ever been up there, Mr. Chairman, it is a lovely vista of the entire Atlantic Ocean and it shows Barbados in all its glory. It is a very popular stop for our tour buses, cruise lines and persons who go to see the rest of the island. We feel that in terms of the community, that the community would welcome having a vending zone in that area.

Mr. CHAIRMAN: For the benefit of the Honourable Member for St. Michael South, he will not see the beauty of Barbados' coastline at the time of evening that he goes up there, but it is a sight to behold during daylight hours (sic!). Proceed.

Mrs. Marsha ALLEYNE: St. John's Parish Church and its Churchyard, we thought that both St. John's Parish Church Yard and the St. Lucy's Parish Church Yard are iconic churches in Barbados and based on the history of both churches, I certainly believe that it would lend itself to vending in that particular area, even if it is not in the carpark specifically but certainly around the area.

We go on to St. Andrew. We felt that the area of that stretch of Highway on the Ermie Bourne Highway, down to Barclays Park all the way down to Bathsheba, people traverse that area continually. Again, it is an area that I think is actually ripe for a vending zone and if it has not been considered we would want to recommend that it is considered for that particular area.

We also looked at Sam Lord's Castle. I know that you have The Crane, but Sam Lord's Castle when that development is completed would also be a good area for a vending zone. There is a restaurant almost opposite Sam Lord's Castle right now called "This Old House" and the surrounding areas. I spoke to the owner very recently and one of the things that they wanted to do was to actually include the community to come out and ply their ware; the cottage industry personnel within the community and why

not include other business persons in that area to ply their wares.

We also identified Farley Hill, Chalky Mount Pottery, the Morgan Lewis Windmill. Morgan Lewis Windmill again is one of those very, very popular iconic spots and I think it would be great as a pull factor to add a vending zone in that particular area so too, Six Men's and then the trail ways in St. Joseph. This is a pretty new development by the Joe's River Bridge, but I think it would be great to have a vending zone in that particular area as well.

Mr. CHAIRMAN: Thank you very much, Ms. Alleyne. I must tell you that I share your views. I wonder why you would have left out the area around Harrison Cave, but I suspect that is going to be subject to its own developmental thrust distinctly and separately anyhow. The Leader of the Opposition draws to my attention Folkestone which again is a fair point, but I think that none of us are really going to be able to, off the top of our heads, to identify an exhaustive list. I think that Barbados really, is in a unique position where we can facilitate the development of vending in several area and every area probably lends itself to certain unique features about the way in which we approach this business but I thank you for the recommendations.

I think you have sold yourself a little bit short, I am going to... Sorry, before I finish, the Honourable Member for St. Michael East wanted to intervene.

Mr. T. A. PRESCOD: I just wanted to ask the question: Are these locations already ... Well, the location is there, but are the dynamics of a market already functioning in the specific locations mentioned here or is this a case where they...?

Mr. CHAIRMAN: In some cases, yes.

Mr. T. A. PRESCOD: Where they have the foresight and believe that this is a seasonal thing. I do not want it to be a seasonal thing, I would like to see us concentrating heavily on seasonal exercises, that when the hotel season is going, unless you have a hotel season in the future, that that would be all year-round. I would not like us to be setting up a big zone in a specific area with just a few vendors going there, it becomes a market for a specific time. When I say that I was thinking about the Gun Hill Signal Station and what is going to be happening up there and then what is happening right around Charles Rowe Bridge. There is a natural market evolving just a little distance away from the Gun Hill Signal Station, and to have a vending zone up there, I am saying that it is likely to only cater to people mostly in the season itself. I am not saying that I am right or that I am perfect, I am just saying to you might have to take some of these things into consideration.

Mr. CHAIRMAN: It is a very legitimate observation.

Mr. T. A. PRESCOD: The one down by the St. George Parish Church and that whole development, the activity is there all the time, but we have to prioritise these zones.

Mr. CHAIRMAN: I see you Senator Wiggins, bear with me please.

Yes, and that is the point. This reflects a perspective from the tourism sector, but I think, obviously, we have to have a cross-fertilisation of views on these.

Mr. T. A. PRESCOD: From my perspective as a Parliamentary Representative I would like to know that if there are specific zones, I would be given some level of priority.

Mr. CHAIRMAN: Indeed. That is why I prefaced my remarks, Honourable Member, by saying that I will engage with every sitting Member, including the Honourable Leader of the Opposition so that we can get the benefit of his input but I do think that there is merit in us trying to go through the rigours of this exercise and identifying areas and, truth to tell, even from the tourism perspective, I think that the mission or the outline, perhaps, would have benefited if it also included Folkestone Park.

We, however, are not going to be able to just, as I said, in any one place very easily have an exhaustive and full list. What I wanted us to also focus on though, Ms. Alleyne, was the rest of your ideas. I think that you had spoken to some developmental issues that must be attending especially these rural zones. If we are doing it in the context of tourism, and yes, even if we are doing it in the context of local traffic, we want Barbadians to see more of Barbados. We want Barbadians to participate in more beverages that are being drunk, more food that is being produced and sold. We want Barbadians to be more involved in the business communities of Barbados and in the culture of the island.

You raised some very interesting issues in your Paper which I thought you would have gone to: the adequacy of signage and those attendant matters. Would you like to elaborate on them, please?

Mrs. Marsha ALLEYNE: Certainly, Mr. Chairman. I would first like to say that the first visitor, the first tourist that we have is a domestic tourist. That means that it is a Barbadian and so whatever we do we have to ensure that it is set in a Barbadian context before we even look to actually look at an external visitor. The Barbadian visitor wants to enjoy the same types of establishments as the outside visitor and so if we have these vending zones we would want to ensure that they are, first of all, accessible; not just accessible by the ordinary person but let us look at the whole idea of inclusivity. One of the challenges that we have had, we say that we are an "inclusive" destination, that we certainly cater for the disabled, but we know certainly that we still have the challenges in terms of when persons in wheelchairs go into Bridgetown, when they visit some of the national attractions, parks and things like that, so if we are going to do a national vending zone, we should again start right by ensuring that it is accessible to all. We would want to ensure that it is accompanied by public restrooms. We would want to know that vendors have someplace to wash

their hands and to do their business. Of course, this goes for the general public as well. Of course, we would want to ensure that it has free Wi-Fi. There is nothing like a big drawing card right now than some places that have free Wi-Fi, and as we talk about the whole idea of the cashless systems, the free Wi-Fi would also help in terms of ensuring that those transactions are able to go through as painless as possible.

Also, informational and directional signage is something that we at the BTMI are looking at very much, all across the destination but specifically if we are going to have these vending zones, then we should have signage, not just directional signage but also digitalised signage so that they can tell you what is happening in Barbados, what is happening around the corner, information of interest to Barbados and to the destination, and that will certainly help in terms of ensuring that we very much transport ourselves into the 21st century from a vending perspective. Those are the kinds of things that we would want to ensure that we do.

The other intervention that we had is that we would want to recommend that the vending zones be specific to the area. Therefore, we may repurpose a particular vending zone to say that if you would wish to have the best artefacts in Barbados or the best arts and craft, this is where you should go; if you want jewellery, this is the place to go. Mr. Chairman, one of the challenges that we have across the destination is that very often if we Barbadians are looking for souvenirs for our friends or visitors overseas, we have to dig deep and dark to be able to find them. If we could have ready at the top of our minds where we can send persons to that we could say if you want to get "X" and it is authentic experience, this is where you should be going.

Mr. CHAIRMAN: Thank you very much, Mrs. Alleyne. Senator Wiggins had asked for the Floor. After that, Minister Cummins, you caught my eyes, so I will allow Senator Wiggins, then you after Minister Cummins.

Senator A. M. WIGGINS: Thank you, Mr. Chairman. I just wanted to ask, in terms of the recommendations given by Mrs. Alleyne, if we would have consultations with the established businesses in those areas first to avoid the type of conflict which the vendors spoke about this morning. As some of those vendors said, if they set up their businesses close to some of those businesses, the storeowners say that they are blocking their doors and that is why the police had to be called in, so some of the vending zones I see outlined here would be close to established businesses but these vending zones, I would imagine if they are going to be set up in association with the Government, it should be eliminating those types of issues, so that is one of the things that I wanted to talk about, and obviously like I said, as I have been saying from day one, an area where I personally would like to see a vending zone being set up would be along the ABC Highway and it would be set up with all the amenities in terms of bathrooms, Wi-Fi, storage, ice and everything, so at least you get visitors on their way to the Grantley Adams International Airport who would pass along to get there.

I have selected one of the places I think would be a good place off the highway where you could pull off the highway, park properly, go to the vendors, and then get back into your taxi on your way to the airport. Thank you, Mr. Chairman.

Mr. CHAIRMAN: Thank you, Senator Wiggins. Minister Cummins.

Senator The Hon. Ms. L. R. CUMMINS: Mr. Chairman, I just wanted to respond to your query about the absence of signage and so on from this Paper. I want to say that we have just completed a significant body of work in auditing product and the status of product, once the country reopens and that Report is now with the ministry. That Report will be coming up as part of a comprehensive rehabilitation programme which includes signage and the integration of the vending zones that you ultimately and the Committee will identify if there are connected to and related to the tourism sector. Just to make the point when talking about the setting up of zones, Mrs. Alleyne, when she was speaking, made reference to the fact that the first visitor is the local, so we are going to have to make some determination and I am counting on your leadership and that of the Members of the Committee that you would be able to differentiate what specific segment of the market each vending zone would be catering to. There will be those that will cater to both locals and visitors; there will be those that will cater to just visitors, generally visitors' attraction; there will be those that will be supporting community-driven entrepreneurship, where people are passing the area will be able to access; there will be those specialised locations where if I want to go and buy pottery I know here I can find that; and if I wanted to buy basketry I know where I can find that, and at the highest possible level. Therefore, I have confidence in the work of the Committee but just to say that we will be coming, from a tourism perspective, with a final comprehensive approach through the various respective organs of Cabinet and onward, so you can look forward to that, including signage.

Mr. CHAIRMAN: Thank you very much, Minister. I am not seeing any other hands being raised and we have come to that hour where we were going to break for the day. Before I make the arrangements for Friday, let me thank you, Mrs. Alleyne and you also Minister Cummins. I think it has been a very useful presentation.

Mrs. Alleyne, truth to tell, the perspective has taken us broadly across the island and that is vitally important for spatial balance. I need not tell you, you know very well, that the consolidation of business opportunities in one or two small confines or corridors of the island really does not do any good for the broader economic development of vending or any other type of business enterprise in Barbados and frankly speaking, from a tourism perspective is very damaging because you have the consequential effect of over-tourism and the saturation of hundreds and thousands of people doing business and making visits and so on in one area, as opposed to spreading that across the

length and breadth of Barbados. Therefore, I thought it was very useful. We will come to a point in the not-too-distant future where we settle on a number of vending zones and we begin to roll them out, but at least now we have a perspective from the tourism side that allows us to factor this into the equation and I am indebted to you for that.

Colleagues, with respect to Friday, I am hoping that we can have a number of people present. As Minister Gooding-Edghill rejoins us, I wanted to invite him to indicate whether he thinks it is feasible that we have the technical officials from the Ministry of Transport and Works participate on Friday morning. I think what I will want to hear from them and what the Committee would probably wish to quiz them on is the usage of the Highway for vending and how we can best accommodate the idea of vending zones along the Highway in particular, but other places as well.

The other entity that I would want to have is the Senior Manager of Markets to be here on Friday as well. I did not want us to settle on that in the absence of Minister Humphrey, but the truth of the matter is that I think we do need to have both him and the Supervisor of Markets from the Ministry of Agriculture side present, so that we can satisfy ourselves as to the capacity that now exists and what might be necessary to be implemented before we can have the legislation proclaimed.

Colleagues, we do not have, up to this point, any other written submissions other than that from Ambassador Comissiong and I would want to urge that we invite him for Friday as well. He has already indicated that he is pressed, but I have read his submissions and I believe that we could treat to them fairly effectively without having taken up too much of his time.

Mr. T. A. PRESCOD: Mr. Chairman...

Mr. CHAIRMAN: Let me just finish, please. We come on October 15, and that is the last date by which submissions can be made. Thereafter, we have to plan out the life of this Committee.

I would want to think that as we go forward, next week Monday... I am mindful of the fact that we have joint Sittings of the Houses of Parliament with a view to determining the Presidency of the Republic and that is on October 20.

Madam Clerk, I would want to think that we could work on Monday, at least for half of the day because I know that there is going to be a need to move this place in terms of the equipment physically to the Conference Centre and then bring it back and setting up, testing and ensuring compatibility with their arrangements and ours is going to take probably a day on either side, at least. I am just trying to frontload the amount of work that we do.

Asides.

Mr. CHAIRMAN: I beg your pardon?

Asides.

Mr. CHAIRMAN: Tuesday might be a little difficult. Therefore, I am thinking that we should try to treat to as many witnesses as possible during the course of Friday. I have said a lot, simply to say that depending on what the Clerk of the House can do and can put in place, I would ask you all to prepare for a robust day on Friday, which would probably take us a little later into the evening than we are now. I would like for us to start as punctually as possible on Friday morning so that we can properly execute the business of the Committee.

Minister Humphrey, before I hear Mr. Prescod, I wanted you to advise, if you can, as to the possibility of the Senior Manager of Markets being able to attend the Committee's business on Friday morning.

Hon. K. D. M. HUMPHREY: Yes, he will be here. I spoke to him earlier. He was actually looking for a link for today but if he is invited, he will be here on Friday.

Mr. CHAIRMAN: Okay. He will be welcomed in person. Kindly reach out to the Ministry of Agriculture with a similar view with respect to the Manager of Markets. Mr. Prescod.

Mr. T. A. PRESCOD: I will just say that unfortunately today the BTMI did not put on the table a clear view on community tourism. I have seen attempts made before about community tourism which obviously relates to a lot of vending and cultural activities as well and I do not know if you can tackle it from the perspective of community development or some other government agency that can give us an idea of a paradigm of what community tourism could be like and at least also incorporate vending stalls, food stalls, cultural activities and everything in a specific area like that. I am just trying to see if we can integrate the whole concept of community development, tourism, vending and everything else because when I looked at what we were seeing here, on reflection a lot of these things were driven by the interest of traditional tourism approaches to developing vending markets and so on. I was just wondering if we could not get a perspective from them, even if it comes in another Paper or if community development could not say, "This is what we are thinking in terms of developing markets".

Personally, as I said to you before, Sir, I am seeing vending markets developing across the community.

Mr. CHAIRMAN: Organically.

Mr. T. A. PRESCOD: Right, organically. I would love to see a planned programme; you would not stop the community's evolvement, but one of the agencies could at least make a presentation on something of that nature. This is something that we need to think about.

Mr. CHAIRMAN: Okay, your point is taken. Minister Cummins, are you still there?

Senator the Hon. Ms. L. R. CUMMINS: I am, Mr. Chairman. I just wanted to make the point that I did indicate just a short while ago when I spoke last, that we have just completed an audit of the tourism attractions and our product and that we will be coming to Cabinet and the other agencies with their full presentation. That would not

have been presented in this context but that is very much one of the things that we will be presenting. I believe it is meant to come up to Cabinet next week Thursday.

Mr. CHAIRMAN: Okay, fine. Thank you. Honourable Member, I think that your views are with merit. We will have to have some discussions as to how we treat to vending within the context of the community's touristic experiences.

Colleagues, I think I have said all that I needed to say about what we anticipate to do on Friday. Minister Forde and Minister Humphrey, I want to emphasise that the challenge we have is that because of the election of the President of the Republic next week, we will have a very difficult experience in terms of being able to have the number of meetings that we had scheduled, for example, for this week. Then, the commitment that I had given at the very beginning was that by the following week we would be allowing for the Report and the adjustment to the legislation to be done so that we could come to Parliament. It, therefore, means that the bulk of work that we must do really and truly has to happen between now and Monday. That is why Friday becomes such a very vitally important day in the life of this Committee.

SUSPENSION

Colleagues, having said all of that, I think that we can have a motion for Suspension for this evening and reconvene on Friday morning at 10:00 a.m. sharp.

Hon. A. R. FORDE: I beg to move that the meeting be suspended until Friday, 15th October, 2021, at 10:00 a.m.

Senator D. R. SANDS: I beg to second that.

Mr. CHAIRMAN: I am grateful, we stand suspended.

FOURTH MEETING OF THE JOINT SELECT COMMITTEE
ON THE
NATIONAL VENDING BILL (2021)
THE CHAMBER,
WORTHING CORPORATE CENTRE

FRIDAY, OCTOBER 15, 2021

SECOND SESSION 2018-2023

PRESENT:
Hon. Kerrie D. SYMMONDS, M.P. (Chairman)
Hon. G. P. Ian GOODING-EDGHILL, M.P.
Hon. Adrian R. FORDE, M.P.
Hon. Indar A. WEIR, M.P.
Hon. Kirk D. M. HUMPHREY, M.P.
Mr. Trevor A. PRESCOD, J.P., M.P.
Ms. Toni N. S.-A. MOORE, M.P ***(online)***
Bishop Joseph J. S. ATHERLEY, J.P., M.P., *(Leader of the Opposition)*
Senator the Hon. Ms. Lisa R. CUMMINS ***(online)***
Senator Damian R. SANDS
Senator Dr. Lynette P. HOLDER ***(online)***
Senator Miss Alphea M. WIGGINS, J.P. ***(online)***

ALSO IN ATTENDANCE:
Mr. Pedro E. EASTMOND, Clerk of Parliament
Mr. Nigel R. JONES, O.B.E., Deputy Clerk of Parliament
Miss Beverley S. GIBBONS, Deputy Clerk of Parliament
Ms. Shawn Raine BELLE, Deputy Chief Parliamentary Counsel
Mr. Anderson CUMBERBATCH (Chief Business Development Officer, Ministry of Energy, Small Business and Entrepreneurship)
Miss J'anne C. GREENIDGE, (Procedural Clerk to the Committee (Ag.)) Typist

WITNESSES IN ATTENDANCE:
Mr. Jason BOWEN, Deputy Chief Technical Officer (Ag)
Mr. Mark DURANT, Chief Planning Officer
Mr. Mark CUMMINS, Permanent Secretary
Mr. Sherlock KING, Senior Manager of Markets
Miss Milanese HOLDER, Manager – Bridgetown Public Market
Mr. Eric LEWIS, Manager of Markets – Fisheries Division
Ms. Vernel NICHOLLS, President of BARNUFO
Mr. Keith FRANKLIN, Association of Wayside Vendors
Ms. Juliette MOORE, Association of Wayside Vendors

Meeting commenced at 10:22 a.m.

Mr. CHAIRMAN: Good morning. I want to begin by welcoming all Members of the Committee, both present and online. Colleagues, I would wish to advise you that the Minutes of the last Session are still being worked on and therefore cannot now be put before this Committee.

MINUTES

On the motion of Hon. A. R. FORDE, seconded by Senator the Hon. Ms. L. R. CUMMINS, the Minutes of the Meeting of 13th October, 2021, were deferred.

Mr. CHAIRMAN: We turn now to the issue of oral presentations. We have with us this morning the Technical Team of the Minister of Transport, Works and Water Resources. My understanding is that present on the other side of the room, once again for social distancing purposes, are Mr. Jason Bowen, Deputy Chief Technical Officer (Ag.), Mr. Mark Durant, Chief Planning Officer, Mr. Mark Cummins, Permanent Secretary of the Ministry, and Mr. Philip Tudor, Deputy Chief Technical Officer.

Good morning, gentlemen, all. Mr. Cummins, as Permanent Secretary I will address you. I would want to begin by offering you the same opportunity that I have offered to others who have agreed to come to give evidence to this Committee, that is, if there are any statements that you would want to make orally before you are questioned with respect to the issue of vending, and I would entreat you to treat to it broadly, not necessarily only in the context of...

Asides.

Mr. CHAIRMAN: Gentlemen, I do apologise, I am not seeing that Mr. Cummins is not there. Perhaps you all can assist me. Who is there?

Both Mr. Jason Bowen and Mr. Mark Durant were present.

Mr. CHAIRMAN: Do either of you wish to make any opening statement to the Committee on the issue of vending as it impacts the Ministry's operations?

Mr. Jason BOWEN: We would want to say at this time we have offered our general support of the policy and the Bill and we believe that vending provides an opportunity for Barbadians to make a living and that is

something that adds to economic growth and development of the country. We do have to look at some of the technical issues related to the layout, vending zones and so on, but in general we would like to offer our support to this policy and I think we could start there.

Mr. CHAIRMAN: I thank you very much. That is really why I want to hear from you all, specifically with regard to the plan to have the vending zones. As you would have appreciated, the development of vending zones in Barbados is something that the Bill is contemplating. My question to you now, before we go to the vending zones, could you share with the Committee any of the concerns or challenges that are now confronted by the Ministry with respect to vending along the Highways of Barbados as now exist.

Mr. Jason BOWEN: In terms of concerns that we would have relative to the vendors, generally-speaking most of our sidewalk areas are generally designed for walking and not necessarily for vending. Because of that, obviously once vendors set up the area that is now left for pedestrian to walk is now much reduced. That is an area that is of concern. We have tried our best in the past to find a way to work around that but largely that is the major concern. Another concern is that the vending – a lot of the land along roads are privately owned so that when vendors set up along the road, they are actually setting up on private property, so that is something that is of concern as well.

Mr. CHAIRMAN: You are saying that they set up on private property?

Mr. Jason BOWEN: Yes. Technically speaking, even on some of the sidewalks that sidewalk in some cases is owned by private individuals, so to just set up on that is a challenge.

Mr. CHAIRMAN: Not the sidewalk itself, you are saying that they obstruct private property, because the sidewalk would not be private property.

Mr. Jason BOWEN: Not necessarily true, it is in some case, some people own to the centre of the road in many cases in Barbados. So there is a right to use the road, a right to pass on the road but it does not mean that Government necessarily in all cases owns the road. The ABC Highway the Government owns that corridor but there are some roads in Bridgetown that the landowners own to the centre of the road.

Mr. CHAIRMAN: The concern then would be this: Are there any, I suppose, recommendations that you would want to make with respect to some of the challenges you see now along the Highway. Let us take, for example, the ABC Highway, for ease of reference. I do not want to restrict you only to that but if you care to share on that particular geographical area, I would be obliged.

Mr. Jason BOWEN: The ABC Highway itself is a road where we own the corridor. I cannot remember exactly how wide, but there is an area defined which the Government owns and that includes areas where vendors can operate, if you want to say that. I do not think there is a major challenge there except for the speeds at which traffic. The speeds are extremely high, and if one were to do any kind of vending along that Highway, one would probably recommend an area to actually pull off the Highway and cars would not park in certain areas. For instance, in Warrens where persons park on the shoulder, this is an area where we would not want persons to be parking and carrying on that activity. It would have to be in an area that is a little further away from the shoulder of the road so as to improve road safety, so there is that opportunity where you can have vendors beyond that shoulder area.

In terms of the areas where owners of land own up to the centre of the road, in the past vendors at one point came to the Ministry where they sought "no objection" letters to be able to utilise the roadway to vend, but we would always have a stipulation that they must have the permission of the landowner. That is one thing you can look at in terms of this Bill and the need for that to be incorporated for that activity, but again, we must still be careful in the way we do these things because any kind of vending alongside the roadway can have an impact in terms of traffic flow. Persons will invariably park on the road and block traffic, and that will cause problems.

Mr. CHAIRMAN: Do you now issue permissions formally to persons who are vending alongside the road? Let us again use the geographical zone of the ABC Highway. A number of persons you would have seen vending, whether it be fruits, coconut water, vegetables, eggs and all sorts of things, along the Highway. Do you all ever issue any formal permissions?

Mr. Jason BOWEN: No, that process came to an end. I cannot remember what year it was but we were advised to stop and we have stopped that for quite some time, so no vendor on the roadway would have such permission from the Ministry of Transport and Works.

Mr. CHAIRMAN: The Leader of the Opposition.

Bishop J. J. S. ATHERLEY: Mr. Bowen, good morning to you. Thank you, Chair. Mr. Bowen, are you still there?

Mr. Jason BOWEN: Yes, I am here.

Bishop J. J. S. ATHERLEY: How long have you been a technical officer at the Ministry of Public Works.

Mr. Jason. BOWEN: From 2005.

Bishop J. J. S. ATHERLEY: That is a long time. Are there any specific suggestions or recommendations you would make to a Government that is intent on facilitating vending and empowering vendors, and in that effort accommodating them for their economic activity along the Highways of Barbados? Is there any specific recommendation you would make as to how we can respond to a situation like that and make it possible and real in a meaningful way?

Mr. Jason BOWEN: In the Ministry we have been, for a number of years, developing a number of locations along the ABC Highway where we feel that, once

we carry out certain infrastructural improvements, provide an area for vehicles to pull off the Highway and into a parking area and there is a separate facility for the vendors to set up and ply their trade, but still close to the Highway where motorists can still see the vendors from the Highway as they pass, we have some locations where we think vending can occur.

Bishop J. J. S. ATHERLEY: Have you identified those locations already?

Mr. Jason BOWEN: Yes, we have some areas identified. We have locations we were looking at, including Warrens.

Bishop J. J. S. ATHERLEY: Where in Warrens are you talking about?

Mr. Jason BOWEN: We have one location there at this point in time, and it is the area to the north of the Massy Complex alongside the road. There is another area also which we were considering, which is by the Everton Weekes Roundabout; the north-eastern quadrant which is opposite First Caribbean. That open area there we are looking at as well. Those are in the Warrens area. We are thinking that if we can design an area where one can pull off the Highway, park your vehicle and carry out your transaction with the vendor, then one can have easy access back onto the Highway.

Bishop J. J. S. ATHERLEY: Sort of like vending parks, for lack of a better word?

Mr. Jason BOWEN: You could say that. Yes.

Bishop J. J. S. ATHERLEY: So the vendors are actually off the side of the road?

Mr. Jason BOWEN: Yes, but you can still see them while you are driving on the Highway.

Bishop J. J. S. ATHERLEY: Apart from Warrens, what other areas are you looking at?

Mr. Jason BOWEN: Another area we were looking at is at Top Rock as well as by Deighton Griffith Secondary School, where there is some open area.

Mr. CHAIRMAN: I beg your pardon. Where is that?

Mr. Jason BOWEN: Deighton Griffith Secondary School.

Mr. CHAIRMAN: Okay, fair enough.

Mr. Jason BOWEN: There is another location we are looking at, and this is by J.T.C. Ramsay Roundabout. That is by the Bussa Roundabout, and there is an area by the new Cave Shepherd building where there is a park at the moment; we are looking at that as another area where we can place vendors. In fact, there are some vendors in the area already so it is a good location for vending, we are thinking.

Bishop J. J. S. ATHERLEY: What about further across the Highway 2A?

Mr. Jason BOWEN: The Ronald Mapp Highway?

Bishop J. J. S. ATHERLEY: Yes, the Ronald Mapp Highway. I see some vending activity emerging along there.

Mr. Jason BOWEN: Yes, we are looking at Bagatelle.

Bishop J. J. S. ATHERLEY: You were not mandated to locate one at Bagatelle, were you?

Mr. Jason BOWEN: We have options and it is part of our remit. As I said, we were working on this for a number of years so we are just exploring all options at this point in time.

Bishop J. J. S. ATHERLEY: Okay.

Mr. CHAIRMAN: But there is a tremendous passion for it to be located at Bagatelle, so you do not worry about that. Do not let the Leader of the Opposition get into that.

Bishop J. J. S. ATHERLEY: No, Bagatelle is a good site. I agree with that wholeheartedly. I do. It is happening anyhow. Eagle Hall?

Asides.

Bishop J. J. S. ATHERLEY: Talking about Eagle Hall, I wish somebody would knock down that market. Mr. Bowen, do you have any influence up there that could have that happen?

Mr. Jason BOWEN: I will hold my thoughts on that one.

Mr. CHAIRMAN: Leader of the Opposition, are you finished.

Bishop J. J. S. ATHERLEY: Yes.

Mr. CHAIRMAN: Okay, a few members want to speak to you, Sir. First of all, Senator Alphea Wiggins is going to address you from online. She is going to ask you some questions. Then I have Minister Adrian Forde, and then Minister Indar Weir. In that order. Please proceed, Senator Wiggins.

Senator Ms. A. M. WIGGINS: A very good morning to everyone. Good morning to you, Mr. Chairman, and good morning to Mr. Bowen.

Mr. CHAIRMAN: The technical people have to raise Senator Wiggins' volume. There you go, Ma'am. The Floor is yours.

Senator Ms. A. M. WIGGINS: Thank you very much, Mr. Chairman. Good morning to Mr. Bowen and to everyone on the Committee. I noted Mr. Bowen gave some suggestions on the ABC Highway which is my favourite area as Mr. Chairman knows. I was thinking when you said by Deighton Griffith School, you are looking at traffic going only in one direction, especially along these Highways. If you are in a particular direction, coming down to Deighton Griffith school, regardless of where you are you still have to go the Kendal Hill Roundabout if you are going back to the Airport. Can you consider a vending zone closer as well? The vending zones can be opposite each other on both sides of the Highway.

Do you have an issue with vending zones being at Deighton Griffith School and on the land going pass Kooyman Hardware going back in the direction of the

Airport for traffic that is traversing both ends of the Highway, rather than restricting it to only one side? I want to ask you that question first, Sir. Mr. Bowen?

Mr. Jason BOWEN: At present, we are currently looking at the area which is to the east of Deighton Griffith School that abuts the Gall Hill/Kingsland Road. Theoretically speaking, if you are approaching from Kooyman Hardware you would have to make that right turn onto the Gall Hill Road and then access the area. If you are approaching from the Airport side, you would have to make the left turn onto the Gall Hill/Kingsland Road and access the site. On exiting, you would have exit onto the Gall Hill/Kingsland Road, make the left turn and go towards the Roundabout by Kendal Hill and you can then go in any direction you want. We were looking at that because we were saying that that should take care of all directions. However, we are not opposed to looking at vending on the other side of the road. It is an open area and that is something that we can investigate as well.

Senator Ms. A. M. WIGGINS: The particular land that you are referring to is the one on the left side opposite the Rubis gas station at Kendal Hill? Is that the one you are referring to? If there is a vending zone, then the traffic coming to the Roundabout there would then have access to any direction. Which one were you referring to? I did not quite get the location.

Mr. Jason BOWEN: The area that I am referring to is the area to the direct east of the Deighton Griffith School's fence. There is an open area there. As I said, it is to the east of the fence but abutting the Gall Hill Road. At that point, you should technically be able to access it from any direction. However, on exiting you will have to leave via the Gall Hill Road onto the ABC Highway, then go towards the Kendal Hill Roundabout. From there, you can choose which direction you want. I hope that explains it better.

Senator Ms. A. M. WIGGINS: Okay, for now but we will come back later. Thank you, Sir.

Mr. CHAIRMAN: Thank you, Senator Wiggins. Minister Adrian Forde.

Hon. A. R. FORDE: Good morning to all. Mr. Bowen, good morning to you. I do not think that when I am passing the Highway I become visually impaired. Certainly, I am not disabused of the conversation that is taking place this morning with my Colleagues and you as it relates to vendors on the highway. Currently, there are a lot of vendors set up all across Barbados on the Highways, whether it is coconut vending, fruit vending or vegetable vending. They are set up along the lay-by roads or layaways. I do not know the term that they use but they are the side roads adjacent to the main highway roads.

I want to say today that I do not think that persons just set up and start to vend because they are disobedient, they have a level of flippancy or they are churlish in their behavior. I do not think that it is none of the above. I really think that they set up because out of a social need, probably financially, or there is a requirement for them to be involved in some type of entrepreneurial activity. Vending happens to be that activity of the day. Secondly, they look for high traffic areas.

My thing is - I think that this is where the policy will come into place and the Minister who has the unreserved gusto to do it is sitting in the Chair - to look at a situation where we provide those commercial spaces off the layaways in areas that person could drive in to vending sites and drive back onto the Highway in a way that does not affect the flow of traffic or cause any danger to pedestrian or vehicular traffic. This is the stage I think that we are at in this type of conversation because the activity is already there. I think that that is where we are going.

My question to you, Mr. Bowen, as we speak in this moment of time, what is the procedure that your Ministry uses in order to remove those vendors, if need be? I do not think that any of us in here would like to see MTW turned up with a group of officers asking vendors to pull up their things and trying to arrest anyone. What is the procedure being used if there is a danger? How do you deal with that situation from the Ministry of Transport and Works point of view? Thank you.

Mr. Jason BOWEN: I would be honest with you. This is a point that I think I will have to defer to the Permanent Secretary when he attends because at this point in time, the Ministry has not engaged in giving any permissions for vendors in a long time but we have not taken any action to move any either. I think that is something definitely the Permanent Secretary would have to answer to.

Mr. CHAIRMAN: Mr. Bowen, I may have misunderstood your answer to my question. I thought that my question was: Do you issue any permissions for persons who are vending alongside the Highway? I thought your answer to that was in the negative.

Mr. Jason BOWEN: As I said, at this point we do not issue any permissions. We do not even issue any objections to using the road either.

Mr. CHAIRMAN: I am mindful that this is being carried on Parliament's YouTube Channel, so the ordinary person must understand what we are saying. When we see people vending alongside the Highway, effectively at present this has just sprung up organically. You go, take up a little spot for yourself and do what you have to do. At present, there is no requirement for there to be any permissions to do it. It is not regulated in that way by the Ministry. Is that correct?

Mr. Jason BOWEN: At this point in time it is not regulated by the Ministry of Transport and Works.

Mr. CHAIRMAN: Fine. Your Permanent Secretary has just joined you. I want to welcome you, Mr. Cummins. Thank you for taking time from your very busy schedule to be with us today.

Mr. Mark CUMMINS: Thank you very much, Mr. Chairman.

Mr. CHAIRMAN: In your absence, we have been talking primarily to Mr. Bowen about the issue of

vending along the Highway. You would have heard the question which was asked, he was just speaking to you. I think he deferred to you comment that arose from Minister Forde's quizzing of him. Minister Forde wanted to get some clarity as to what the procedures would be in the event that you needed to move a vendor or vendors from their locations along the Highway at present.

Mr. Mark CUMMINS: Thank you, Mr. Chairman. Development goes back to the Town and Country Planning Act because vending constitutes development. However, on the Highway, and I am also including the road reserve as part of the Highway, it should fall directly under the remit of the Chief Technical Officer who has responsibilities under the Highways Act - and by the way, that officer was invited to be here with us this morning - so under the Highways Act the Chief Technical Officer can mandate the removal of vendors from along the wayside but normally the Chief Town Planner would serve an enforcement notice and then seek the assistance of the Ministry of Transport, Works and Maintenance or the assistance of the Chief Technical Officer to have the structures removed. Now, if there is no structure, let us say, for example, I go out and I bought 400 coconuts and I decide that I want to set up just a table with some bottles and sell them from the shoulder of the Highway that is primarily a matter for the Highways Act and by extension the Chief Technical Officer, but based on my previous experience there was always a very collaborative effort to ensure that both Town and Country Planning Department and the Ministry of Transport, Works and Maintenance were in sync.

If you would bear with me, a specific land use study was done of the ABC Highway and vending sites were selected, vending sites were granted planning permission and these vending sites included sanitary facilities and shade which would allow the vendors to operate in an area of comfort, where motorists will divert from the Highway, go to these structures, purchase their produce and then make their way safely back on to the Highway because as we would all agree, 80 kilometres an hour and vending on the shoulder of that carriage way, spells for disaster. Fortunately, and I hope it continues like that, we have not had any major accidents, but one area that really scares me, especially on Sundays, is the area right outside of the Deighton Griffith School where cars are zipping by, people are getting into and out of their cars on the traffic sides and some brave ones also cross the other side of the road, because we now have vending on both sides of the road.

Mr. Chair, in my opinion, I welcome this Bill. I have had an opportunity to read some of it and I think it is a step in the right direction. Vending is a very important economic activity but as a trained land use planner, there has to be order. I do not think we can allow persons to come and set up at any and every location and unfortunately, in Barbados, our vendors do two things which we should work closely with them and make sure that it is stamped out:

(1) They leave their waste behind; and

(2) they like to put up structures to claim territory.

I think if we can control that – and the selection of sites on the ABC Highway was intended to deal with both of those – because it was off of the road and provision would have made for skips where the waste from the vending activity, namely coconut shells, could have been placed in the skips and then safely removed, and also there would be no need for vendors to set up little shacks or little structures because there was a well-established structure where they can carry on the activities, the motorists can drive in, park, get out, carry out their activities, get back in their car, and then safely re-join traffic.

Sorry for the extended answer, Mr. Chairman.

Mr. CHAIRMAN: No, I appreciate the extended answer, Mr. Permanent Secretary, because you have shed a little bit of light. I think that Mr. Bowen may have alluded to the land use study. Are you in a position to tell us approximately when this study was done, please?

Mr. Mark CUMMINS: This would have been done probably around 1996 or 1997 because at the time I was Deputy Chief Town Planner and my former boss, Mr. Lionel Nurse, was in the Chair and we would have worked closely with the then Chief Technical Officer, Mr. Cedric Archer, in setting up the ABC Highway Land Use Study – and life is very ironic – but the actually selection of the sites was done when Mr. Lionel Nurse when he was Permanent Secretary at the Ministry of Transport, Works and Maintenance and Mr. Frank Thornhill was Chief Technical Officer and I was Chief Town Planner, so we would have driven the full length of the ABC Highway on numerous occasions and selected those sites. Drawings were prepared, they also got planning approval but unfortunately, we have never been able to build any of those structures and we were very, very deliberate in the site selection in that all of the lands chosen were under the ownership and control of the Crown.

Mr. CHAIRMAN: Indeed, and I must tell you I understand and I feel your pain. While you drove the length and breadth of the Highway, I actually walked it, with the same thing in mind; it really is a tale about the way in which we do things in Government in Barbados, that 25 years later we are at this stage once again trying to re-invent a wheel that had largely been structured or designed before. Would it be correct to say then that after having done the land use study, planning permissions were actually obtained for some of the sites that were looked at, at that time?

Mr. Mark CUMMINS: Yes, Mr. Chairman, planning permissions were obtained for some of the sites.

Mr. CHAIRMAN: Are you in a position to identify … I do not know if you heard Mr. Bowen. Mr. Bowen had pointed us to some sites. I am not sure if these are the same sites, but do you know, off the top of your head, those areas along the Highway that were granted planning permission? I asked that simply because I want to be … Let me just quote the draft Bill:

"The Minster on consultation with the National Vending Committee may, by order, designate his vending zone for the purposes of this Act."

It is the intention of this Minister to treat very broadly to the development of vending and vending zones so if there are some that have already gotten planning permission, it allows us then to move swiftly towards establishment. We do not have to wait on planning permission – we have that already - unless that has lapse so guide me please, Sir?

Mr. Mark CUMMINS: Sure, Mr. Chairman. I will start with your last point first. Unfortunately, those permissions would have lapsed because more than five years would have passed and I think we would have done those... As a matter of fact, this was done specifically as all part of the ICC Cricket World Cup 2007 planning and World Cup was back in 2007, so that planning permission would have lapse, but those sites, I refer to that area as Graeme Hall. This is to the immediate south of the Ministry of Agriculture; right off of that roundabout there would have been a road developed, and as you come into the roundabout you would have gone off into the vending area and when you completed your business you have re-joined the vending area...

Mr. CHAIRMAN: Is that on the open area of land on the right hand side if you are going down the hill?

Mr. Mark CUMMINS: The right hand side if you are going down the hill, that is correct, Mr. Chairman. Coming up from there and headed up the hill and then to the Garfield Sobers Roundabout where if you make the left you go to Rendezvous, there is an area in there which is now being used for the valeting of vehicles, that was the second site chosen because that land was also under the ownership of the Crown; it used to be beautified some years ago by the NCC.

As we leave there and head along what is commonly known as Wildey, we would make the turn by the gas station and then over the hill by the Samuel Jackman Prescod Polytechnic (SJPP), now Samuel Jackman Prescod Institute of Technology (SJPI), and make our way to The Emancipation Statue; and to the immediate left there where there is now the Starbucks and i-Mart, that open area, we utilise some of that area but we also bore in mind that on Emancipation Day on 1st August, when the Barbadians gathered to pay tribute and homage to our ancestors, we made sure that we left a sufficiently large area that would not have inhibited that activity, so as a result that facilitate was placed at the northern-most end of that open strip where there is already an existing access to re-join traffic on the Highway. You would have come in on what is now the iMart and Starbucks [One Haggatt Hall] side or if you are already on the Highway, you can easily make the left turn and come in. Then, from there, we proceeded north...

Mr. CHAIRMAN: Do not go so fast, because at that particular spot there is a little bit of vending taking place there now. As you put it, just before you turn to go into Starbucks, there are some people who do some business right there on the corner.

Mr. Mark CUMMINS: Right, but that was not the site, because what happens is that those persons who do the vending there, the people who are traversing that road, for example, you are leaving LESC on your way to the Emancipation Statue, those people that you will see there on the left just before you go into Starbucks, that was not the intended area. That is because when persons stopped there, they impeded the free flow of traffic, so we were making the left turn there and going inside and actually your activity would take place parallel to the ABC Highway.

Mr. CHAIRMAN: I am going to let you continue but I just want to get some clarity from you, because you have a lot of experience in planning. Can I ask you at this point, how difficult would it be, having gotten permission for certain sites before, to have those permissions reactivated, for want of a better way of putting it?

Mr. Mark CUMMINS: I obviously cannot speak for the Chief Town Planner, but I do not see any reason those permissions cannot be revalidated when a new application is submitted because the requisite studies were undertaken and the agency responsible for the traffic and traffic movement, the Ministry of Transport and Works or the Ministry of Public Works as was the then nomenclature, we, being Town Planning, had worked very closely with that agency and that all of those sites were jointly chosen.

Mr. CHAIRMAN: Fair enough. I myself had noted that site as a potential one, so I am heartened by what you are saying to me and the necessary follow-up work will be done. Please proceed. You leave there and you are now heading towards Warrens.

Mr. Mark CUMMINS: You are heading north and west towards Warrens and at the Waterford Roundabout - and pardon me, I should remember the correct names - but at the Waterford Roundabout where you go left to Combermere and right to Hothersal Turning, there is an old building there called "The Comery".

Mr. CHAIRMAN: On the left-hand side.

Mr. Mark CUMMINS: On the left-hand side. So persons would have made the left out of the roundabout and then the first right as you head along what is now referred to as the Waterford Boulevard and then make the right onto an existing road which was actually the old Highway. Right now it is beautifully planted with some miniature breadfruit trees and others and it is very well landscaped. There was an area in there that had been selected where the vending activity would have taken place and then persons would have been safely abled to re-join traffic.

Mr. CHAIRMAN: There is already infrastructure there because there is a road that runs parallel to the Highway.

Mr. Mark CUMMINS: Yes, correct. There is

already infrastructure there. The intention, when we did the site selection, was to ensure that we removed the danger of pedestrians coming into conflict with fast-moving traffic, hence the reason such time was taken to ensure that there were properly designated parking spaces and that the turning movements would have been easy because we understand how the Barbadian operates. We know that persons would want to pull over on the shoulder and try to walk down the little swale, then get their things and then go back to the car and try to re-join the traffic. The intention was to make that as difficult as possible because again merging in traffic that is travelling at 80 kilometres an hour is fairly tricky, you have to be very careful.

Then, the last site was a site at Warrens but that is no longer available because that is now the home of Digicel, but there used to be a green strip between the mahogany trees which are directly behind or to the direct south of the First Caribbean International Bank right back to Simpson Motors. There used to be a green area in there that was preserved for beautification and that site was identified as a possible site for Warrens. However, in order to get to the site, you would have gone through the roundabout at Warrens and made the turn as if you are going up Redman's Village and then make the turn as if you are going into Simpson Motors. The only thing is, instead of going into Simpson Motors you would turn onto the old Highway 2A and drive to your vending site and then repeat that journey in order to get back to re-join traffic. You would have re-joined the traffic, made the left turn, came into the roundabout and then from there you can choose which direction you would go.

Mr. CHAIRMAN: Okay. Your former colleague, now retired, Permanent Secretary Reid and I would have spent a little time in Warrens trying to identify another site and I will not identify that site now because I do not want the proprietors to start to see dollar bills in their eyes, but what I would want to do is to have a conversation with you more privately and perhaps we can organise a visit to that site, with your technical people, so that the necessary advice can be given on the way forward with respect to Warrens, because it is obviously an important area for the continuation of vending in Barbados.

Mr. Mark CUMMINS: Sure, Mr. Chairman, at your convenience.

Mr. CHAIRMAN: Are there any other requests for the Floor from any other Members of the Committee? No? Okay. Permanent Secretary. Sorry, I beg your pardon, Mr. Prescod, the Floor is yours.

Mr. T. A. PRESCOD: Good morning to everyone. How long has passed since the expiration of the validation of these specific locations? I am just thinking in terms that everything does not remain fixed so the chances are that the locations that we had agreed upon some time ago, the chances are that conditions around the specific location might have changed and therefore I guess you will have to actually revisit not the just the approvals but also the locations to make sure that all physical conditions remained the same now as they were when the specific locations were valid.

Mr. CHAIRMAN: Your question is a fair one. When I toured the Highway to identify sites, that is how I became aware of the fact that some of this work had already been done. I did not know it was 25 years ago, Permanent Secretary, but I became aware because some members of your staff alerted me to the fact that some of this work had been previously done. The fact of the matter is...

Mr. Mark CUMMINS: Mr. Chairman, if I may, just for clarity. The 25 years relate to the ABC Highway Land Use Study, but those sites were actually selected between 2005 and 2006.

Mr. CHAIRMAN: Okay. There are some places, for example - I am just trying to assist Mr. Prescod - the Graeme Hall example you gave, I am sure you would agree Permanent Secretary, that remains much the same today as it was back then, and I am sure you would agree, Permanent Secretary.

Mr. Mark CUMMINS: The Graeme Hall remains the same, but I do appreciate the concern of Mr. Prescod because he is correct. For example, at Rendezvous, there are two business activities going on there. I do not know if the land is leased by the Ministry of Housing, but certainly the area that would have been identified cannot exist with those two activities which are currently taking place.

Mr. CHAIRMAN: Agreed.

Mr. Mark CUMMINS: At Haggatt Hall and "The Comery" we would be able to carry out the development at those sites as previously planned and as you correctly said Sir, we have to do a completely new search for a site at Warrens.

Mr. CHAIRMAN: Right, so we have some ammunition to work with; it is just a question of now trying to drive this process forward. Mr. Prescod, did you have anything else? I wanted, Permanent Secretary, to get your views on the structure of the vending zone along the Highway. Ideally, we would have a set of circumstances similar to what exist at Graeme Hall, where we would have vast acreage of land to be able to create a zone but if you use, for example, the front of Deighton Griffith Secondary School, obviously there is considerable restriction in terms of what is now available and it may have some implications for the width of the playing facility at that school. Much of the land there is owned by the Crown.

In your judgement, do you think it is a reasonable thing to have a shoulder off the Highway, where one pretty much exits the left lane, ride onto a parallel shoulder which allows you to do the business you wished to do by way of procuring whatever you wish to procure from the vendors, and then re-join the Highway as you go forward again? Does that type of construct seem to make sense to you?

Mr. Mark CUMMINS: Chair, I think we will have to look at that type of construct very carefully, because the challenge there is this: Even if we are able to pull the fence back onto the playing field by maybe ten or

15 metres, the challenge would be traffic re-joining the moving traffic on that lane headed west, because you are then asking persons to go from zero to join traffic at that point, I do not see the potential for any slip lane of 300 to 400 metres that would allow one to generate a volume speed of at least 40 to 50 kilometres so that you could then safely integrate into the traffic. This is because of the housing construction currently underway to the immediate west of the Deighton Griffith School's playing field, so I think that is going to be a very difficult site, Chair.

I know my colleague engineers would say that anything can be designed but as a planner, I would be very concerned in terms of conflicts. Another thing we looked at – and by "we" I am speaking of former Permanent Secretary Nurse and former Chief Technical Officer Thornhill – is when we selected those sites, we looked at the possibility and, of course, we hoped it was something that would never occur, but the possibility of a motorist losing control and crashing into the vending activity. That was one of the things that led us to try to find sites which were somewhat removed from the moving traffic, but Deighton Griffith is a particularly difficult location. To be quite fair and honest, I would not want to reduce the playing field by pushing that fence back by 10 to 15 metres, because it appears to me as if it is also used as a community playing field. I think we need to push the concept of community playing fields.

When we looked at the Deighton Griffith site, because of the heightened activity there, we started from the Airport and the only solution we could have found for the Deighton Griffith vendors was to move them to the Graeme Hall location. There was no other place on the ABC Highway where we could get traffic safely off the Highway, set up a vending facility and then get traffic safely back onto the Highway. If you traverse from Deighton Griffith School through the Roundabout, the next open area is to the east of the vet and to the west of Briar Hall, but that is a fairly significant depression which serves as a retention pond because it takes and retains a significant amount of water off the ABC Highway. We were restricted in terms of finding an alternate site for the Deighton Griffith vendors, outside of Graeme Hall.

Mr. CHAIRMAN: It may be worth a site visit, Permanent Secretary, but we can organise these things after this stage has been passed because even as you speak, I had done some quiet consultation with Members of the Committee who, like me, did not necessarily appreciate the extent of the challenge that you were raising, but enough of that. I believe that Senator Holder has indicated a request to speak with you.

Senator Dr. L. P HOLDER: Thank you very much, Mr. Chairman. Good morning to all, including those in the outer room. I quite enjoyed that presentation from Permanent Secretary Cummins and to note the work that was done by the Ministry in the past. I commend the Permanent Secretary and his team for that. I am wondering, beyond the presentation made relative to the ABC Highway, if there has been any research or assessment done on the other seven Highways or any of the secondary roads, for that matter, that would inform this Committee as we look in the near future at the whole issue of the vending zones. Chair, in short, has there been any similar work done on any of the other seven Highways beyond the ABC Highway?

Mr. Mark CUMMINS: Good morning, Senator. Thanks for the question. I am not aware of any extensive land use study done on the other Highways but I would be quick to say, or hasten to say, that the Physical Development Plan also recognises vending as a very important economic activity. There are areas along the other Highways, for example, corridors along Highway 1 and Highway 7 where some activities can take place. I think something we need to look at in Barbados is having temporary vending sites, so it is good that the law has identified a vending zone but I think we can have temporary vending sites. For example, the Esplanades – I am speaking of the one in Fitt's Village and another along Highway 1 at Hastings – are areas which can be used for vending for specific periods. What we need to ensure is: (1), we do not allow persons to erect permanent structures, and (2), we have the times designated.

I have seen in some European cities, especially in Paris, that sometimes from nine in the morning until 1 p.m. they will close the street. It becomes a designated vending zone because it is in an area of heightened economic activity. Vending thrives when you have a lot of people moving but if you passed that area at 1:30 p.m. you would never know that vending had taken place there between 9 a.m. and 1 p.m. I have said all of that to say we have areas along the other designated Highways that we can use and that can take the activity off the actual carriageway or shoulder, and the vending site set up at Spring Garden (the Mighty Grynner Highway) is a perfect example of that, and that is also an activity that was planned.

Mr. CHAIRMAN: Thank you, Permanent Secretary. Are there any more requests for the Floor? Permanent Secretary, I see no more requests for the Floor. I want to just ask one other question and that perhaps is of those members of your delegation who are connected to planning. You yourself have that background. Part of what we envisage for the vending zones is obviously the introduction of amenities. We want to have the running water, *et cetera*. The question that I ask of you: Do you envisage a significant degree of difficulty in those zones that you have already pointed us to?

Mr. Mark CUMMINS: No, Mr. Chairman. Having access to running water certainly on the ABC Highway sites that we would have looked at, there was very easy access. The good thing about it is that we use old existing infrastructures, so to be able to have a water connection would not be difficult at all. As I was saying to one of my colleagues earlier this morning, former Permanent Secretary, Mr. Weekes, we did this long before SARS-1 and now Covid-19. Sanitary facilities are even more important now than back then. Therefore, we must have that facility and also ensure that we have bathroom

facilities for the vendors. Therefore, I do not see any difficulty in having running water and to be able to put up those facilities. I think the biggest challenge is education for the vendors. I mean education in terms of why the facility and how to use the facility. If the question is asked, why I have mentioned that, I will use Spring Garden as an example. Spring Garden is a designed and purpose-built facility for vending. The vendors were happy, they moved there but then, a few months after you saw some of them complaining that people were not coming and they decided that they wanted to return to Cheapside.

Yes, there is a lot more foot traffic at Cheapside but the Ministry again was instrumental because the Transport Board runs a specific shuttle on Saturdays, starting 8:00 a.m. until about 7:00 p.m., to transport people to Spring Garden. We all know that everyone does not have access to a car. Therefore, you need to make provision for those persons who do not have cars.

As I said, I am in full support of the vending zones. I think we can safely select those vending zones, ensure that the development is orderly and everyone will be happy. However, we must make sure that we control the vending within the facility and do not allow it to come outside of the facility.

Those of us who are old enough would know that in the old Fairchild Street you would have walked across the bridge, gone down the steps and we saw all the vendors there. What happens now is that the vendors have moved themselves onto the Bridge where they have impeded the free flow of the pedestrian traffic, so that they try to get to the customers first. When you find that, the vending zone has a linear extension sometimes with no limit.

I think those are the kinds of things that we really need to control and show them that as vendors they will be able to make a decent living and as this Bill will ensure that vending is decent economic activity, it is historically steeped in our lifeblood, cultures and traditions. Vending is a part of us.

When you see the size of vending facilities in a lot of African countries like Senegal and Kenya, it is amazing and beautiful, but the challenge is to have persons in a safe space and maintain that order once they have left.

Mr. CHAIRMAN: Thank you, Permanent Secretary. You really have demonstrated some almost encyclopaedic knowledge of the structural issues which are critical to support this endeavour. As I indicated to you, I will take you up on your generous offer. We can do a visit, with your Minister, to some of the areas that we are looking at; both the ones that have already benefitted from planning permission and the ones that we propose to utilize as we go forward. We can set the date for that in due course.

To you and your team, I want to thank you, Sir. Hold on a minute, I have Mr. Prescod.

Mr. T. A. PRESCOD: I do not know if this would be relevant to where we are at present but I kind of extrapolated from the conversation that the element of time is a major void in the legislation. I am a bit bothered that as we continue to expand commercial activities across the island, giving certain types of businesses the freedom of opening 24 hours, we need to apply that kind of freedom. If we are talking about equality, we need to apply that kind of liberty to vendors as well. I know that on special occasions vendors have to apply for licences to operate after a certain period. I do not know if at present a vendor is allowed to open from 6:00 a.m. to 5:00 p.m. and then, after a certain time they must be closed.

If we are fully integrating vending into the business environment in the manner that we seem to be suggesting that forms the ethos of the whole arrangement, I feel that we need to at least spend some time focusing on time. I am almost said "unlimited" time, so to speak, as a major variable of concern for me.

Mr. CHAIRMAN: Fair observation. The Deputy Chief Parliamentary Counsel, you wanted the Floor?

Ms. S. R. BELLE: Yes, Mr. Chairman. On the same issue, there is provision for the permit system for occasional vending, so I would just remind the Committee that the occasional vending is to allow persons to conduct vending during a fair, farmers' market, festival, carnival or cultural, entrepreneurial, religious or recreational events. It does contemplate that kind of organisation but in relation to what the Permanent Secretary was speaking to, that is something perhaps you might need to explore a little more. The policy would have to be articulated a bit more so that we could incorporate it in the Bill, if you so choose. Thank you.

Mr. CHAIRMAN: Mr. Prescod and Permanent Secretary Cummins, I, like you Permanent Secretary, have been very touched and moved by what I saw in Africa with respect to vending. On this question that Mr. Prescod raises with regard to time and vending going on into the night, it was one of the things that most impressed me coming from that 'sad' place that they call the 'Door of No Return'. Going back to the hotel where I stayed, there were a number of cities and towns that we would have passed through at 7:00 o'clock and 8:00 o'clock in the night and vending was a thriving theme. I said this on the Floor of the House when I piloted this Bill; places were theming with activity, families out together, you could see mothers with children and so on at 8:00 o'clock and 9:00 o'clock in the night in a vending type environment and they were not there only as vendors, they were there to participate as people who went to purchase from vendors, fruits, drinks and food, et cetera.

I see no reason why the vending zones should not be properly equipped. This is an age where we have the photovoltaic lighting; it is an age where we already make provision at occasional vending opportunities for lighting to be brought in, run off generators in this particular regard but I think if we are setting up vending zones, we need to do it holistically and so as to allow, not only for the running water and the bathrooms, but also the lighting and to make it as conducive as possible for it to be an all-day

experience. For me, gone, hopefully forever, are the days where we say to people that you cannot work beyond a certain hour.

In fact, Mr. Permanent Secretary, now that I have said that, it raises another question in my mind that I had actually forgotten. The question, Mr. Permanent Secretary, of what happens now on the Highway. Are you in a position to assist me here? I am told by the vendors I have interfaced with, many of them, that some of the challenges they have with say, for example, coconut shells being left on the road until the next day and in some cases, the day after, because I did not come and work the next day for whatever reason so the shells remain there, is that you cannot move the shells after a certain time because disposal of them is not possible. Is there, in your experience, any veracity to that submission?

Mr. Mark CUMMINS: I think the SBRC facility which takes the coconut shells, I think that closes at a specific time, but I do not accept that argument because they can still load it on to their truck or put it in a skip. While you may not be able to dispose of it the same day, we cannot support leaving it on the side of the road; it is very unsightly, so if logistically that is something that we need to look at...

Certain remarks by Mr. Mark Cummins, Permanent Secretary, where inaudible due to technical issues.

Mr. CHAIRMAN: The Permanent Secretary is in need of technical support please because he is on a very important point and we are not being able to hear him. Okay, while the technical personnel assist in the other room, what I will do, Permanent Secretary, we will come back to you, but in the interim, I will ask Minister Cummins to take the Floor.

Senator the Hon. Ms. L. R. CUMMINS: Thank you very much, Mr. Chairman. I want to start first by commenting on the point made by Mr. Prescod in terms of time. I too would want to support the treatment of vending as a day-to-night experience. I think you, Mr. Chairman, would have been the one who pioneered the concept of Festive Fridays and the Night Markets in the area of Pelican Village and even if you were to go a while beyond ... You do not even have to go as far as the African continent, but in Jamaica, for example, if you can go to the downtown boardwalks now, you have both day and night time activity and I think one of the key things, especially as it relates to The City of Bridgetown, has been the attempt to revitalise Bridgetown, to bring life back into the City and in so doing, bring people back into the City and so, by creating that opportunity where people can actively go.

Again, the vending zones, when we talked about it earlier, I believe it was on Wednesday, we discussed the possibility of treating to where I could procure food items, where I could go for craft, where I could go for pottery, those kinds of things. If we have that vibrant thriving night market environment, I believe it adds value certainly from a tourism perspective in terms of things to do, but it also integrates into the psyche of the Barbadian culture that I can do my shopping at night even though I have been at work or in other activities during the course of the day and it is something that I very much support.

The question of the Highway and coconuts, I think, Mr. Chairman, that is something that I am hopeful the Permanent Secretary can have resolved when he comes back on to the call and give us some advice on how it can be treated because it also raises the question, Mr. Chairman, of not just the removal of the coconut shells and how unsightly it is, but I know that we have had an ongoing national fixation with a single issue, that issue being COVID-19, but that does not mean that we are still not treating to issues of dengue and mosquito-borne illnesses. It is a real challenge to continue to have coconut shells left on a Highway to accumulate, especially during the rainy season when we are having mosquito-borne issues because they then become vectors. But more importantly, Mr. Chairman, I think also when dealing with the question of vending on the Highways, there has to be an accompanying code of conduct that attaches itself to that particular vending zone.

Mr. Chairman, I am concerned each time, especially when I pass certain areas of the ABC Highway, that you may have three, four or five vendors adjacent to each other selling the same things, in particular coconuts, and trying to get the attention of drivers and cars passing by. They are bobbing and weaving in-between the coconuts attempting to handle their wares out into the road. There are Barbadians drivers who, for some inexplicable reason, Mr. Chairman, find themselves in a position where they are willing to stop on the Highway in order to purchase coconut water from vendors on the Highway, and it creates a real hazard, both for vendors bobbing and weaving in between traffic, darting across the Highway trying to get people's attention, and Barbadians drivers doing what I have just described in the most dangerous of fashions in stopping on a Highway where there is to be no stopping.

I would want to support the designation of zones, yes, but I would want to ensure that there is adequate enforcement of an appropriate code of conduct that manages that vending in a way that keeps everyone safe: vendors, drivers and, of course, consumers, equally.

Mr. CHAIRMAN: Fair enough and thank you, Minister Cummins. On the latter point, I am sure we will have an opportunity to come back to that when we have the relevant Market Managers come to give evidence in a few minutes. Let me say to you, though, that I fully agree with what you have said before. There are some vendors who I have encountered, not only say, but they have robustly disassociated themselves from the practice of leaving coconut shells on the Highway so I would not want us to paint them all with a broad brush, there are obviously some, however, who need to still be worked with and persuaded to the merit of the points that you have made because as I have said to them myself, we are fighting two battles at the same time. On one hand, we are fighting the COVID-19 pandemic and then on the other hand we are spending a lot

of time, money and effort on trying to deal with the vector-borne illnesses; whether it is the mosquitoes or the vermin that comes from leaving coconut shells unattended, it is a problem that we have to treat to.

We were trying to see if we could locate Minister Forde, but until he comes back, is the Permanent Secretary with us again?

Mr. Mark CUMMINS: Can you hear me, Mr. Chairman?

Mr. CHAIRMAN: I can hear you clearly now, thank you.

Mr. Mark CUMMINS: Thank you.

Mr. CHAIRMAN: Thank you, Permanent Secretary Cummins. Where you left off, perhaps what you should do is just restate much of what you said because we lost you on more than one occasion.

Mr. Mark CUMMINS: Okay. As it relates to the removal of the coconut shells from the Highway, if the proposal or the remodelled proposal of having designated sites for vending on the Highway is adopted, then the unsightly coconuts shells that we currently see on the Highway would be a thing of the past, because as I said proper garbage disposal facilities were put in place in the form of skips, so as you cut the coconut you throw it into the skip, then the truck comes, hooks up the skip and takes it away to the recycling facility, and we all know the benefits of coconut fibre and those things.

If we do not have those designated sites, then regrettably, I think what we see now is unfortunately going to be with us and that creates numerous problems. I have to agree with the Minister of Tourism 100 per cent because it exposes us to the Dengue threat, Zika and all of the other diseases carried by mosquitoes. I think that is something that should not be any significant challenge for us. As I come back again, I say education, if we can point out to persons that there is need for cleanliness and the need for order and that can be understood. I agree with her that you must have spacing, but not spacing on the shoulder of the Highway as it exists. I think there would be more than enough spaces for the vendors within the facility and on the perimeter of the facility, because as the facility was designed, it was not intended to contain the vending within that facility. The facility was designed with the bathrooms and the running water for the vendors to be able to utilise, but the vending activity was actually going to take place on the outside of the facility, but allowing for the free movement of the traffic. However, as Mr. Prescod said, I am sure there is need to revisit it because 15 years is a long time and that is the time that has elapsed.

Mr. Chairman, if you permit me while I have access to the mic, I must pick up on two things that I had forgotten. One, in the proposed amendment to the Physical Development Plan back in 2017, and I know some work is being done on it now, and because as we know while it is not law it has to be approved by both Houses of Parliament, that document as a policy sought to establish at farms or persons who have agricultural plots to allow them to establish small areas where they could sell their produce, pushing the whole concept of the farmers' market, also fitting in with the concept of health and wellness in terms of getting persons to eat more healthy. As a result, the farmer does not now have to go through the whole process of putting the things in the car and carrying them to a particular location, they have the option of setting up something on their property where they can sell their produce.

Two, as it relates to vending and after hours. I fully support after-hours vending. As a matter of fact, Historic Bridgetown and its Garrison was approved by UNESCO in 2011. At the time I was the Site Manager for the site and also the Chairman of the local World Heritage Committee. On many occasions we made recommendations that we need to utilise the benefits of the lift Bridge, it does swing anymore, it only lifts. What we had said is that the last Friday of every month we should have a designated zone from the Independence Arch where you can have activities ongoing. You can utilise certain areas of the Boardwalk, of course, you would have to close it off to traffic, but you can have that as an experience where persons will see the Bridge lift and then when the Bridge comes back to its original state, you have an area there where persons can be vending and you can have people walking up and down and have a significant amount activity.

I hope that as we move into the development of the Hyatt and those other hotels in that area that that is an activity that we can see come alive, because that will provide so many opportunities for our vending community. It is also a safe and wholesome space, it can spill over all the way back to Heroes Square and that can be a safe area where persons can walk, enjoy coconut water, mauby and all of the other local things that we have and enjoy. We are not trying to do that to fight against Oistins or Baxter's Road and the other areas, but it also gives another layer of activity that we can use. The good thing about it is that sometimes there is funding available by UNESCO to help you with what they refer to as that intangible heritage because the Land Ship, tuk band, the indigenous drinks and things like that, you do get small grants to deal with those things. Hence, I would hope that the Ministry of Culture will pick up on that; and it also gets the younger Barbadian and maybe the older Barbadian to see the Bridge lifting. It is unique, the only other place that I am aware of in the Caribbean area - and now *I have* stretched out and brought the ABC islands in – is Curacao where they have a Bridge that lifts, but I think we have an asset that we need to utilise. I said the Ministry of Culture but I also think the Ministry of Tourism needs to look at these kind of opportunities where we can then bring some life back to our historic city. As people walk around you will know, in time, the stores may open a little later.

Mr. CHAIRMAN: I fully agree with you and I am sure that the Minister of Tourism does also. I must tell you that the closing off of the road was part of the festive Friday concept and I can see no reason why this other

suggestion ought not to be treated in similar vain. I hope that the day will come when we get back to the festive Friday concept, I know it is not possible now, but equally, when once we can again be able to socialise and do the things that make us what and who we are I think that that is really the empowering environment for the vending community. Obviously, it works for those people who are our visitor because we have a very special city and it cannot be as special as it could otherwise if we have a bridge that nobody can see being swung or lifted, or if we have fountains that nobody can see working and that type of thing. These are things that can and must be fixed.

Minister Forde, I think I was made to understand that you may wish to make an intervention with respect to the SBRC closure impacting as it does on the ability of some vendors to get their coconut shells etcetera from the Highway to the dump in an appropriate time. On Sundays in particulars, weekends in particular.

Hon. A. R. FORDE: Based on the information given to me, SBRC is opened specifically for coconut vendors because that is the cell that would deal with the composting and the area that will be dealing with the recyclable material from the coconut deposit. I must tell you that they have assured me that the opening time on Sunday runs from 3:00 p.m. to 6:00 p.m. every single Sunday once a Sunday exist in the land of thy dear Lord.

Mr. CHAIRMAN: Fair enough. I have doubt that much of this is going to be about proper management of the vending zones and enforcing the regulations and bringing order to what had really been an environment that organically was created and unfortunately was not allowed to develop in a very structured way. It is really a demonstration of the inherent creativity of our people. It has to be facilitated, but as we heard from BARVEN themselves, it runs counter to the interest of the vendor. If the regulatory environment is not there because then chaos would break out and nobody want to be a part of chaos.

Mr. T. A. PRESCOD: Mr. Chairman, I know Permanent Secretary Cummins had indicated that the truck could actually collect the coconut shells and hold them until the Monday. That is where the concern came in, and most of the truck drivers were saying at one time that sometimes during Sundays they have other things to do and sometimes they do not have enough trucks on which they can put the coconut shells and wait until the Monday in order to deliver them to SBRC. I know that SBRC at one time had closed the landfill because they were cutting back on expenditure. I am hearing from you now that the opening hours are now 3-6, so obviously the trucks that are collecting the coconut shells would have to do so in the afternoon to get them to SBRC between three and six o'clock. That has to be communicated to the vendors and truck drivers very clearly, and I do not think it was fairly ventilated so the truck drivers and vendors would have to know that. I believe if that is done, it is unlikely that we would have the backing up of the coconut shells, especially during the Sunday and up until the Monday morning.

Hon. A. R. FORDE: With your permission, Chair, and through you, I would undertake to ensure that this information is fully ventilated in the public domain so that those persons involved in this type of activity would not be disadvantaged. I will undertake to do that.

Mr. CHAIRMAN: I am much obliged. Permanent Secretary Cummins and team, unless my Colleagues on the Committee have any further requests for the Floor, and I am not seeing any such requests at this hour.... Senator Wiggins, I beg your pardon. The Floor is yours, Ma'am. Senator Wiggins?

Senator Ms. A. M. WIGGINS: Thank you, Mr. Chairman. I just want to go back to the question of permissions and licences for vendors. I think I heard earlier that at the moment, especially as we know along the ABC Highway, persons are setting up arbitrarily. Is there any – specifically to the Permanent Secretary – any action in the future for all the vendors now who are setting up along the Highway to be licensed in the new vending zone? That is question No. 1. Question No. 2: As it relates to the Warrens location right opposite the Michael Mansour Building on the left side as you are going back to The Belle, that may have been identified earlier as a location, so can we revisit that? Are you going to use there as a vending zone, and what about the whole question of licensing for vendors?

Mr. CHAIRMAN: I will allow Permanent Secretary Cummins to speak to the second part of your question. Senator Wiggins, if you go to Clause 12 of the Bill you will see that the proposed areas that could be vending zones are enumerated. They include beaches, esplanades, fish landing sites, gardens, parks and public markets, and they can be extended by the Minister with responsibility for Small Business Development.

I must tell you that this particular Minister is of the view that vending along the Highways should be encouraged to continue, and there will be vending zones created, which is why I taxed Permanent Secretary so extensively on the land use survey along that Highway. I do believe that we have an opportunity to foster a level of entrepreneurship in a very structured way along the Highways of Barbados.

Having said that, yes, to answer your question directly, there will be a requirement for vendors within the zones to be licensed and the truth of the matter is if you are not vending within a zone, you would be running afoul of the legislation anyway, so it stands to reason that in accordance with Clause 16:

"A person who engages in vending in a place other than a vending zone shall be subject to the payment of an administrative penalty".

We would not want people to be forced to pay an administrative penalty, so we would have to license them and give them their permissions to do what we want them to do.

Permanent Secretary Cummins, are you in a position to speak to the second limb of Senator Wiggins' question, please?

Mr. Mark CUMMINS: Thanks, Chair. I think the area to the immediate east of the First Caribbean facility or, as I usually refer to it, immediately opposite the grove of mahogany trees on the eastern side, that can be looked at. I take my memory back to my former position, that site always had specific problems in terms of getting traffic into and out of it because of its location; and then you have traffic coming from St. Thomas into the Roundabout. That may pose some challenges for a vending site where you are going to have so much activity in terms of vehicle movement in and out. However, it can be looked at.

I think there are many other options in Warrens, and fortunately there is land in Warrens owned by the State-Owned Enterprise, the National Housing Corporation, but there are other areas in Warrens that can be facilitated for vending. It is going to be off the Highway but it would not be any significant inconvenience to persons who want to go and make their purchases.

You may notice that the Highway going up from Green Hill, Highway 2, the vendors have taken over that facility. On the cross-walk we placed there for persons who are attending the polyclinic and coming over and doing other business, vendors now stroll across there and stop the traffic and then carry out their necessary activities. That is one of the things I was referring to when I spoke of the order. I think, again, as long as we provide the necessary education, create the vending zones and encourage persons to go in there, I do not think you want to use the big stick or hammer, you just need to continue using moral suasion and public education. It is not only the vendor we have to educate; we also have to educate the customers. If I do not buy from someone who is in the crosswalk and collectively we do not buy from someone vending in the crosswalk, that vendor is going to leave that area because they would realise they are not getting any sales there. This is a major undertaking but I think it is certainly worth it, and our Ministry will play our role in a very significant way to ensure that this is a success.

Mr. CHAIRMAN: Thank you, Permanent Secretary. I want to thank you and all the members of your team. This is perhaps an under-utilised part of the parliamentary process, and it is nonetheless very invaluable, because it enables us as legislators to get a full grasp of the physical environment and circumstantial environment within the context that we are trying to frame the legislation and to be responsive in a realistic way to some of the challenges on the ground. I want to thank you from the bottom of my heart and I reiterate my commitment that I will reach out to you in the soonest possible time, and to your Minister, so that we will be in a position to physically do the necessary visits to spots along the Highway and anywhere else that might be necessary.

At this point colleagues, we have waiting Mr. Eric Lewis, Manager of Markets - Fisheries Division; Miss Milanese Holder, Manager, Bridgetown Public Markets; and Ms. Vernel Nicholls, Barbados National Union of Fisherfolk (BARNUFO). Obviously, this gives us an opportunity to focus on the fisheries sector with respect to the business of vending.

Permanent Secretary Cummins, I would want to thank you and point out to you that within an hour's time or so we will have lunch available. I suspect that you may no longer be on the premises but there is an invitation to you to join us in the event that you care to return. Certainly, what we are going to ask you now is to just demit the facilities that you now hold. We will do the necessary preparation so as to be faithful to the protocols and allow those others who are waiting on the outside to take the place that you now have. Once again, thank you very much.

Mr. Mark CUMMINS: Thank you very much, Mr. Chairman. On behalf of my colleagues who are here, the other technical members of staff, the Minister and myself, we certainly thank you for this opportunity. We hope that we have been able to bring some valuable information to this process. Thank you.

Mr. CHAIRMAN: Colleagues, I propose that we take a five-minute break. Could I just have a motion that we suspend for five minutes please?

SUSPENSION

On the motion of Hon. A. R. FORDE seconded by Senator the Hon Ms. L. R. CUMMINS, Mr. Chairman suspended the Joint Select Committee until 12:03 p.m.

11:58 p.m.

RESUMPTION

The meeting resumed at 12:10 p.m.

Mr. CHAIRMAN: Can we come to order, please, colleagues? It is my understanding that we have been joined by some other invitees. I would want, however, before I go into that, to ask Madam Deputy Clerk at the Table that an expression of gratitude be conveyed in writing to the Permanent Secretary of the Ministry responsible for Transport, Works and Water Resources and his team. It is very significant that a Permanent Secretary, no less, takes time to come to share in the way that he did. Equally, you could take the opportunity please to convey my profound sense of regret that the Chief Technical Officer was unable to join us on this occasion.

We have with us in the other room, Mr. Eric Lewis, Manager of Markets - Division of Fisheries; Miss Milanese Holder, Manager Bridgetown Public Markets; and Ms. Vernel Nicholls of the BARNUFO. I want to welcome you, gentleman and ladies. The business of this Committee has been conducted in a particular way, and I am going to share that with you. Everyone who has come to give evidence has been given the opportunity, if they care to, upfront to say a few words, if you care to, which will kind of shape your or share with us your thinking on the merits or the demerits of this proposed piece of legislation. I will probably exercise my discretion as Chairman upfront to ask you a few questions, but what I try to do is to intervene for no more than about five minutes

and then I rotate across all of the Members of the Committee present and participating so that everyone will have an opportunity to quiz you on any matters of concern. Obviously, all of you have a very particular connection to the Fisheries Sector and the Fisheries Sector is a very important sector with respect to the vending in Barbados. So I want to begin by offering you the Floor, Mr. Lewis. We welcome you. If you care to, please indicate whether you would wish to say anything to the Committee before any questions are asked of you.

Mr. Eric LEWIS: Good afternoon, Minister Symmonds and good afternoon to the Members of the Committee. Good afternoon to one and all. I want to take this opportunity to thank you all for inviting me here as well as my colleagues. I think that the Vending Bill is indeed timely. In going through it I found it to be fair comprehensive and very straightforward. There are just some minor issues which I would like to address as we go along.

Mr. CHAIRMAN: Okay. Fair enough. Miss Holder?

Miss Milanese HOLDER: Good afternoon, Mr. Chairman. As Mr. Lewis said, we are very thankful to be invited here to be a part of the...

Mr. CHAIRMAN: Sorry, you may have to come closer to your microphone, please.

Miss Milanese HOLDER: We are very thankful to be invited here to be a part of this Vendors Committee Bill and as Mr. Lewis has said, we will address any issues as we go along.

Mr. CHAIRMAN: Okay. Thank you, Ma'am. Ms. Nicholls.

Ms. Vernel NICHOLLS: Good afternoon, Mr. Chairman, and good afternoon to the Committee. I want to express my gratitude also for giving me the opportunity to be here. This is the first time that I would have found myself in such a forum so I hope that everyone would bear with me and that I can represent the industry that I work with adequately, and that I would be able to answer the questions that would be asked of me. I am happy to be a part of this Committee reviewing this Bill and I too have some notes that I would have made as I went through this Bill so I look forward to the discussions and would wait to see what is required of me. Thank you.

Mr. CHAIRMAN: Ms. Nicholls, your microphone is giving us a little bit of trouble and I am going to invite the technical people to come over there and just pay that some attention, but I want to assure you that there is nothing to be nervous about. We would not have known how to proceed without having BARNUFO participate in this. You all represent the bedrock of fisheries vending in Barbados and, frankly speaking, it is critical to everything that this Committee is contemplating doing. While the technicians pay some attention to your microphone, Ms. Nicholls, I want to invite Mr. Lewis, who had indicated that there were one or two issues that you had. I am presuming that these are issues that you have top of mind. Would you be willing to share with us?

Mr. Eric LEWIS: Just some very minor issues, Minister. I see the application Form and license for vendor's licence, the First Schedule on page 36. This is just from an administrative point of view. Could you also include a line on that which speaks to telephone numbers?

Mr. CHAIRMAN: I am trying to pull it up. Bear with me, bear with me. I should say to you; I have with me two policy advisors: Mr. Anderson Cumberbatch from my Ministry. I do not know if you know Mr. Cumberbatch.

Mr. Eric LEWIS: I went to school with Anderson. We are Black Rock boys.

Mr. CHAIRMAN: I thought as much, but I was not sure. I have Ms. Shawn Raine Belle who is the Deputy Chief Parliamentary Counsel. I am not sure if she is a Black Rock girl, but if there are any issues that we need any guidance with, they are here to help us. I have the First Schedule in front of me. The First Schedule of the Bill is what you are talking about, right?

Mr. Eric LEWIS: Yes.

Mr. CHAIRMAN: So you would like to have, as it says here, name of applicant, sex, date of birth, national identification number, residential address, e-mail address, and you would like to have the telephone number put in?

Mr. Eric LEWIS: Yes.

Mr. CHAIRMAN: Okay, fine. That seems reasonable to me. I probably should ask you: Are there any specific reasons why you wish to have the telephone number?

Mr. Eric LEWIS: I think that telephones nowadays are primarily the main mode of communication and people nowadays use the various platforms like WhatsApp and that kind of thing so it is easier to find people via telephone, as opposed to going at their residential address or even e-mail address which nowadays is kind of like "snail mail".

Mr. CHAIRMAN: I am very glad that you have been given the opportunity to elaborate. I say this lightly, but I am serious at the same time because there are people listening out there who may want to know why is it that Mr. Eric Lewis wants to know the people's telephone numbers for; and you have now explained the importance of it. Okay. No challenge with that, Deputy Chief Parliamentary Counsel?

Ms. S. R. BELLE: None.

Mr. CHAIRMAN: Fine. Next thing, Mr. Lewis.

Mr. Eric LEWIS: Page 22, Public Markets and Fish Landing Sites, Clause 15, Sub-Clause (3).

Mr. CHAIRMAN: I am with you there.

Mr. Eric LEWIS: I am going to read from Clause 15, Sub-Clause (2) and enter into Sub-Clause (3) which speaks to:

"The Senior Manager of Markets –

which is my role -

"*... shall be responsible for the management and operation*

of a public market that is a fish market ...",

But then it goes to Sub-Clause (3) and it says:

"The Minister responsible for Fisheries shall be responsible for the management and operation of a fish landing site."

I want to know: why the **Minister**, as opposed to the **Chief Fisheries Officer** since the **Chief Fisheries Officer** is the person right now who is in charge of fish landing sites?

Mr. CHAIRMAN: This is a very interesting point that you are making because that had never been my understanding. Deputy Chief Parliamentary Counsel, can you assist?

Ms. S. R. BELLE: Mr. Chairman, when we were having discussions in relation to ...

Mr. CHAIRMAN: Sorry, Deputy Chief Parliamentary Counsel. Sorry, Mr. Lewis would you be so good as to mute your microphone?

Mr. Eric LEWIS: I am sorry.

Mr. CHAIRMAN: Okay. We are good here now. Do not touch anything, we are good. Go ahead, Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Mr. Chairman, when we were having discussions in relation to who would be in charge of the fish landing sites, the discussions did yield that the functionary identified here should be put in this place, so this is a policy issue. If it is that someone else is better able to be in charge of the management and operation, then I am fine with it; it just means that there are some other consequential amendments that would have to be made to adjust this as well.

Mr. CHAIRMAN: Mr. Lewis, your recommendation would be the **Chief Fisheries Officer**. Mr. Lewis proposes then that the **Chief Fisheries Officer** shall be responsible for the management and operation of a fish landing site.

Mr. Eric LEWIS: That is what currently obtains.

Mr. CHAIRMAN: Fair enough. There is no desire to depart from that. Are there any other queries?

Mr. Eric LEWIS: We speak of fish landing sites and we also speak about public markets. On page 55 Parts III – **List of Fish Landing Sites**, among the **Fish Landing Sites, Fish Markets** are included. I wanted to know if this heading could not read "List of Fish Markets and Fish Landing Sites" or have them separated.

Ms. Shawn R. BELLE: Chairman, in the meeting that we would have had with the stakeholders, these were the specific list of Fish Landing Sites - not Fish Market Sites. That is why there is that heading and we got it straight from the Ministry with responsibility for Fisheries.

Mr. CHAIRMAN: The Deputy Chief Parliamentary Counsel is saying that what is at Part III, first of all, came from the Ministry with responsibility for Fisheries and secondly, represents what the Ministry told her were fish landing sites in Barbados, or the recognised fish landing sites in Barbados.

As I understand it, you are saying to us that this is not just Fish Landing Sites that we are seeing here but that these are also fish markets.

Mr. Eric LEWIS: Yes.

Mr. CHAIRMAN: And I can agree with you because I am looking at Berinda Cox Fish Market, Oistins, and that has to be a market?

Mr. Eric LEWIS: Yes.

Mr. CHAIRMAN: Clearly. The Bridgetown Complex is also a market?

Mr. Eric LEWIS: Yes, Chairman.

Mr. CHAIRMAN: Is it also a fish landing site?

Mr. Eric LEWIS: It is not categorized as a fish landing site in the true sense of the word because if in this Bill we are speaking about public markets and we refer to public market as fish markets in one instance, then we are talking about fish landing sites, then we cannot have it all lumped together under one heading as **fish landing sites.**

Mr. CHAIRMAN: It would appear to me that you are making an abundance of good sense. In as much as the legislation is drawing a distinction between the fish market and the fish landing site, what we should be doing is, to let us then go through the list at Part III, Deputy Chief Parliamentary Counsel, and pull out those that are properly better described as markets. Could we do that?

Ms. S. R. BELLE: Yes, Chair.

Mr. CHAIRMAN: Mr. Lewis, then I am in your hands because you know this better than I do. In fact, when you get by Cholera Bay you have to teach me a little bit about where to find that. Go ahead.

Mr. Eric LEWIS: In terms of the fish market we will have Berinda Cox Fish Market at Oistins; Bridgetown Complex (BFC); Consett Bay.

Mr. CHAIRMAN: For the avoidance of doubt, is there a fish market at Consett Bay and also a fish landing site?

Mr. Eric LEWIS: No, just a fish market. Payne's Bay Fish Market; Speightstown Fish Market; Tent Bay Fish Market. Pile Bay is still a landing site and has not been handed over to Market's Division as yet, so that is still listed as a...

Mr. CHAIRMAN: Pause there. Is there not a market that has just been built there?

Mr. Eric LEWIS: It is still listed as a landing site. So it is not under the management of Market's Division.

Hon. K. D. M. HUMPHREY: Mr. Chair, Foul Bay is still a landing site managed by Fisheries and not by Market's, even though there is a market on the site.

Mr. CHAIRMAN: Thank you, Minister. That is your Minister, Mr. Lewis but I know you are a man who will not get nervous about that, you keep talking.

Mr. Eric LEWIS: You are talking to a man who puts on a dress and goes on stage. Man, behave!! So that is basically it from my end. Mr. Chair, a question I wanted

to ask: In the Bill it speaks to relocation of people. I am guessing, if the Minister, the Ministry or various units decide to relocate a person. What happens if some person wants to sell....?

Mr. CHAIRMAN: Pause there a little bit; as they would say in the old war pictures, "keep your gun powder dry".

Mr. Eric LEWIS: The young people would say "slow your roll".

Mr. CHAIRMAN: There you go. I have a question that embarrasses me to have to ask you this but for the benefit of some people who are taking a record in this Honourable House, there is a request that you would give the addresses. I thought that we all knew Barbados well- enough that we all knew the addresses of the markets but that apparently is not so. Some, I would have thought, were self-explanatory.

Mr. Eric LEWIS: Berinda Cox Fish Market, for example, is at Oistins, Christ Church. The Bridgetown Public Market is on Princess Alice Highway. Consett Bay Fish Market, Consett Bay, St. John. Payne's Bay Fish Market, Payne's Bay, St. James. Speightstown Fish Market, Speightstown, St. Peter. Millie Ifill Fish Market, Weston, St. James. Tent Bay Fish Market is in St. Joseph.

Mr. CHAIRMAN: I am curious because I know the market does not function anymore but how do you define the Fitt's Village arrangement, because it was a market at one point?

Mr. Eric LEWIS: It was a landing site. I think that is what you are referring to.

Mr. CHAIRMAN: So you just treat it as a landing site? Deputy Chief Parliamentary Counsel, do you have any challenge with that?

Ms. S. R. BELLE: No, Chair.

Mr. CHAIRMAN: Again, for the avoidance of doubt, you are being invited to indicate the addresses of some of the fish landing sites which are not well-known. You have, for example, Cholera Bay. Where is that?

Mr. Eric LEWIS: Mr. Chair, fish landing sites fall under the jurisdiction of the Chief Fisheries Officer. I myself am not so sure of where some of these fish landing sites are.

Mr. CHAIRMAN: Okay, then we will not detain the business of the Committee with uncertainties. Minister Humphrey.

Hon. K. D. M. HUMPHREY: Yes, Sir, I was just saying that I have spoken to the Chief Fisheries Officer and having spoken to the Deputy Chief Parliamentary Counsel at the time when she had inquired about the fish landing sites, so this information came from the Chief Fisheries Officer. What I can do for the Committee's benefit is to have the addresses of all of these sites made available by the end of the day.

Mr. CHAIRMAN: Okay. I will be grateful, much obliged. Mr. Lewis, please proceed. Before I had interrupted you, you were...

Mr. Eric LEWIS: I was asking a question because I noticed there is provision in here for relocation and it seems as though it speaks to if the various Ministries or Departments have to relocate people. However, if persons want to relocate themselves, for instance, in fish markets as you can see, we have about seven fish markets and if a person wants to relocate from Bridgetown to Tent Bay, would that person have to reapply for a fresh vending licence to vend in that particular area, or is there some kind of transitional approach to it where we can internally deal with that ourselves?

Mr. CHAIRMAN: Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Mr. Chairman .....

Mr. CHAIRMAN: Ask him to restate the question?

Ms. S. R. BELLE: Yes, please.

Mr. CHAIRMAN: Mr. Lewis, you are being asked to restate the question.

Mr. Eric LEWIS: Okay. Let me try to break it down. For instance, if a vendor has a licence to vend at Bridgetown Public Market and he or she wants to relocate to Tent Bay Fish Market, would that person have to apply for a new vending licence to operate at Tent Bay Fish Market?

Ms. S. R. BELLE: Mr. Chairman, the part of the Bill that deals with relocation and eviction those are basically more non-voluntary type mechanisms. It does not deal with where the person may want to apply to relocate.

Mr. CHAIRMAN: Does that satisfy you, Mr. Lewis?

Mr. Eric LEWIS: I understand that part in that that area speaks to non-voluntary, but I wanted to know if the person wanted to relocate if it is something then that we would have to do from...?

Mr. CHAIRMAN: In other words, if you have a lady a Payne's Bay Market and she decided that she does not want to be at Payne's Bay Market anymore, because really and truly she only went there for a little time and she really does not come from St. James, she a more a St. George woman and now living in the City, and so she would prefer to be operating in the City. Does that require a fresh licence?

Mr. Eric LEWIS: And her licence already states that she is to vend at Payne's Bay.

Mr. CHAIRMAN: Right. How is that treated to? That was his question.

Ms. S. R. BELLE: Mr. Chairman, a mechanism will have to be put in place to deal with that specifically.

Mr. CHAIRMAN: Okay. The Chief Parliamentary Counsel is saying that we would have to create mechanism to deal with that transition specifically. I think that you may have pointed us to a little bit of an oversight in the legislation; as the lords would say *'a lacuna'* in the legislation.

Mr. Eric LEWIS: Understood.

Mr. CHAIRMAN: In these circumstances what I would recommend is that the Deputy Chief Parliamentary Counsel will fashion a form of language that will respond to the issue that you have directed us to. You can now raise any other issues that you have in mind.

Mr. Eric LEWIS: That is it from me for the time being. Thank you.

Mr. CHAIRMAN: I am thankful. Now, Ms. Holder, you also said you had one or two in your mind. Before I open the Floor to others, do you want to elaborate any further on any issues that you had?

Ms. Milanese HOLDER: The ones that I would have asked, Mr. Lewis would have already asked those questions, Sir.

Mr. CHAIRMAN: Okay. Thank you Ma'am. Colleagues, the Floor is opened to anyone who may wish to question the guests that we have. Minister Forde.

Hon. A. R. FORDE: Mr. Chairman, I just want to welcome Mr. Lewis and his entire crew. I see my Colleague online, Minister Humphrey and I do not wish to preempt that which he may come in and ask about, but there was a question which took up piece of his brain matter last time we were here and that was Wednesday. Mr. Lewis, I know you will not be befuddled with this question. I know you like to use the Barbadian vernacular. I am sure you are not 'tipsy' as we speak, but I would like to ask you, because the question really emanated from the consumption of alcohol and your take as it relates to Section 18 which deals with consumption of alcohol where vending is concerned. What is your take as a person who would have worked in the market fraternity for most of your life and understanding the environs which you operate under? As I speak we have a policy where we are not allowing the consumption of alcohol. This was debate that took up the fullness of time last time we spent our eyes on Section 18. I would like you take on that.

Mr. Eric LEWIS: What page is that on?

Hon. A. R. FORDE: Page 24.

Mr. CHAIRMAN: Mr. Lewis, do not be misled by Minister Forde who should know better and who does know better. You were quite right all along when you were saying Clause 18. Do not let people put wrong things in your head.

Mr. Eric LEWIS: Okay. At Clause 18(e), it says, "not while vending". Is that correct?

Mr. CHAIRMAN: Yes.

Mr. Eric LEWIS: What I gather from this is that if you are a person who is selling then you should not be consuming or under the influence of alcohol or drugs. Or, if not while vending, sell. That is a little bit contradictory for me. When you say "*not while vend*ing" are you not allowed *to sell*?

Mr. CHAIRMAN: "*Not allowed to sell, serve or distribute alcohol without an appropriate liquor licence.*

Mr. Eric LEWIS: What is the main issue?

Hon. A. R. FORDE: I am talking about the consumption. Your Minister is here online and he can vocalise much better than me.

Mr. Eric LEWIS: Is he saying that persons in markets should not drink or sell alcohol?

Hon. A. R. FORDE: The question being asked is: What is your take on the fact that while you are selling your fish or whatever, you should not be drinking alcohol while doing that?

Mr. Eric LEWIS: It also speaks to a hygiene and sanitary measure. Ms. Holder might be able to speak more about that, but I think that when you are selling fish you are selling fish. I do not think you are allowed to be eating and selling fish at the same time.

Mr. CHAIRMAN: Ms. Holder, do you wish to share a view on this matter, or you Ms. Nicholls.

Ms. Milanese HOLDER: As far as I am concerned, Sir, no alcohol is supposed to be consumed in the fish markets.

Mr. CHAIRMAN: I think, so that we do not spend too much time going down that rabbit hole any further, I am going to invite the Deputy Chief Parliamentary Counsel to share with me the fruits of the research that has been done on this matter because the Committee had been misled in robust language. We were given the assurance that there is no law. I remember hearing that. I cannot remember who said it, but I remember hearing it. However, the Deputy Chief Parliamentary Counsel has been of tremendous assistance to me and I will invite her to share with us the law. Ma'am, the Floor is yours.

Ms. S. R. BELLE: Mr. Chairman, in relation to the Markets and Slaughter-Houses Regulations and I will cite the relevant parts, Regulation 18 (h) states:

"*No person in any public market shall curse, swear or use any indecent, obscene or blasphemous language*".

In relation to the alcohol Regulation 18 (d) states," "No *person in any public market shall consume, sell or otherwise dispose of any intoxicating liquor.*"

Regulation 18(2) it says;

"*If any person contravenes any of the provisions of this regulation, including (1),*

shall be guilty of an offence and liable to a fine not exceeding $25".

Of course, in our conversation I have indicated that having heard the submissions from BARVEN, it is clear that the regulation of vending should not only address the way that persons are licensed or given a permit but also the way they are treated within their circumstances. Therefore, this should be something that should be subject to administrative penalties as well, so the Bill will be made to reflect those changes. Thank you.

Mr. CHAIRMAN: Thank you. I think that should put to rest any issues about what the legal situation is in Barbados as we speak. It is an offence under the legislation to consume or be under the influence of alcohol. What we must do now is make sure we remove the

criminalisation of persons from that legislation and, as you all know, the intention of this Committee is to just make sure that we complete the purpose of the legislation. The purpose of the legislation includes decriminalisation of vending and activities related to vending. Therefore, if somebody now was to consume or be under the influence of alcohol while in the business of vending, you would be liable to pay an administrative penalty.

Mr. Lewis, I do not know if you have had a chance to look at that part of the legislation, and in this regard, Ms. Nicholls, you represent the union and I wanted to quiz you a little bit on that. I recognised that Senator Wiggins has her hand up, but before I come to you, Senator Wiggins, I just wanted to give these folks an opportunity to speak to us on the question of the penalties that are being contemplated. Deputy Chief Parliamentary Counsel, just refresh my memory as to where I would find them in the Schedule.

Ms. S. R. BELLE: Chair, I am just trying to pick up where you are referring to.

Asides.

Ms. S. R. BELLE: Chair, it is the Seventh Schedule, Page 67.

Mr. CHAIRMAN: If you all looked at Page 67, I wanted to just get a sense from you as to whether you felt these were reasonable penalties laid out here. Before you go, obviously, what the Deputy Chief Parliamentary Counsel just spoke to with respect to drinking is not included here, because we only recently found that. We had to go and search about, after that became an issue in the Committee, but now that we have found that piece of law, that will be included too, but there is a need to just get your view on this aspect of it. Do you feel that the contraventions outlined and the penalties that may be paid are reasonable? Please feel free to say if unreasonable, why so.

Ms. Vernel NICHOLLS: Minister, Sir, as far as the penalties are concerned – the truth is with this Bill and because I am not aware of how the system works here, I thought I would have had an opportunity to go through this or to speak to the fisherfolk. Because I have not had an opportunity to speak to them or go through this with them, I do not think that I have the capacity to make a decision as to whether I think it is fair or not. I would not want to say that I think it is okay as far as the fees are concerned.

Mr. CHAIRMAN: Understood. I understand that because you really would like to consult with your constituents.

Ms. Vernel NICHOLLS: Yes, because I have over 6 000 people to deal with.

Mr. CHAIRMAN: I live that reality every day so I know what you are going through.

Ms. Vernel NICHOLLS: I would not want to sit here and say yes I think it is okay and that I agree with it, but I understand that penalties have to come in breach of laws so I do not know, with this Bill, if I would be given an opportunity to come back or if the move will be made to go ahead with what it is that would be done eventually. Basically, for me, I would not want to make that commitment. Some of them seem quite steep to me, and as a vendor myself, I would not want to pay $1 500.

One of the things I noted in my records was that I thought the 14 days was not adequate enough time for persons to pay fees for a penalty. I was wondering if that could move to at least 30 days, because I know some people think we make a lot of money but with this $1 500 it would take some time for persons to come up with the money. Or to pay it in part. That was one of my notes on it. I think the time frame could be moved from 14 to at least 30 days.

Mr. CHAIRMAN: Thank you very much, Ms. Nicholls. I want you not to let your heart be troubled. You are quite welcomed to come back. We will endeavour to have another session during the course of next week where we can have you addressed us on this matter. I note your observation with respect to the 30 days, and it actually saves me from having to ask you the next question I was going to ask because I really was also concerned about your views on the 14-day period within which to pay. If you would be so good as to try to consult a representative element of the 6 000 to whom you have to answer and to do so as soon as possible, we are bound to get back to you earlier next week. Is that fair?

Ms. Vernel NICHOLLS: Yes, Sir.

Mr. CHAIRMAN: No problem there. Senator Alphea Wiggins had her hand up. She wants to ask you all some questions, and equally Minister of Tourism Lisa Cummins wants to ask you all some questions, so I am going to go to Senator Wiggins first because she caught my eye first. Senator Wiggins, the Floor is yours.

Senator Ms. A. M. WIGGINS: Thank you, Mr. Chairman. Notwithstanding Section 18(1)(f), I just had a concern in relation to these COVID times. I visit the fish market in my vicinity very often and one of my concerns is that you are selling fish and taking the money in the same hand. I was wondering, in terms of hygiene, notwithstanding Section 18(1)(f), if there was a way where you can have one person who is dealing exclusively with the fish and then have another person taking the money. If it is a situation where the same person has to carry out both functions, I would think that the person should sanitise their hands after each and every transaction because I believe that this is not only because it is COVID but it is a good hygienic practice, Ms. Nicholls. What do you have to say to that, Ma'am?

Ms. Vernel NICHOLLS: Thank you. I think it is a fair statement or fair question. Right now we are going through some other Bills, including one related to health which I cannot remember the name of, and we are looking at ways that we can bridge the gaps in some of these things that we are doing. We have had training with a lot of our fisherfolk and I think that in the meetings that I would be setting up with them soon to deal with these matters are some of the things that I will take note of. Between them and myself, we will look at ways to deal with this same

problem you are speaking about.

I know that there are some persons who have many individuals working for them and it might be feasible for them to do it. However, there are those that operate as an individual. As you said, these are things that would have to be brought to their attention in order to make these necessary changes that we are discussing. Thank you.

Mr. CHAIRMAN: Thank you. Minister Cummins.

Senator the Hon. Ms. L. R. CUMMIMS: Thank you very much, Mr. Chairman. I did have one question, perhaps for the representative of BARNUFO, and then I have a question for the Deputy Chief Parliamentary Counsel. Perhaps, I can start with the Deputy Chief Parliamentary Counsel. On Page 67, where we have occasional vending without a permit contrary to Section 11(1) there is not actually a penalty, at least not in the version that I am seeing in front of me. Is that intentionally left blank or is there meant to be a number in there? This is on Page 67 of the Seventh Schedule, Part I - Administrative Penalties where it states:

"*Occasional vending without a permit contrary to Section 11(1)*".

The provision is specifically Section 11 (6) and then, under "p*enalty*" the area is left blank. I wanted to get clarification on whether that was intentional or if there is supposed to be an insertion in there?

Ms. S. R. BELLE: Mr. Chairman, just to say that there should be an insertion, so I will have to look back into earlier drafts to see what should have been there. Thank you.

Mr. CHAIRMAN: I am obliged to you, Minister Cummins, because that had eluded me. I did not realize that provision was blank.

Senator the Hon. Ms. L. R. CUMMIMS: Thank you, Mr. Chairman.

Mr. CHAIRMAN: You had a second question.

Senator the Hon. Ms. L. R. CUMMIMS: I did. It was perhaps more of a combination of a comment to you, Mr. Chairman and perhaps a query to the representative from BARNUFO. I agree that the penalties in here could potentially be imposing and may appear to be steep. However, I think perhaps we may have to hopefully have in those consultations with the fisherfolk that you represent as your constituent base and obviously in collaboration with the Ministry and hopefully with the Committee, if these penalties, by definition as "*penalties*" are within everyone's reach and they are too comfortable, then they are not a penalty; a penalty is meant to serve as a disincentive to persons from vending without a permit contrary to Section 11(1), vending without a permit, vending on a licence that has been suspended or revoked.

I am hopeful in the consultations that will come back, we are able to find that balance between creating that disincentive to people from doing the wrong thing on the one hand, and at the same time being fair to persons who, as you have said, people may think are making a lot of money but that is not always the case. However, it may really be the reason for which you are being penalised because you are being incentivised to do the right thing so you do not have to pull your pocket.

This is my comment and perhaps to get a reaction from the representative of BARNUFO.

Ms. Vernel NICHOLLS: I do agree with you as it relates to the penalty but my meeting with them is not necessarily to say that we do not want a penalty. Since I have not spoken with them, as I said earlier, I cannot make the decision as to whether it is okay with them. As you said about finding the balance between the penalty and what is fair to them, my reason for meeting with them is just to go through it with them, have the discussions and for them to be aware of what is coming in these new laws that we are discussing.

I do not want to appear as though I came here and agreed to things. The first thing they would say is, "You have not spoken to us about them." My reason for speaking with them is not necessarily to say we do not want a penalty but for us to be on the page that there is something happening and coming, these are the things that are coming and the reaction from them that I can bring it back here. Thank you.

Senator the Hon. Ms. L. R. CUMMIMS: Mr. Chairman, if I may respond. I would not want to give Ms. Nicholls and the representatives from BARNUFO the impression at all that that is what I am expecting. I believe that BARNUFO is an association that has distinguished itself over many years and as you would know quite well, Mr. Chairman, BARNUFO played an integral role in complexed and detailed matters such as maritime boundaries delimitation, arbitration between Barbados, the Republic of Trinidad and Tobago and others. Therefore, BARNUFO is not necessarily a 'light' thing at all; I have every confidence that the representative of BARNUFO here today in Ms. Nicholls is well-equipped for the task and that her membership that she represents has a long tradition of participating in public policy development.

The point that I am making here, however, is that I did not want for us to have consultations, which are critical and important with a constituent base, that did not give them the opportunity to go through, in context, each of the provisions laid out in the legislation not so that they could know what is coming down the pipeline, so that they have an opportunity to weigh in and where possible make recommendations for changes and specifically in this instance, on the question of what is contained in the Seventh Schedule on Page 67, whether or not, as the entity that is going to be enforcing much of this among its membership, if, in their view, the balance between enforcing the regulations and having self- policing can be struck, along with fairness and what is manageable at the same time, without creating an environment where a fine is so reachable that people do not have any basis on which the regulations themselves can be enforced because they pay it

and move on.

I think that is just the balance but I have every confidence, Ms. Nicholls, in your leadership and that of the membership base of BARNUFO.

Mr. CHAIRMAN: Okay. Thank you.

Ms. Vernel NICHOLLS: Minister, I would just like to make a short reply.

Mr. CHAIRMAN: Yes, Ma'am.

Ms. Vernel NICHOLLS: I wanted it just to be noted here that in any sector or area of the society you would always get persons who are agreeable and disagreeable to the majority of laws or rules that are coming. I must say that we do have persons in this fishing industry who I am certain with this Bill will be glad to see some of these things being enforced because like I am, we are looking for a better fishing industry and a fishing industry where persons of the particular industry and society can come to see it as an industry that is viable to the country. It is an industry that we must first respect and then, be respected by members of the public.

I am certain that persons in the industry would be quite willing to go through this Bill and we will come to consensus on striking a balance. Thank you.

Mr. CHAIRMAN: Thank you, Ma'am. I want to give you the assurance that even though you were not present, the representatives of BARVEN spoke with us on the last time that we met. The tone that they struck was very similar to that which you have just shared with us. I picked up your sense of responsibility and I am sure that you will get back to us with the spirit of what your constituents have to say on this particular matter.

To give you the personal assurance, my mind has already been going in the direction of whether the 14 days to pay had been too short. In fact, with BARVEN we had floated the idea of payment by instalments. They did not feel that that was necessary, but your suggestion of 30 days resonates with me - and I have a red pen here in my hand and I noted it in red so as to make sure that I do not lose track of the suggestion - but I will wait for you to come back before we go any further on that point. Minister Forde, you wanted the Floor.

Hon. A. R. FORDE: Yes. I certainly would not like to dilute the efforts of Ms. Nicholls. I want to thank her because she says that she represents 6 000 people or so and it takes my mind back to the Book of John when Jesus broke the bread and the fish and fed about 5 000 people, so we understand the importance of having fish around and the nutritional value of it. I want to thank the Minister personally for his work in terms of providing the phytosanitary environment for fisherfolk, the pristine markets that we see around. He went as far as utilising the 70 per cent waste in fish offal to be able to augment the agricultural sector and that is a new programme he has started as well.

I share your concerns, Ms. Nicholls, as it relates to the fees. That is something that we can, and as the Chairman rightly alluded to, look at and re-think but I would just want your take, equally, since I have listed a whole set of improvements that have brought a different look in terms of the commercial enterprise that you are involved in. I want to hear from you: what is your take on the fees being paid for rental of space by your fisherfolk?

Ms. Vernel NICHOLLS: Right now we are paying 75 cents a day and I would not sit here and say that 75 cents a day is adequate for a fee. I have noted and spoken to the Minister in many of my speeches and directly, that we are quite grateful and we are happy to see the upgrades that are being done in the fisheries sector and in the fishing industry. In my last speech I also noted things that we are hoping we can get finished, so I would not say that the fee, right now, especially for the vendors, is inadequate. But in listening to some of the concerns, I am not certain, Markets would really be the persons who have to speak to the fee as it relates to the fishermen because I know that the fishermen, they themselves do not think that it is really fair either for us to be paying 75 cents and they are the persons who usually pay most of the fee in terms of landings. I am not certain what the fee is for them, but I would not say that 75 cents is adequate for the type of work that is going on, the upgrades and for what we are doing. It would be fair to say that the fisherfolk can pay a bit more money.

Mr. CHAIRMAN: Ms. Nicholls, I am going to intervene at this point because I know that you have to talk to constituents and I do not want you to compromise anything that you say to your constituents or they say to you by going any further down this wicket of fees and payments and so on.

Hon. K. D. M. HUMPHREY: Mr. Chairman, before you move off. May I just very quickly on the matter raised by Minister Forde. I know you are trying to save Vernel, but I do not think you need to in this instance because prior to COVID-19 we had actually started having conversations with the fisherfolk across the markets; it was their suggestion, not mine, that we actually should raise the fees. In fact, the bulk of the fisherfolk who spoke with me had indicated that they thought the 75 cents was too little, so we had already garnered some support for an increase in fees so I do not think Ms. Nicholls would find herself in any fiery circumstances, but the truth is the fisherfolk had already agreed but COVID-19 caused us in the Ministry to rethink the increase in fees at the time. So I do support the point raised by Ms. Nicholls, it is something we had campaigned the idea before in the market. We had actually taken almost a briefing on it in its entirety and at some point in the future, I think, any right-thinking person would appreciate that at 75 cents a day in the market where we provided space, we have upgraded the facilities, we provided full use of water, and our water bills are extremely high, that at some point we are going to have to relook the 75 cents, but it would not be done without conversation and without some general consensus on the matter, Mr. Chairman.

Mr. CHAIRMAN: Fine. Thank you very much, Minister Humphrey.

Mr. Eric LEWIS: To add context to what Minister Humphrey just said and to what Ms. Nicholls also stated, in 1989, we had people at the Bridgetown Market paying $4 and $5 to use the markets, but then an audit was done and it was determined that there was not anything in the Schedules to charge $4 or $5 so it went down to 75 cents, but if you can imagine that 32 years ago people were paying $4 and $5 and we are now in 2021 and people are now paying 75 cents, you would know that we have not done anything, really.

Mr. CHAIRMAN: For the second time today I have to thank you, as a public servant, for giving us context because very often we as legislators are placed at a disadvantage where we come, well-intentioned to this Place, but do not necessarily have at our fingertips the kind of background, information and context that you are now offering.

Mr. Lewis, I want to take you to Part IV, page 21 of the Bill which just enumerates the areas that we propose to have as vending zones; one of them is fish landing sites. I want you to offer us a little bit of an insight on this matter. In your judgment, the fish landing sites, if they are to be vending zones, are you satisfied with their condition and quality right now? If not, what would be some of the things that you would want to see with respect to the fish landing sites in order to make them more hospitable for the purposes of vending?

Mr. Eric LEWIS: I am not really familiar with a lot of the fish landing sites. I know that the Minister had said that he was going to do some work with a few of them. I think Half Moon Fort Fish Market is one. I cannot remember the other one he said that he was looking at, but I think it was Martins Bay as well. Ms. Nicholls, would you like to speak to that one?

Ms. Vernel NICHOLLS: Yes, Mr. Chairman. I work a lot with SPS and the region and I saw from some of my travelling different activities in different places.

Mr. CHAIRMAN: Now, Ms. Nicholls, let me interrupt you, please, because this is what Minister Cummins was saying; you represent a body that is very sophisticated. A lot of Barbadians do not appreciate that. Help us, because some in here may not know, what is SPS, please?

Ms. Vernel NICHOLLS: I am sorry. It is Sanitary and Phytosanitary Standards and my area of focus is the handling practices regarding the fish: how fish is stored, how it is handled, from the boat to the bins, where they are stored, how persons handle them after they are boned, packaged and sent to the freezer. We have had a lot of training with the fisherfolk in this area.

As it relates to the guys vending at the side of the road, I was thinking that... I myself see some of the things that happen at the sides of the roads that really do not speak well for Sanitary and Phytosanitary Standards, but I was thinking that maybe first we can meet with them, but from my thinking we can look at some insulated boxes, things that are removable from the road because most of these guys sell what we call 'pot-fish' so they are not there a whole day like us in the markets so they come in early like maybe 11:00 o'clock and they sell their fish and they are off the roads sometimes by 12:00 noon or 1:00 o'clock, but I think that we can look at some insulated boxes for them, boxes that can hold ice, boxes that are like on a stand that they would not have to be bending down in some areas that I see some people doing in order to get the fish from the boxes. We can look at building some insulated boxes that can hold ice and have some Perspex glass on top of them that when persons pass they can still see the fish, but the fish is held in the ice until they are sold. When those people selling that fish are leaving, they will move those boxes with them.

Mr. CHAIRMAN: Okay. Are there any other observations you would want to make about Fish Landing Sites before I go further?

Ms. Vernel NICHOLLS: I was asking Mr. Lewis earlier about Half Moon Fort and what are the plans for there. I am happy that some upgrade is being done and I am especially happy about Pile Bay. We have Martins Bay, another area that really needs to be developed. If we are talking about food hygiene and standards, those are the areas that we have to focus on and in some cases they do not really look wholesome and we need to address them.

Mr. CHAIRMAN: Okay. We are going to be at lunch shortly, and I want to invite you all to please join us for lunch. When we come back after lunch, which would be 45 or 50 minutes from now, we will continue this questioning. However, what I wanted to do before we started lunch is to just share with you where my mind is at as we go forward. The Deputy Chief Parliamentary Counsel, who you heard speaking just now, has done some research with respect to the regulations that govern vending in markets in Barbados. A lot of these regulations have given rise to criminal penalties or sanctions. What we are trying to do as I keep saying is to decriminalise the process, so that there are a few of them that I want to discuss with you all after lunch. What I am going to be trying to do is to just get from you an understanding of what is happening now, in similar way that we just had a conversation about the use of alcohol, and where we can go in the future as we try to modernise and bring this business into the 21st century, but equally how we can get around the question of criminal penalties. That is where I wish to go immediately after lunch.

Are all three of you in a position to join us after lunch?

Ms. Vernel NICHOLLS: Yes.

Mr. Eric LEWIS: Yes.

Mr. CHAIRMAN: Okay. Fine. It being now 1:10 p.m., Colleagues, I would ask that we suspend until 2:00 p.m. and then continue the interview with those guests that we have here now. Are we expecting anymore this afternoon?

Ms. Vernel NICHOLLS: Excuse me, Minister, before we break, quickly.

Mr. CHAIRMAN: Yes.

Ms. Vernel NICHOLLS: I really did not get a chance to speak to the issue of licensing.

Mr. CHAIRMAN: You will.

Ms. Vernel NICHOLLS: You will come back to me on that?

Mr. CHAIRMAN: Yes. In fact, if you have a list of things you want talk to us about, just make a note of it if it is not already written down so you do not forget and I am happy to hear you.

Ms. Vernel NICHOLLS: Thank you.

Mr. CHAIRMAN: You are here to help us, so we need to hear you. Can I have a motion that we suspend for lunch return at 2:00 p.m.

SUSPENSION

Hon. A. R. FORDE: Motion to suspend and return at 2:00 p.m.

Hon. I. A. GOODING-EDGHILL: I beg to second that.

RESUMPTION

Resumed at 2:25 p.m.

Mr. CHAIRMAN: Good afternoon, Colleagues, let us come to order, please. When we took the luncheon suspension we had with us Mr. Lewis, Ms. Holder and Ms. Nicholls, and we would wish to return to hearing from them. I had indicated at that time that I wanted to ask you, Mr. Lewis, Miss Holder and Ms. Nicholls, your views on a few things. I am going to invite the Deputy Chief Parliamentary Counsel to share with us some sections of the Markets and Slaughterhouses Regulations, 1958. You can begin at Section 4 of those regulations, Madam Deputy, and we can just go through possible seven areas which we need to look at.

Ms. S. R. BELLE: Chair, thank you very much. Just to preface my remarks on the Regulations on the fact that when the consequential amendments were done, they were done with the view of trying to take out the criminalising of selling in terms of the licensing regime, but from doing research on expungement and also in hearing some of the experiences coming out of the contributions from BARVEN, I recognised that the approach in terms of decriminalising has to go farther than dealing with just the licensing regime and the fact that you want to take out the criminalisation there. It also has to stretch to other ways in which vendors are regulated.

To this end, that got me to examining the Markets and Slaughter-Houses Regulations and, in particular, how the public markets would then be run. There are some provisions that have criminal offences and perhaps need to be examined again so that they can perhaps carry an administrative penalty, rather than a criminal penalty.

For example, in Regulation 4 of the Markets and Slaughter-Houses Regulations there is a provision which states,

"If any person in a public market refuses or neglects to comply with a direction of the Chief Supervisor in relation to the maintenance of order or regularity in the public market,

shall be guilty of an offence and liable to a fine not exceeding $25."

In that instance, perhaps you may want to intervene there to make it subject to an administrative penalty and you would add it then to the administrative penalty regime that is in the Bill.

Another instance would be Regulation 6 which speaks to the days and opening hours of public markets. Again, the Chief Supervisor then deals with that, and that is also subject to a criminal penalty.

Mr. CHAIRMAN: Can I ask you to pause there?

Ms. S. R. BELLE: Yes, please.

Mr. CHAIRMAN: Is there a corresponding piece of legislation for the Fisheries Division management?

Hon. K. D. M. HUMPHREY: Mr. Chair, we are guided by them.

Mr. CHAIRMAN: Okay, fine. Proceed. Sorry about that.

Ms. S. R. BELLE: Yes, Chair. Remember, too, that fish markets are public markets so they would be under the same regime. Regulation 7 deals with the ringing of the bell each half-hour to deal with the carrying of live animals and commodities, and that is subject to a criminal penalty.

There is also the removal of marketable commodities within the stands and spaces of the market. That is also subject to a criminal penalty, and that is in Regulation 10.

Regulation 18, which is the one we read earlier dealing with certain behaviours, like cursing and urinating and depositing refuse, is subject to a criminal penalty.

Regulation 34 speaks to not exposing or selling a commodity except where you are dealing with a stall rented or occupied and paid for with rents. That is subject to a criminal penalty.

Sir, what I was proposing is that those particular regulations, in the consequential amendments you would go in and amend the Markets and Slaughter-Houses Regulations – those specific regulations – and have them be subject to administrative penalties. Then those same provisions would be added to the Seventh Schedule dealing with administrative penalties, so that all of it would be represented. That is my proposal.

Mr. CHAIRMAN: I thank you, Deputy Chief. Can I just ask a question with regard to Clause 9? For some reason, Clause 9 of those Regulations.... Is there a 9(a)?

Ms. S. R. BELLE: Regulation 9(a) talks about the control of fishing boats. Yes, so that is a $1 000 criminal penalty and a term of six months' imprisonment, but I do not think we would intervene to deal with that specifically. That has to be regulated differently from the provisions that I spoke to before.

Mr. CHAIRMAN: Okay. Colleagues, let us make this simple. What the Deputy Chief Parliamentary Counsel is suggesting is that there are a number of areas which create criminal penalties within this body of regulations. She has identified them and is suggesting that we lift them out for the purposes of them being treated, as you go forwards, as areas which would attract administrative penalties, instead of attracting criminal sanction.

Mr. Lewis, you are in the business of managing the markets. Does this seem to make sense to you, Sir?

Mr. Eric LEWIS: Yes, it makes a lot of sense, Sir. On the whole, though, I believe that this Markets and Slaughter-Houses Act and Regulations, 1958, needs to be thoroughly looked at and made more applicable to the times in which we live right now.

Mr. CHAIRMAN: I think that the Minister of Agriculture who is here may wish to speak to that.

Hon. I. A. WEIR: Thank you, Chair. I think we have already agreed that there must be an amendment to the Markets and Slaughter-Houses Act because of this very statute which we are currently discussing, so it would be nice to do a parallel so that the two can be finalised together. What it basically speaks to is how we take out that which was in the Markets and Slaughter-Houses Act to put into this National Vending Bill and then amend what is left to make it relevant for this 21st century requirement.

Mr. CHAIRMAN: Fair enough. Thank you, Minister. Ms. Holder, do you have anything that you wish to add to that?

Ms. Milanese HOLDER: No, Sir.

Mr. CHAIRMAN: Okay, Ma'am. Thank you. Ms. Nicholls, I know you are not in the business of managing the markets but you may have a perspective on it.

Ms. Vernel NICHOLLS: Yes, Sir. I am in agreement with it being decriminalised because given that we have the Manager, some of those things can be dealt with at that managerial level and hope to bring some cohesion among the officers of the markets and the fisherfolk.

Mr. CHAIRMAN: Okay. Not directly related to anything arising out of the legislation but I just want to get a feel for how difficult some of this is in practice. In this environment, we are dealing with a largely artificial type of environment. The reality on the ground in the market is a slightly different thing. Do you foresee any challenges from what you have been hearing and seeing so far, Mr. Lewis?

Mr. Eric LEWIS: Not in the true sense. I have a question in terms of seeking some clarity. Part III-Regulations of Vending Activities, at Clause 5, Sub-Clause (2) on Page 13 states as follows:

"The Minister may, on consultation with the Minister responsible for public markets and the Minister responsible for fisheries, grant a licence to an applicant referred to in subsection (1)."

I am just trying to find out in terms of seeking some clarity, if some person wants to vend in a fish market, the first person of contact is the Minister in charge of Commerce, as opposed to the Minister or Senior Manager of Markets?

Mr. CHAIRMAN: That is, in fact, accurate. Now, I will defer to the Deputy Chief Parliamentary Counsel to explain the thing to you but loosely speaking, it is intended that Commerce will be the register of vendors in Barbados. There is a lovely term that the Deputy Chief Parliamentary Counsel uses that I am very attracted to. It is the principle which states not just the Minister but his staff. It is the Carltona Principle. The Carltona Principle applies and it is that you would be referring to Minister, but it is not the Minister as the individual.

Mr. Eric LEWIS: I understand that part.

Mr. CHAIRMAN: Therefore, what has to happen is that the application is made to Commerce. It is for the staff at Commerce, then to liaise and no doubt this can be done electronically with you. You ascertain those things that only you know about such as whether you have any markets that have space and if so, how much space it has. How soon you can accommodate a vendor in the Bridgetown market, for example, if at all? Having gone through those exercises, then the licence is issued by the Minister or Ministry responsible for Commerce.

Mr. Eric LEWIS: It seems a little lengthy.

Mr. CHAIRMAN: It does.

Mr. Eric LEWIS: In my way of thinking, I think that if a person wants to sell, for example, at Bridgetown Public Market, that person should approach the management of Bridgetown Public Market to find out if they could vend in Bridgetown Public Market, rather than going to the Ministry of Commerce, filling out a form for it to be sent to us, then for us to say no. I think that we should be able to say no, even before the form goes to Commerce.

Mr. CHAIRMAN: Well, I can only say to you that the challenge we have had, Sir, is a challenge of trying to correct some of the difficulties that arose for several decades in Barbados where the Ministry that you are part of has its own regulatory structure; the Ministry that I have the honour to lead has its own structure and quite frankly has never had any formal relationship with the vending community, which is another tragedy. Earlier this year, for example, when we had to have the "National Pause" as it was described, we then were forced to try to find out who were the legitimate vendors in Barbados so that we could have offered them assistance because we really had no register anywhere to be found that could have given us all that we wanted to get by way of information.

Equally, we have to treat to the Ministry responsible for Agriculture because they have their own markets and their own form of structure. As if that were not difficult enough, we then had to bring onboard the NCC

who deals with vending on the beaches, esplanades, parks and gardens around the country. They have their own statutory arrangements and established structure.

While I take your point, the real difficulty has been, without dismantling all that had existed before, how we could try to pull them together with a view to making this work. Perfection was in danger of becoming the enemy of the good and that is why we settled on this approach.

Mr. Eric LEWIS: I just think that the process could be a bit lengthy, though.

Mr. CHAIRMAN: I take your point.

Mr. Eric LEWIS: We might even have a situation where something might slip through the loop and put us in a bit of trouble. Let me say, for instance, you get 200 applications for people to vend at Bridgetown and then, you send them back to us and only send back 199. For some reason, one fellow is given permission to vend at Bridgetown Public Market unknown to us, who then comes down there to vend. I am just thinking things that could happen, as opposed to us saying from day one when these 200 people come that we do not have any room here, so it makes no sense in going to Ministry of Commerce in the first place.

Mr. CHAIRMAN: Minister Weir.

Hon. I. A. WEIR: Mr. Chairman, thank you. I have heard the Manager of Markets on this matter. I have heard the Minister of responsibility for Maritime Affairs and Blue Economy on it, and I am now hearing the officer in charge for markets for Maritime Affairs and Blue Economy. They are all on all-fours where this matter is concerned and it seems to me that in order for us to avoid the elongated process of issuing a licence, it might be wise to consider what the people who have a day-to-day understanding of how the system works and that the process should be that the recommendation for the licence should come straight from the relevant Ministry to the Ministry of Commerce and reduce the elongated process of having to apply for a licence, because that is what the people with the experience is telling us.

Hon. K. D. M. HUMPHREY: Mr. Chairman, may I?

Mr. CHAIRMAN: Minister Humphrey.

Hon. K. D. M. HUMPHREY: Sir, you and I spoke on this matter. You know how I feel. I share the same sentiment. I think the mischief that we were trying to fix and to remedy here, we might end up just making it more so. The last time I spoke on the matter, I said I cannot think of an instance where we added more bureaucracy and became more efficient. My thing is, I take the point that we need to have that Register and that you would still have the register if the persons come to the relevant Ministries, the information is taken there and then sent on to the Ministry of Commerce so that that which you are seeking to achieve, you would still achieve without causing the unintended negative consequences of complicating matters in terms of the administration of the markets.

I must tell you, Sir, in all honesty, that I did not advise Mr. Lewis on this matter. His sentiments are entirely his but they happen also to be mine. I think that is borne simply from our experience and our involvement intimately in the sector as it stands.

Mr. CHAIRMAN: I thank you, Minister Humphrey, for your comments. Deputy Chief Parliamentary Counsel, is there anything you might wish to add at this stage?

Ms. S. R. BELLE: Mr. Chairman, when the Office of the Chief Parliamentary Counsel was given the initial instructions, it was really on the concept that the Ministry responsible for Commerce would then be taking over all of the licensing regime, but that the management of the operations of the markets, et cetera, on the ground would have remained with the relevant functionaries so that was the concept, but then it began to evolve that each one wanted a say, so that in order to facilitate the say, the unhappy Clause 5, Sub-Clause(2) was reached. The thing is, that came out of a lot of discussion. I understand that it is not something that everybody wanted, but it was the best that we could come up with at the time. So the only thing that I could think of was probably to suggest that you have some other functionary that could feed the three: The National Conservation Commission would continue under the present regime to regulate their part seems to be fine, but those where you are not dealing with the parks, esplanades, et cetera, perhaps you need like a functionary then that would feed all three and that way streamlined everything. Thank you.

Mr. CHAIRMAN: But given the current structure, that functionary would then be still the Ministry of Commerce. Effectively, what we are saying is that an application is made, submitted and the fact of the application communicated to the relevant department. Is that correct.

Ms. S. R. BELLE: Yes, Mr. Chairman. What would happen is they would make the application to the Minister responsible for Commerce and then in the making of the decision to grant the license, he was required to consult with the Minister responsible for Public Markets and the Minister responsible for Fisheries in the granting of the license. In the initial discussions, in the context of the Committee, the understanding was that, administratively, you would come to a harmony because the Bill is not supposed to come into operation right way and so with that delay in the commence, in that time you would put in the necessary administrative framework to allow all three to work together. That was my understanding.

Mr. CHAIRMAN: Is it envisaged, Deputy Chief Parliamentary Counsel, that the form of application set out in the First Schedule of the Bill can be filled out electronically and submitted electronically?

Ms. S. R. BELLE: Mr. Chairman, those were not things that were discussed. I do not think anything stops it from being submitted electronically and in any case, if it is that the forms need to be calibrated to deal with an

electronic format, space is given in the Interpretation Act to make the necessary modifications. Once you are not adjusting the substance.

Mr. CHAIRMAN: Mr. Lewis, I want to take your submission on board as best as possible, without doing violence to the work already done and I am wondering whether, perhaps our challenge here is that we are thinking in the mind-set of the 19th and 20th century. If electronic submissions can be done, which is not a difficult thing - many people can do an email in Barbados, most people can and most people do, sometimes you do not even have to have a computer, you can do it on the phone in your hand, you fill out the form and you submit it. The form, really and truly, then is almost instantaneously where it needs to be because it can be so structured that it goes directly, if it is an application for Fisheries, it goes straight to relevant people in Fisheries and at Commerce at the same time.

The point the Deputy Chief Parliamentary Counsel is making is that this Bill makes provision for us to have a period of time after it passes Parliament, to put the necessary administrative arrangements in place to give purpose to this as a living document. Regulations have to be made, pursuant to Clause 34 and then the Bill comes into operation on a date fixed by proclamation. Now, we could set that date to be a time when we have put all of the necessary arrangements in place. I can tell you another one that, off the top of my head, must be put in place because we have to have, for example, appropriate cold storage facilities so that things that are taken up, like fruits and stuff like that, if a vendor has, for whatever reason, to have his produced relocated to another location, and he is not doing it himself, then the State has to take responsibility for it but cannot afford for it to be damaged so it must be kept at appropriate temperatures and then submitted back to the vendor again. These are things that are going to take us a little bit of time after the passage of this Act so my question to you really is: Do you think that if we use electronic technology, readily available to us now, we can solve the problem that you are addressing?

Mr. Eric LEWIS: Yes. I think to some extent but we also have to understand that we are still living in a day and age where many of the fisherfolk are not, for what of a better phrase, 'computer literate', and may have to rely on other persons to deal with that. My main concern, though, was the long process and the errors that could occur because of the lengthy process.

Mr. CHAIRMAN: It is something that we will have to reflect on, but I thank you. Minister Weir.

Hon. I. A. WEIR: Mr. Chairman, I recall that this matter came up when we first sat to discuss this Statute and the Manager of Markets identified the time frames through which a license must or should be granted, given the perishability of certain items. Therefore, the fact that the officer in charge of Fish Markets is now pointing out that this is something that will take some nimbleness, we may very well want to reconsider how this is captured because the reality of it is that either we are going to have to set some time frames for which a license is issued or we are going to have to revisit this Section of the Act to make sure that a person with perishable items is not left with spoilages. I think that was borne out. If my memory serves me correctly, the Manager of Markets was supposed to have come back with some recommended time frames.

Ms. S. R. BELLE: Mr. Chairman.

Mr. CHAIRMAN: Yes, Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Thank you, Minister Weir, for raising that because as these discussions go along, I make amendments in relation to drafts, so that the Committee would have received two instances of amendments arising out of meetings that we have had. In the first iteration, I made the amendment to Clause 5, Sub-Clause (2) to say that the licensing process is supposed to be completed within seven days. That was one of the timelines that was identified in the discussion.

Mr. CHAIRMAN: Right. At Clause 5, Sub-Clause (2) that provision for seven days is there. I think that in my own judgement that is really, in every sense of the word, an outer limit. Again, I go back to the fact that we can potentially use electronic platforms and I want us to think about life not as we necessarily see it now but as it needs to be as we go forward.

Mr. Lewis, I heard what you are saying about there being not a universal ability to use the technology, but in a real sense that is what friends, family, boyfriend, girlfriend, husband, wife and children, *et cetera, are* for; to help those who cannot adequately do it. The point is that we have an ability for that seven-day period to realistically become seven hours if we are being very practical about this thing. Consultation in the context of what the law requires means that the Manager of Markets... Mr. Lewis, what is your title?

Mr. Eric LEWIS: Senior Manager of Markets.

Mr. CHAIRMAN: The Senior Manager and the person in Commerce would be...? It would be you (*to Mr. Cumberbatch*) Mr. Lewis, your friend from Black Rock, Mr. Lewis.

Mr. Eric LEWIS: Anderson Cumberbatch.

Mr. CHAIRMAN: Yes, your friend from Black Rock, yourself and Mr. Sherlock King are the three people who would need to interface with one another or officers designated by you all. It cannot be that hard, but again, we are really talking about an email arriving your desk simultaneously as it arrives on Mr. Cumberbatch's desk and Mr. King's desk, if you are talking about a market that is not a fish market and it being processed.

I do not know that this needs to become a major issue. In other words, you are not envisaging, as we would have had to have done when I first went into Government in 2003, a motor car and driver coming and collecting a file, and carrying that file across to the Ministry of Maritime Affairs and the Blue Economy, and then leaving from there, going to the Ministry of Agriculture in Graeme

Hall, and then coming back down the road or coming back for it another day or whatever. This is now something that can be done by moving a mouse and pressing a button.

Hon. K. D. M. HUMPHREY: Mr. Chairman, I have heard you and I do not think we need to belabor the point. We will, in faith, hope that the system so espoused and envisioned is able to deliver that which it says it will do - I am looking at Mr. Cumberbatch - and that we are able to move expeditiously through the matter. Hence, I would advise the Senior Manager, though I understand his reservations, that we will accept it and move on.

Mr. Eric LEWIS: Agreed, Minister. A quick question.

Ms. Vernel NICHOLLS: Is it possible for me to speak on this?

Mr. CHAIRMAN: Sorry, who is that? I heard a voice and I was not sure.

Mr. Eric LEWIS: I was overlapping. I will let her speak.

Mr. CHAIRMAN: Yes, please, Ms. Nicholls.

Ms. Vernel NICHOLLS: Thank you. I am listening to the discussion on this whole matter of licensing the vendors. Mr. Lewis brought up one of the things that I wanted to bring to your attention regarding electronic application and stuff. I understand that we need to be moving forward in the digital world as it is today. This is one of the areas that we are right now working with our fisherfolk in terms of training and using digital tools to move forward and develop the industry.

From listening to the conversation - I am not certain what I am missing - I am still having a difficulty in understanding some of the rhetoric or discussions regarding what it is that you all are talking about, in terms of getting this whole thing pull together through the different Ministries. Just to say, I hope that at the end we do not have a cumbersome situation where we have a vendor or fisherfolk being unable to manage the system, so that thought be given to the fact that we have persons who are still challenged, who need to understand how to get these things done.

Also, what I would like to find out is: In terms of applications, is it going to be a first-in, first-come basis in terms of applications or getting applications in? Secondly, when persons want to apply for these licences, in the past the Fisheries Division that we used to work with, where we would have to take our health certificates after being signed by the Manager of Markets, is that process going to be completely out? Are we going through that process at all? I know that we are going forward but I think that what is missing here is that we are not discussing some of the old systems that we used to use to move forward and the changes that will be coming in terms of accessing this licence as we used to do in the past from Fisheries.

Asides.

Ms. Vernel NICHOLLS: Mr. Lewis is saying everything is going to be done at Commerce.

Mr. CHAIRMAN: The Deputy Chief Parliamentary Counsel is going to speak to this point.

Ms. S. R. BELLE: Everything will not be abandoned. You will recognise that there are certain documents that you need to submit in order to facilitate the granting of the licence. For instance, if you are a food vendor you are still required to submit the certificate of good health from a registered medical practitioner and you still need to get the licence to carry on the food business granted pursuant to the Health Services Food Hygiene Regulations. Those requirements have been retained.

You also have to remember that if you are operating within the public market specifically you will still have to adhere to those regimes as well. I just wanted to point that out. Thanks.

Ms. Vernel NICHOLLS: Thank you. I had something written here from the time I came; it was about the age limit. This is more specific to my Minister. I brought it up with Mr. Lewis, but I would have wanted to bring it in this forum. We have situations where from time to time some of the vendors have their school-leaving children, aged 15, with them. I note that the age limit is 16 years old for persons being able to come into the market or be able to vend, but these persons are thinking that rather than leaving the children home to either get into trouble or do anything they would want to bring them into the market and allow them to work alongside with them. They are not necessarily vending but they are assisting in maybe cleaning fish, cleaning the parent's boxes and stuff like that; also, to allow for them also to learn because we are also talking about the development of the fishing industry and bringing younger people into the fishing industry. While I know there are laws to govern the way that things are done, we would also want to see that an avenue is given for these persons who would be interested in coming into the industry, even at that level. I want to know if there is a place - I do not know if it is in the Bill - where the Manager of Markets or the Minister can look at how we can accommodate those persons that would want to help their children. Thank you.

Mr. CHAIRMAN: Ma'am, at this point the only thing I can say to you with respect to what the legislation is contemplating is that we are thinking that the age at which you can legally be doing the business of vending would be brought down to 16, as opposed to 18 where it is now. There are some challenges, I want to tell you that upfront; among them is an existing piece of legislation which says that 16 you are considered to be too young to contract commercially, and obviously vending at its core is a business and you are talking about commercial contracts.

I hear what you are saying and it is a point upon which we will have to reflect. Having said 16, though, you have carried us a little bit further down the road to 15 and I must tell you, equally honestly, that we had not given any contemplation or any consideration at all to that age. But help me a little bit to help you: How many would you be

talking about? From your experience, what numbers of 15-year-olds find themselves in those circumstances?

Ms. Vernel NICHOLLS: There are not many. I do not even think that at this time we have ten persons who come in, but I know of one or two persons whom one would usually bring, and this is a family. The grandchildren and the children were brought into the fishing industry by the mother, who is also a young person, and I have seen that family grow as a fisherfolk family. What I am saying is not just about her but for other persons who may want to do it. Honestly, there are not a lot of them who I am talking about. I am just asking about the provision for that to happen. Right now we have some younger people coming into the industry, which is good, and for those who really do not go and see, the persons in this fishing industry are really ageing out and we do not really see a large amount of younger persons who we can say would be carrying the baton for this industry unless things change in maybe the next ten years. Even the fishermen in the industry are also ageing out and there is not this big gap in young people who are going fishing, and I think that the system has to look at a way to accommodate them.

I understand the laws regarding labour and those kinds of things, but if you want to speak to the development of a fishing industry, we also have to see how best we can harness these young people who are interested in being a part of the industry – whether through their parents – and get them on board now.

Mr. CHAIRMAN: Ms. Nicholls, you are touching a very important chord. I wonder whether the solution really is not to treat to those children who are no longer in schools at 15 by way of finding an avenue for them to be trained. If the training is going to take them into fishing, then so be it. But I think that what we would be best advised to try to do is to steer them in the direction of developing skills, especially life skills.

We have present here a former Minister responsible for Youth Affairs and I am going to ask him to share his thoughts on the matter. Minister Forde?

Hon. A. R. FORDE: Thanks, Chair. My simple thoughts on the matter are in looking at the fact that through the eons of time persons in Barbados, like other countries, would have allowed, by the simple traditions, their offspring to accompany them while they are executing their various vocations. Fishing is one of them. You would find that a carpenter may have a son and on weekends he may venture to go with his daddy and hold the wood while he is nailing and so on. That has been a part of the Bajan way of life and the Caribbean way of life. We have done it as Christian Barbadians. Muslims do it. Every single religion has its own way and its own industry, and they have allowed their children throughout the years to be part of those industries. It is a way of passing the baton. What I would say is that from a legal perspective, as it relates to entering into agreements and contracts and payment, for us to respect the tenets of the law, that when it comes to payments and a structured system, I suspect that we would have to start those payments after school-leaving age, which is after age 16 when one can enter into those legal arrangements for payment. However, I do not think you can stop something that has been going on all the time and it is a tradition and it is giving families and youngsters in neighbourhoods that experience on weekends. I do not think it is something that we can put a stop to in one fell swoop. That is my opinion on it.

Ms. Vernel NICHOLLS: Just a reply to the Minister. I am not talking about children or allowing children to leave school or come out of this school and do this work. I respect what Minister Forde is saying, I understand it fully but I was more speaking to children who are on holidays such as Easter, Christmas and those times when the children have those breaks. It does not have to be a legal transition but just allowing them to come.

Mr. CHAIRMAN: I understand you and you are saying that right now that is not permissible? For example, the same way I may have chosen to take my little son to work and see a little bit of what I do, you cannot take your son to the market?

Ms. Vernel NICHOLLS: What I am saying is that even though in some cases, such as in Bridgetown, where children are allowed to do it, for the purposes of the discussions we are having here in terms of the Bill and so on, I would want it noted that this is what is allowed so that when persons decide they want to do it, then there is no objection.

Mr. CHAIRMAN: I take your point.

Hon. A. R. FORDE: Chair, probably the Deputy Chief Parliamentary Counsel can help us in this because I do not think this is in any way dissimilar to what happens or runs foreign to what happens in the different sectors such as the supermarkets. I remember I was a checkout boy, if you can call it that, at 14 years old in a supermarket.

Mr. CHAIRMAN: Me too.

Hon. A. R. FORDE: That was during my vacation time. It was not allowed during school week days but certainly on Saturdays and Sundays. So I do not know what the practice is, whether it is legal or whatever, but it has not been something that is foreign to this country in the way we operate. The Deputy Chief Parliamentary Counsel would probably be able to advise on it.

Ms. S. R. BELLE: Chair, as I said in drawing the Committee's attention to the matter, this is something that exists in the law, so to my mind it needed to be addressed: either it is that you would have to create a kind of exception but with the Minors Act hovering, where it would say that if there is a problem the contract would then be voidable, or you deal with the age in relation to what is understood by a "minor" and we may fall afoul of international agreements there. Then the other thing is simply to deal with just putting the age at which you can get the licence at 18, but perhaps there may be a mechanism that we can put in place to create a kind of training or apprenticeship kind of programme. This could probably be done via regulations so that you can find a scheme for them to be trained but

also perhaps for them to receive remuneration, rather than salaries. On a technical point, do you understand where I am coming from, Chair?

Mr. CHAIRMAN: I do.

Ms. S. R. BELLE: Thank you.

Mr. CHAIRMAN: I do. I think that the bottom line is, Ms. Nicholls, that you have made an important observation. This is something that may actually go outside the scope of this Bill but it is worthy of some consideration because I think we really want to encouraging our young people. As you said, if it is Summer and Easter vacations, there is really no reason we should not be encouraging them to be exposed, learn and yearn for an opportunity to participate. Like Minister Forde, I had the same type of experience. I had to go, pack some bags in a supermarket and thing. I got some good tips too. However, I am not sure that we can accommodate it within this legislation but it is worth looking at more broadly.

Are there any other requests? I think Minister Cummins you had wanted the Floor at one point.

Senator the Hon. Ms. L. R. CUMMIMS: Thank you, Mr. Chairman. I think we have come to the conclusion that I would have recommended in any event. Thank you to the Deputy Chief Parliamentary Counsel and your guidance. However, I think the broader question is that there are a number of recommendations that have been made by sectoral representatives and by presenters to this Committee that I think are worthy of noting, even though they fall outside of the scope of the provisions of this Bill. For example, the role to be played in a developmental way for youth. It is not just about children coming during the summer holidays or in whichever holiday and being a part of what their families are doing. Even in international trade law for intellectual property, you are talking about passing on ancestral knowledge and that is a tradable commodity that I think we have a responsibility to harness by way of ancillary policy supporting this legislation.

Earlier in the session this morning, there was another recommendation which I believe you, Mr. Chairman, may have inadvertently helped to spawn, which spoke about in African countries where you have large markets and multiple people selling much of the same thing, how that was then created. In my mind, it created an opportunity for us to treat to the question of co-operative buying, the distributive and wholesale trading and how we can help to take our traders and vendors into more corporate forms of business from where they start, and how we can support that evolution through the development of policy. Mr. Chairman, I think that under your leadership and the guidance of the Ministry, perhaps, a number of the recommendations to which I have spoken about already and others which I have not specifically mentioned can be incorporated into additional recommendations for the development of broad policy guidelines that can help to develop vending as an industry in the third decade of the 21st Century in a way that allows it to be genuinely developmental and ultimately to lend itself to the dignity of which we have all spoken over the past two weeks. This would be my recommendation. Thank you.

Mr. CHAIRMAN: Okay. Thank you, Minister. Senator Wiggins, you have the Floor.

Senator A. M. WIGGINS: Thank you, Mr. Chairman. I just wanted to make a very small point to something that Ms. Nicholls said, in terms of filling out the forms online. I do not think that should be a problem because filling out a form for an American Visa is like the most difficult thing anybody can do online. Lots of people who want to apply for that Visa find a mechanism to get it done, so I do not think that we should put stumbling blocks in the way if we decided that these forms should be done electronically because like I said, if you want a US Visa you get it done. You find somebody who can assist you and get it done.

I think that in all of our business transactions, because we spoke to the whole question of technology usage, Wi-Fi and everything, so I think that all vendors should decide that they want to come on board when it comes to technology. I think that this would be a very good way to begin. Therefore, I would advise not to let this be a stumbling block in terms of moving forward.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: Thank you, Ma'am. Minister Humphrey.

Hon. K. D. M. HUMPHREY: Thank you, Sir. In response to Senator Wiggins, it is true that many persons apply for the Visa but a Visa application now probably presents the worst example of the horrors of trying to use technology. The truth is, I suspect it is that difficult not because they want to let people in. I do not know that we should use that as the standard by which gauge the markets because the reality is that it is a very challenging process for a Visa. I am sure that they have their reasons for making it so challenging. I suspect in terms of the substance of the discussion, it is not only about the technology.

I feel as though we have diverted there unnecessarily. I do not think that it is only about the technology. I think the argument that the persons who are industrious are making as much as those in Agriculture or whether it is the Minister, Manager, my Senior Manager, the Representative from BARNUFO or I, is: Is this the best practice to go through Commerce, more so than the technology itself? The technology is just a tool. We are not questioning the tool necessarily but is this the best approach in terms of handling the persons in the industry?

Mr. CHAIRMAN: Am I mistaken, Minister? I seem to recall that you had just agreed that we would have....

Hon. K. D. M. HUMPHREY: Yes, but we were still on the topic. I am saying that I have agreed with it and still putting it on the table, Sir, that while I have agreed to allow us to pursue the matter I just want to be very clear that it is not only about the technology.

Mr. CHAIRMAN: Okay.

Hon. K. D. M. HUMPHREY: While I would accept that we need to press on, because we all do need to press on, I do not want the records to be mistaken and reflect that we are proposing that it is only a technology issue. It really is not.

Mr. CHAIRMAN: Okay. Thank you. Are there any requests for the Floor among the Colleagues present?

There was none.

Mr. CHAIRMAN: Please continue, Ms. Nicholls.

Ms. Vernel NICHOLLS: Under the Sixth Schedule at Page 64, I note the National Vending Committee and made a note here that there is no representative from the fishing association on this Committee.

Mr. CHAIRMAN: That is agreed. Ma'am, I must tell you that it was an oversight. I think that it had been drawn to our attention sometime earlier in our deliberations this week, so please do not let your heart be troubled about that. BARNUFO, as with the Rastafarian Community were supposed to be added to this list.

Ms. Vernel NICHOLLS: I have one thing here, again. In the Eighth Schedule, I had made a note of it but since the document was printed I am not seeing everything I had noted. I want a bit of clarity on the wording. I do not know if it is the way it is or whether there can be some clarity but noting it states as follows:

"*Manager of markets may let market stalls.*"

I am not seeing the full wording of what it was because it is printed over. At the Eighth Schedule, I am looking at the number two under the *Markets and Slaughter-Houses Regulations, 1958*. I am on Page 69. I was reading that and had a difficulty getting it put together, so I do not know if it is just the language of which the document speaks or if it is another way. I am not seeing the full thing because something is printed over it. I would just like some clarity to the wording.

Mr. CHAIRMAN: Understood. I am going to ask the Deputy Chief Parliamentary Counsel who is the drafter of the legislation to speak to the matter, please. Deputy Chief Parliamentary Counsel, the Floor is yours.

Ms. S. R. BELLE: Yes, Mr. Chairman. The original wording would have spoken to the word "let" and that is where it came from. Where there is a departure is in the Markets and Slaughter-Houses Act. It did not refer to the National Vending legislation so what you are seeing in the Eighth Schedule is what it will be once this legislation is passed. In the original legislation it says:

"*Subject to the provisions of these regulations, the Chief Supervisor, may on the payment of the appropriate rent as set out in the First Schedule, let to any approved person in any market, stall, in any public market.*"

Asides.

Ms. S. R. BELLE: I am sorry, Mr. Chairman, were you going ...

Mr. CHAIRMAN: No, no, I was just going to, in the event that the challenge was with the term "*let*" invite you to explain what that term "*let*" means there.

Ms. S. R. BELLE: It would be "to lease".

Mr. CHAIRMAN: Right.

Ms. S. R. BELLE: What you see in the Eighth Schedule is what is proposed to replace it. Again, it uses the word "*let*" because it is reflecting what was originally there, but I do not know if the suggestion then is perhaps to use another terminology, rather than the word "*let*".

Mr. CHAIRMAN: I am not sure that is the suggestion. I thought that we were being invited to clarify what it meant. Ms. Nicholls.

Ms. Vernel NICHOLLS: Yes, Mr. Chairman, I wanted the clarity because what I had written down as a note was: "can this language be made clearer?"

Mr. CHAIRMAN: Yes, okay. When it says there "*let*" to a person, it really means "lease" to a person, but for some reason we lawyers tend to make language a lot more difficult than they need to be, but that is essentially what it is. That is the old English way of putting it.

Ms. Vernel NICHOLLS: Thank you.

Mr. CHAIRMAN: Yes. So, in other words, you are going to "lease" the stall to a person licenced as a vendor. Did you have any other matters that you wanted to raise with us, Ms. Nicholls?

Ms. Vernel NICHOLLS: I cannot remember. There were some things in my head, but they are gone, but I hope that during the time that we have for me to meet with the fisherfolk - and I go back through this whole document with them - that given the opportunity to come back I would have, if there is need to, bring up anything else that I see in the document that needs any clarity or explanation, that I would be able to do so.

Mr. CHAIRMAN: Ms. Nicholls, I am going to confess here and now that I want you to be able to have your meeting with your constituents. I think all of us who are in representative capacities understand the vital importance of that. That is the lifeblood of a democracy. I was hoping, because a lot of our time next week is going to be consumed by the technology which allows this Place to function and the staff who support it having to be all moved to the Lloyd Erskine Sandiford Centre (LESC) where we are going to have the election of the President of the Republic taking place on Wednesday and then, of course, everybody has to come back down and the technology has to be moved back down, so I do not think any business can realistically be done, as I am made to understand, before Friday next week.

Now, Friday next week is a date that is already been blocked by the Leader of the Opposition and he is Chairman of the Committee of Public Accounts and I am Chairman of this Committee, but I am going to talk with the Leader of the Opposition, my friend, and see whether he can be persuaded to accommodate us. He may not be minded to do that, but I have found that from time to time, speaking to the good Bishop, you can appeal to his better

sensibilities, but we will see, Ma'am.

What I want to do though is to tell you to please treat to the matter of consultation with some dispatch. We will come back to you in one way, shape or form and we will be able to give you the opportunity to share with us your findings. Brother Lewis?

Mr. Eric LEWIS: Yes, Mr. Chairman.

Mr. CHAIRMAN: Are there any other matters that you wanted to raise with us?

Mr. Eric LEWIS: Yes. There is a culture in markets that we might have a little bit of discretion. I am talking about in terms of the Management of markets. We allow fishermen to sell fish sometimes and these fishermen would not have a seller's license, but they would have a fisherman's license, so I am just advising the Committee about that element. Sometimes a fisherman may bring in a load of fish and he may not be able to get them sold at the price that he wants and there has always been facilities for the fishermen to sell their fish. Would or can we still have that practice without contravening the regulation? Or, there are situations where fishermen may bring in 'Jacks' and they may put a whole load of 'Jacks' on the back of a truck and go through the country selling; they are not traditional vendors, they are fishermen, but they need to get their fish sold.

Mr. CHAIRMAN: There is provision in the legislation for an occasional vendor's license to be obtained. If a fisherman consciously wants to put his 'Jacks' onto a vehicle and go through the country selling, I think he would be better advised to secure the occasional license. That is a different example to the one you gave first.

Mr. Eric LEWIS: Right, yes. I gave you two examples.

Mr. CHAIRMAN: Right, and in the one that you gave first really is a little bit more taxing for me. I want to say yes, we can accommodate, but I am not sure how we can accommodate and it may well have to be that the fishermen in those circumstances may have to enter into a private arrangement with a licensed vendor, that they sell and do some profit sharing, but I do not want to say that without having thought it through so I am just sharing with you my initial reaction to it.

Mr. Eric LEWIS: I understand, but it is not as simple as that as Ms. Nicholls would tell you. If a fisherman comes in and the fish is being sold at $2 a pound, for example, and he does not believe that it merits $2 and that he wants $3 a pound, we allow some of them to go to the front of the market and sell their fish.

Mr. CHAIRMAN: You see, this is the danger, though, Brother Lewis, of allowing too much informality to creep into ...

Mr. Eric LEWIS: As I said, that is kind of like a cultural norm.

Mr. CHAIRMAN: I understand. Therefore, the fisherman in those circumstances benefits, because he is able to sell alongside the vendor who had to have a licence, but he does not have a licence. All he has is a permission.

Mr. Eric LEWIS: Yes, but he may not be comfortable selling his fish to a vendor at $2 a pound and then the vendor selling the fist at $4 a pound. He would prefer to sell his fish at $4 a pound and get all of the money for himself.

Mr. CHAIRMAN: And then the flipside of that coin, of course, is that there may be some vendors who may be very unhappy that they have to pay a fee or the money for a license in order to sell and here is this fisherman who has not had to do that and he could do the same thing he or she is doing.

Mr. Eric LEWIS: He caught the fish.

Mr. CHAIRMAN: Well, yes.

Mr. Eric LEWIS: I just said I would have mentioned that because I know it is a question that would come up somewhere along the line.

Mr. CHAIRMAN: I am going to come to you now, Mr. Prescod. Mr. Lewis, a part of this is that we are trying to bring order and structure and it has not been an easy journey, but this is something else that we would have to turn our minds to, but I thank you for raising it. Mr. Prescod wanted the Floor.

Mr. T. A. PRESCOD: I am just saying that this practice by fishermen was referred to as a cultural norm and I did not hear anyone say that as it stands now, it causes any conflict. I do not see why you should have to regulate it and put it into law and that as a consequence of doing that, it will create some conflict, when we have already seen it being practised for a considerable period of time, and it is accepted among the various agencies, the retail sellers. It is done in agriculture where sometimes a man plants food, he is the planter but he also sells the food as though he is a retailer in the circumstances and it does not cause any problem; it is part of a cultural practice and obviously sanctioned by the society itself already. I do not think we need to put something like that into law.

Mr. Eric LEWIS: I do not think you would want some overzealous policeman to stop a truck load of 'jacks' in the country and ask the men if they have a vending licence, because I know that question will be asked.

Mr. CHAIRMAN: I want to say to you that my profession tells me that we cannot do a formal thing in an informal way and that is perhaps how we find ourselves in these difficulties. I take what Mr. Prescod has said but the truth of the matter is that long after I am gone and he is gone, there will be a reason for somebody to ask why are they being asked to pay a fee in order to sell, or why is this person allowed to sell alongside them but he is not paying a fee. These difficulties we will find ourselves confronting and would have no proper answer, the law is about certainty and the consistent application of that certainty. So it is an issue that we have to look at and I want to thank you for raising it.

Now, equally I want to thank all three of you for coming and sharing with us your thoughts. I think it has

been a valuable exchange. I know, Ms. Nicholls, that you probably are going to have to spend a little bit more time with us, but Ms. Holder and Mr. Lewis I am indebted to you both. We have colleagues waiting on the outside representatives of the Association of Wayside Vendors. I am therefore going to thank you all for the time you have spent with us and for the assistance you have given to this Committee. We are grateful to you. I would now ask you to vacate the room that you are now in. We will take a short suspension for five minutes – no more - so that we can then pay attention to the necessary COVID-19 pandemic directives and have the others come in, thereafter, we will continue. Once again, thank you very much folks.

SUSPENSION

Senator the Hon. Ms. L. R. CUMMINS: Mr. Chair, I beg to move that this Sitting be suspended for five minutes.

Hon. A. R. FORDE: I beg to second that, Sir.

The question that the Sitting be now suspended was put and agreed to in the affirmative, without division, and Mr. CHAIRMAN suspended the Sitting accordingly.

RESUMPTION

Mr. CHAIRMAN: Colleagues, can we come back to order, please? There is a matter that has arisen which requires that I ask for the Committee's cooperation. I would want to leave the Chair for about five minutes and then return. I would not want that to delay the business of the Committee, however, so I am going to invite a motion that will allow us to have an interim Chair. Could I please have such a motion?

Hon. A. R. FORDE: I beg to move that we have an interim Chairman until the official Chairman returns.

Mr. CHAIRMAN: Minster Forde, do you have a name that you would wish to propose?

Hon. A. R. FORDE: I beg to move that Minister Kirk Humphrey acts as interim Chairman until the prominent Chairman returns.

Senator the Hon. Ms. L. R. CUMMINS: I beg to second, Sir.

Mr. CHAIRMAN: Thank you, Minister Cummins. Are there any dissenting voices? None? Therefore, I will briefly hand the Chair to you, Minister.

Hon. K. D. M. HUMPHREY: Thank you very much. Good afternoon to all. I will carry out the duties as Chairman temporarily, until the substantive Chairman returns. It is my understanding that we have with us Mr. Keith Franklin and Ms. Juliette Moore of the Association of Wayside Vendors. Are you here? Just speak into the microphones, please.

Ms. Juliette MOORE: Good evening.

Hon. K. D. M. HUMPHREY: Thank you so kindly for joining us on this conversation of the Joint Select Committee on the National Vending Bill. I trust that you have had the opportunity to review the Bill or have at least heard some of the conversation as it relates to the Bill. We are very thankful that you are here with us to speak to some of the issues in the Bill. You would appreciate that we have already had with us BARVEN who spoke to matters of concern for them in the Bill. We have also had your immediate predecessor which would have been BARNUFO who also spoke to some of the issues in the Bill as it relates to fisheries. Hence, we are thankful that you are here with us. I will give you this opportunity to say any opening remarks. If you wish to speak specifically now or not is entirely up to you, but the Floor is open to you to make your opening remarks. After that I will invite the other Members of the Committee to raise questions if they have any questions to be raised. In the beginning please state your name and your position within the organisation, please. Thank you.

Mr. Keith FRANKLIN: Good afternoon, my name is Keith Franklin and I am the President of the Wayside Vendors Business Association. Some of the main issues are the fees that you have to pay for licensing and the areas in which they would be vending.

Hon. K. D. M. HUMPHREY: Mr. Franklin, you may want to pull the microphone down a little bit so that you are a little clearer.

Mr. Keith FRANKLIN: How long a permit is valid for because I see here a permit is for $25, so if it is valid for one year or two years? I also see $100 for a permit. These are the areas we would like to look at.

Hon. K. D. M. HUMPHREY: I am not sure that I captured everything you said Mr. Franklin: the length of time, the fees and what were the other concerns?

Mr. Keith FRANKLIN: Yes, those are the concerns.

Hon. K. D. M. HUMPHREY: Were there other concerns or is that it, the length of time and the fees. Were you able to capture anything other than that, Deputy Chief Parliamentary Counsel? I will invite the Deputy Chief Parliamentary Counsel to speak.

Ms. S. R. BELLE: Yes, please. The concerns I was able to write down related to the fees for the licence, the vending zones, and the areas that have selected as vending zones. In relation to the licence, the length of the licence time and then also fees relating to the permits and the licences in that there was a difference in that some have $25, some have $50, some $100 and some have $150, so there were concerns there. That is what I was able to write. Thank you.

Hon. K. D. M. HUMPHREY: Sorry, Mr. Franklin, are there any more concerns? Are there any other questions?

Mr. Keith FRANKLIN: There are more questions relating to certain areas that you are talking about outside the areas of vending. We would like to know the name of these areas and things like that.

Hon. K. D. M. HUMPHREY: Thank you so kindly. Ms. Moore, would you like to add anything? I see the substantive Chairman has return. I was beginning to

enjoy this role. Therefore, I will now vacate and allow the substantive Chairman to Chair.

Ms. Juliette MOORE: Good evening, I am a new member of the Wayside Vendors Association. Basically, a lot have to do with the questions that Mr. Franklin posed earlier, not only the fees but as hard enough as it is: a person has a small garden in the back. Can I come out to the front of my house and peddle my ware right there? You have temporary vending, which is $25. If that can be clarified as far as "temporary" vending sites? I get that it is not where you have prescribed people to vend, but would that mean that I would not be able to no longer come out to the side of my house and sell my fruits and water if I choose to?

The question as to the licences, how long do they last? Do I pay $25 every time I wanted to sell water or does that go for a month, a year or however long? I gather that you have to pay because you use the light and water and these sites have to be maintained that you say you can vend, but some of them could do with a good set of maintenance too.

That was basically my concern as far as the monies to pay to vend because I figure vending was originally a poor man's thing. I do not know... If everybody can afford $100 and $150 at the times needed to... There are probably a couple concerns more but I am still a little nervous but for right now that is basically it. The monies to be paid and if you can explain the temporary vending sites. Thank you very much.

Mr. CHAIRMAN: Good afternoon, Ms. Moore. I am Minister Kerrie Symmonds. I am the substantive Chairman of the Committee. I only caught part of the question so I would not attempt to pilot you through everything. I do want to put your heart at ease. If you are talking about selling from next to your house or within the confines of your premises, the Committee has already accepted that that is not something that we would want to include in the reach of the legislation, so that should not be an issue.

What are the arrangements you are talking about? Do you sell from in front of your house? Is that what it is?

Ms. Juliette Moore: What I am asking is that you have a temporary licence for the price of $25. If you are vending outside of the vending zone, such as the normal church or whatever the case may be, such as a school fair. You do not have them anymore but you do know what I mean. Say, for example, the guy who sells his water in the middle of the road there going up to the stoplights? And I know for sure that is not a vending zone. Yes?

Mr. CHAIRMAN: Yes.

Ms. Juliette MOORE: Would he have to pay $25 to do that? If he has to, how long would that permit last?

Mr. CHAIRMAN: Deputy Chief Parliamentary Counsel, can you assist us?

Ms. S. R. BELLE: Chair, I will highlight the issues that I believe Mr. Franklin and Ms. Moore spoke to. In relation to fees for licences, it is important for everyone to understand that the licensing regime refers to those vendors who are going to be vending for a living. Those are the persons who would then be required to get a licence.

The persons then who would be vending at a fair or a farmers'' market or a carnival or a cultural event or recreational event, like a fun event, those are referred to as persons who will engage in occasional vending and those people will have to apply for a permit.

The licence fees then for those vending on a beach, esplanade, garden or park, that would be $100 and renewal would be $100.

If you are vending on a beach or an esplanade, you would have to pay $150, and if you are renewing for those areas it would be $100.

In terms of the occasional vending of those who are dealing with fairs and so on, they have to pay the permit fee of $50, and for those not operating on the beach they would pay $25.

Mr. Franklin and Ms. Moore, I was wondering whether you understood the arrangements in the way I would have explained, or do I have to go further?

Mr. Keith FRANKLIN: I understand the arrangements but I am also looking at the prices. The $100 and $150, I think they are way too much.

Mr. CHAIRMAN: Mr. Franklin, the $100 is for a year.

Mr. Keith FRANKLIN: A year.

Mr. CHAIRMAN: In other words, it translates into $8.33 a month.

Ms. Juliette MOORE: Excuse me. That is the question we were asking, as to how long the licence stands for and when it would have to be renewed. I do not know if my question has been answered. The guy who sells his water in the middle of the road, does he pay $25, and if he pays $25, when does he have to renew it because he is selling that water every day on that site? That is the basic question. I do not know if I put myself over correctly.

Mr. CHAIRMAN: You are very clear to me. Your question, really, is how long does the occasional vending licence last?

Ms. S. R. BELLE: The occasional vending licence only lasts for the duration of the event, so occasional vending is supposed to take place in a certain context and that is for specific events.

Ms. Juliette MOORE: Once again, this means the guy who is selling his water right there would be considered illegal then?

Mr. CHAIRMAN: Yes, he would need now to sell within a vending zone. In other words, selling in the middle of the road....

Ms. Juliette MOORE: Not the middle of the road per se. I put it that way but there is this patch of grass and it is convenient. When you move him from there, because it is now going to become illegal - and granted, he is making money there because that is where the traffic and people are; it is not unsafe as there has not been any

accident there as yet but you cannot wait for it to happen, mind you - Mr. Franklin was asking: When you move him from there where he is making money, where are you going to put him? Where is he to go? Is he to go on the sites that you have put for him? Yes?

Mr. CHAIRMAN: The intention is to have some vending zones created all over the island and what we would want to do is consult with vendors who are going into the zones. If you looked at this piece of legislation, one of the things we are trying to do is make sure you go into a space that is conducive for you to make money; not just move you and shove you anywhere.

Ms. Juliette MOORE: In a corner.

Mr. CHAIRMAN: I want to take you up on the point you are making because there is some truth to it. Let us use an example: Coming down the hill past Parkinson School, you get to the roundabout where you will find some guys selling a variety of things, because I have bought a variety of things there in the line of traffic. Sometimes it is ackees, sometimes it is other things. The truth is, they would be asked to go into a vending zone because right now they are, if you remember where I am talking about, in the line of traffic. As traffic stops, the guys move in between the vehicles and do a brisk trade and then move out again. I know we have been fortunate but the truth is that the difficulty there is that it presents a hazard to the vehicles and to themselves, so in an effort to bring some sort of safer environment and order to the business of selling, you want to have a vending zone. We had the Ministry of Public Works with us earlier today and they were recommending, for example, that right next door there is an open space across from what is now Starbucks. We are trying to move people from in the line of traffic and in the danger of being at risk physically to themselves or to other people.

The vending zone is what this is about, and then it is intended to be obviously a place where you have running water and bathroom facilities and lighting and all of those other things, so that you are not limited or you have to stop selling because it gets dark and so on. The person who is doing that – to answer your question directly – would be doing so, not as an occasional vendor but doing it for a living, and he would be required, therefore, to pay the proposed fee of $100 which I was saying to Mr. Franklin translates into $8.33 a month. That would be an annual fee for the licence.

The Deputy Chief Parliamentary Counsel, the lady you just spoke to, is the person who is assisting us with the drafting of this legislation, and she was making the other point that there are people who would be vending occasionally. For the purposes of this legislation, "vending occasionally" means that you may have a school fair or Gold Cup Day at the Garrison or Crop Over, and you get a licence because you want to sell during that particular event or on that particular day or on those particular days.

Ms. Juliette MOORE: I understand.

Mr. CHAIRMAN: Those permits would be $50 for the duration of the period. Fifty dollars if you are doing it on a beach and $25 if you are doing it outside of a beach or esplanade. Before Minister Cummins speaks to you, I just want to make sure that you were comfortable with that explanation.

Ms. Juliette MOORE: That is basically what I wanted to know: the duration. The last one was more of a suggestion and not a complaint, where you put the sites for people to sell food or to vend. I walk to Brandons to the beach where there are several stalls but you seldom see anyone down there doing anything because it is like they are down in a hole. I do not know how to say it without sounding horrible but I will try not to.

Mr. CHAIRMAN: No, be real. You want to tell me....

Ms. Juliette MOORE: Be considerate. Be very careful and considerate where you put people to vend. You move them to keep them safe off the roads. I get that. You want the roads safe but please do not put them in a position now where they will not make any money. Their livelihood would be dead but they would be safe. They still cannot feed their children but you know, at least they are not going to get "licked down" on the odd day. That kind of things.

Mr. CHAIRMAN: I appreciate that point. I wanted to actually read the part of the legislation to you. It is just that I cannot find it right now but I will look for it. Before you leave, I will read this to you because it does require that you all have the benefit of the discussion before we do any changing of locations, *et cetera*. Bear with me while I allow Minister Cummins to ask a few questions and I will come back to you, Ma'am, while I read through this again.

Senator the Hon. Ms. L. R. CUMMIMS: Thank you, Mr. Chairman. Actually, I was not asking questions of the Wayside Vendors, although their questions have triggered one for me, so I am asking of you, perhaps, and the Deputy Chief Parliamentary Counsel. Ms. Moore raised the question about the occasional vending licence. When I look back at the legislation, Mr. Chairman, it is a query that has popped up for me. A fair may be an annual event and so, you may apply for a permit for a fair one time and it expires, based on the legislation here saying that it would be valid for the duration. However, we live in a country now where every week there are locations in this country where there are farmers'' markets and people come out, they vend and bring not just agricultural produce, but they bring craft, candles, jewellery, bread, baked goods, *et cetera*, and that something that you could depend on a Saturday or Sunday morning in different parts of the country at Brighton's' Farmers Market, Holder's Farmers Market and at the Glebe. I just wanted to get a sense because if we are talking about a farmers'' market as defined by practise, then having an occasional permit for a weekly event may become prohibitively expensive.

I am just flagging it as something that perhaps may need to be taken out of the question of duration of the event and may be put in the category of annual, depending on what

kind of event we are talking about.

Mr. CHAIRMAN: Minister, I think that your point is taken and that is one of the things that we were considered. The fact of the matter is that this issue of occasional licences has long been a burden for vendors. I could take you into Oistins and there were some people who had historically every Friday to go to the Magistrate's Court, for example, to get a refresher. This was true of liquor licences too, by the way; every week you had to get a fresh one.

What we are trying to do is to say, "Look, you can have an occasional licence which would be $25, if it is not on a beach and that is one event." If you are going to do this every weekend - 52 weeks per year or however often - but you want to be at Brighton's Farmers' Market almost every time the weekend comes along, it might work out to be more economical for you to spend $100, as opposed to $25 every week, in which case you just get the other licence. But the choice would be for you because you would know whether you are doing this as a one-off or as a way of sustaining livelihood.

Senator the Hon. Ms. L. R. CUMMIMS: Mr. Chairman, then that has the implication for the designation of vending zones. A farmers'' market as an occasional or weekly event would then have to be so designated in order for that annual licence to be applicable? Not so?

Mr. CHAIRMAN: Deputy Chief Parliamentary Counsel, what is your view on that? Did the Minister lose you?

Ms. S. R. BELLE: Okay. The licence does not depend on the event, it more depends on the status that you are pursuing, so once it is that you are trying to do it for a living, then that is the context in which you get the licence. If it is that you are aiming to sell at a particular event or in a particular context, then there is the occasional.... This is the conception - or I guess the 'conceit'. What you are talking about now is sounding a little different. So could you explain it again?

Senator the Hon. Ms. L. R. CUMMIMS: Mr. Chairman, if I could put it in context, I am not a very early morning person but I like the early morning farmers'' markets. There are people who have small businesses. They bake breads; really great local artisanal breads, for example. They work elsewhere or have businesses set up elsewhere but because there are people who would come out on a Saturday morning to a given location, they will set up their stalls, they would come, bring their wares and you can purchase your things there. They are going to pay an admissions fee to the location for the purpose of having that stall set up and the facilities associated with that.

What we are here saying now is that they either have to be categorised as an occasional vendor because they are coming to an event which begins and ends or they are qualified as a permit holder for a year, even though the event is not continuous throughout the week; it only happens once a week. If I am reading the legislation strictly, I am going to think that a farmers'' market is a limited-term event and I have to apply for an occasional permit. I am not going to assume, based on the reading of the legislation, that my parents on a weekly basis at the farmers'' market and my activities being engaged in outside of the farmers'' market for the rest of the week are in any way connected.

I am just saying that we are creating a grey area that may need some clarification if I am that vendor coming to a farmers' market only on a weekly basis and it is categorized here for the duration of that event. I would not automatically think that I could file for a permit for a year.

Ms. S. R. BELLE: Mr. Chairman, I thought that the Chair had contextualized it in saying that rather than you seeing yourself as an occasional vendor, you would then be put into the other regime which would be the licensing regime and that way you would be able to operate normally.

Senator the Hon. Ms. L. R. CUMMIMS: If I can suggest, Mr. Chairman, that may be an interpretation that with your explanation I can accept in principle but the interpretation on the legislation as resting with day-to-day administrators may not necessarily be so clear. We would not want to create any lack of clarity at all in the actual wording of the legislation, so we would want to ensure that anyone picking up the legislation is clear that for circumstances where an event takes place on a weekly basis, that we are not saying to the public of Barbados that every week they are going to pay an admission fee to the farmers' market to have their stall and that they are going to apply to the Government for a permit because your permit lasts, according to the legislation, for the duration of the vent only. We would have to have that clarified expressly.

Ms. S. R. BELLE: Mr. Chairman, perhaps it is more that you may have to take "farmers' market" out of the conception of "occasional vending". I suppose that when we were having the discussion, you wanted to target those events or happenings that were temporary in concept. Therefore, this concept of the farmers' market was then tossed in with the festivals and the religious events. Perhaps, it is not appropriate for farmers' market to be here. I am just saying. Thank you.

Mr. CHAIRMAN: I must tell you that I was just thinking entrepreneurially and suspect that every entrepreneur put in the position of having to make the choice will make the choice that I suggested. However, I hear you, Minister. The concern is whether you should pay $25 every time there is a farmers' market or whether you could find a way of treating to that differently.

Hon. A. R. FORDE: Mr. Chairman, I just want to say, and following on from Minister Cummins, and I understand her point perfectly, but I do not know if we can legislate them. I remember the words of my good friend in here, he is overseas now, former Minister Gline Clarke, you cannot legislature a culture and I think that as much as we say take out the farmers' market from it, there may be those persons who turn up at a farmers' market just once

because the occasion may merit it, and for those persons who just turn up once or twice a year because it just happen to be the opportunity for them, what will happen to those persons if you take it out, so I think that just as Mr. Chairman said, using basic common sense, it may not be dollars and cents but just common sense now that when you look at your bottom dollar and you recognise that if I buy one temporary licence it is $25 as opposed to pay $100 every single week if I choose to, so it comes down to making a choice based on the expense incurred in terms of the licence. I think you should not really take it out, that is the honest truth, because you are creating another problem now for those persons who are only vending once or twice in the farmers'' market.

Senator the Hon. Ms. L. R. CUMMIMS: Mr. Chairman, I hear my colleague and I take the point about not wanting to exclude those persons who, for instance, as we prepare for Christmas they may come out only at this time of the year with their decorations and they may only want to have an occasional permit, but I would be very hesitant to use language of "*let us use common sense when dealing with legislation and the bureaucracy.*" Many a person has been frustrated dealing with the bureaucracy and dealing with permissions and the administrative system and this very legislation and its spirit and its intent is designed to facilitate, and if we do not make it perfectly clear what our intentions are, then I am not certain that those who are charged with the responsibility on a day-to-day basis of interpreting it will be in a position to facilitate those that we intend to so do.

Mr. CHAIRMAN: May I ask, Minister Cummins, from your experience: What is your view about the attendance at farmers' markets? Do you consider them to be well attended?

Senator the Hon. Ms. L. R. CUMMIMS: Quite so, Mr. Chairman.

Mr. CHAIRMAN: That is my experience too, and I am mindful of what the gentlemen from BARVEN cautioned us against, which is to say that they wanted themselves to be seen as businessmen and did not want to be treated as though they were being given a handout. Twenty-five dollars is what we are talking about here for a license to participate in a well-attended farmers' market, on average. Is that prohibitive?

Senator the Hon. Ms. L. R. CUMMIMS: Mr. Chairman, I am not sure that the issue is whether or not it is prohibitive, it is the notion of a person in 2021 having to apply for a license every single week and make that payment every single week. That is prohibitive and it is bureaucratic. I do not think that is the intention and I am not thinking that is what you were saying either. My own thought of it, Mr. Chairman, is that for those persons who are genuinely occasional vendors and are going to places like farmers' markets genuinely occasionally, that regime may remain in place, but I would want us, under the regime of the annual permit, to specify that there is the option to which you referred, Mr. Chairman, where a person appearing at a weekly event on a consistent basis has the option of using their discretion to choose whether they are going to turn up occasionally and pay $25 when they choose, or they are going to choose to $100 for the year, even for an event like a farmers' market. But if you pigeonhole that specifically and limit it to an occasional license, it is not going to be so clear.

Mr. CHAIRMAN: And you would be licensed then to be at Brighton's Farmers' Market every Sunday from January to December. No problem at all with that and I believe, Deputy Chief Parliamentary Counsel, that that makes sense. It would help us to get the rid of what Minister Cummins calls a 'grey' area.

Are there any Members who have a dissenting view?

There were no dissenting views.

Mr. CHAIRMAN: Good. Now, Senator Holder, you have caught my eye. The Floor is yours.

Senator Dr. L. P. HOLDER: Mr. Chairman, I am very glad that I have caught your eye; the only challenge is that my hand was not raised.

(laughter)

Mr. CHAIRMAN: I am sorry. From where I sit, I see your hand up. What is that there?

Senator Dr. L. P. HOLDER: You do?

Mr. CHAIRMAN: I beg your pardon. That apparently seems to be the mouse, not your hand, so the Zoom is playing "*Bo Peep*" with me.

(laughter).

Senator Dr. L. P. HOLDER: Okay. If you would like me to make a comment, Mr. Chairman, ...

Mr. CHAIRMAN: No, if you want to have the Floor it is yours. I am not forcing you to. I thought that you were asking. Okay, Ms. Moore, can I come back to you, please? I had promised you that I will share with you the thinking of the legislation at this point. We are talking about a few things in here. Do you have the legislation in front of you, Ma'am?

Ms. Juliette MOORE: Yes, I do.

Mr. CHAIRMAN: Right. So if you go to page 23. It should say page 23, **Part V: Rights and Obligations of Vendors**. Are you there?

Ms. Juliette MOORE: Yes.

Mr. CHAIRMAN: Okay, so if you come down to Sub-Clause (3) and you are talking about vendors being subject to relocation notices. These are the things that we want to introduce, in an effort to make it a fairer and transparent system working more in the interests of the vendors' commercial interests than it has ever done before. We were talking about, first of all, giving you 30 days' notice before any relocation is forced upon you so you would know a month in advance; well, look, this is what has developed and this is what is being proposed.

Secondly, to consult with you in respect of any assignment of a new site or location in relation to carrying

out the vending business and that if you are assigned to a new site it would be one which is conducive to the carrying on of the vending business, so that we recognise that these things do not now exist and that there is a long history.

BARVEN has shared with us some of the troubled times that vendors have had to go through when, far from being consulted, they were relocated at the brute force of the Royal Barbados Police Force. What we are trying to do now is to find a way of treating you as you should be treated as business people who must plan, who must structure your arrangements accordingly, who need to have some idea of where it is that you are going and have some input into the decision that is being made with respect to how the business that you are doing is to be run. Is that fair enough?

Mr. Keith FRANKLIN: That is understandable and fair.

Mr. CHAIRMAN: Okay.

Ms. Juliette MOORE: Okay. What you have here sounds really good and you said we should be treated like business people and I get that. That sounds all well and good on paper, but the average vendor that will come out there, unless they have been doing this thing for a while, even the farmers in the Farmers Market, they say they want to be treated like business people and I get that, because my son, he does a little thing and he says you have to plan before you plant, but the average person who comes out and starts to vend... If I remember clearly, vending came from our old granny who came down and brought her items down and she set up something and she started to vend. I get that we are going forward and we want to go forward, yes, but these young guys out there – I am saying 'young' because I have three boys and a daughter, so I am saying 'young' – these young people who are now starting this vending, I do not know if their mind, I do not know if the words have me, I do not know if these young people who are now starting to do this vending, I would suggest then some kind of class or some kind of training because vending is no longer a poor people's thing seeing that you now have to pay for a permit. Just now you are going to have to pay taxes and all kinds of different things, so vending is no longer going to be a market for the average poor person.

Mr. CHAIRMAN: No, Ms. Moore, do not do me like that.

Ms. Juliette MOORE: I mean, look where you are going. It used to be that you had your wares, you came and you sold it, you made your money and you supported your family. I get that we are going forward. I get that you have to improve as you go on. I just feel that...You guys make these rules. I get that you have to do this as the Government to make things happen and to make people's lives better. Please, the people who make these rules, come out for two months and vend; go and see what is going on, do not just let us come and say things, then you all go with them and then you all make that. Come and see. I am not saying that there are not intelligent people out there but you have people out there vending and the only thing they are good at is counting that money. Do know what I mean? I do not know.

Mr. CHAIRMAN: I am hearing you. I think that you are trying to caution us against something.

Ms. Juliette MOORE: Correct.

Mr. CHAIRMAN: I want you to take your time. There is no pressure, we are going to be here most of the evening.

Ms. Juliette MOORE: No, I cannot be here most of the evening and Mr. Franklin has his thing to do and say what he has to say. I want to try to get it as quickly as I can to put it in. Come out and see what is going on; really have conversations with these people. As the beautiful lady said...

Mr. CHAIRMAN: Which one? I am surrounded by them.

Ms. Juliette MOORE: She is dark like me.

Mr. CHAIRMAN: She is dark like you. Okay, fair enough.

Ms. Juliette MOORE: If you tell somebody something and they do not understand, you [would] say they did not get it, but really and truly you have not put it cross in a manner that I can understand. Do you get what I am saying?

Mr. CHAIRMAN: I understand.

Ms. Juliette MOORE: Mr. Franklin and I might be able to understand this, but the average person on the street is not going to be able to understand this, so in dealing with this in the end result, please make it so that the average person can read it and understand it.

Mr. CHAIRMAN: Appreciated.

Ms. Juliette MOORE: I can pay $30, or I can pay $100 and still do not have to pay the $50 all the time. Please make it that the average person can understand. If you put people in a position that they are not making any money, you guys know that it is going to be same average poor person that...

Mr. CHAIRMAN: I get you. Ms. Moore, I thank you for that. The truth of the matter is that you have pointed us in a direction that I think we may have heard from one or two others before and basically what they have been saying is that this will require an element of training and explanation to people about what it is that we are trying to achieve and understanding how this, not only works potentially in their advantage, but understanding what the obligations now would be.

One of the reasons we wanted to hear from you was your view about the fees, because this is just a proposal. It is genuinely not set in stone. For example, when I got back here I heard Mr. Franklin on the $100 thing and I probed him a little bit to say that it is for one year and that it will translate into $8.33 a month. Now, that is not for me to determine by myself that that is reasonable or unreasonable. I think what you all have to do is to tell us where you feel we are going wrong and we are being too harsh. We talked to BARNUFO today and one of the points they made, for example, was that if you were asked

to pay a penalty, and they are administrative penalties because no one is going to lock you up or prosecute you now and make you a criminal for vending, that is coming to an end with this Bill, but you may have to pay an administrative penalty, for example, if you vend without a licence. Now, if you had to pay that penalty, they said to me that 14 days is too short a period of time, they would prefer 30 days. That point was taken by me. I am not sure how the rest of the Committee feels about it but we are going to get there.

Those are the things that we need to have your input on. I understand where you are going and appreciate your concerns. So feel free and relax and just tell me how you see it.

Mr. Keith FRANKLIN: How I see it is that they should not even be paying a penalty at all, because there are some people who come out and want to sell off their produce and just do it in one day and it just so happens that the Police holds them and they do not even have any money. How can they pay a penalty? There should not be a penalty. Even in some markets when people are operating their business, even the market people tend to victimise the people and they cannot even pay the money, they cannot pay their rent and certain things. Also, you have to look at it that market areas that you are providing nowadays are not profitable for the people. We should look at the penalty more seriously because I do not figure people should be paying a penalty if they vend out of the vending zone.

Mr. CHAIRMAN: Where do you operate from now, Mr. Franklin?

Mr. Keith FRANKLIN: I operate in Palmetto Mall.

Mr. CHAIRMAN: Do you have to have a permission to be in there?

Mr. Keith FRANKLIN: No, you do not have to have a permit to be in there, but you rent a space.

Mr. CHAIRMAN: Okay, you rent a space, fine. In that arrangement, let us say, for example, there was somebody in that space who took sick and died, so that there is a vacancy, and a person comes into [that space] and he did not pay rent but just starts to sell. In those circumstances, what would happen with him?

Mr. Keith FRANKLIN: Well, people do not [just] come in and not pay rent; they come and start paying rent for a stall.

Mr. CHAIRMAN: Okay. You accept that it is possible that they could be a man who would come and just try and do his thing without having paid anything?

Mr. Keith FRANKLIN: I do not think that would really happen in the markets, but it more happens with the people who run [in charge of] the markets. They even refuse to take rent from people to make it look like they do not pay rent.

Mr. CHAIRMAN: Okay. Now, you are raising a different matter. I want you to pause here. The Minister of Agriculture wanted to have an input on this so I am going to let him speak.

Hon. I. A. WEIR: Thank you, Mr. Chair. I am actually glad that the Public Market at Palmetto was mentioned. Mr. Franklin might be able to explain this. We are saying that a vending fee of $25 for a licence is high but to own a stall in the market is something like $50 and people take those stalls and then sublet them for as high as $400.

Asides.

Hon. I. A. WEIR: $400 a month.

Asides.

Hon. I. A. WEIR: $50. Whilst it is true that you may hear some vendors suggesting that $25 and $50 is a lot to ask, how do you juxtapose that with a case where someone has a lease agreement for a stall in a public market at $50 and then, in some instances, is capable when it comes to food and beverage stalls can lease them for as high as $1 200 a month? Hence, really and truly, we need to address this issue and see where this is really going. Is it about an *unwillingness* to pay Government, rather than the *inability* to pay? I have more than enough evidence, I have met with several vendors where I have dealt with this issue as we sought to modernise the markets, and so I am keen and very happy to hear an explanation to this anomaly where, if it is Government it is too high, but you take the same Government property and sublet it for ten times as much.

Mr. Keith FRANKLIN: This is the first time I am hearing this, because I know before, one could not sublet these stalls or anything like that, but I do not know what has happened there or what is going on there. I have never heard anything about this before. Further, who is running the markets and so on would have to be a part of it, because it is going on under their watch. Somebody in the markets would have to be dealing with that.

Hon. I. A. WEIR: Mr. Franklin, I thank you for that. I think that is a suggestion that I am really going to have to look into, but the hardcore reality of it is that the Chairman of this Committee has already invited the Manager of Markets to come and speak to this statute, and I am going to urge him to walk with enough information to prove that there are instances, and there are several, within the markets. As we seek to modernise the markets through legislation like this and the amendments to the Markets and Slaughter-Houses Act and issuing new leases to vendors in markets, I am speaking with absolute certainty when I say that I met with vendors who have said they were subletting for as much as $1 200 a month for a stall for which the Government is only charging $50.

Mr. CHAIRMAN: Go ahead, Ms. Moore.

Ms. Juliette MOORE: Sir, I am glad that this was said because this Bill, like almost everything else that runs in this place.... Anyhow, the market is run by the

Government? Right? The Government issues the spots to people? Yes? Now, you are in charge of the market: You and not the person who is buying from you. You are the person who is running this market, so underhandedly – because that is underhanded since you are paying $50 to the Government and leasing to a poor man for $1 000 – how is that happening? In terms of the guy who is going to bring the information for you, for sure, it would have to be the fault of the vendors because the vendors run the place. Yes? Anyhow, I do not know because I am not so intelligent about these things, but I am all for poor people. I know there are people out there who are making thousands of dollars in this vending. Good for you. Great. I get that maybe it is that some taxing need to be happening because more money needs to be coming in. Great. Do you understand what I am saying?

But I am for the person who is just trying to make it by, the person who is actually paying the $50 while trying to pay their light and water bills, support their children and such things. Do you understand what I am saying? The man who is paying $50 for the thing and is getting $1 000, he is living, and if you can pay $1 500 for a stall [that only rents for $50] then you would have to be living too; so they are good. We are for the people who are not so good. We are for the people who may find it a little difficult, and I guarantee you it is more of the majority who will find it a little difficult than the minority. I think I got the English right. Do you understand what I am saying? These people who are making the money, great for them. This Bill is supposed to help people who are in there and finding it difficult, to make it better. Can we deal with that? Can we deal with how we can make it better so that nobody can pay $50 for a stall and rent it out for $1 500 to someone else? These are the things you want not to happen so that the average little man can make money and then probably be able to pay you all this $25 or $50. Arguments are made about things that just do not matter all the time. They are making money, it is wrong, stop it. You are the Government. Do something about it. It has been happening forever now, which means that it would have to be somebody, [it would have to be] something. [let us] deal with the issue at hand, which is poor people who want to make money and get themselves going. That is my part. Thank you very much.

Mr. CHAIRMAN: I thank you. You are 100 per cent correct, and obviously this is a matter that.... You have heard the Minister say he is asking the person in charge to come, and he will have to do some explaining. I am very grateful that you have raised that. I wanted to share with you the regulations as I am now understanding them. The stall in Palmetto Square, for example. I do not know if this is Palmetto but this speaks to the Markets and Slaughter-Houses Regulations as they are enforced now, so we are talking about stalls in a market that are less than eight square metres being rented for not less than $20 and not more than $50 a month. That is if you are on less than eight square metres. Between eight and 19 square metres, which is a medium-sized stall, it has to be between $50 and $100 a month. A stall of 19 square metres or more is not less than $100 and not more than $200. That is what the Regulations enforced are requiring, so if in fact it is correct that there are people who then sublet and they sublet outside of this zone, then I believe it is true to say they are in breach of the law. Ma'am, you are quite right that since it has been brought to the attention of the Government, it would now have to be dealt with appropriately. There was a request from Minister Forde for the Floor.

Hon. A. R. FORDE: Thank you. I just want say a special thanks to you, Ms. Moore, for being here and I want to say to you that your unbridled discourse so far has been extremely refreshing. I want you to continue with this gusto. I want to date ourselves back to your previous submission, where you were making mention of the fact that in terms of young persons, even like your son, that you have a sense and a yearning for those persons to be trained. I want to say to you, it collides certainly with what I, as former Minister responsible for Youth Affairs, was saying and espousing. It collides certainly with this Government and our policy perspective or philosophical perspective as it relates to training not only of vendors but persons across the sectors. I want to say that there are systems in place now for young people. Even when you try to acquire a trust loan, there is a training mechanism in place before those loans are given. As it relates to the Youth Entrepreneurship Scheme, this is another training avenue and mechanism for young persons before they enter the business world. Even the Building Blocks programme which we have with youngsters off the block, before they go into the whole vending regime, they are trained and they must pass their training course before they start the whole vending experience in terms of ensuring it becomes a part of their commercial life cycle.

I want to say to you that this is something which we hold dear to our hearts and we are certainly in sync with what you are saying as it relates to training. I want to give you the calm, rested assurance today that we agree totally with you if we are trying to make vending as professional as possible or, as the Minister beside me would say, to bring it to the phytosanitary standards. I am equally agreeing with you that training must be an important part of the conversation, so I just want to say to you thanks for bringing it to the fore and we are in total agreement there. Thank you.

Mr. CHAIRMAN: Ms. Toni Moore.

Hon. Ms. T.N.S-A. MOORE: Good afternoon, Ms. Moore. Another Moore here. I heard you speaking very passionately and frankly in the meeting, and I appreciate your contribution so far. The issues that you raised are not the only issues that may arise from time to time. There are other issues that might relate once a licence is granted and so on. There may be issues that relate to relocations, evictions and a number of other matters. The legislation proposes that those issues would be heard before a Tribunal if they are appealed. When we were speaking to another group, particularly the other vendors' association, it was accepted that it would be a good thing

to have a representative from among vendors to sit on a Tribunal and the Tribunal would be responsible to hear complaints and make a decision as regard to whether a particular action that was taken in circumstances was reasonable or not.

The question to you and Mr. Franklin would be whether you think you would be able to sit with the other associations and among you determine one person from the vending community that could hear any complaints that would arise from time to time. It means that that person would come either from BARVEN, your association or from the fisherfolk, but if you can sit together jointly and determine who would represent you in hearing complaints. Do you think that is something that is possible?

Ms. Juliette MOORE: I am a new member, so Mr. Franklin would have to help you on that one.

Mr. Keith FRANKLIN: Yes, I say that it is possible that we can meet with the other associations, sit and look at someone who could sit on the panel to represent the vendors and whatever that is going on.

Mr. CHAIRMAN: Fair enough. Thank you for that because it will be very critical for the work that the Tribunal would have to do. This Tribunal, Sir, is basically going to have on it an attorney, the person that the vendors offered, and another person who will be experienced in business of vending even if he or she is not a vendor themselves but they have had some experience and association with it. This is really, as Ms. Toni Moore just indicated, intended to look after any of the issues that a vendor may raise. For example, the very important point that Ms. Moore just spoke to which is that you may be relocating me but I am not happy with the way in which the relocation process is going, so I want to appeal it.

This Tribunal would be charged with the responsibility of treating to that. As you could see, it needed to be a Tribunal that has an understanding, to some extent, of what the business of vending entails. Are there any other requests for the Floor? No. Fine.

While we do not have any immediate request for questions, I want to give you the opportunity to ask us some. I am mindful, Juliette, that you indicated you are not here all evening, so are there any concerns that you would wish to raise at this particular point?

Ms. Juliette MOORE: We really have to go soon but my one concern is this: Vending means perishable and non-perishable items. You make a Committee and would hope that the Committee does not wait... In choosing people for the Committee, can they be people who are actually fair and speedy because you [may] want [to apply for] a licence for the farmers' market that coming up; you apply on Monday. It is supposed to take two days but for the next five weeks you are still waiting, but because the person who runs it knows Mr. Franklin, he gets his on time. But since I do not know Mr. Franklin, I would still be waiting. This Committee should be a Committee of upstanding people, I guess, who understand the workings of this thing. That is basically it.

Mr. CHAIRMAN: Juliette, I would not detain you anymore, just to say to you that I think the Leader of the Opposition wants to have a word. I want to tell you that even though you have now come, the truth is that you shoot straight and you are keeping it real. I would urge please that you do not throw in the towel on this. You may start as representing this association but believe you me, that approach is what the associations in Barbados need; that spirit of frankness and straightforwardness. Continue in that vein. The Leader of the Opposition, please.

Bishop J. S. S. ATHERLEY: Thank you, Mr. Chairman. Good afternoon, Ms. Moore and Mr. Franklin. Thank you for coming today and contributing to the deliberations of the Committee. There is something that has been sounded forth by both of these voices that has resonated with me and I would just want to reemphasize it because I share the sentiment that I heard coming from these bosoms. While we might be seeking to put in place a legislative framework that would provide for a more business-like profile and approach to how vending is done in Barbados, and to order and regulate it in such a way as to seek to empower those who are involved in that economic activity, I think what I hear coming from these two voices, and I share that, we need to cautious that we do not create the kind of bureaucratic impediment or the kind of bureaucratic framework that becomes an impediment; rather than helping them, it further frustrates them in what they are trying to do. I want to reinforce that. I thought I heard that being clearly said by them in their words. I simply wanted to ask Ms. Moore, if I may, where does she do her vending?

Ms. Juliette MOORE: I am a very new member. I am vending from at home. I have three sons and a daughter, by the way. They have an acre of land and I do the seedlings for them. We have a website where we sell eggplant, seedlings and different kind of things. Let me do some advertising for my boys. They are Boams Farm. It is now getting off the ground. The intention is to come out into the vending and put our wares out there as we go on.

Mr. CHAIRMAN: What is the name again?

Ms. Juliette MOORE: Boams. B-O-A-M-S. Boams Farm. My son, Zachary, always says, "*Mum, before you go into something fully, you must find out what the market is and what is going on.*" This is basically a lot of me doing market research as to how we are going to get our products out and sell it. I do not want to go to the side of the road and police just moves me. I want to be stable in knowing that I can go "X" place, ply my ware and do not have to worry about anybody pushing me around or that I have to be scared. But we have to go.

Mr. CHAIRMAN: Understood.

Bishop J. J. S. ATHERLEY: You do not actually sell in a public space at the moment?

Ms. Juliette MOORE: No, not as yet but that is the intention.

Bishop J. J. S. ATHERLEY: I am just wondering what were the particular challenges you were

experiencing if you were selling from a public space. Where do you operate from, Mr. Franklin?

Mr. Keith FRANKLIN: Palmetto Mall.

Bishop J. S. S. ATHERLEY: What are the particular challenges you face there?

Mr. Keith FRANKLIN: The challenges are very tough. If I could have stayed a bit longer I would have told you all of the challenges but...

Bishop J. J. S. ATHERLEY: Give me one or two. We want to hear.

Mr. Keith FRANKLIN: One of the challenges is the market people refusing to collect people's rent and then say that they would not pay. Right now, the markets want uplifting. The markets right now, I do not know, the people that are supposed to take care of the markets, they are not doing their job so markets are actually deteriorating right now in Barbados. When they are first build or first come on hand, they look like they are working good, but then eventually the challenges to keep it up to a standard...

Bishop J. J. S. ATHERLEY: So if you could improve the Palmetto Mall, what is the first thing you would do? What is the most important thing, or what is the most urgent thing?

Mr. Keith FRANKLIN: It want painting right through, outside and inside, and change the staff.

(laughter)

Mr. CHAIRMAN: We will talk to some of those staff when we come back again.

I want to thank you, Mr. Franklin. I really want to thank you, Ms. Moore, as I said, for your candour. You have been very direct with us. Mr. Franklin and Ms. Moore, may God bless you. Thank you for sharing your time this evening with the Committee. You may leave now. Thank you.

At this point Mr. Franklin and Ms. Moore vacated the room.

Mr. CHAIRMAN: Colleagues, first of all, let me just notify everybody that you will be circulated with a copy of the submissions to the Committee coming from the COVID-19 Unit and also from the Registrar of Cooperatives. We will reach out to Members during the course of next week. It is my thinking at this point that we would try to convene a meeting for Friday morning and probably have that run until midday or 1:00 p.m. but I will settle those times with the Clerk of Parliament and we will come back to you all at that particular occasion.

ADJOURNMENT

Mr. CHAIRMAN: Can I have a motion please for the adjournment of the day's proceedings?

Hon. K. D. M. HUMPHREY: I beg to move that this meeting be now adjourned.

Senator the Hon. Ms. L. R. CUMMIMS: I beg to second that, Mr. Chairman.

Mr. CHAIRMAN: Mr. Forde, I am sorry that Minister Cummins caught our eye first.

Hon. A. R. FORDE: And naturally so.

Mr. CHAIRMAN: Colleagues, we stand adjourned. Have a good weekend and please try to stay safe everybody.

FIFTH MEETING OF THE JOINT SELECT COMMITTEE ON THE NATIONAL VENDING BILL, 2021 HELD IN THE CHAMBER OF PARLIAMENT, WORTHING CORPORATE CENTRE

FRIDAY, OCTOBER 22, 2021

SECOND SESSION 2018-2023

PRESENT:
Hon. Kerrie D. SYMMONDS, M.P. (Chairman)
Hon. G. P. Ian GOODING-EDGHILL, M.P.
Hon. Adrian R. FORDE, M.P.
Hon. Indar A. WEIR, M.P.
Hon. Kirk D. M. HUMPHREY, M.P.
Mr. Trevor A. PRESCOD, J.P., M.P.
Ms. Toni N. S.-A. MOORE, M.P
Bishop Joseph J. S. ATHERLEY, J.P., M.P., *(Leader of the Opposition)*
Senator the Hon. Ms. Lisa R. CUMMINS
Senator Damian R. SANDS
Senator Dr. Lynette P. HOLDER ***(online)***
Senator Julian A. HUNTE ***(online)***
Senator Miss Alphea M. WIGGINS, J.P. ***(online)***

ALSO IN ATTENDANCE:
Mr. Pedro E. EASTMOND, Clerk of Parliament
Mr. Nigel R. JONES, O.B.E., Deputy Clerk of Parliament
Miss Beverley S. GIBBONS, Deputy Clerk of Parliament
Ms. Shawn Raine BELLE, Deputy Chief Parliamentary Counsel
Mr. Anderson CUMBERBATCH (Chief Business Development Officer, Ministry of Energy, Small Business and Entrepreneurship)
Miss J'anne C. GREENIDGE, (Procedural Clerk to the Committee (Ag.)) Typist

WITNESSES IN ATTENDANCE:
His Excellency Mr. David Comissiong, Ambassador to CARICOM
Mr. Sherlock KING, Senior Manager of Markets (online)
Ms. Vernel NICHOLLS, President of BARNUFO

Mr. CHAIRMAN: Good morning. I want to begin by welcoming all Members of the Committee, both present and online.

MINUTES

On the motion of Senator the Hon. Ms. L. R. CUMMINS, seconded by Hon. A. R. FORDE, the Minutes of the Meeting of 13th October, 2021, were deferred.

Mr. CHAIRMAN: Colleagues, I believe that we have with us here today, as we continue the deliberations of this Joint Select Committee on the National Vending Bill, 2021, His Excellency Mr. David Comissiong, Ambassador to CARICOM, who is here to do both an oral and written presentation. I would want to recognise that he has already circulated a written presentation. I trust that all Honourable Members of the Committee would have had an opportunity to have seen it so I would want to propose that we take Ambassador Comissiong first, thereafter we will go to Mr. Sherlock King, Senior Manager of Markets; then after that, Ms. Vernel Nicholls, President of BARNUFO.

I propose to follow the same approach that we have followed during the course of the previous meetings when persons have come before us to give evidence. Therefore, without any further delay, I would want to welcome Ambassador Comissiong. Ambassador, the Floor is yours. Good morning. It would seem as though we have a bit of a technical challenge.

Madam Deputy Clerk spoke to Mr. Chairman.

Mr CHAIRMAN: Okay, so he would not have heard anything that we have just said. We will have to redo that then. Could you kindly indicate to me when the Ambassador is in a position to hear me? He can now?

His Excellency D. A. COMISSIONG: Good morning.

Mr. CHAIRMAN: Colleagues, Ambassador Comissiong would not have been in a position to hear me just now; I think he can now. For obvious reasons he is located away from us for the purposes of the physical distancing requirements. Ambassador, I want to welcome you to this Committee. The intention would be to have your oral presentation and then the Sub-Committee will share such comments and observations as they so desire. The Floor is yours, Ambassador.

His Excellency D. A. COMISSIONG: Good morning. Thank you, Mr. Chairman. I am not sure exactly

who are the Members of the Sub-Committee.

Mr. CHAIRMAN: You cannot see us, but we can see you. I can tell you exactly who are here so as to assist you. I have sitting to my immediate left, the Honourable Leader of the Opposition who I think would need no introduction. I have the Minister of Tourism and International Transport, Senator Lisa Cummins. I have Minister of the Environment and National Beautification, the Hon. Adrian Forde, and online we have Dr. Lynette Holder, Senator Althea Wiggins, Minister Kirk Humphrey and Senator Julian Hunte.

His Excellency D. A. COMISSIONG: Okay. Thank you, good morning. It is a pleasure to be here to share some ideas with you. First of all, just to indicate that I am the Deputy Chairman of the Thorne Commission on Local Governance and one of the things I want to speak about is a particular component. As you would know, the Thorne Commission on Local Governance did a series of public consultations all across the country Barbados and we have produced a report that is now with Cabinet in which we are recommending that Barbados establishes a system of People's Assemblies, a kind of local government structure right across Barbados – 21 People's Assemblies that would cover the entire island. One of the functions that we are proposing for People's Assemblies is a function relating to vending; the vending of both goods and services and the ability to issue licences for the carrying on of vending in the geographical area of the People's Assemblies. Therefore, it is important that this Committee knows about that idea. In my presentation I am going to be suggesting that it is really – in light of the content of this Bill, that it is really very crucial to include those People's Assemblies and that local government function. However, in order to properly make my case, I need to refer to the vending situation that exists now and the fundamental changes that this Bill is proposing. Basically now, vending in Barbados is controlled by the *Markets and Slaughter-Houses Act*. The basic idea behind this Act is that there are several state-run public markets established in Barbados and that the law seeks to protect the vendors who operate in those state-owned public markets and so there is a zone around each of the market's geographical area that is demarcated and within those geographical areas vending is restricted/prohibited, except one has applied for and has been granted a licence. However, outside of those geographical zones around the public markets vending per se is not restricted unless, of course, the activity runs afoul of any other particular law. For example, if a person is obstructing the public highway and matters of that nature but there is no general prohibition of vending outside of the restricted zones around the public markets of Barbados. What this new Bill will be doing is changing that in a very fundamental way, in that this Bill will be restricting/prohibiting vending island-wide, except one has a licence, one has applied for and has been granted a licence to carry out vending.

The Bill said that licences will be granted for vending within certain vending zones. It itemizes the vending zones; several which apply to parks, beaches, et cetera, that will be governed by the National Conservation Commission, as obtains now; vending zones that will consist of those geographical areas demarcated around the existing public markets will be treated as vending zones. Further, there is a provision that permits the National Vending Committee to establish or to recommend to the Minister the establishment of other vending zones. Hence what we are looking at is a much more restrictive attitude towards vending. We are looking at the regulation of vending. Many of the provisions within the Bill I think are good in terms of treating vending as professional or semi-professional activity and regulating it properly. However, we have to be careful that we do not create a situation where we unduly restrict the opportunity of Barbadians to carry out vending activities in geographical areas of Barbados outside of the zones around the public markets. We can understand the zones around the public markets have to be looked at very carefully because you do not want to put people who are in public markets at a disadvantage, so we understand the need for regulation around that.

However, the new factor that we are going to have to grapple with now is outside of those restricted zones where you now have liberality in terms of vending activity, now that is going to be much more restricted. Having said that, let me just read to you the section of the Thorne Commission Report that is dealing with the People's Assemblies. Incidentally, People's Assemblies are elected by the local community. These are bodies that are very close to the community that will have representatives from all of the distinct communities within the People Assembly area.

Let me go now to the particular section. It states as follows:

"Issuing of Licences-

One of the priority functions of the People's Assembly will be to facilitate the entrepreneurial efforts of the residents of the assembly area and to promote self-employment and the development of business enterprises. Our Commission, therefore, recommends that the People's Assembly should be invested with the power to issue a variety of licences for the carrying on of small business activities in specific public spaces within the assembly area. Such small business activities would include wayside vending, preparation and/or selling of food items, delivery of performing arts and entertainment services, delivery of taxi services, manufacturing and/or sale of art and craft items and activities of a similar type. It should therefore be the responsibility of each People's Assembly to seek out and locate public spaces within the assembly area that are appropriate for various types of small business activities and having done so, to organise itself to receive applications from assembly residents for licences to set up operations in such areas and to issue the relevant licences. Several members of the Commission were able to visit the recently established and developed Worthing Square food and entertainment outdoor facility at the bottom of Rendezvous Hill in Christ Church and are convinced that

People's Assemblies could play a role in establishing these types of small business development facilities in appropriate spaces all across the island. The Commission is also convinced that the establishment of facilities of this nature could intersect with the work and programmes of the Community Management and Programme Development Committee...."

This is another committee of the Joint People's Assemblies. It further states:

"... and also could play a vital role in developing a community tourism component of Barbados' tourism industry."

The idea here was that we were not going to be touching the restricted zones around the public markets. In another part of the report we say that we understand that that is the purview of the Ministry of Agriculture, the Manager of Markets and so forth. We understand the logic for them wanting to have control over that area and to be the ones issuing licences for those areas.

We said we leave that as it is but outside of those restricted areas, we were envisaging the People's Assemblies having this role in facilitating vending activity in terms of facilitating entrepreneurial activity and helping Barbadians to establish small businesses. If we come back now to the National Vending Bill, the Bill proposes a National Vending Committee that would have the power to recommend new vending zones. If you look at the persons that make up that committee, they are representative of various Ministries, a representative of BARVEN and a representative of the Association of Wayside Vendors. However, it is not a Committee that like the People's Assembly would be very close to the community.

My suggestion would be that we should try to preserve the idea that outside of those restricted areas around the public markets we should see the areas outside of those restricted areas as potential areas to facilitate vending activity. I stress again that when I say "vending activity" we do not just mean the narrow wayside vendors but small business entrepreneurial activity in relevant public spaces. A People's Assembly would be more equipped due to being on the ground and having that intimate community knowledge to know what public spaces are suitable, for what type of activities and what are the demands of the people in the community.

My proposal would be that we know that in the thinking of this Joint Select Committee that you mentally reserve some space for the possibility that People's Assemblies will be established in Barbados and if that is the case, the role of the People's Assembly even if it is an advisory role to the National Vending Committee but some space be carved out for the People's Assembly to play a role in identifying public spaces within their geographical areas, and recommending to the National Vending Committee where new vending zones could be established to facilitate this entrepreneurial activity.

The other point is this too. For example, on my way here, I passed Dayrells Road and a young lady in a private dwelling house doing a little selling just outside of her house. We have to be conscious that traditionally Barbadians have done things like this. Again, outside of those restricted areas around the public markets where people have had a lot of liberality in terms of somebody may have lost their job, they need to earn some income so they set up a little vending operation or you see, occasionally, maybe it is "dounce" season you would see young men selling their "dounce" on the roadside.

There is also the itinerant vendor, the snow cone vendor, I mean the traditional itinerant vendor. You have the young ladies who go from place to place selling their grapes, for example, or now you have the new itinerant vendor, the food vans that come around. Some of them come early in the morning, they go to different business places so I want to flag that as well for the Committee. The Committee needs to think about how you are going to accommodate the different categories of itinerant vendors, how you are going to regulate them. You do not want to prescribe them, but the case of the itinerant vendor also needs to be thought about when we are looking at this Bill. Those are the two things I see. The itinerant vendor I see as a separate issue to be considered because right now the way our law is, the law now does facilitate itinerate vendors, even within those restricted areas, itinerate vendors are permitted so we need to give some thought to that and also, the major point I really want to make about the need to use the spaces outside of the restricted area around the public markets to facilitate and to accommodate vending activity and the role that the People's Assembly can play in helping to make that work in a very positive way. That is it, Mr. Chairman. I will end my presentation there.

Mr. CHAIRMAN: Thank you very much Your Excellency for your presentation. I want to say a couple of things with respect to it.

First of all, let me thank you for the observation that you closed on with respect to the itinerant vendors. It is a policy issue that clearly has to be carefully considered because I think that your assessment of the Bill is probably accurate in that there may be a need for the Committee and probably subsequently Parliament to have a close relook at the way in which we have treated to the itinerant nature of the vending activity. I want to say for the benefit of those who are listening to you and may not fully grasp some of the implications. Your submissions must form part of a report which will have to be laid in the Parliament of Barbados, therefore, will have to be debated so that the submissions, while having tremendous value, do not begin and end here. I think these now go into a report which allow for us to not only reflect but perhaps nuance some of that which we proposing to do. I say that because I want it to be clear to everyone that the Ambassador has raised a number of matters, some of which turn on constitutional issues and proposals which are at this particular point in time, just that, proposals and issues which have some constitutional implications in Barbados. An elected

assembly, outside of the Parliament, is not part of the Constitution of Barbados so that the People's Assemblies are things that we anticipate having the ability to see the light of day, but right now, legally, are not constituted. Beyond being legally constituted, then they have to be endowed with certain powers and those powers have to be determined. Equally they have to be then endowed with administrative capacity to do the type of work that Ambassador Comissiong is speaking about and there is a challenge before the Committee right now in terms of us being able to go much further with your proposal, Your Excellency because I am sure you would understand that there is a doctrine that governs us here which does not allow for us to be anticipatory in nature. We have, unfortunately, to be constrained by those immediate circumstances and insofar as this Bill is concerned, address the immediate requirements and the historic challenges by those tools that we have immediately at our disposal. I do however, as Chairman, want to go on record as associating myself with you view that there has to be a space made mentally for the proposals which you have put before us.

The implications, as I said, for us in terms of the constitutional adjustments and so on probably are going to take a little bit of time, but I do think that there is much merit in coming to a point in Barbados where these matters are dealt with in various locales across the island, if it is that we settle on 30 People's Assemblies based on constituencies or however we end up doing it, I think that it is important that we have this being an instrument of local Government. That is just my view, but Your Excellency, I think the substance and weight of your observations are taken on board more generally.

As I said at the beginning, these submissions are going to form part of the report which comes to the House of Assembly and the House of Assembly will have an opportunity, therefore, to debate on this and I would wish to think that the House of Assembly would see it in the broadest possible sense which will include having a futuristic look at the options which are before us even as we are constrained to have to settle a way forward before we actually have a substantive People's Assembly. The Thorne Commission had proposed the establishment of 21 People's Assemblies across Barbados and I just spoke to the possibility of 30 constituencies and that just gives you an idea of the challenge that we are going to have to deal with intellectually on this matter because there are going to be a variety of perspectives. I need to say also to you, Your Excellency, that the matter has not yet come to the Cabinet of Barbados. It is supposed to be coming to the Cabinet of Barbados, but we have not yet seen it, therefore, for me to dwell much further on this would be to begin a debate on a matter that has not yet really become a part of Government's policy, but let me say to you that insofar as its implications for vending is concerned or the implications are concerned, I am pleased that you have been able to make the submissions. I have noted the number of observations that you have made. I think there are some that we can fit into the circumstances that we have now. As I have said to you, I think the most burning one is the question of how we deal with the itinerant vendors, but we will treat to this as we deal with the broader report which comes to the Parliament.

At this point, I would want to open the Floor to any of the members of the Committee who would wish to have any question or observations tabled. Honourable Leader of the Opposition?

Bishop J. J. S. ATHERLEY: Thank you, Mr. Chairman, and thank you, Your Excellency, for your presentation. You alluded, in part, to a challenge I have with some of the presentation and that is with respect to the fact that reported in the Thorne's Commission is to be made, whether it has arrived there yet or not, it is made subject to the Cabinet of Barbados' attention, therefore, Cabinet of Barbados approval of any proposals of policy postures adopted therein. It makes it very difficult, therefore, to discuss some of what the Ambassador has said in this context. I am bearing in mind that this meeting, I think, is being broadcast, therefore we cannot be, in my view, anticipating what the Cabinet would do assuming the Cabinet has taken certain... I think that you were indicating that and I am with you on that so it creates a little difficulty.

I was interested also in what His Excellency said that the Bill as it stands implies a more restrictive attitude towards vending. If that is His Excellency's assessment on looking at the Bill and analysing the provisions then we have a challenge because my understanding is the intention of the legislation is to democratise the whole business of vending in Barbados putting it on a more solid footing and attaching certain level of commercial professionalism to what is very much a part of Barbadian culture, the bedrock of that which supports many Barbadian families. If His Excellency's assessment is that the Bill suggests to more restrictive attitude, then I think I would want to ask him to elaborate a bit on that maybe with a little bit more specificity. It suggests, if he is correct, that we have to do some rethreading of the wheel.

I support him on the issue of the itinerant vendor when we had the debate in Parliament and you Sir, allowed me to speak and I did make reference to that. I think it is very important. It is a traditional thing in Barbados. It is becoming commonplace and we are now seeing it being associated with a wider variety of activities as His Excellency Comissiong has suggested but I would like to hear him a little bit more on his view that this Bill implies a more restrictive attitude towards vending.

His Excellency D. A. COMISSIONG: Mr. Chairman, I will be happy to respond to that. If you look at the Bill, for example, Section 3 says for the purposes of this Act vending refers to the offering for sale of merchandise or the rendering of services in a vending zone for the purpose of earning a living or for the duration of a fair, farmers market, festivals, et cetera. Then Section 4 says that no person shall operate as a vendor pursuant to Section 3 unless he is 16 and he has a licence to do so, so basically what this Bill says is that henceforth to operate as

a vendor in any part of the island one must apply for and be granted a licence, but the way the Law is at present, that approach is really restricted to the geographical zones around the public markets so the law that we have in place now under the Markets and Slaughter-Houses Act is basically designed to prohibit and restrict vending in a geographical area around the public market, and obviously the thinking would have to be that you are trying to protect the people who are in the public market and you are trying to control any undue competition that they have, but away from those restricted areas vending is permitted unless the person, as I said, run afoul of some other law, unless they unduly block the highway or that kind of thing, so this Bill is proposing to regulate vending right across the island, so to that extent it is promoting a more restrictive approach and with that restriction comes regulations. I guess a lot of the regulations are good because you are pushing the vendor towards a more professional type of operation.

My point is, I fully understand that the Thorne Commission is just a report at this point, it is not part of the Law of Barbados, it still has to be looked at by the Cabinet but I thought it would be wrong not to draw to the attention of this Committee that one small component of the Report that deals with issuing of vendor licences because I think you need to be aware of it. I know that you cannot in a sense take it on board now because it is still only a proposal that the Cabinet has not even looked at yet but I just thought that in terms of your own mental processes you need to be aware that is something that is being proposed.

Even aside from the People's Assemblies the fundamental point is that if you are going to have this more restrictive and regulatory approach to vending right across the entire island, in my opinion if we are going to hold on to that notion that we want to facilitate new small business entrepreneurial activity - and I mean you go to that Worthing Square and you see the benefit in being able to have public spaces like that and being able to give small entrepreneurs a licence to come together and operate in a public space like that and really to establish a very flourishing entrepreneurial zone, that if you are going to hold on to that concept that this can be replicated across the island then you are going to need some community-based entities that could interact with the National Vending Committee and could steer them in that direction towards being facilitatory of vending activity rather than simply being regulatory and restrictive. You also need those community structures because, as I said, you also want to be able to accommodate the average person who for them vending might be a short-term emergency measure to deal with a loss of employment and so you want community-based structures that could facilitate the interest of such a person.

The National Vending Committee as it is comprised - I mean obviously it has all of the relevant ministries represented, it has all of the relevant expertise - is not a structure that would have that intimate rapport with an insight into the communities all across Barbados, so if it is not the People's Assemblies I think there needs to be some other entity to play the role that we envisage the People's Assemblies playing and feeding that advice into the National Vending Committee.

Mr. CHAIRMAN: Honourable Leader of the Opposition, do you have any other...?

Bishop J. J. S. ATHERLEY: Thank you, Mr. Chairman. I heard His Excellency Comissiong on both issues on the procedural matter of us debating with any greater specificity proposals in the Report that the Cabinet itself has not yet looked on. I understand where he is coming from and I appreciate that it was necessary to alert us, it is just that the circumstances of this Committee create a situation where we are going out to the public with matters which are occupying the attention of the Cabinet upon which the Cabinet has not yet decided, but that is just the challenge but I am beyond that.

His Excellency seems to be concerned with reference to Sections 3 and 4 the business of regulating that which is not now regulated and therefore sees this from the perspective that it perhaps makes things a bit more restrictive. The other side has been taken largely by the views represented of the Committee thus far and that is what you are looking to do by regulation to that which is not now regulated is to bring a bit of formalisation to the process, to improve standards and to ensure that we have the kind of vending environment operating in Barbados that lifts the status, the position of vendors now and also ensures that service meted out to our customers and clientele is the kind of quality that is desirable. I think it is looking at the same issue from two sides and I can see where one might think the implication here is for a more restrictive situation. I think I see the other side of the regulation though it is new would bring a greater commercial professionalism and formalisation of the process ensuring better standards at what we now do as simply perhaps coming out of our cultural impulse.

Mr. CHAIRMAN: Thank you. Ambassador, I want to give you the assurance as Chairman and obviously as Minister and I am very mindful of the fact that even as the future will portend that this matter will eventually attract the attention of the Cabinet and as we go forward it will attract the attention of the Parliament with respect to the constitutional implications of the Thorne's Commission Report. I also have to be mindful of the fact that I will not always be Minister responsible for this sector, and so, therefore, there has to be some certainty. I say that in all seriousness. It cannot vary with the appetite of the Minister or the size of his shoe. Therefore, there are some truisms that I want to take on board right now as we are at this stage. I think you are 100 per cent right and I agree with you totally and completely. I have said before during the course of the last week of taking evidence and having this kind of interface with other people including members of the vending community, my perspective is that the creation of vending zones must be broad and they must be purposive and as broad as we can possibly make them so that there are not restricted by the context that you quite rightly pointed us to today, but that they transcend that and

they go island wide. At the same time, we recognise that we have benefitted in Barbados from an excellent couple of examples. You pointed us to Worthing Square which is completely organic, equally Oistins has been completely organic and these are examples and there are others to be found from place to place which I think we must be able to continue to facilitate. Equally there have been planned activities for the purpose of vending, like, the night time vending that was introduced when I was Minister of Tourism and that is something that I believe the Ministry of Tourism is right now also looking at in terms of not just night time activities being reinstituted in Barbados as far is vending is concerned but other areas of the island being utilised for the purposes of capturing the commercial opportunity to be extended to vendors at locations across Barbados so as to merge the touristic dollar spend with the commercial impulse of the people. Hence, I take that on board, I share with you your concern in that regard.

I think that what I would want to hear from you is just an idea or two on the question of the way in which we might be able to benefit from the input of the communities in this country with respect to the settling of the vending zones, but at this point without actually having the People's Assemblies legally constituted in Barbados as yet.

His Excellency D. A. COMMISSIONG: Thank you, Mr. Chairman. Just to touch on Bishop Atherley's final point. Yes, it is really a balancing act between the two. I think what this Bill does by better regulation and insistence on standards, it is actually lifting the overall standard of this small business activity. However, in so doing, it is potentially prescribing and regulating right across the island in a way that has not happened before, and so the Committee just needs to be mindful how do you get the right balance and my suggestion is that perhaps the only way that you can get that right balance is if you have entities whose mandate it is to be very conscious of and knowledgeable about the community and the people in the community and is there to propose reasonable and sensible ways to facilitate this kind of activity in the communities, particularly in the communities that are away from those zones around the public markets that you have always wanted to be very careful and restrictive about. This is where the People's Assembly would be the perfect kind of community based institution to have an interactive role with the National Vending Committee to advise them and so on.

Mr. Chairman is asking me, since the People's Assembly is a possibility and certainly futuristic, in the interim, what could play that same role. Mr. Chairman, I am afraid, I am not sure I have an answer. I guess between the Community Development Department, the Youth Commissioners and so forth, I guess you could cobble together some kind of entity that is now to be found within relevant departments of Government that have a mandate for the community. I guess you could pull together some interagency governmental communities that are very close to the community that could play that kind of connecting role, because that is what you are talking about, for someone to play a connecting role between the community and people in the community and that central National Vending Committee so that the National Vending Committee could benefit from the proactive advice and input. Yes, off the top of my head that would be the recommendation that I would make.

Mr. CHAIRMAN: Fine, and I want to thank you for that. It is easy in these matters sometimes to be overly cheerful, optimistic and sanguine about some of these types of issue, but as I said, you, Ambassador are not going to be with us in perpetuity and I certainly am not going to be Minister in perpetuity and therefore there is a need for us to be able to ensure that the necessary structures are put in place that will ensure the continuity and sustainability of this effort and I need not to school you, you know very well how this particular category of persons in our society have had to struggle through, not just decades, but the centuries in order to come to this particular moment.

I want to recognise Minister Humphrey.

Hon. K. D. M. HUMPHREY: Thank you so much, Mr. Chairman and thank you as well Ambassador. It is always in my opinion very refreshing to listen to you, Ambassador, I feel as though I learn something every time. I take not of our concern in relation to People's Assembly and the fact that they are not yet properly establish, but I hope as a Committee, even though we cannot focus on the structure of it, that we do not lose the sense of what is being said. Having had the privilege of chairing and leading the Constituency Councils, with all of their flaws, I see the benefit of what is being proposed. Even though we may not be able to focus on the structure, I think the sense of it is really germane and I do not wish for us to lose it in terms of its intention and its aspiration. The question remains: If there is a gap in relation to the current structure of the Committee which the People's Assemblies, when properly formed, could possibly service or fill it, then what are we missing? This must be the question.

I reflect on that because there was a time, again, when we were doing the Councils that I felt as if civil society organisations particularly, community-based organisations, Mr. Chairman, should have much more of a role in relation to the activities being conducted within various communities and constituencies. I felt that community-based organisations which are really the pulse of the people should be much more involved in terms of the governance processes. I suspect here that this could be a place for such community-based organisations, like Pinelands Creative Workshop in The Pine, the Israel Lovell Foundation in The Ivy, and various ones across Barbados. The tragedy, one which we cannot overlook, is that when we were setting up those councils and we reached out to a number of those community-based organisations, sadly most of them only existed on paper. When we were asking for representation to serve on the Councils, there was an absence of genuine representation because in many cases many were formed around a single person, usually a very charismatic person, and in some cases when that person either left, died or somehow was no longer involved, while

the body remained in name the organisation was not really there. The role they can play should not be reduced, because I think that is a really good point made by the Ambassador. When I look at the structure, which I have looked at before, having listened to the Ambassador, there is really a role for the genuine, community-based organisation to determine where the most appropriate area is within communities to be able to do that.

I wrote a paper a few years ago in which I asked and attempted to answer the question: Can the State play a role in building social capital, and if so, what would be that role? I think that as we go forward, when we get there, that will be a question which perhaps the People's Assemblies would be able to help us answer, but until such time what can we do to help strengthen those same community-based organisations, whether they be geographic communities or whether the constituencies are demographically based. To have their involvement genuinely makes a lot of sense, in my opinion. I do know we also have the liberty of being able to adjust or to have maybe subcommittees of the Committee that would allow us to be adequately and appropriately informed by the persons who control the local knowledge. I would not want to miss that.

Sir, the second point that was raised in relation to the itinerant vendor – I was listening very carefully – I also reflected upon, and Newton's third law of motion came to mind, which is that for every action there is always an equal and opposite reaction. While it is our intention to genuinely offer something to the vendors that they currently do not have, in so doing, based on the statements, obviously there are some things that may be curtailed. However, we believe that in terms of what we are offering in terms of the facilities, the organisation, the access to training and so on would be significant. That is the way it goes. Every society that becomes more disciplined and more organised – even community bodies, to be honest, and I have been on several – there is a certain freedom, associated with being able to do what you like, that is lost but in the interest of being able to do it better. I suspect that is what is happening here, so I take that point too but I genuinely believe that what we are offering perhaps would allow us to be able to service that community more adequately. Thanks for listening to me, Chairman.

Mr. CHAIRMAN: Thank you for your observations. Are there any other requests for the Floor? Minister Cummins.

Senator the Hon. Ms. L.R. CUMMINS: Thank you very much, Mr. Chairman. I want to join my colleagues and you, Mr. Chairman, in acknowledging the important role that has been played by Ambassador Comissiong and his comments and the timeliness of those comments. I also want tap into his experience at the CARICOM level and his role at that level to ask a question which perhaps is consistent with what we have been discussing in this Committee about the important developmental companion to this regulatory framework that we are here developing. Ambassador, I wanted to get a sense from you, given your insights, your experience and your exposure, as to whether there is a prospect for us using the regulatory framework which we are developing here along with the national developmental frameworks that we have been discussing in the context of this Committee to treat vending across the region as part of our development trajectory. By that, I mean we spoke in earlier sessions of the Committee about things like taking vendors from the initial entry level of vending to become wholesalers, distributors and importers, and we also spoke about the importance of moving them from the introductory role of vending into becoming businesspeople who have a role to play at an economic and commercial level, and who can themselves form a part of an established wealth creation that is generational and inter-generational.

I just wanted to get a sense from you as to whether or not, in your role as Ambassador to CARICOM and as you engage with countries across the region, there is potential for that kind of elevation and that kind of coherence in regional policy as well. Ambassador, in the same way that we have regional associations of manufacturers, regional chambers of commerce and we now have the regional private sector association, would you see there being the prospect for a regional approach to vending as well?

His Excellency D. A. COMISSIONG: Thank you for that question. Yes, in fact, I would applaud the intent behind this piece of legislation to lift up the activity and to give it professional standards. First of all, everybody may not know but I have been involved with vendors and vending activity from way back in the mid-1980s. I was the legal advisor to the Wayside Vendors Business Association for eight years. In fact, I helped to establish that association and I have worked very closely with BARVEN as well. Back then our activism was all around trying to get public officials and other private sector entities to simply understand that vendors are legitimate businesspersons too, just like the store owner, just like the hotel operator; and that as a public official, for example, you have to treat them with the respect that is due to a person involved in serious business activity. You cannot just wake up one morning and tell them, "You have to move from here" without consulting, without giving them any proper notice that you would give to a proper businessperson whom you respect. That was our campaign for many, many years: Just to get that respect and that understanding. There are many sections within this Bill that suggests that that respect and understanding has finally come. I can also tell you that because of my experience with the vendors, I have seen vendors who have developed from being just a normal wayside vendor with a little tray to becoming shop owners. They elevated their enterprise to becoming very substantial retailers in their own right. I must tell you that I have a lot of hopes for the new BARVEN market on Spring Garden Highway. I know what the plans and intentions behind that operation are. The intention is to take it in that direction of expansion, development, professionalism and so forth.

I often tell this story about many years ago going to New

Jersey in the United States and visiting a shoemaker shop, and just being blown away. My experience of a shoemaker shop in Barbados was a little "hole in the wall" place. It is usually unkempt. Let me just say a little "hole in the wall" place. I went to a shoemaker shop in New Jersey and saw a full professional operation, the shoemaker operating like a professional and earning revenue at the level of a real professional. Therefore, to answer your question, yes, I think that this is what we should be aiming for; the elevation of vendors and the inculcation of standards, training and certification, if need be.

First of all, to develop the vendor with all of the professional standards and business standards and practices would fit right into the Right of Establishment Programme because now you are talking about a small business and a small businessperson that would have the right to range beyond Barbados, and to establish itself in other participating CARICOM member-states. This is exactly the direction that we really need to be going in and taking people's start at the most basic level of just the normal "hawker" or vendor with a small tray but seeing that that person can be elevated with proper training and standards. They could even be elevated to the point where they are a business enterprise that their tentacles could move right across the region.

Yes, Senator Cummins, I think we are on the right track with that kind of thinking.

Mr. CHAIRMAN: Ambassador, I thank you. Clearly, you have resonated with Senator Cummins because she is blushing beneath her mask. I open the Floor now to Minister Forde.

Hon. A. R. FORDE: Thank you, Ambassador. Good morning and welcome to the discussion. I want to locate my discussion this morning on a question that was asked about the word, "vending". I want to say that we have now moved it, as you said, to a different standard. In the markets, they call it the "phytosanitary" standard. You have heard it mention about the level of training associated with vending. There is the National Training Initiative, Youth Entrepreneurship Scheme (YES) programmes within the ministries across sectors that invite training so that persons can bring their products to world class level.

I know that the question is often asked about the use of the word "vending" because we are talking about the new National Vending Bill, and that is what we are debating now. There are a number of words that could be associated with vending. I just want your take on it because that question was asked to the Head of BARVEN. He said that he is very comfortable in his skin with the word "vending" being still used by those who would have been involved in the trade of goods or services. There were some other words that were being bandied around. For instance, there was "huckstering". At some times, there was the school of thought that the word "hawking" would be associated with vending. There was the word "vendition". There was association with, for instance, the word "pitching" which I heard bandied around the place.

I want to know from you, a person who would be intimate and associated with the whole discussion, what is your take on the word "vending" having an umbilical association with the whole Bill going forward? What do you think about the word with its association and what we are doing as a country going forward?

Mr. CHAIRMAN: Perhaps, before you answer, Ambassador, let me lend a little context because it had been interestingly raised in this Committee that we should give thought to reconsidering the use of the term "vending" and that had become a bit of source of debate. I just wanted to lend that context to it. The floor is yours.

His Excellency D. A. COMISSIONG: Thank you. I did read the comment by Brother Alistair Alexander in the newspaper, and I am with him. I understand where he is coming from because in the vending community, certainly among the more conscious members in the vending community, there is a knowledge that wayside vending was one of the early forms of resistance by oppressed Black Barbadians to the whole white supremacy system in Barbados. You go back, look at the various Slave Acts where the slave owners or plantocracy saw this activity and these people as a threat.

It was a form of resistance. It was an activity through which oppressed Black Barbadians not only defied that plantocracy system, but through which they were pushing the boundaries in trying to create space for themselves, economic and cultural space. When we came together in the 1980s to organise vending associations to fight for the rights of vendors, I think we took great pride in the fact that we were representing a historical tradition of Black resistance and struggle in Barbados. I think quite rightly there is a pride in how far wayside vendors have come. There is a pride in the battles that were fought. There is a pride in the breakthroughs that we are seeing now.

Therefore, I understand where the President of BARVEN was coming from. He was reflecting a pride in all that history. For him, the word "vending" is so connected to that historical record and history of struggle that even if people wanted to give it negative connotations in the past, the community of vendors have appropriated it and have given it a very positive content and meaning. I am not even sure if it is a word that is used right across the Caribbean but even if it is unique to Barbados then it is a Barbadianism, it is a component of Barbadian tradition that we should have no qualms about holding on to and lifting and using. I am with Brother Alistair Alexander.

Mr. CHAIRMAN: Thank you. I am not seeing any other requests for the Floor at this stage. I would want to say to you, Your Excellency, that once again, I want to thank you very much for you time and the substance of your contribution.

Let me say to you that whilst you were speaking and interfacing with others the Deputy Chief Parliamentary Counsel and I have been looking at a way in which we can properly incorporate into the Bill the point that you had

made with respect to itinerant vending. I am happy to say that I think we have made some satisfactory progress in that regard. There are still one or two issues obviously that we would have to work through. The Deputy Chief Parliamentary Counsel is not a magician, but she is highly competent so that this does seem to be an oversight that we can correct and I am again in your debt, Your Excellency, for the assistance that you have offered.

I can only say to you that as Chairman and as Minister, the observations that you have made have resonated with me. I think there is absolutely no difficulty whatsoever in maintaining that mental space for us to treat to this issue at a community level when once we have the legal wherewithal to do so, but in the interim we will do everything that we can in order to capture the spirit of your submissions and to give life and meaning to them. Thank you, Your Excellency.

Committee, I am going to invite a motion that we briefly suspend proceedings so that the place where ... Oh, the next witness is online. Your Excellency, we do not have to suspend because our next witness is Mr. Sherlock King and he is the Manager of Markets and he is online so what I will do is thank you, Your Excellency, for your attendance and we will just give our attention now to Mr. King.

His Excellency D. A. COMISSIONG: Thank you very much, Mr. Chairman, it was a pleasure engaging with the Committee. Thank you.

Mr. CHAIRMAN: Thank you. Good morning, Mr. King, are you able to hear us?

Mr. Sherlock KING: Good morning, Mr. Chairman, and to the other members of the Committee.

Mr. CHAIRMAN: Good morning and welcome. Mr. King, I want to thank you for making yourself available. I believe you would have had an opportunity to follow much of what transpired earlier this morning. Is that correct?

Mr. Sherlock KING: That is correct.

Mr. CHAIRMAN: Okay, fine. Now, perhaps what I should begin by saying to you is that, as I said to His Excellency David Comissiong, as Minister, in fact, before I go there, perhaps I should accord you the same treatment as everybody else has been given. Do you, first of all, wish to make any opening statements or any opening comments about this legislation before we start to question you?

Mr. Sherlock KING: Just briefly. With respect to the Bill, some of the things that stood out to me, basically, is trying to have a structure towards vending in Barbados. As His Excellency made clear, the Market and Slaughter-Houses Act prescribes vending within the prohibited area, for example, in Bridgetown, as you would be aware, to sell or to be able to vend in Bridgetown you would require a permit which is issued by the Ministry of Agriculture. Outside of those prescribed areas, vending, as His Excellency indicated, is a liberality, it is unregulated, and person are permitted to vend freely. This National Vending Bill attempts to bring vending out of, in some respect, of the informal sector into a formal sector with some measure of regulation as a measure of control. I took the point where he said that the National Vending Bill could be restrictive because there is an age element to it. Previously, usually we would see young boys or so, during the vacation, who would be under the age of 16 selling whatever fruits that may be in season, ackees, dounce, sea grapes or whatever, but this Bill will now encapsulate those persons and I might be wrong, but that type of activity may, for those persons under the age of 16 now, there will be some controls there. Again, we are looking at moving and regulating the sector because as the entire Committee may be also aware, but there are some challenges that we have with persons who are widely selling on the highways and there is a hygiene aspect of it which is a very, very serious concern of mine.

We are having persons selling commodities that persons are to eat and without having any sort of kill step. What I mean regarding kill step, there is no cooking involved to destroy any microorganism that we have in this unregulated activity taking place on the highways and so on, and there are no sanitary facilities available to those persons so there are some challenges that we see that this Bill is attempting to address and where possible, we are looking at creating vending zones where the State can provide refuse collection facilities, sanitary facilities, basic items such as water and so on. Hence I think that in this regard, moving to look at it from a national point of view to bring those persons from the informal sector to the formal sector that there are opportunities. There are really opportunities there for improvement, there are opportunities there for further advancement of the vendors and so on. Okay, now, as you would know, Mr. Minister, we would have had some discussion before we got to this stage with respect to enforcement and whether an administrative penalty would be enough deterrent with trying to enforce the rules and regulations outside of the traditional vending zones in Bridgetown. As you may know, there was some discussion regarding the enforcement aspect, if a person does not pay the fine, what next. Yes, you can increase the fine and so on, but what is the sanction and how do you try to enforce this aspect if a person is operating without a permit or operating without a license so that is one of the areas that, I think, we would need to have a look at. In addition to that, as you would be also aware, the issue of enforcement at a national level because we would be increasing the areas of operation. As I said, you would have indicated that there is some period of time before the passing and before the proclamation that we would probably just try to handle these administrative aspects and so on. With that said, I will leave it there for now.

Mr. CHAIRMAN: Okay, thank you very much. Mr. King, I want early in this exercise to give you an opportunity to clear the air on a concern that has been raised with us. Do you have a market at Palmetto Square?

Mr. Sherlock KING: There is a Palmetto Mall Public Market and that is on the top of Swan Street.

Mr. CHAIRMAN: I did not hear the last part. There is a Palmetto...

Mr. Sherlock KING: There is a Palmetto Market which is at the top of Swan Street where you can walk from Swan Street and go straight through to Marhill Street.

Mr. CHAIRMAN: Okay, fine. In that market, are there stalls or kiosk spaces rented to persons who are vending?

Mr. Sherlock KING: Yes. There are vendors there and there are persons who operate different types of business activity in that market itself.

Mr. CHAIRMAN: Okay. Do you have a fee for the rentals there?

Mr. Sherlock KING: Yes. There are rental fees and they are based on the size of the operation.

Mr. CHAIRMAN: Now, would it be possible in your view for a person to rent a space at the Palmetto Market and then sublet that space to somebody else?

Mr. Sherlock KING: That issue does not occur at Palmetto Market. Most or all of the vendors who rent space there operate their own business activity there, so we do not have a case where, for argument's sake, John Smith who rents a space and then Adam Lad sells in that space. All the vendors that I am aware of at Palmetto Market operate their own business themselves.

I heard you mentioned the term Palmetto Square and I am hoping that we are not mixing up an area on the street itself as opposed to a public market, so is Palmetto Square the area just outside the rear entrance of Parliament?

Mr. CHAIRMAN: No. I got the impression that we were being pointed to the direction of the market itself.

Mr. Sherlock KING: No. There is no subletting of space at the Palmetto Market.

Mr. CHAIRMAN: Mr. King, the request is that you turn on your camera please, the officials in Parliament need to be able to see you. Thank you, Sir.

Asides.

Mr. CHAIRMAN: Bear with me one second. The question is though whether it is possible in your view and in your experience has there ever been a case that you were aware of for there to be a market under your supervision in which rent is being paid pursuant to the legal requirement of the tenant but then the tenant sublets to somebody else? Are you there?

Mr. Sherlock KING: There is an occurrence that has taken place in the past and I think it is...

Mr. CHAIRMAN: I am sorry, Mr. King, I think the Internet is being unkind to you at a terrible point in time. Please repeat that which you were saying?

Mr. Sherlock KING: We have had instances in the past where at some markets persons have been subletting stalls. This is an occurrence that we observed that has happened at Fairchild Street and we are now drafting some tenancy agreements to put an end to that. It happens predominately among those persons who might be non-nationals who may be looking to sell as a source of income and an unscrupulous individual may sublet to some of these non-nationals. This is an occurrence that we are seeing at Fairchild Street, but I am not aware of it taking place at Palmetto Square. I have had a discussion with the Supervisor there up to this morning because the issue was raised, and I have never had an issue of subletting at Palmetto Market nor at the Marhill Street Market. It just does not happen there.

Mr. CHAIRMAN: Okay, I do not want to be geographically specific, but the point is that you are aware that it has happened in the past. Are there any rules that now exist with respect to the regulation of matters of this nature in the market?

Mr. Sherlock KING: Yes. There is a section in the Markets an Slaughter-Houses Act which indicates that if a person sublets that person can lose their tenancy with immediate effect and the Manager or the Chief Supervisor of the Markets has the power to at least turn over the tenancy to the person who is doing the subletting, but the challenge we have in some instances is that what we observed is that a person may make a report that they are being charged for X or Y and so on but there is no transactional document taking place so it is a case where the tenant themselves say that this person works for them or whatever but sometimes the difficulty is trying to get the evidence that the person actually is being paid those sums to the tenant and then once you have that physical evidence then you can act.

Mr. CHAIRMAN: I see, but it would appear to me that if somebody is working for me there are some requirements that I am going to have to follow in law, I would have to be able to establish that I am paying them whatever is the salary. Do you all in the process of investigating these matters take these things into consideration?

Mr. Sherlock KING: Not right now because most of the transactions of the vendors and so on are basically word of mouth transactions, there are no written contracts, there are no written documentation and so on by the vendor, so they bring on these persons as helping-hands and so on and so there is basically a word of mouth transaction.

Mr. CHAIRMAN: Therefore, the creation in this Bill of a set of requirements where you will therefore have now a... Let me just get the legislation. If I go to the legislation I am seeing formal applications forms for the permits and then further into the Schedule there are provisions which are made for a number of different types of notices and again as we go through the Schedule we have obviously the provisions made for the administrative penalties and so on, are you satisfied that the provisions which are now appearing in this legislation and are proposed in this legislation are satisfactory to cure the mischief that you are pointing us to?

Mr. Sherlock KING: Not necessarily because

you are going to always have the informal transaction with tenants because again an individual would apply for a licence but there are no provisions in this new Bill which say to that individual that any person that he employs should also apply for a licence, it only speaks to the person who is tenanted to the market itself but in terms of that person employing some person, this Bill does not.

Mr. CHAIRMAN: I would imagine that the requirement in those cases would not be for a licence for that person I employ but proof of the employment that I should be able to produce to you. I have the licence, so if I have the licence I have to be able to produce it to you. I am raising this issue because I want to take you out of the glare of public disapproval, and I am being very frank with you. The suggestion would be that people in the market enter into a contract with the Government in order to have the space available and the evidence before this Committee is that there have been instances where person unscrupulously decide that they are going to sublet their space for far more money than that which they are paying the Government. Now, that cannot happen without it having implications for the person who is Manager of the Markets, so it is important for you as Manager of Markets to be able to satisfy, I will hope, first of all, yourself and then the rest of us, everything that can be done is, in fact, being done to prevent these things from happening and it is now for you, Sir, to be able to point this Committee to the things that you would like us to be able to do to make sure that this legislation going as it is towards building a new future and a new range of opportunities for vendors also protects the public interest at the same time. Do you agree?

Mr. Sherlock KING: I agree and Minister, I would also wish to inform this Committee that we have taken action in the past, present and will also take action in the future. We would have met with a number of those vendors, who we had reasonable suspicions, that they have been subletting and have informed them and the tenancy for a number of those persons have been revoked. It is something that we do on a continuous basis, but what we try to do, is to do our due diligence and cover all our bases so that will not in any way adversely affect a person in terms of earning a livelihood.

Minister, in terms of the Bill, there are some aspects of it, I cannot speak to the specific area but going back through it I will most likely submit those as part of some written comments from our end.

Mr. CHAIRMAN: Would you agree with me then that it would be helpful to you if you had a provision in this Bill for there to be some prohibition against subletting of stalls?

Mr. Sherlock KING: Minister, we have developed a tenancy agreement which all tenants are to sign and inside of the tenancy agreement there is specific reference to that.

Mr. CHAIRMAN: Are you satisfied that that will satisfactory police the matter?

Mr. Sherlock KING: Right and what we are also doing is that we are advising that the stalls within the market system be owner operated in this sense that if you are a food vendor and you have a food stall in the market you are to operate the food stall yourself. Hence, there are some new provisions that we are putting in the tenancy agreement which would make it much more difficult for those persons to sublet.

Mr. CHAIRMAN: May I suggest to you that you may need to go further because, it is all well and good to say that I am fruit vendor and I should be operating the fruit stall myself, the truth of the matter is that I am like you, we are human beings, and we can get sick. If I take ill but I have a sister who is able to help me keep the household together and she at the time is unemployed, what are your views on how that is handled? Am I able to assign my stall or can I procure a licence for her?

Mr. Sherlock KING: We have made provision for that Minister.

Mr. CHAIRMAN: You have? Okay.

Mr. Sherlock KING: Yes. This is something that is ongoing all of the time. They will approach us. We have had individuals who may had to go for operations, they may be out of commission for some period of time, and they have asked us if their sister, husband, son or daughter can operate for them during that period of time. This is something that are we aware of and that has happened and there are provisions in the tenancy agreement for such an event.

Mr. CHAIRMAN: Are they any other members of the Committee who wish to take the Floor? Minister Forde.

Hon. A. R. FORDE: Thank you, Mr. King. This morning my discourse will run tangential to that which you and the Chairman just had. It is basically to say it is a continuation of the debate. I perfectly understand you where you are saying that to collect the evidence for subletting may be a difficult task and exercise where you have to ensure that there is proof to suggest that a person is subletting. I understand that perfectly, but I want to go a little further. Whether it is subletting or any other infraction or maybe also medical infraction, but when there is an infraction what is the procedure that is taken to ensure whether it be for the lack of payment of rental fees, it may be a dyscrasia with a vendor, it may be a condition where he has not acceded to the phytosanitary or health standards as expected in the markets. It may be a plethora of reasons. My question to you is that often you hear those vendors are owing the markets in the Ministry lots of money, sometimes thousands of dollars. It is not dissimilar to what I experience as Minister with responsibility for the NCC. What is your procedure for evicting and if you turn to page 25 but it might be page 26 on your computer...

Mr. CHAIRMAN: Minister, if I can ask you to just pause, we are getting a lot of feedback. There is a technical challenge. I think it has been corrected, please proceed.

Hon. A. R. FORDE: Mr. King, I hope that you

heard my earlier submission.

Mr. Sherlock KING: Yes, I did.

Hon. A. R. FORDE: I want to ask you, at page 25 but it might be page 26 on your computer, under Part Four of the proposed legislation, Relocation and eviction of vendors, what is the procedure for you in the markets in terms evicting a vendor who has not acquiesce to the standards as expected, because at Clause 19 (1) we are suggesting that we give them a 30 days' notice to remove their items and to give up the space if they ran contrary to what is the normal expectations. I want to know what is the step procedure that is taken by your department when you have to evict a vendor?

Mr. Sherlock KING: Thank you for the question, Minister. The procedure that we usually follow is that we would issue a rent reminder to the individual giving 30 days to sort out their rent. Now, if within the 30 days you have not sorted out the issue with their rent, we give them a further two weeks to clear the arrears. If those arrears have not yet been cleared, we give them a third notice which is basically one week to clear their arrears. After that have been exhausted, the Supervisor or the person in charge of the market will write to the Ministry requesting that we terminate the tenancy of that individual and for the purposes of transparency and so on, we would write to the Permanent Secretary indicating that we are going to terminate this person's tenancy because of these particular infractions. Once that is done, we would then put a lock onto the booth and then instruct, or inform the person that the legislation gives the Market Supervisor permission to dispose of the items within the shop in order to recover the rent. Basically, that is how our procedure goes, and if it may be a case of genuine concern or a genuine issue, we try to go into what is called a payment plan where we try to keep the persons current. They would then pay towards their current rent and try to bring current their rent arrears over a period of time. We do not try to throw out persons because everybody's situation is different, but what we try to do is after we have exhausted those avenues, we try to get the person within a payment plan to bring down the rent as much as they can. For argument's sake, if their rent is $50 a month, we would continue to take the $50 a month and keep their rent current. If they owe $1 000, we would say, "Okay, at least bring in another $50 or another $10 so that within ten months or so you can clear off your arrears." We try to be as humane as possible and try to give as much notice and at the same time, we also ask them to enter a payment plan where they put money towards their current and clear their arrears over time.

Hon. A. R. FORDE: It is Government's unapologetic intent to decriminalise vending. I want to ask you this: In the event that a vendor refuses to pay that which you have instructed him to pay, when you have done all of your calculations and have recognised that he is in thousands of dollars in arrears, what is the procedure for you to reclaim that money since we are not going the criminal route? What is the normal procedure for the Government to get back the money that is owed?

Mr. SHERLOCK KING: In some instances, we would have tried to enforce the order through the Magistrates' Court.

Mr. CHAIRMAN: That cannot happen anymore, so there would have to be a debt owed by that person which is recoverable in civil proceedings. Deputy Chief Parliamentary Counsel?

Ms. S. R. BELLE: Chairman, what the Manager of Markets is referring to is what is already provided for in the law under the Debtors' Act. It is also incorporated in other mechanisms, and you would also note that with the administrative penalties, those are also treated as a debt to the Crown, which you can recover in the Magistrates' Court, so it is not something that is foreign at all.

Mr. CHAIRMAN: Civil proceedings as opposed to criminal?

Ms. S. R. BELLE: Yes, civil as opposed to criminal proceedings.

Mr. CHAIRMAN: I would not want it to go out there that there is no sanction. The sanction would be a civil process as opposed to a criminal process. Minister Forde, thank you. Mr. King, let me just start by saying this: It is the intention that this piece of legislation, once passed, is going to come into operation by announcing the date of it taking effect. A Proclamation will be made to say that the legislation takes effect, for example, from January 1, 2022, just to pull a date out of the air. There are some provisions in here which are designed to make sure that we now create a level playing field between the vending community and the state, the administrators of the law in Barbados. One of those things has to be that we are creating vending zones and, as a person who will be a manager of the vending zones, I now have to ask you a couple of questions about how you see things working.

For example, there will be some instances where there may be requirement for you to seize produce, and that can happen if there is a challenge with respect to eviction from a particular vending zone, and after the 30-day notice of the eviction has passed and the person does not respond in the way they are expected to respond, then you would have a right in law after that 30-day notice has passed to issue your seizure notice of what you are seizing. Let us assume that you are seizing perishables, which may be things like fruits and so on that can spoil, I am questioning whether there is in your judgement right now adequate freezer capacity which you have access to. What we have to be able to do is help the wider Government plan out those things that have to be put in place so as to give life to this legislation on a day-by-day basis. Are you with me?

Mr. Sherlock KING: Yes, I am with you.

Mr. CHAIRMAN: Right, so say for example freezer capacity. Right now, what kind of freezer capacity do you have? If you had to, for example, seize perishables for a period of time?

Mr. Sherlock KING: We do not really have that large capacity to store perishables because that is, as you

rightly mentioned, things which we have to build out now. We would have to separate items that we seize in this aspect away from the normal, day-to-day storage which we have for the vendors within the public market system. We want to have those separated. That is a discussion which we would have to have, and we would have to have a separate facility so that we can affect the seizure of these commodities and preserve them in a fashion that would not allow for the unnecessary decomposition or deterioration of the person's produce. That is something we would have to build out and have a facility so that we can actually handle that component. Yes, we do have storerooms and freezers and so on but these are for the normal storage of meats, fruits and vegetables and so on for persons who trade on a daily basis. We would now have to have separate facilities to manage this component.

Mr. CHAIRMAN: Okay. With respect then to things which are non-perishable, which would really just require storage – I presume there are a range of things that are non-perishable which people sell – what capacity do you now have, if any?

Mr. Sherlock KING: We do not have any capacity for that within the public market system. As you would appreciate, if we are going to action we would close off the particular stall definitely; but in terms of seizing articles outside of the vending zone, that too would require storage capacity and facilities as well.

Mr. CHAIRMAN: The question then, really and truly, is... I think you have pretty much answered it. You would need to be able to have a sufficiency of time between the passage of this Bill and the date it comes into effect to be able to satisfactorily accommodate those things that may need to be stored as envisaged by this legislation.

Mr. Sherlock KING: Definitely. In addition to that, there is also, as I would have mentioned, the human resource aspect of it in terms of enforcing the legislation and so on. Therefore, it is not only the physical structures but those human resource aspects, as well as some other aspects. You are talking about making arrangements with other agencies and so on to help with the managing of these vending zones. Of course, there would need to build out some physical capacity and we would have to work on that aspect so that we could be adequately assured that we would be able to affect the overall control and regulation that the legislation makes provisions for.

Mr. CHAIRMAN: Okay. I see Senator Hunte requesting the Floor. Senator Hunte. Senator Hunte, are you there?

Senator J. A. HUNTE: Yes, I am.

Mr. CHAIRMAN: Okay, the Floor is yours, Sir.

Senator J. A. HUNTE: No, Sir.

Mr. CHAIRMAN: Sorry, I thought your hand was up. It is not?

Senator J. A. HUNTE: No.

Mr. CHAIRMAN: Okay. Fine. It is not a problem. Are there any other Members of the Committee who wish to have the Floor? None? Okay. Mr. King, I want to thank you for your time with us and for clearing the air on a few things. Are there any closing comments that you would wish to make?

Mr. Sherlock KING: Just to thank the Committee for having the opportunity to clear up some of the issues that might be there. I am aware that the legislation does not intend to be perfect, no legislation is. However, I think that in terms of trying to bring some regulatory framework to a difficult situation that is taking place on the highways and so on, it is absolutely necessary. As a member of the public, I have some serious concerns too with what I see taking place on the roads. It would be irresponsible not to tackle them or try to bring some sort of regulations. We may not have 100 percent compliance or whatever, but the whole objective is to try to bring some sort of order or regulation to a vexing problem.

As I say, I am a member of the public who have children and would want that they should be able to purchase things or to go about their normal business of making purchases in a safe environment which would protect them from harm or unscrupulous activities, *et cetera*. As I said, you are trying to regulate an aspect of it that is unregulated right now and we need to do something to at least formalise it in some way.

Mr. CHAIRMAN: Okay. Your comments are noted, and I am grateful, Sir, for your participation and observations. Colleagues, if there are no other requests for the floor, I want to thank Mr. King for his participation. Mr. King, you are now free to leave us. Of course, you can stay if you want to, but you are free to leave us. We have the next witness, Miss Nicholls. Is she physically present? Okay. We would now turn our attention to Miss Vernel Nicholls, President of BARNUFO. Before we take Ms. Nicholls, could we have a brief suspension for five minutes and no more?

SUSPENSION

On the motion of Hon. K. D. M. HUMPHREY seconded by Hon. A. R. FORDE, Mr. CHAIRMAN suspended the Joint Select Committee until 1:25 p.m.

RESUMPTION

Mr. CHAIRMAN: Perhaps we can reconvene, please. Good afternoon. I am indebted to you, Minister Forde.

Colleagues, when we suspended, we were about to welcome once again, Ms. Vernel Nicholls, President of the Barbados National Union of Fisherfolk (BARNUFO). I believe that Ms. Nicholls is in the Chamber next door and is seated, so Ms. Nicholls welcome again and good afternoon to you. I trust that would have had an opportunity to have a useful engagement with your constituents, Madam.

Ms. Vernel NICHOLLS: Thank you, Mr.

Chairman, good afternoon.

Mr. CHAIRMAN: Did you have a chance to meet with your constituents?

Ms. Vernel NICHOLLS: Yes, Mr. Chairman.

Mr. CHAIRMAN: Well, I think the ball is in your court. You have to now tell me what they have told you.

Ms. Vernel NICHOLLS: Okay. First of all, I want to thank you and thank the Committee for giving us the assistance of your Committee to go through the Bill with the fisherfolk.

Mr. CHAIRMAN: Oh, I see what you are saying. We would have had the Deputy Chief Parliamentary Counsel with you?

Mr. CHAIRMAN: Yes, Mr. Chairman, I forgot her name.

Mr. CHAIRMAN: And Mr. Cumberbatch from my ministry?

Ms. Vernel NICHOLLS: Yes, Mr. Chairman. We had them meeting with us last night and we want to thank you for allowing them to come and go through the Bill with us to clear up some of the information there and bring some clarity to the Bill.

Yes, we did have this meeting and some of the discussions were quite robust and because we had gone through the Bill in the last meeting that I had, I am going to present on the discussions that came out of that meeting.

Mr. CHAIRMAN: Fine.

Ms. Vernel NICHOLLS: I do not have them in any particular order as they came up, but I will present them as I have them here written. My question is: do I present then one by one, and you reply or do I present them ...

Mr. CHAIRMAN: Please do. I like structure and order. I think you should go through one by one, and we would them, as best we can, respond to you, having taken them on board. I cannot promise you that everything that your union requests of us we will be able to accede and agree to, but I can promise you that we will do our best to meet you halfway. Is that good?

Ms. Vernel NICHOLLS: Yes, Mr. Chairman.

Mr. CHAIRMAN: Thank you.

Ms. Vernel NICHOLLS: We understand that we may not get everything we want, but the idea is to bring the information to you and let you hear what they are saying.

Mr. CHAIRMAN: Fair enough.

Ms. Vernel NICHOLLS: As it relates to the relocation to other markets at Part VI that is on page 25. We had a discussion here about the relocating of a person and what constitutes the reason. The Bill spells out here what are some of the reasons that a person can be relocated, but because we were discussing among ourselves as fisherfolk and we know what some of the issues are in the market, one of the things that came up was conflict among persons, and if for conflict, this is persons who, from time to time, or from day to day, have an issue between them, if that would constitute a reason for relocating one person to another market. We want to have that defined or spelt out in the Bill because we know that the powers for that would be to the Manager, but some of the fisherfolk felt that this is something that they would like to know.

Mr. CHAIRMAN: The question is whether we can include the possibility of conflict arising between stall operators as a reason for relocation?

Ms. Vernel NICHOLLS: Yes, Mr. Chairman.

Mr. CHAIRMAN: Go ahead, Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Mr. Chairman, the possibility exists within the current Markets and Slaughter-Houses Regulations for the movement of persons because the Manager of Markets has the power to give certain directions and then as the current status if the person then does not comply with that direction they can subject to a fine and it is a criminal offence so the thing is, we are, as we had discussion in earlier sessions, we are taking out those elements that would resort to the criminal elements, but in terms of the Bill itself, that relocation mechanism, that is not really a method of use for the resolving of conflict that comes up, that is more do with whether the particular areas has become non-viable, there is an issue of hygiene or something like that. I think we may need to put in through the lens of whether is it an issue of public order, whether it is an issue of public safety, whether it is an issue of public health that may motivate the relocation and in which case you would have the consultation process and, of course, I did inform the participants of the meeting with the fisherfolk that we are coming up with a mechanism for consultation.

Mr. CHAIRMAN: I think what you are saying, if I am understanding you correctly, you are saying that right now there is a possibility in the event of a conflict, let us say, between two operators of stall space in a market that one could be relocated elsewhere.

Ms. S. R. BELLE: Mr. Chairman, probably in another part of the market, I am thinking more in that vein, but ...

Mr. CHAIRMAN: But not necessarily to another market.

Ms. S. R. BELLE: No, not necessarily, but it is not necessarily specified by because of the generality of what that ...

Mr. CHAIRMAN: I would say something now, Deputy Chief Parliamentary Counsel, and I know that Minister Humphrey, as Minister, knows exactly what I am going to say because it is to my certain knowledge that it can arise between two stall owners that there is a challenge for the two people to co-exist in the same space. What I think we need to do is to find a way as we go forward, allowing for a person to be relieved of the burden of having to be in a place where, he or she is being made miserable, or alternatively is making others miserable and go somewhere where there may be a more peaceful co-

existence.

Ms. S. R. BELLE: Mr. Chairman, just to say that what I was advancing in the discussion last night was that you probably need to have a specific mechanism in place where that can be utilised as a form of redress, but what is coming to mind right now is probably you need a kind of grievance mechanism that is regulated by the Manager of Markets so as to resolve issues at a micro level, the micro level being the public market.

Mr. CHAIRMAN: With a final position being possible that relocation of one or both might be necessary.

Ms. S. R. BELLE: Yes, Mr. Chairman, but I believe you really should use that as a last resort.

Mr. CHAIRMAN: I have no difficulty with it being a last resort, but I must tell you as a person who has been in this business for a little while and I am looking across at two Ministers who have had shared responsibility for markets, I think they understand what I am speaking about experientially your experience... I believe Minister Weir and Minister Humphrey are on board. Let me go back then to Ms. Nicholls.

Ms. Nicholls, the proposal is that we should have a grievance settlement dispute resolution type process built into the regulations and as a final resort if that process of dispute resolution and grievance settlement cannot be happily concluded there would be a provision for relocation. Is that something that you are in agreement with, Ma'am?

Ms. Vernel NICHOLLS: Yes, Sir.

Mr. CHAIRMAN: Okay. Matter is fixed. Deputy Chief Parliamentary Counsel make it so. Okay. Are there any contributions from the Floor on that matter? I do not think that there would be. Ms. Nicholls, point number 2.

Ms. Vernel NICHOLLS: From the perspective now of vending, this was also a very passionate debate. We were talking about the vending zones that are specified in the Bill, and I think it came up the last time with Mr. Lewis when we were speaking about persons using their vehicles to transport fish as a form of vending, and we are saying that even now with the Bill seeking to bring order and structure to the markets or the vending systems at the markets that we want to clearly understand or to say that we would wish that we are allowed to still continue to sell our fish from the vehicles. This is going around and selling fish. This is part of our tradition. I as the President, and the Minister would know this, always believe that while we are looking to make things better that we do not throw out tradition to make things right because sometimes you could try to make things right and make them worse.

Mr. CHAIRMAN: Ms. Nicholls, do not go any further, keep your gunpowder dry. I am a big man and I understand how it is to have to accept that you have made a mistake. I think that we had an error insofar as how we treated to itinerant vending. His Excellency Ambassador Comissiong drew that to our attention this morning and I want to assure you that I have already begun discussions with the Deputy Chief Parliamentary Counsel sitting here to my left. We have made some headway as to how we can properly incorporate that into the Bill but as far as I am concerned, I do not really need to be persuaded much more on that. I think that this is an issue that we could treat to fairly easily. If a man is accustomed selling his fish from the back of his car and he is moving about Barbados and has done so for the last five/ten years, how can we now come and deprive him of a livelihood in good conscience. That is the concern that you have, correct?

Ms. Vernel NICHOLLS: As I myself as a vendor this is the way that I operate also, so I am not only speaking for myself I am speaking for all in the industry.

Mr. CHAIRMAN: I want to apologise to you because when you read it and did not see it you must have wondered what this man is trying to do to you, how he is humbugging you.

Ms. Vernel NICHOLLS: And my livelihood.

Mr. CHAIRMAN: And your livelihood. That is not my intention Ma'am, so forgive me please we will make wrong things right in hurry.

Ms. Vernel NICHOLLS: Thank you because this would good news to our fisherfolk because this was really a robust conversation last night and persons were not happy with that idea at all.

Mr. CHAIRMAN: I am no idiot. I represent half of the West Coast. Do you think I want to throw away all of my support? Okay, we are good there. You can go to point number 3.

Ms. Vernel NICHOLLS: This is similar to the one that I just spoke to, but it came up last night in the meeting where a fisherman asked if he as a fisherman wants to sell fish if he would have to be registered as a vendor or get a licence to sell fish as a vendor even though he is a fisherman. I want to say that we have a very complex industry, it is not straightforward as every other industry, and we have a whole lot of different players doing different things in the market so a fisherman comes in, sells his fish but he really only offload, he does not sell, he does not handle the money, but then we have especially the small boat fishers who operate as fisher/vendor because they come in with their early catches and sell, so they are asking if they have to be registered as a vendor or make an application as a vendor even though they are fishermen. Their selling is not even two hours because they are the small boat fishers who would bring in the chubs and those types of fish that offload quickly and go out of the market, so we are saying that if they are expected to... Well, the Bill that speaks to vending and they are seen as fisher/vendor if there could be some type of clause to exempt them from having to apply for the vendor licence more because they are fishers.

Mr. CHAIRMAN: I thought that you were going to put it the other way around that you would not want them to have the ability of getting a licence to do the selling that they wanted to do but let me just throw this in the direction of the Deputy Chief Parliamentary Counsel. Deputy Chief

Parliamentary Counsel, pot fish, chubs, those gentlemen who coming off the boat selling, maybe there for two or three hours, how would we treat to them please?

Ms. S. R. BELLE: Mr. Chairman, from my understanding of the discussion the best way to really deal with that type of activity is really to exempt it from the whole licensing regime for vendors because from what I understand it is really an interaction between those fishermen and vendors like actual vendors and not necessarily interacting with the public and so it may be useful then to capture that activity in Clause 3 (2) as an activity that would not be considered to be vending.

Mr. CHAIRMAN: In Clause 3 (2) as an activity that would not be construed as vending for the purposes of this Act. Fair enough. Does that meet with your approval Ms. Nicholls?

Ms. Vernel NICHOLLS: Yes, Sir.

Mr. CHAIRMAN: Very good.

Mr. CHAIRMAN: Minister Humphrey, the Floor is yours.

Hon. K. D. M. HUMPHREY: Mr. Chairman, just to be sure, Ms. Nicholls, are you asking only where the fisherman is selling to the vendor or where the fisherman is selling to the public?

Mr. CHAIRMAN: Ms. Nicholls, do you understand the question? I think your microphone is muted.

Ms. Vernel NICHOLLS: Yes, if the fisherman is selling to the vendors that he would not be considered as vending but just as a fisher selling. The ones that I spoke about earlier that sell the chubs and those kind of fish are fishers and also vendors so my question was whether they had to register also for the vending licence as well as having their fisher licence.

Ms. S. R. BELLE: Mr. Chairman, as I explained last night, yes, they would have to then be registered as a vendor because you are now interacting with the public.

Mr. CHAIRMAN: I think that is the spirit of the legislation Ms. Nicholls. This may be one of those where you may now have to meet me halfway because I think that I could understand what you are saying and I can agree with you that if the sale is to the vendors themselves having brought it in and I am now going to make sure that the vendors get the fish, there is no issue there, there is no need for a licence. However, if you are now going to sell to the public, I think that we have to treat everybody who is selling to the public in the same way. Would you be inclined to agree?

Ms. Vernel NICHOLLS: Yes, Sir.

Mr. CHAIRMAN: You are good with that, a licence for those selling to the public?

Ms. Vernel NICHOLLS: Yes, Sir.

Mr. CHAIRMAN: Can you make it so, Deputy Chief Parliamentary Counsel?

Ms. S. R. BELLE: Yes, Chairman. Just to make it absolutely clear, you would not be amending the Bill to make provision for that, because if you are a person wanting to engage in vending, as understood by the Bill, then you are required to get the licence. However, if you are a person who is a fisherman who is selling to a vendor then that will be the amendment that will be made, it will be included as one of activities that will not be considered vending for the purposes of the Act and that was where the amendment will take place.

Hon. K. D. M. HUMPHREY: Mr. Chairman, I totally agree with the position, let me say that upfront, but I am wondering whether at the meeting last night was there push back from the fishermen in relation to this particular...

Ms. Vernel NICHOLLS: Mr. Chairman, what happened at the meeting was that a fisherman himself was asking the question, if he as a fisherman comes in and wanted... I think he meant to ask if he wanted to sell fish to.... This is his own fish, this is not necessarily him coming out and selling every day as a rule, he is coming in and he is selling maybe his own fish, which is what they call their "dinner fish". They are not talking about a daily selling of fish. They are not talking about if they are selling this one-off fish, I understand if it is a daily operation then it is seen as vending and therefore included as a vendor's licence but not if they come in and just sell the fish that they use for "dinner fish" and maybe sell to some person. I think that is where the person was coming from more so than ongoing vending as we discussed just now.

Hon. K. D. M. HUMPHREY: Mr. Chairman, the Senior Manager of Markets just sent me a message to say that in that case you would have perhaps more vendors than there is space in the market, so that we would have to make the differentiation between being able to vend generally and the vendor's licence and permit for the market. We assign vending licence for people to vend in the market but then when you give the fishermen vending licence, such as not to create confusion and they thinking that they could also vend in the market. Hence just as we think it through just to make sure that the vending licence does not permit you in this instance to be able to sell fish in the market because the spaces are limited.

Mr. CHAIRMAN: Where would it be sold, then?

Hon. K. D. M. HUMPHREY: I got the impression that this would have to be the case of fish being sold outside the market, like when they are actually in the communities and so on. Alternatively, if you do it in the market, I think there are practical consideration now, trust me, there are going to be practical considerations, because as the fisherman sells fish now, he sells it in the back of the market. If you go to Bridgetown, when a fisherman comes in he would sell his fish at the back of the market. He would never interact really with the front. There is no reason for that to change, even if the issue of licence. I think what the Senior Manager is asking is, if you give them a vending licence so as to not create the confusion, that they then automatically get a space in the market, which would then cause problems. It is something that you

would have to work through.

Ms. Vernel NICHOLLS: Mr. Chairman, on a whole fishermen do not really sell fish in the market to the extent that they operate there on a daily basis or all day; the fishers that you may find are those whom I spoke of earlier, who are the ones selling the "chubs" and so on. They sell some to the vendors and if there are some for the public they would do it, but these are operations that finish in at least maybe two or three hours after coming in but then most of their fish are sold to the vendors. However, we just want to make sure that for the purposes of this Bill we have everything in order, we have all the ducks in a row, and that persons understand exactly what it is they are allowed to and not do.

Mr. CHAIRMAN: I do not think we have a problem with the first point, which is the fisherman selling to the vendors would require no licence. We can agree on that.

I do not think we have a problem on the second point, which is that the fishermen who are going to sell, would require a licence if they are going to sell to the public. Where we have a little bit of an issue here is how do we get that second one to fit neatly into the circumstances of the markets' space because we would be authorising somebody to sell like any other vendor but they would not have a specific space assigned to them, and that is something that Minister Humphrey and yourself are going to have to work out, Ms. Nicholls.

Ms. Vernel NICHOLLS: Well, I think that we can speak to some of the fishers but as I said earlier, I do not even know of fishers who actually – you know – go out there selling on the road per se and if they do there are only one or two persons who I know who would go to sell "jacks" and those kinds of things.

Mr. CHAIRMAN: How would you all treat to, for example, in Payne's Bay, some of the guys would land boats, very often because the market – well, the market is now being fixed, happily, so Payne's Bay market would be circumstances where people would want to be in it, but before the market was not always the most commodious and so guys would sell alongside the road. How would you treat to that?

Ms. Vernel NICHOLLS: This is what I spoke about the last time I was here. I said that these guys sell for practically two or three hours and they are gone. Hence, we were looking at how we can set them up. Presently, as you said, you drive along, you see they have a little table there set up and the fish is there. Therefore, for the purposes of food hygiene and the standards, we can look at how we can retrofit some type of box for them to have that could hold ice and that can be removed from where they are once they have finished. We are upgrading them but we are still holding the tradition that presently exists because as you rightfully said, there is no room in the market for everybody but we do not want to disadvantage other persons, even by bringing this Bill and the different regulations that would be coming, so we can look: the Quality Control Officers and those persons responsible for health, and speak to the fishers and see how we can go about upgrading, changing standards, maintaining traditions and allowing persons to continue to work.

Mr. CHAIRMAN: In as much as we are going to make accommodation for itinerant vendors, in keeping with that cultural practice that you quite rightly pointing us to – because I am thinking now, and forgive me if I just put on a parochial hat here – as a Member of Parliament for a constituency that has a fish market, for which I had to fight hard to have fixed - and I want to give thanks to the Minister now for fixing it, because Ms. Nicholls it would shock you to hear that there were those people who said that it was closed down in order to be sold, it had actually got so bad. I do not know what they would say now that it is fixed but that is another matter for another time.

As a Member of Parliament with a fish market in my constituency and knowing that they have been a history when the circumstances of the of fish market were not satisfactory, where people would have sold on the street just down the road from the fish market, you cannot shut down a culture or legislate a culture away, it is a reality in Barbados. What we have to do is to find a way of making the orderly environment, the safety of the public, et cetera become part of that cultural experience. I think you have quite rightly pointed us to the fact that there are some solutions like the boxes which can be created or some that already exist that are effectively little refrigerated compartments, so that the fish can be kept at certain temperatures so that you do not have the sanitary and phyto-sanitary issues arising. Now, if we allow for persons to vend in those circumstances with that type of equipment, then effectively, they are doing almost the same thing as the itinerant person. The itinerant person may decide to do it from, as you indicated you yourself have done from in your vehicle, or I might decide instead of using my vehicle I am just going to walk down the street and do it from wherever. Does it make sense to you that we treat the two as though they were one in the same?

Ms. Vernel NICHOLLS: I think that once we are making decisions that we identify and set the criteria for what is to be done persons like myself who sell from my car would not be interested in selling fish on the side of the road. Again, one of the things that we should point to is that this is really a whole changing environment, not only in the fishing industry but in the whole country and given the circumstances that is happening today with COVID. The other economic issues are that persons are now treating to delivering fish to persons at their houses, because we know now persons do not want to come out of their houses, we know that having started this whole thing of delivering fish people are becoming comfortable and I believe that even after COVID it is something that will continue because it is not only fish but along the food chain where people are now delivering and ordering. I think that once we decide and it could be a different meeting for the purposes of clearing up this whole issue itinerant vending and understanding what the criteria are because I do not

think the decision can be made here today. However, we can have another meeting maybe with the same persons who operate at the side of the road because we always have to engage with persons and even get more clarity and exactly what it is that they do before we make decisions. I am only raising it here and it can be flagged as another discussion. Thank you.

Mr. CHAIRMAN: I thank you for that. Minister Adrian Forde.

Hon. A. R. FORDE: Thank you, Mr. Chairman. We are looking at itinerant vendor and I just wanted to ask, is it not possible for us to have a separate licence for that special case of fisher folk recognising, of course, that they have no intention to sell the fish in the market itself and have the market as an exclusive zone for them where they would be able to sell in communities? It would be under the normal vending regime where they apply like everyone else, their licence would be specific for the purposes of selling outside of the marketplace.

Ms. Vernel NICHOLLS: Things that should also be noted is that with the changing dynamics of the industry we have persons doing multiple things now in the industry and some persons were calling for specific licence if it is that it has to be regulated in that person would have specific licence for what they do because I can be a person selling fish and I can also be a person who is in the market boning fish, I could be carrying fish to a hotel or restaurant, I can be a boat owner or I could be a fisher. Hence, you can have persons doing the whole chain. It is a dynamic industry that I think people needs to understand clearly what happens.

Mr. CHAIRMAN: I agree with you, Ms. Nicholls and in fact because I agree with you so much and that is the reason why I asked the question I asked. To me, what I do not want to happen or run the risk of happening is to have the legislation restrict you. I want it to facilitate and empower your growth. I think this is what Ambassador Comissiong warned us against this morning as well. I think that they all pointed us to a weakness that we were in danger of overlooking which is that we did not have a clear position on how we treat to those people who we call itinerant vendors or mobile vendors moving from place to place.

Now, the extent of which I choose to move is a matter entirely for me. My neighbourhood might be such that I do not have to move very far. I leave the market and I go a stone throw away and pretty much I am able to dispose of whatever it is I had to dispose of. Equally, they maybe some people who like you choose to drive, I do not know how far you drive, but you might cover more a far distance than I do. The reality is that that is the Barbados we grew up in. I grew up hearing a gentleman riding a bicycle through the district voicing fish, fish and you knew that the fish was coming right to your door. You cannot kill that culture. We have to facilitate it properly and protect the public from those dangers that might exist in terms of health and food safety and those types of things. I think that we can structure this licence in such a way that we allow what you are asking for to continue but at the same time we have a licencing regime which we were in danger of overlooking. I think that that is really how we will have to deal with this business of the itinerant vendor. Be of good cheer, I think that the point is noted and taken on board by us here.

Minister Forde, did you want to come back again? Do you have a follow up question or observation? You wanted to hear the Deputy Chief Parliamentary Counsel?

Ms. S. R. BELLE: Mr. Chairman, what I was proposing is essentially what you would have articulated that you would have to classify the type of activity that Ms. Nicholls is speaking to as a type of itinerant vendor. The question then becomes how do you craft a definition that will capture all of the activities that it would need to capture and as well as define the kind of scope of operation. That becomes a particular policy depth discussion especially when we are balancing it against the fact that you want to be able to deal with vending zones as well. That has to be discussed and that is for the Committee to make decisions policy wise and then they would instruct our office to suit. Thank you.

Mr. CHAIRMAN: Thank you very much. Ms. Nicholls, you can be of good cheer on that one. Are there any others that you had on your lists?

Ms. Vernel NICHOLLS: Not on that one, I think we can move away from that one.

Mr. CHAIRMAN: Okay.

Ms. Vernel NICHOLLS: Another point, were the fees…

Mr. CHAIRMAN: Pardon?

Ms. Vernel NICHOLLS: The fees.

Mr. CHAIRMAN: The fees, yes.

Ms. Vernel NICHOLLS: The first one I will speak on is the $100 for the licence. On hindsight it looks and sounds like it is quite reasonable but then I had some of my own mathematicians in the industry help me with some of these numbers. Basically, we are talking about the $100 and we said that we usually paid $10 for our licence and now the jump is straight to a direct $100.

Mr. CHAIRMAN: You usually pay $10 for what?

Ms. Vernel NICHOLLS: A year. This is for the licence that was issued to us through the Markets Division. We did have discussions among ourselves after Ms. Belle left the meeting last night, and I asked them to propose what they could work with and they proposed the $50 for the year, because we said from $10 to $50 would just have been a 40 per cent increase as opposed to $100 which would have been a 90 per cent increase.

Mr. CHAIRMAN: I have noted what you have said, Ma'am. I want to ask a question just for the purpose of context. Had there been discussions going on between the Ministry and yourselves with respect to the fees being charged. That $10 seems to be the lowest fee, I think, that

I have heard across the vending sector of this economy.

Ms. Vernel NICHOLLS: This is why, since this Bill came to us now and the changes are coming, we are discussing it among ourselves as fisherfolk. I asked persons what they thought would be a reasonable increase, seeing that we were paying the $10 for so many years, and they said $50. They weighed that too with the fact that while persons may think we have this big, booming industry, there are still costs which they are incurring. I hope I get an opportunity to speak not only about costs because, in the context of understanding that even though $100 may seem okay upfront to the persons who are crafting the Bill, we as vendors and fisherfolk are incurring other costs. When you add all of those things together, especially in the economic times in which we live and especially in the times where we are not having the type of landings which we are accustomed to having, there is a whole lot of changes and a whole lot is taking place in this industry. We do not really complain. We work with what we have but we do have financial challenges just like most other sectors, and this is what we want to ask the Committee to bear in mind when they are speaking about costs. Do not look at the overall picture but understand that there is more to the picture than what is being seen.

Mr. CHAIRMAN: I understand, and I just wanted to double-check with you. In the context of where you are now with the $10 a year, had the Ministry of Maritime Affairs and the Blue Economy reached out to you all with a view to increasing your fees prior to this Bill coming? Is there an ongoing conversation with the Ministry, because that helps us to get some perspective?

Ms. Vernel NICHOLLS: The conversation regarding the licence is different to the conversation about the market toll which is like rent, so there was not a conversation regarding the licence itself. There were conversations regarding the toll, which is the $75 that is being spoken about a lot. I want to say something on that also.

Mr. CHAIRMAN: At this point we can only note what you have said with regard to the representation that you are making, and your representation is that the organisation would prefer a fee for the licence to be more in the vicinity of $50, that $100 is too steep an increase from the $10 which it is now. Is that correct?

Ms. Vernel NICHOLLS: Yes, Sir.

Mr. CHAIRMAN: Okay. Please proceed to the next one.

Ms. Vernel NICHOLLS: The fee has been brought up and I am sure that the Minister is going to come to us again with it, so I felt that since I have the opportunity here I would raise it here because it is also a discussion that is ongoing within the fisheries sector. This is to do with the toll, which is the 75 cents that we were speaking about on numerous occasions. We know that arrears will come, and in previous discussions with the Minister there were some folks who said they were okay with the $5 raise. Minister, I want to tell you that since last night – people are looking at things more seriously and with more structure – I do not think they are really happy with this $5 which they were proposing to you before. Therefore, I had them work out...

Mr. CHAIRMAN: Let me just make sure we are all on the same page, please, Miss Nicholls. The toll for those here, this is the fee that you would pay for the use of a space in the market, correct?

Ms. Vernel NICHOLLS: Yes, Sir.

Mr. CHAIRMAN: That is now at 75 cents, correct?

Ms. Vernel NICHOLLS: Yes, Sir.

Mr. CHAIRMAN: A year?

Ms. Vernel NICHOLLS: A day.

Mr. CHAIRMAN: You proceed because I think we have all of the other figures. At one point the Ministry of Maritime Affairs was raising the possibility that it could go as high as $5 a day.

Ms. Vernel NICHOLLS: Right, so this is what I was saying earlier, that in previous discussions from meetings we had with the Minister when the question was asked in terms of what persons thought they would have been willing to pay in terms of moving from 75 cents, some persons felt they were okay with $5. Given the scenario we are having now, we are really not having the good seasons we were used to because of the landings and all of the other things which are now impacting and complicating the industry. From the meeting last night, we had some discussions regarding the fee and we noted that the 75 cents a day which we are accustomed to paying amount to $22.50 per month, which is $270 a year. Some proposals were that the fee should move from that to $1.50, which would be $45 a month at 30 days, which is $540 a year.

Mr. CHAIRMAN: Give me that figure again, please.

Ms. Vernel NICHOLLS: Do you mean that one, the 75 cents.

Mr. CHAIRMAN: yes, I have that one: 75 cents by 30 days.

Ms. Vernel NICHOLLS: Seventy-five cents by 30 days which is $22.50 a month which is $270 per year.

Mr. CHAIRMAN: Then you came to $270 a year for the 12-month period. Fine.

Ms. Vernel NICHOLLS: Then I asked persons what they thought would be a reasonable fee for them to move to, and I am just presenting the two options which were given to me and then we are going to compare it to the $5 that was previously stated by some of the fisherfolk. We looked at the toll as $1.50 a day, which is $45 a month, which is $540 a year, and then we looked at $2 a day which is $60 a month and which is $720 a year. When we compare it to the proposal of $5 a day, which is $150 a month, and that moved to $1 800 a year, persons felt that was very steep an increase. Looking at their other expenses and what is happening in terms of not working sometimes, I can testify to that as a vendor: We usually have a fishing

season that starts in November, and since 2011 when the influx of this sargassum seaweed began we have been having some very ups-and-downs years.

Mr. CHAIRMAN: I take the point.

Ms. Vernel NICHOLLS: Therefore, the financial situation as it was in the better days is not as it is today.

Mr. CHAIRMAN: Correct.

Ms. Vernel NICHOLLS: Landings and those other things amount for a lot, so sometimes we do not even have the six months of the year that the season is, we do not get that six months fully in the season.

Mr. CHAIRMAN: Bear with me one minute, please. Ms. Nicholls, I am indebted to you and want to thank you for raising this matter in the very in-depth way that you are raising it. There are a few things that I am going to say here now. First of all, I am going to take your Minister by surprise because Minister Humphrey would not be aware of the fact that there is, in fact, a proposal as we have been looking at the drafting of this matter to decriminalise firstly. There is a criminal element attached to not paying the toll. The first thing is that we want to take away that criminalisation of the process, so there would be no criminal penalties associated with the toll going forward. This is the first thing.

The second thing is that the issue arises as to the desirability of having the toll if we are going to have a licence fee in the way we have it. Now, that is not a matter that I can determine or that this Committee by itself can determine. I think really this is matter that lies within the jurisdiction of the Ministry of Maritime Affairs because they have the responsibility for the management and maintenance of the fish market. We cannot speak lightly to changing the toll but I can say to you that one of the considerations that we have is that the $100 fee and it may well be a question of where the $100 fee goes to, whether the $100 fee goes to the Consolidated Fund for the whole purposes of the Central Government or targeted directly to the management of the fish markets.

This is something that probably will have to be settled. We were looking at the balance between that $100 fee and the toll that you have pointed us to. I think that everybody listening could easily follow the logic in what you are saying because if you have a toll at 0.75¢ per day that carries you up to $270 per year. On top of a $100 fee, the fisherfolk would be paying a heavy penalty to the State by comparison to some others who are vending. We are going to have to look at that carefully. Minister Humphrey.

Hon. K. D. M. HUMPHREY: Mr. Chairman, I agree that we have to look at it carefully and I will leave that particular point there. Just to make the point, the 0.75¢ that vendors pay has been at that rate for about 40 years. Seventy-five cents per day if we are being fair, Sir, and I think there also has to be a sense of fairness in these conversations. God knows that I love the vendors and do not hide it. They know it too. However, at 0.75¢ per day we are not even scraping the reality at what it costs to run a market. It is already extremely heavily subsidised.

It then makes me wonder if the point made by the Opposition Leader earlier in relation to why charge a fee in the first place is of even greater value. I mean it makes me wonder because the 0.75¢ that is paid, our water bill in the market if I were to share it would shock you. It is extremely high; the maintenance, cleaning and upgrades that we did to all the fish markets across Barbados none of which we have associated a cost to pass onto the vendors. The raising of the 0.75¢, Mr. Chairman, has more to do with the fact that over time the vendors themselves- and I understand that Miss Nicholls is saying that they have changed their minds- were the ones suggesting that it was too low. This is a conversation that I think we should have with the vendors in the Ministry.

I am not sure what clarity, perhaps, the Deputy Chief Parliamentary Counsel could share with me in relation to whether this Bill now seeks to allow the vending rents to be associated with this Bill or if that remains a matter separate for maritime. As far as I understood it and I might have been wrong, the licence fees were for the Bill and the rent fees remained an issue for maritime separate and distinct from this conversation. If we are going to resolve that conversation, it should be resolved in another place with the conversation between the vendors and the maritime Ministry. I must say to you, Sir, that while I hear Miss Nicholls and understand the challenges that everybody is facing, the reality is that it costs a lot of money to run a market and that 0.75¢ per day as a charge for the last 40 years does not begin to capture.

I hear Miss Nicholls listing item by item what is difficult but I am just saying that if we were to list item by item too. I am just saying there is a conversation to be had and hopefully we would not have to have that conversation here, Sir.

Mr. CHAIRMAN: Agreed. I do not know if the Deputy Chief Parliamentary Counsel wishes to make a comment at this point?

Ms. S. R. BELLE: Mr. Chairman, just to say that we are not interfering with the stall rents mechanisms. The fish toll issue only came up because it has that criminal element that you had to take out. In the future drafts, I had actually included it for taking out altogether. However, the first part that deals with the toll because it has implications for your Ministry, we could not just take it out wholesale.

Hon. K. D. M. HUMPHREY: I totally understand and appreciate it. Thank you.

Ms. S. R. BELLE: I think that the discussion as it relates now would be to keep that paragraph (1) of the Clause 47. We take out the criminal element but the fish toll part we will leave in. As I said before, the stall rents mechanism we have not interfered with but I did note from the discussions that it should be spoken about still as a part of a larger discussion of what it costs to do business as a vendor.

Hon. K. D. M. HUMPHREY: I agree and understand. Thank you. Thank you, Mr. Chairman. Thank

you, Deputy Chief Parliamentary Counsel.

Mr. CHAIRMAN: Grateful to you, Minister. Miss Nicholls, let me just also just say to you that I know you want to have the floor again but I just want to say to you that in the context of what we have just gone through I wanted take you back to the fact that your proposal of $50 per year even more deeply now resonates with me. We are going to work this through amongst ourselves but I have taken it on board. I cannot go any

further than that without having a wider discussion with the Committee. The floor is yours, Madam.

Ms. Vernel NICHOLLS: Yes, I just want to say to the Committee and the Minister that even in my discussions on speaking to some of the vendors this morning, they are still of the opinion that the fee at 0.75¢ can raise, so it is not that they are saying they want to continue to pay the 0.75¢. They have accepted and articulated themselves that given the use of water and I have heard from different persons from different markets in their own sentiments talking about the use of water, electricity and things that they use.

They accept that the 0.75¢ is really low, so it is not that they are not willing or interested in having a raise. I was just giving a comparison in terms of where we are now and where we are going using different figures to assist us in arriving at a fairly comfortable place to benefit all of us.

Mr. CHAIRMAN: Agreed. Accepted. I recognise and appreciate the fact that you are engaging in that necessary negotiation. There has to be a give and take. This is one of the reasons why I must tell you, and I will repeat again, the proposal of $50.00 a year has resonated with me. We will find a solution to this Ms. Nicholls, but we need to have some discussions amongst ourselves in this Committee as we go forward.

There were other points that you wanted to raise, I am sure?

Ms. Vernel NICHOLLS: That was the last point that I had written down. Just my last comment would only be to say that we are seeing a growing sector, but the fish catches are slowly declining so while we have persons coming in who are now interested in being in the industry, things are changing in terms of catches and landings and those kinds of things. We just want for you to take these things in consideration when this Bill is being put together and that we would like to know when, because this is another question. The concern was: when this Bill would go into effect because persons, even though we brought it up last night the Deputy Chief Parliamentary Counsel, Ms. Belles, said it was not written in stone so we know that there are changes that will go on given the discussions that we are having but if we can get an idea of when this particular Bill will go into effect because we would like to be ready when things change.

Mr. CHAIRMAN: My simple answer to you is to tell you two things, 1) to help you understand the process. The very last Clause of this Bill makes provision for the Bill to come into effect by what they call proclamation which is an announcement that will be made to the public that on X date, whatever that date is, the Bill takes effect. There is a little bit of work that has to be done. The person who spoke before you to this Committee was Mr. Sherlock King who is the Manager of Markets and he indicated, for example, on the traditional markets that are run by the Ministry of Agriculture's side, not the Fisheries side, that there are some issues that they have with regards, for example, storage, being able to take care of perishable items and so on that may need to be seized and then returned to the owner, those types of things. It is going to be a little bit of work that has to be done even after we pass Parliament to get the necessary infrastructure right. The vending zones we have started to identify some of them, but as you know, right now if you drive along the highway in Barbados, coconuts are being sold all along the ABC Highway. If we create vending zones none of them have any running water yet, none of them have any bathroom facilities, et cetera, so these are things that have to be done. The intention is to get them done quickly but I could not say at this point that on 1st January, next year, for example, we will be ready to do this. We are going to be working with the greatest possible dispatch though in order to get there so my advice to you, Ms. Nicholls, would be to say to your constituents that this is something that is coming, they should start to get their houses in order because it will be sooner rather than later. I know those are general terms, but that is the best that I can do at this stage. What we can undertake to do for you is to keep you abreast of the developments and I would assume that your Minister would want to personally continue to interact with you all so that if there are challenges or matters about which you need to be alerted that you all will have an ongoing interface on this. From my own position I am happy to work with him in that regard too.

Ms. S. R. BELLE: Mr. Chairman, just to raise the point about Clause 33 as well. This was raised in last night's meeting which is a transitional provision. What it does is that any licenses, and I have to also include permits, that are issued under the National Conservation Commission Act or the Markets and Slaughter-Houses Regulations would be valid for a year after the commencement of the Act and then, after the expiration of that period, then the person would seek to apply for the next license. That is also a mechanism that is designed to help with that transition from the previous system to this new system.

Mr. CHAIRMAN: Right, so that persons with a licence now, let us say we were to start tomorrow, if you have six months left in your license you would run out that six months and then you would apply for the new one. Yes?

Ms. S. R. BELLE: That is the contemplation but we did identify the year ...

Mr. CHAIRMAN: Yes, I understand. Ms. Nicholls, there is a little bit of work still to be done in terms of the supporting infrastructure to get this right because as you would appreciate this is a giant leap. It is a big leap

legally, in terms of the legal relationship that vendors have had with the law. It is a big leap administratively because the different departments of Government have to be brought on stream and there is some physical work that we have to do in terms of our infrastructure to support this. Have I made myself clear, Ms. Nicholls?

Ms. Vernel NICHOLLS: What I wanted to say – I forgot this actually – is that as far as the registering or the application for the vending, we have this outlined under the regulations of vending activities, but what I am not seeing and what is not clear – I think I brought it up in last night's meeting and the previous meeting and I would like it to be able to be spelt out somewhere – in terms of the applications, some clarity needs to be done. We know that it is going to be online, but we do not know how the money is to be paid in so we want those things clearly defined so that we can know exactly what is to happen because what I seek to do at this time is I am going to start to prepare the fisherfolk, those persons who might have challenges of using the online system, to start to teach them how to make these applications and register and use the online or the digital system to do their business going forward. We would like some clarity to that process.

To say to the Minister, this morning I had to ask for Minister Humphrey to get my head clear to meet here with you all, but coming out of the meeting last night, we have one or two markets where persons are calling to see him and meet with him because I guess they want to go through the same thing I had to …

Mr. CHAIRMAN: They are calling to see their Minister?

Ms. Vernel NICHOLLS: Yes, Mr. Chairman.

Mr. CHAIRMAN: I believe he will go to them. In fact, he is coming to you now.

Hon. K. D. M. HUMPHREY: Mr. Chairman, recall that I had actually told Ms. Nicholls yesterday to send me the link to the meeting and I wanted to attend, but you called all of us yesterday. We had an extensively long Cabinet meeting well into the evening so I apologise, but I will make myself available to the …

Ms. Vernel NICHOLLS: They really missed you and specifically the Oistins group.

Hon. K. D. M. HUMPHREY: I know, they sent me a message so I will make my way to Oistins.

Ms. Vernel NICHOLLS: They were calling this morning and they told me tell the Minister we want to see him because up there is going crazy from these meetings and what was discussed.

Hon. K. D. M. HUMPHREY: Yes, Ma'am, but in relation to the actual legislation I am sure I can offer no more value that the Deputy Chief Parliamentary Counsel offered, but I will make myself available. Absolutely. I will be at Oistins before the end of next week. Thank you.

Ms. Vernel NICHOLLS: Thank you all.

Mr. CHAIRMAN: Ms. Nicholls, I am going to ask the Deputy Chief Parliamentary Counsel just to say a word on that last point you had made though, please.

Ms. S. R. BELLE: Yes, Mr. Chairman. As I said last night, those things can be worked out in regulations and it is just that you need policy direction in relation to that. Usually when you are stating in an Act that you would have to pay to a particular functionary that is how it is left in terms of then working it out, usually it would be an administrative thing but you can also specify it in the regulations and this was explained on a number of occasions last night. Thank you.

Mr. CHAIRMAN: I understand that and Ms. Nicholls, let me say to you that the policy issue now for us is to get those nuts and bolts together to hold the, let us use the example of a vehicle. You have the big pieces, you have got the door, you got the trunk, you got the bonnet, *et cetera*, but you know you have to hold them together by certain things – that you are pointing us to, how the payment is made, to whom is the payment made, what is the mechanism, can you do it online, *et cetera*. They will come by way of regulations that will be done. This was is an early stage in the process and as you would appreciate given the nature of this Bill, because this Bill is speaking to a regime that touches the beaches and the parks and the gardens in Barbados where vending is done, but that has absolutely nothing to do with the fish markets where vending is also done and it has absolutely nothing to do with the traditional marketplaces like Eagle Hall Market and so on where vending is also done and equally has nothing to do with the highways and byways of Barbados where vending is also done so we are trying to pull everybody together, treat everybody as equally as possible and then have the regulations built out across all of these different ministries and departments where it has never been able to be done before, so it is a little bit of heavy work. The next stage is to have those regulations for you so you do not have to worry about that, you will be party to that discussion.

As to the plans you are making, I think you are on the right track. You have to be prepared to work with your constituent members so that they can do this online because I suspect that some of it will be done online but even if not exclusively we will be encouraging people to use the electronic technology in keeping with where the whole country is going now.

I want to thank you though for the spirited participation. I love the fact that you took time to say to us that you wanted to go and consult and come back and I am grateful that you did so. I want to also thank the Deputy Chief Parliamentary Counsel and also the Senior Business Development Officer in my ministry for being there with you all last night. I am told that the meeting may have gone on until after 9 o'clock. When people speak in very unfortunate terms about the public service they very often forget that this is the kind of sacrifice that public officers make for the greater good of the country so I want to go on record as thanking those public officers for the work that they have done to assist us and would urge that the Committee properly note that as well.

I want to say to you Ms. Nicholls that we have now come to the point where we are ending the aspect of this Committee's business where we are taking evidence so you are our last witness and we will now go to a stage where we will prepare a report on all that has transpired and that report will be laid before Parliament and the report will be debated. We will take from that body of the report those things that we can put into the Bill so as to make it a better Bill in the interest of the vending community and then that Bill will go through the final stages of the parliamentary debate. It has already begun so it is just a question of continuing that.

I would imagine Ms. Nicholls that within the next three or so weeks we would have completed that stage and so therefore the work would then begin to make sure that all of the markets and the highways and byways of Barbados now start to see the changes that need to be made so that this new legislation can be given full life and meaning on a day-by-day basis. Are you with me?

Ms. Vernel NICHOLLS: I am saying that we made the recording of the meeting last night available to the Deputy Chief Parliamentary Counsel, Ms. Belle.

Mr. CHAIRMAN: Sorry, I did not hear you?

Ms. Vernel NICHOLLS: No, I said that I just wanted to let you know that we have made the recording of last night's meeting available to Ms. Belle.

Mr. CHAIRMAN: Oh, okay, that is good, fine. Thank you. In those circumstances Ms. Nicholls we are going to take a late lunch and I want to invite you to lunch if you care to join us, and I would want to ask for a motion then that this meeting now will stand adjourned.

ADJOURNMENT

Hon. K. D. M. HUMPHREY: Sir, I so move that the meeting be adjourned.

Hon. A. R. FORDE: I beg to second that, Sir.

Mr. CHAIRMAN: Colleagues, the meeting now stands adjourned. I am obliged to you. Please have a good weekend and stay safe.

SIXTH MEETING OF THE JOINT SELECT COMMITTEE ON THE NATIONAL VENDING BILL, 2021 HELD IN THE CHAMBER OF PARLIAMENT, WORTHING CORPORATE CENTRE

WEDNESDAY, NOVEMBER 3, 2021

SECOND SESSION 2018-2023

PRESENT:
Hon. Kerrie D. SYMMONDS, M.P. (Chairman)
Hon. Adrian R. FORDE, M.P.
Hon. Indar A. WEIR, M.P. ***(online)***
Hon. Kirk D. M. HUMPHREY, M.P. ***(online)***
Mr. Trevor A. PRESCOD, J.P., M.P.
Ms. Toni N. S.-A. MOORE, M.P ***(online)***
Bishop Joseph J. S. ATHERLEY, J.P., M.P., *(Leader of the Opposition)*
Senator Damian R. SANDS
Senator Dr. Lynette P. HOLDER ***(online)***
Senator Miss Alphea M. WIGGINS, J.P. ***(online)***

ALSO IN ATTENDANCE:
Mr. Nigel R. JONES, O.B.E., Deputy Clerk of Parliament
Miss Beverley S. GIBBONS, Deputy Clerk of Parliament
Ms. Shawn Raine BELLE, Deputy Chief Parliamentary Counsel
Miss J'anne C. GREENIDGE, (Procedural Clerk to the Committee (Ag.)) Typist

Meeting called to order at 10:58 a.m.

Mr. CHAIRMAN: Good morning. I want to begin by welcoming all Members of the Committee, both present and online.

MINUTES

On the motion of Senator the Hon. Ms. L. R. CUMMINS, seconded by Hon. A. R. FORDE, the Minutes of the Meeting of 13th October, 2021, were deferred.

Mr. CHAIRMAN: Good morning, Colleagues. Can we come to order, please? Online I have Senator Dr. Holder; the Hon. Ms. Toni Moore, the Hon. Member for St. George North; and the Honourable Minister of Agriculture and Food Security, Minister Weir. Obviously, those Members present can see each other. Honourable Members, I am proposing that we take a motion which would allow for us to defer *Minutes and Matters Arising* because we have gone at a pace which is a little bit ahead of the capacity of the Parliamentary staff. And I know the Honourable Leader of the Opposition wanted to speak in a very wholesome and complimentary manner about that but the Honourable Member needs not trouble himself to do so, such is the nature of this Committee, that we understood from the beginning that we would be hitting the accelerator. Therefore, if I can have such a motion?

MINUTES

On the motion of Hon. A. R. FORDE, seconded by the Honourable Leader of the Opposition, the respective Minutes of the Meetings of the Joint Select Committee on the National Vending Bill, 2021, were deferred.

Mr. CHAIRMAN: Honourable Members, the question of consideration of other written submissions. I believe that they would have been circulated. We have two written submissions which were circulated and I am assuming that they would have been therefore read. The first would have come from the Deputy Chief Environmental Health Officer, Mr. Ronald Chapman, and his comments on the Vending Bill. The second would have come from the Ministry of Energy, Small Business, Entrepreneurship and Commerce Cooperatives Department, the Deputy Registrar of Cooperatives, Mr. Richard Harris.

Are there any issues which would have arisen in either of these two documents that attracted the attention of Honourable Members of this Committee?

There were no issues that attracted the attention of Committee members.

Mr. CHAIRMAN: Deputy Chief Parliamentary Counsel, have you had benefit of sight of them?

Ms. S. R. BELLE: Mr. Chair, yes. I do have responses but nothing that would result in having to change the Bill.

Mr. CHAIRMAN: Okay. Fine. And that was my reading of certainly the two that I have seen and referred

to. Honourable Leader of the Opposition, are you comfortable that we could proceed?

Bishop J. J. S. ATHERLEY: Yes.

Mr. CHAIRMAN: There was a third one which came October 30th.

At this point the Clerk had a discussion with Mr. Chairman.

Mr. CHAIRMAN: Perhaps I should formally mention it because we did not take any oral evidence on it. There was a third one dated October, 30th which came from the Barbados Chamber of Commerce, that relates to some concerns that they had raised and areas where they have sought some clarity. That too would have been circulated. I have had a chance to digest it. In my view, much of that which they have raised has already been the subject of discussion here. Are there any matters arising from that particular Report? This has been around for a little bit longer than the other two, so I did not speak to it just now, but just in the interest of the fullest possible exchange. No? Okay. Fine. Therefore, I think that we can proceed. Having considered the written submissions, please let us turn to the matter of "Consideration of Amendments to the National vending Bill, 2021."

In this regard, I would want to compliment, first of all, the Deputy Chief Parliamentary Counsel for putting us in a position now where she has fairly fulsomely sought to pull together all of the proposed amendments and I am going to invite her to take the Floor and to walk the Committee through clause by clause the amendments which will then shape the new Vending Bill, 2021.

Madam Deputy Chief Parliamentary Counsel, the Floor is yours.

Ms. S. R. BELLE: Mr. Chair, thank you very much. Just to draw the Committee's attention then to Clause 2 of the Bill. We have now a definition of "itinerant vendor" that has been inserted. That has now been defined as "the offering of sale of merchandize or the rendering of services:

(a) from a vehicle parked in a vending zone or (b) being driven from residence to residence.

(b) in a vending zone or other site.

Well, it says "otherwise" but I want to put in "other sites" for a period of less than three hours. This is something that we need to sign off on from a policy standpoint, so if there are any submissions in relation to this, then I would be grateful. Thank you.

Mr. CHAIRMAN: I must tell you Deputy Chief Parliamentary Counsel that from a policy position, that as Minister I have no challenge with it, but the Floor is open, Members, for your views.

The Honourable Leader of the Opposition would like to have you restate the proposed amendments.

Ms. S. R. BELLE: Chair, drawing your attention to Clause 2, page 9, the submission of "itinerant vending" defined as the offering for sale of merchandize or the rendering of services (a) from a vehicle parked in a vending zone or being driven from residence to residence or; (b), in a vending zone or other site for a period of less than three hours.

Mr. CHAIRMAN: In this context perhaps I should ask, does the term "vehicle" carry with it any specific definition?

Ms. S. R. BELLE: Mr. Chair, the intention was to insert the definition of "vehicle." What I would do is that I will put that in and it will be tied to the Road Traffic Act.

Mr. CHAIRMAN: Perhaps that is really where the clarity must come at a policy level then, because on its face I have no challenge with it but if I am then forced to drill down to answer the question: What is a vehicle? Would a cart, the old-fashioned bread cart, for example, properly constitute a vehicle? Would the sno-cone cart, for that matter?

Asides.

Mr. CHAIRMAN: In fact, as we start to talk about it I am hearing the comment from – I almost said the Bar table, forgive me – the Clerks' table that nowadays fellows use a carrier bicycle. Some people even use a trolley.

Asides.

Mr. CHAIRMAN: I know the supermarket trolley issue, and that raises its own peculiarities, but I mean trolleys that you can actually pull. I have seen some pull trolleys. They are almost like a suitcase-type construct.

Ms. S. R. BELLE: Some of those contraptions could be included, but erring on the side of caution what I will do is investigate the definition of vehicle, and if it is that it does not contemplate trolley or things of that nature, then I will insert it.

Mr. CHAIRMAN: Okay, fine. Dr. Holder, your face suggests to me that you are mindful of a question. I see your hand up, actually. You are muted. Hold on a minute. Is she muted? Dr. Holder, we are not hearing you so we have a technical issue. If you just hold a minute please, I am sure we can get it resolved swiftly. Try again, please. No, I am still not hearing you. Bear with us, we are trying to get this right. Do we need to bring in the gentleman from across the room?

Asides.

Mr. CHAIRMAN: We are working to resolve the problem, Senator Holder.

Asides.

Mr. CHAIRMAN: Honourable Member for St. George North. Ms. Moore, are you in a position to sound your voice at this moment?

Hon. Ms. T.N.S-A. MOORE: Yes, good morning.

Mr. CHAIRMAN: Okay, we can hear Ms. Moore, so it is at Dr. Holder's end where we have the problem.

Senator Dr. L. P. HOLDER: All right. Can you hear me now?

Mr. CHAIRMAN: Ah, yes. There you go. Matter fixed.

Senator Dr. L. P. HOLDER: Technology has failed me.

Asides.

Mr. CHAIRMAN: You may have been too sophisticated.

Senator Dr. L.P. HOLDER: Thank you very much, Sir. Thank you kindly. Good morning, all. Let me thank the Deputy Chief Parliamentary Counsel for that definition of itinerant vendor. I took note that a time frame of three hours was proposed, and I am querying, through you, Mr. Chairman, what may have informed that and whether she can elucidate on the rationale behind it. I am thinking of the sno-cone vendor, for example, who by the very trade is itinerant and may very well be participating in an event moving from place to place and location to location but for an extended period beyond three hours. I am querying what was thinking that would have informed that particular time frame. Thank you, Sir.

Mr. CHAIRMAN: Thank you. Deputy Chief.

Ms. S. R. BELLE: Chair, just to ask the Committee to recall the submissions from the President of BARNUFO in relation to those fishermen who are on the fishing sites and they do some form of vending; not the ones who are vending to vendors but vending of their own accord. The time frame that was given was two or three hours, so what I was thinking was to take the higher threshold but I anticipated that there may be a request for the time period to be extended, so I am open to it. It is just that this was included specifically with them in mind. Thank you.

Mr. CHAIRMAN: Thank you. I think that Senator Holder has raised a very important point, and I would really welcome the views of the Members of the Committee more broadly on this matter. For example, if Mr. Sands, Mr. Forde or you, Honourable Leader, had a view on it, the issue is well defined. If you are going to look at the observation made by the President of BARNUFO, you want to recognise that fishermen do sell or do vend their own catches sometimes, but that usually will be for no longer than a three- or four-hour period. That was quite rightly put by the Deputy Chief. We, however, have to balance that with the observation made by Senator Holder that you can have a sno-cone vendor who may, for example, on Kadooment Day be vending for half of a day or on a race day at the Garrison Savannah be vending for six to eight hours. Is there a view as to how we can try to find a form of language that would satisfy these two ends of the spectrum?

Bishop J. J. S. ATHERLEY: Madam Chair, I do not have a view on the form of language but I support what Dr. Holder has said. That was my concern when the Deputy Chief Parliamentary Counsel shared with us on the matter of itinerant vending. I am concerned about the hours. I think that it is too abbreviated.

Mr. CHAIRMAN: Any other views? Deputy Chief, what is your thought on saying that this could be done in a vending site or another site for a period of less than one-half of a day?

Ms. S. R. BELLE: Chair, that would involve understanding what one-half of a day is. I was thinking of probably putting the 12-hour period. For a period of less than 12 hours the issue may be what you were raising in relation to sno-cone vendors and so on, Chair. To me, it falls into (a). Taking into account also the word "or" is there, because it is contemplating (b) a completely different exercise, and as I would have articulated, the history of what informed the composition of (b). Then it is a matter of choosing the right time period that could contemplate something like this.

Mr. CHAIRMAN: I think I see an apparition.

Asides.

Mr. CHAIRMAN: The Honourable Member for St. George North is appearing before us in person but even as she does that, she is appearing before me online.

Asides.

Mr. CHAIRMAN: I did not know it was possible to be in two places at once.

Asides.

Mr. CHAIRMAN: I thought it was an apparition. Go ahead, Deputy Chief.

Ms. S. R. BELLE: Yes, Chair. My inclination in light of the discussion so far may be to take the top of the threshold, which would be the 12-hour period.

Mr. CHAIRMAN: What hour?

Ms. S. R. BELLE: You would say "in a vending zone or another site for a period of less than 12 hours".

Mr. CHAIRMAN: Okay. I think that the Deputy Chief Parliamentary Counsel has made a very interesting and agreeable, in my view, suggestion. She has pointed us to that fact that you are talking about selling from a vehicle, parked in a vending zone or being driven from residence to residence and that would capture, Senator Holder, the sno-cone cart. However, if we wanted to make assurance doubly sure, then we have "or (b) in a vending zone or other site for a period of less than three hours." You would change that three hours to an upper limit of 12 which would allow for half of a day of activity. I think that that is very reasonable in the circumstances because the person is itinerant. They are moving from place to place.

Is there any challenge with that from the Committee? I sense that there is none. Okay, Deputy Chief Parliamentary Counsel, please proceed.

Ms. S. R. BELLE: Mr. Chairman, the record would show that the definition of itinerant vending in Clause (b) would be changed to 12 hours.

Mr. CHAIRMAN: Twelve hours?

Ms. S. R. BELLE: Yes.

Mr. CHAIRMAN: As they say in Star Trek, "make it so Number 1."

Ms. S. R. BELLE: Yes, Mr. Chairman. Also, on

Page 9 regarding the definition of "Manager of Vending Zones" please not that Clause (d) of that definition, the Chief Fisheries Officer for the purposes of vending zones that are fish landing sites he will be in charge of those. This affects Clause 16.

Mr. CHAIRMAN: The proposal is that the Chief Fisheries Officer would be the Manager of Vending Zones for those zones that are fish landing sites.

Ms. S. R. BELLE: Yes, Mr. Chairman.

Mr. CHAIRMAN: You say that it has implications for Clause 16?

Ms. S. R. BELLE: Yes, Mr. Chairman. In Clause 16 on Page 25, you would see Clause 16 (3) which states, "The Chief Fisheries Officer shall be responsible for the management and operation of a fish landing site." Mr. Chairman, that is the submission there.

Mr. CHAIRMAN: You have created the synergy?

Ms. S. R. BELLE: Yes, Mr. Chairman in light of the Senior Manager of Markets submission that the Chief Fisheries Officer is in fact in charge of fish landing sites.

Mr. CHAIRMAN: Okay. Fine. Any challenges with that? None? Please proceed.

Ms. S. R. BELLE: Mr. Chairman, in relation to occasional vending, please note that the reference to "farmers'' market" was removed. The concept of occasional vending is that you will be:

- *"offering for sale of merchandise, or*
- *rendering of services for the duration of a fair, carnival or cultural, entrepreneurial, religious or recreational event only"*

It would be necessarily an abbreviated or truncated space in time. A farmers''' market does not follow that format. For the purposes of others, see Clause 2 Page 10; occasional vending. In previous drafts, Mr. Chairman, the definition included the reference to the term "farmers''' markets". It has now been removed and the reason is that the farmers'' market does not fall into the concept that was originally conceived for this type of vending which is within an abbreviated point in time.

Those people who then want to operate at the farmers' market they would have to decide whether they are getting the licence or the permit. This is dependent on how they operate, Mr. Chairman.

Mr. CHAIRMAN: Okay.

Ms. S. R. BELLE: Mr. Chairman, in light of the submission in relation to "itinerant vending", we would take that the definition of "vehicle" should be inserted and the anticipated wording would be, "vehicles has the meaning assigned to it by the Road Traffic Act."

Mr. CHAIRMAN: The only challenge I have with that aspect of the vehicle having the definition as assigned to it under the Road Traffic Act is that subject to what the Act says, I would want us to be as broad as possible with that definition. In other words, I do not want us to alienate the things that we had just pointed to such as the trolleys, *et cetera.*

Ms. S. R. BELLE: Mr. Chairman, as I would have indicated in the earlier discussion is that what I will do is if the definition does not contemplate stall, cart or otherwise, then they will be inserted in the (a) part of the itinerant vending definition.

Mr. CHAIRMAN: Okay. Any difficulty with that proposition on the way forward with the respect to "occasional vending" and "itinerant vending"? None? Fine. Thank you.

Ms. S. R. BELLE: Mr. Chairman, in Clause 3 you will observe a new (c) being inserted. This is on Page 11, Clause 3 (1) (c). The definition of (c) is informed by an inclusion of the concept of what will happen with itinerant vending, so that you would have a vehicle parked in a vending zone or being driven from.... Yes, I am seeing the inconsistency there, so what would happen is that I have from "one customer's premises to another". In the Definition Interpretation Clause, I have "one residence or another" so I will change it to reflect "customer's premises and other site". However, the point is that that definition of vending now contemplates the concept of itinerant vending as the defined by this Bill.

Mr. CHAIRMAN: Just to make sure that everyone is following you, in light of the fact that the language being used at Clause 3 (1) (c) which says that you are talking about vehicles being parked in a vending zone or being driven from one customer's premises to another, in view of that phraseology if you will, you are going to therefore amend the previous definition so that it will no longer say "being driven from one residence to another residence" but "from one customer's premises to another customer's premises".

Ms. S. R. BELLE: Yes, Mr. Chairman. You would also take note of the fact that the three-hour reference is present in (c) and will now be changed to 12 hours.

Mr. CHAIRMAN: To 12?

Ms. S. R. BELLE: Yes, Mr. Chairman.

Mr. CHAIRMAN: Agreed.

Ms. S. R. BELLE: Yes, Mr. Chairman. In Clause 2 which speaks to activities that are not considered vending, please take note of the submissions that came out of the discussions in Committee. Drawing your attention now to Clause 3(2)(e) which speaks to the sale of merchandise or the rendering of services by a person within the curtilage of that person's residence and (f) the sale of fish by a fisherman to a vendor, taking into account the submissions that were made by the president of BARNUFO in relation to that Sub-Clause of vending where it is not to be considered vending because it is only the fisherman's activities in relation to true vendor. Thank you.

Mr. CHAIRMAN: Perfectly understood and I

am grateful. I think that that accurately captures what was said by persons who gave evidence before us. Any observations on this, Colleagues? I see none. Fine. Please proceed, Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Mr. Chairman, in relation to Clause 4 the question to be raised is whether we have any clarification from the Solicitor's General Chambers in relation to the point on the minors, so that is the first point.

Mr. CHAIRMAN: I think that question goes to the Clerks-at-the-Table. Did we get any response from the Solicitor's General Chambers, please?

Madam Deputy CLERK: Not as yet, no.

Ms. S. R. BELLE: Mr. Chairman, I propose going forward perhaps raising the age to 18 and what would happen is that in regulations you would make provision for persons under the age of 18 to operate within the Vending Scheme in a training or an apprenticeship type of mechanism.

Mr. CHAIRMAN: Say that again. I was not so sure I followed you properly.

Ms. S. R. BELLE: Mr. Chairman, what I am recommending is that the age be increased to 18 and that we make provision for persons under the age of 18 to operate within the Vending Scheme by making regulations to deal with persons who would be in an apprenticeship or a training capacity.

Mr. CHAIRMAN: Okay. Well, the record should formally reflect that the Solicitor's General Office did send us an acknowledgement of the request reflected that the matter was being considered by a senior member of the Chambers. Having said that, however, I think that you have given us a way forward which I am inclined to take unless I am hearing any dissenting voice from the colleagues here assembled who can manage to persuade me that taking this would be an inappropriate course of action. Mr. Prescod.

Mr. T. A. PRESCOD: Mr. Chairman, I would just like some clarification on what constitutes an apprentice in these circumstances?

Mr. CHAIRMAN: If I am understanding the Deputy Chief Parliamentary Counsel correctly, what she was pointing us to is the fact that at some stage – I am trying to remember who would have given the evidence – it is law right now that you can contract from age 18 and above. There are no issues there. There were some people, I think it was the Barbados Wayside Vendors …

Ms. S. R. BELLE: Mr. Chairman, can I reconstitute the issue?

Mr. CHAIRMAN: Go ahead.

Ms. S. R. BELLE: I had raised this issue just to draw the attention of the Committee that the Minors Act really has provisions that would not allow minors to engage fully in contracts and that there was only a sliver of opportunity to do so, but that sliver would still be resulting in an avoidable type of provision because the Court would rule in favour of protecting the minor, so the question then was: From a policy standpoint, whether or not you should amend the Minors Act to deal with that specifically or is it that you would take the risk and include it here in terms of including 16-year-olds but with the understanding that it would be voidable so that the query then would have been sent to the Solicitor's General Chambers for their views. What I am proposing now, in light of the urgency for dealing with this matter, is that we put it at the age of 18 and then what you would do is deal with the capacity for minors to operate within this Scheme on an apprenticeship-like basis.

In terms of what was raised as to the question of what is an understanding of a minor it would be a person under the age of 18. The Minors Act that we are speaking to I believe that they point to age 16, but the point is that you are exposing yourself to liability that you do not necessarily want to engage in, so Mr. Chairman, I do not know if there is anything further from that point of view.

Mr. T. A. Prescod: I know the Minors Act says age 16, but I am more concerned with whom determines apprenticeship.

Ms. S. R. BELLE: Mr. Chairman, under Clause 34, let me just draw your attention to that Clause, the Minister has the capacity to make regulations generally to give effect to the Act. What I am proposing is that under that Head then what would happen is that the Minister would then make the regulations to address the operation of minors, and that would be persons under the age of 18 for the purposes of this Act, to then be engaged in the business of vending in the context of an apprenticeship-like programme or a training programme, that is what I am proposing.

Asides.

Mr. CHAIRMAN: Yes, wait, hold on. I want to make sure Mr. Prescod was finished.

Mr. T. A. PRESCOD: So you are putting the onus on the Minister to determine who is an apprentice.

Mr. CHAIRMAN: No. The onus would be on the Minister to have the regulations that would allow a person between the ages of 16 and 18 to vend.

Mr. T. A. PRESCOD: Correct.

Mr. CHAIRMAN: But the capacity in which he vends would be that he would be defined as an apprentice or in training of some sort, which will allow for it to happen quite frankly, but would take us out of that difficulty with the person being defined as being too young to contract.

Mr. T. A. PRESCOD: So in the circumstances they would be issued a special licence to function as an apprentice.

Mr. CHAIRMAN: I think that is really the question, how would we deal with them, and what is the answer, Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Mr. Chairman, what would have to happen is that at a policy level those decisions would have to be made.

Asides.

Ms. S. R. BELLE: That is, unfortunately, the best that I can offer because it is something I think that has to be discussed a lot deeper. It may also require that you may not even want to deal with it by regulations, but you may want to put in a Special Clause in the primary legislation, but at this time the route that I have suggested is the best way to deal with it at this point pending a deeper discussion on the matter.

Mr. CHAIRMAN: I have a view and I am going to share it with you, but let me hear Senator Sands.

Senator D. R. SANDS: Thank you, Mr. Chairman. I think my query was answered just now because while I understand what the Deputy Chief Parliamentary Counsel is indicating to my mind it came down to a level of semantics because essentially what we are trying to achieve here is the ability for persons under age 18 to still have the capacity in being able to work, but not to offend the law so where my mind was taking me was potentially putting, as the Deputy Chief Parliamentary Counsel suggested, a clause in the Bill that could make provisions for some type of permit or some type of card or something essential that would allow persons between the ages of 16 to 18 to still be able to operate, but not on the same terms, per se, as it would relate to a contract offending the law about the under 18 years old. I do not know if I am making myself clear.

Mr. CHAIRMAN: You are.

Senator D. R. SANDS: I understand the semantics of the issue, but I am trying to see how best we can get it in practice that we do not have foreseeable issues with the voidable issues.

Mr. CHAIRMAN: I think you are on the right track. My instinct is that we should have the framing of regulations that would enable a person who has attained the age of 16, but has not yet reached age 18 to be licensed to vend as an apprentice and that that person would have to vend in association with a senior person, so that physically you may be doing it but contractually there is somebody senior to you with whom you are working.

Ms. S. R. BELLE: Mr. Chairman, taking into account the submission just made, what I can do is to include in Clause 3 a kind of Clause that speaks to the persons under age 18 saying that you will be granted a special permit as set out in the regulations, and in that way they would have a link from the primary legislation to any secondary legislation that is made specifically on the issue, if that is acceptable to the Committee.

Mr. CHAIRMAN: That is correct.

Ms. S. R. BELLE: Thank you.

Mr. CHAIRMAN: I think that you Deputy Chief Parliamentary Counsel knows well... Our profession has done this, Senator Sands, for a long time. We come to the point where we finish law school but we have to do a period of pupillage or in-service training. Effectively we are practising law. We have no licence yet but we do that in association with a senior lawyer. I think effectively what would be happening is that you would have people vending but they would be working with someone senior for that period until when they turn 18 years old and are entitled to obtain their own licence because they are no longer within the confines of the Minors Act.

Mr. T. A. PRESCOD: The distinction I recognised that Senator Sands is suggesting is that the person should be between the ages of 16 and 18, but I am also hearing another view of less than 18 without a limitation downwards, so in other words, if you leave it so open it means that the law would allow a 15-year-old or a 14-year-old to practice, so make sure we are very clear and very precise.

Mr. CHAIRMAN: No, no, you got to be between 16 and 18 years old.

Ms. S. R. BELLE: So what would happen is that you would say that upon attainting the age of 16 then you would operate within the training or apprenticeship-like mechanism to be determined by regulations. Thank you.

Mr. CHAIRMAN: That, I think, makes perfect sense. I think we all agreed then. Senator Holder, are they any challenges?

Senator Dr. L. P. HOLDER: Not at the moment, Mr. Chairman.

Mr. CHAIRMAN: Fine. Make it so. We then can move to Clause 5 and beyond, please.

Ms. S. R. BELLE: Yes, Mr. Chairman, as a result of all of the submissions made here and also to take into account to some extent the issues of permits, what I am going to do is redraft the provision to just speak to licensing and permit requirements, and that will then deal with everything that is dealt with as the regulation of vending activities.

Mr. T. A. PRESCOD: Let me ask another question then. Would you also have to put in the Interpretation the definition of permits then?

Ms. S. R. BELLE: No, because we already have a permit system for the occasional vending and also for itinerant vending and then the definition of what would be understood as a permit for the class that we just identified would be defined under Clause 3 so that is how you would deal with it. If I may have permission to carry forward...

Mr. CHAIRMAN: Just bear with me because it is perhaps the lawyers' question, but bearing in mind that the licences require the payment of a fee, and the issue for that grouping that we are looking it is their capacity to contract, would they be expected to pay a fee?

Ms. S. R. BELLE: Mr. Chairman, because you are sending it down to regulations this is a matter then that you would deal with on a policy level in the regulations so you may make a decision not to charge in light of what can happen. That is a decision that you can make.

Mr. CHAIRMAN: And I think that is ideally the way that we should go. Let me just talk it through a little bit, Honourable Leader of the Opposition. If we are going to say that it is a matter of policy that we would want to

encourage young people to be entrepreneurial but they are too young to contract so we would say to them equally at the same time that if it is that you want to vend you are going to vend in association with somebody who is senior but at the same time you are not going to be asked to pay money for a vending permit until when you turn 18 years old. Is that fair?

Bishop J. J. S. ATHERLEY: I seems fair to me but the thing of which I am a little bit hung up is that you are going to vend in association with somebody who is senior and I am trying to work through the mechanics or logistics of that type of relationship that, that you are going to do so in association with somebody who is senior, is that...

Mr. CHAIRMAN: The lady from the wayside vendors had used the example of her sons.

Bishop J. J. S. ATHERLEY: Yes, but what if you do not have that kind of relationship, that kind of connection?

Mr. CHAIRMAN: Senator Holder wants to help the Floor on this point.

Senator Dr. L. P. HOLDER: I was just about to lower my hand because the Honourable Leader of the Opposition asked the question that came to my mind.

Bishop J. J. S. ATHERLEY: You did that to me earlier. So?

Mr. CHAIRMAN: Go ahead, Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Mr. Chairman, just to say that the way that it is going to be drafted in [Clause] 3 would defer all of those policy questions to regulations because this issue cannot be discussed at length here, they have to be developed at a deeper level so what the 3 will do is just pass it along to the regulations so that you can more fully develop it in regulations rather than dealing with it here but what you would do is just to point to the fact that it has to be addressed.

Mr. CHAIRMAN: Okay. No, I was just using this opportunity really to bounce the ideas off of members here to get a feeling conceptually for where we could go. I dare say that it is quite likely that there would be cases that we could find where you have a young man or a young lady whose circumstances domestically and socially are that they have to be on the street or wherever participating in vending and that they are not doing this with any adult, I believe that may well be something that happens in Barbados right now, my only concern is obviously is that is something that was not intended by law, I think that is created out of circumstantial developments. While we do not want to inhibit the entrepreneurial development of young people we also have a duty to protect minors. The overriding concern behind that Minors Act is that you do not want minors to be in position where they can be disadvantaged because they really are not very often developed as they should be to deal with contractual issues and so on so they could be taken advantage of so I think we got to find that balance, but I take your point Deputy Chief Parliamentary Counsel we need not detain this here unduly, we can come to that in the regulations.

Ms. S. R. BELLE: Mr. Chairman, drawing the attention of the Committee then to Clause 5 (2) and 5 (4), so on page 13 in terms of Clause 5 (2) you would see that the, " *The Minister may, on consultation with the Minister responsible for public markets and the Minister responsible for fisheries, grant a licence to an applicant referred to in subsection (1) within seven days of the receipt of an application.* " This is to take into account the concern on administratively of whether there would be an undue delay in terms of the granting of a licence. This is now putting into effect the recommendation made by the Committee in terms of imposing a time limit for making the decision for the granting of the licence. The same mechanism is inserted in Clause 5(4)," The National Conservation Commission may grant a licence to an applicant referred to in subsection (3) within seven days of the receipt of an application," and this is for the purposes of uniformity. Thank you.

Hon. A. R. FORDE: If I may Mr. Chairman. I do not want to seem invidious here, but as I read it, I am probably the most confused person in law in this Chamber. Based on how I am reading it, the Minister of Commerce may within seven days of the receipt of an application respond. That is the receipt of the application from the Minister of Maritime Affairs of the Minister of Markets. I am saying if a person applies today, Wednesday, it has to go to the Minister of Markets and then come to the Minister of Commerce. I think that this should really read to the extent that on receipt of the application to those particular Ministries, not to the Minister of Commerce, because the Minister of Commerce may get it a week after it went to the Minister of Public Markets or the Manager of Fisheries. Hence, the language must say the Minister may seven days of receipt of the application not from those Ministers but from when the person applies, if you understand what I am saying. As it is read is that the Minister may within seven days of receipt of the application from those Ministries, so if those Ministries get applications and process them in 10-day time, you only respond seven days after you have received it as Minister of Commerce.

Ms. S. R. BELLE: Mr. Chairman, first of all, in Clause 5(1), in order to vend in a vending zone that is not a beach, an esplanade, a garden or a park, you shall apply to the Minister of Commerce. That is the first limb. The second limb is in Clause 5(2), where the Minister may, and it is on consultation, which is what was causing the issue in the first place with concerns about whether the consultation process would cause a delay. The thing is that in an effort to address that problem we put in the seven-day mechanism so that the consultation process and all of the things that are required to process the licence would be constricted or tied to a time period. The other parts in terms of the administrative functions that is the reason why the Act will only come into operation on a ..... by proclamation so that all three will then come to a synergy administratively as to how you are going to address the

processing of the application and the granting of the licence bearing in mind that you are now tied to a time period for processing everything. Thank you.

Hon. A. R. FORDE: I just want to follow up. The applicant applies to the Minister of Commerce, that application then goes to the Minister of Fisheries or the Minister of Public Works and then to have an approval there and then to come back and all of this is supposed to be done within seven days.

Ms. S. R. BELLE: Yes.

Hon. A. R. FORDE: Okay.

Mr. CHAIRMAN: It is being done electronically and I think we had that conversation during the time when that evidence was being given, where I made the point that it is a fairly straightforward thing in fact for that application and the consultation to be done in real time, because we are talking about three functionaries or three office holders, because a man might go on vacation, in three different Ministries and there must always be a Manager of Market and Chief Fisheries Officer or whatever and that person just needs to be contacted to find out what are the stalls available, for example, in Payne's Bay Fish Market, there are four stalls there, they are all taken, is there a vacancy and the response would be, no there is none. Therefore, the application to operate at Payne's Bay Fish Market cannot be honoured at this particular time.

The regime that is separate and distinct is the National Conservation Commission's regime and that remains untouched by this legislation. That has been preserved by virtue, as I understand the unique considerations that you all have with respect to beach management, both environmental and otherwise and of course your own fee structure etcetera.

Mr. T. A. PRESCOD: I have a question because this occupying my mind. Is it within seven working days, or just seven days?

Ms. S. R. BELLE: This would be informed by the Interpretation Act which would view it as seven working days.

Senator D. R. SANDS: In the unlikely event that the Minister in Public Markets, Fisheries Commerce are unable to grant the licence within the seven-day period, is there any redress after that fact? Let us say it take 14 days or 21 days, longer than the stipulated time line in the Bill, does the applicant have any further redress or he just has to wait until the application is approved? I am just curious.

Mr. CHAIRMAN: Your question is that if it takes longer than seven days

Senator D. R. SANDS: If it takes longer than the seven-day period as stipulated by the legislation, is there any redress to the applicant or must he just wait until he receives that approval however ever long it takes, granted we have made provisions for a seven-day period. I am just looking at the unlikely event that it went beyond that seven-day window if the applicant can now activate some other process to get it done or go on some urgent window or something like that, rather than just having to wait until whenever it happens. That is just a question, I am not certain.

Mr. CHAIRMAN: That is an interesting question.

Ms. S. R. BELLE: Technically, they do not have this mechanism in place because the fact of the matter is that it is running on the presumption that you shall do this in the interest of administrative efficiency. You can put in a mechanism to maybe appeal to a Judge in Chambers, but especially in light of the fact that you are talking about maybe a function like supposed the platform was disabled or something like that. You do not want to then expose the functionaries to liability over things of an administrative nature and things that would probably be very real. That is my observation, but you could put in a mechanism for them to appeal to a Judge in Chambers. However, honestly speaking, the practicality of that is that it does not seem likely. Why would you want to put in a mechanism where you detect that there is a real problem in terms of how the person is making a decision. That is my submission, thank you.

Mr. CHAIRMAN: I would want to ask the question because I am attracted to the issue. Would it not be suitable before it gets to the Judge in Chambers to let this be something that an aggrieved person can appeal to the National Vending Appeal Tribunal on? That I have had an application and "X" time has passed, I have heard nothing, and I am asking for a decision to be made on my application.

Ms. S. R. BELLE: Chair, remember that the mechanism for appealing to the Judge in chambers is supposed to be an ex parte or an accelerated form of redress as opposed to sending it to the Tribunal, so in this kind of circumstance where urgency would be paramount, it would be best to subject it to the judge in chambers. That is what I am thinking.

Mr. CHAIRMAN: The fact of the application is what gives rise to the urgency.

Ms. S. R. BELLE: Right, so that is why then you would apply to a judge in chambers to have it dealt with expeditiously.

Mr. CHAIRMAN: No, no. The reason why I would say this may not be the suitable thing to go to a judge in chambers is because all I have done is apply to get a licence. That, in and of itself, is not an urgent thing; people apply for licences every day. The fact is that I apply to Bishop Atherley, he takes a long time to get back to me, so my seven days have passed, ten days have passed, and I say I have not seen anything come back since this is supposed to happen in seven days. What is the next step? Would the next step logically be to go all the way into the High Court to Judge, or would the next step be to the Tribunal to ask what is the blockage here and why is there nothing happening with regard to this application?

Ms. S. R. BELLE: Chair, you can go to the Tribunal. You would have to insert then a provision dealing with that.

Mr. CHAIRMAN: That is what my thinking was.

Ms. S. R. BELLE: My thing is, to be really honest, I have my reservations in relation to that because the seven-day period was put in as a particular signal to all of the persons involved that you are supposed to get this done within the seven-day period.

Mr. CHAIRMAN: I agree with you 100 per cent there. I am just thinking that in the event, howsoever unlikely, that it did not happen in seven days – Senator Sands is right – do we just leave it as a lacuna, an open hole in the law, or is it that they should have some redress?

Ms. S. R. BELLE: The likelihood of it coming up as a form of maliciousness or some other matter with which the Tribunal then should have their attention drawn to it, is where I am having the conceptual difficulty. Most of the time it will probably be some kind of delay in the system, even in the context of something like COVID. I am just saying that to draw in a redress mechanism in relation to something like that, you must have some reservations in the back of your mind.

Mr. CHAIRMAN: However, Deputy Chief Parliamentary Counsel, you are attributing malice where none has been attributed. I am simply saying it might be negligence, it might be dereliction of duty. Your first suggestion was that we go to a judge in chambers on it, and I am thinking that it might be better not to further burden an already overburdened Court with this matter when the legislation already provides a home-made solution, which is the Tribunal. It could be an administrative oversight that the application came in and no-one picked it up, but then the Tribunal sorts that out as opposed to troubling a judge on it because we know the judicial system is so burdened. My intervention was really to protect the judges from unnecessary intervention when there is a provision made in the law already.

Ms. S. R. BELLE: So, Chair, I can put in then another limb in Clause 23 to deal with that event.

Mr. CHAIRMAN: Yes. I do not do this to overwork you while trying to save the Court from being overworked. I am just simply saying that I think Senator Sands has pointed us to an interesting oversight, and that this helps us to plug it. Are there any other views on this matter? I sense there are none. Does that mean that everybody agrees that I am right, or does everybody agree that the Deputy CPC is right?

Senator D. R. SANDS: Chair, I would have to side with you because I do believe there needs to be something, so I do not think the judge in chambers is practical. Costs are involved in applications like that, and based on the nature of this Bill, while it may be ideal, I do not think it is practical for the persons who would actually be making the application to a judge in chambers. I think the Tribunal may be cheaper and probably faster.

Mr. CHAIRMAN: I think we are agreed there then.

Ms. S. R. BELLE: Chair, so a Clause will be inserted in Clause 5 to deal with the appeal to the Tribunal, and Clause 23 and any other Clauses to deal with appeals would have to be amended to include this ground for appeal.

Mr. CHAIRMAN: Right. Agreed. I do not think that this should, in practice, detract from the desirability of a seven-day turnaround but the point is taken more generally. Okay then, Deputy CPC, let us then proceed to Clause 6, would it be?

Ms. S. R. BELLE: Yes, Chair, so at Clause 6 the insertion that was made the attention of the Committee was drawn to Clause 6(3) which is a new Clause just to make it clear that persons who have been granted a licence to operate will not be required to get a permit pursuant to Clauses 10 and 11 in the context of a fair, carnival, cultural, entrepreneurial or recreational event. The same type of Clause was inserted in Clause 12, and in particular Clause 12(7) just to state that those itinerant vendors then would not be required to get an additional permit under Clauses 10 and 11 to operate in those occasional vending-type enterprises. Thank you.

Mr. CHAIRMAN: Are there any views or concerns? None? Okay.

Ms. S. R. BELLE: Chair, in relation to Clause 7, I am just reminding that the Clause was amended to include the concept of the itinerant vendor now, and so you would observe in Clause 7(1) where the Register of vendors shall contain that particulars in respect of a licensed vendor or an itinerant vendor. You would see the particulars, in particular Paragraphs e, j and k have been amended to include the concept of that particular permit.

Chair, moving on to Clause 12 which provides specifically for itinerant vending. It was decided that....

Mr. CHAIRMAN: Do not go there yet. Just go to the last one, because I want to make sure I am following you properly, please. Could you just restate the last one?

Ms. S. R. BELLE: Yes. Chair, in Clause 7 which is on Page 17, Clause 7(1) now reads that *"It shall contain the particulars in relation to licensed vendors and itinerant vendors."* It will not take into account occasional vendors because occasional vendors are only operating within a certain scheme. Itinerant vendor is more long term and, therefore, it was felt that you should record the particulars of these types of vendors.

In terms of the particulars, it is Clause (e), (j) and (k) that were amended to include references to permits. The permit would then be tied to what was mentioned in (1).

Mr. CHAIRMAN: Clause 7 (1) will read as follows:

"The Minister shall cause to be kept and maintained a register to be known as the Register of Vendors which shall contain the following particulars in respect of a licensed vendor or an itinerant vendor."

Ms. S. R. BELLE: Yes, Mr. Chairman.

Mr. CHAIRMAN: Okay. Sorry. Minister Forde.

Hon. A. R. FORDE: How are the prices being

worked out for the itinerant vendor? I was just looking at the price structure. Do they fall under the same price structure as the normal vendors?

Ms. S. R. BELLE: Mr. Chairman, we have not gotten there as yet. This would be dealt with in Clause 2. Sorry, I meant Clause 12. We are going to get there or we are there now if permitted by you.

Mr. CHAIRMAN: Please proceed there.

Ms. S. R. BELLE: Clause 12 deals with itinerant vending. It was felt that it should be dealt with under the permit-type structure to give more flexibility to their operations. Clause 12 (1) makes provision for application to the Minister, meaning the Minister of Commerce. You would see that an application form is supposed to be submitted as well in (1) (a) and the form of that application is in Part V of the Second Schedule. You would see the types of documents that have to be submitted if they are a food vendor which is that they have to have the good Health Certificate and the licence in terms of running a food business under the *Health Services (Food Hygiene) Regulations*.

This is a requirement under the other mechanisms as well. They are to pay the relevant fee that is set out in the Third Schedule. The Third Schedule at item 5 and 6 you would see that there was an error. It needs to be changed from "licence" to "permit" but the point is that a fee was put in. It is at $50 at this point. The Third Schedule from a policy perspective needs to be settled in light of the submissions made by various witnesses that have come before the Committee.

Mr. CHAIRMAN: Very important observation. Colleagues, let us try to treat to the Third Schedule right now. I sensed that what the Deputy Chief Parliamentary Counsel has done has been to reduce the size of the fees. I think that we equally have to bear in mind that while on one hand we have had a representation by a Member of this Committee to the effect that a fee really might only be a nuisance for the vendor, there has been equally from the vending perspective a view that they feel their trade should be treated with a measure of respect by those who participate in it and that as stakeholders in a process you tend to take the process a lot more seriously, and become more involved in it if you have a little skin in the game.

It is not his words but the effect of his words. The fees are now revised. Vending fees for vendors not operating on a beach or esplanade is $50. Renewal of vending licence for vendors not operating on beach or esplanade is $50. Vending licence for vendors operating on a beach, garden, park or esplanade is $150.

Ms. S. R. BELLE: Mr. Chairman, can I make an intervention at this point? You would see the appearance of $150 when you are vending on a beach, esplanade, *et cetera*. The renewal is $100. This was informed by the NCC's original structure.

Mr. CHAIRMAN: I paused because I was trying to remember.

Ms. S. R. BELLE: And so, just to warn that we may not want to interfere with that because remember these fees constitute the funds of the NCC. These have been preserved from existing pieces of legislation.

Mr. CHAIRMAN: Agreed.

Ms. S. R. BELLE: So they stand as fees already paid. Thank you, Mr. Chairman.

Mr. CHAIRMAN: I could not have put it better myself and I think colleagues would understand that to trifle with this or to change this may have implications for the revenue of NCC which is self-funded. Those fees obviously create an asymmetrical relationship between the fees for other vendors in other theatres of that activity across Barbados but that asymmetrical relationship must stand because of the fact that NCC's financial structure rests on the bedrock of the fee structure that they have in their own legislation, and this simply mirrors that.

We continue then. Itinerant vending is $50. In fact, all of the others such as renewal of itinerant and occasional vending permits for operating on a beach and for those not operating on a beach, everything would be $50 except for the one not on the beach which is $25. I do not think that we can go any lower. Are there any challenges with where we are at this moment? Normally, the Opposition seems not to be minded to press this issue further so....

Bishop J. J. S. ATHERLEY: No, Sir, I am not going to press it further. I know one of the vending associations very loudly and clearly said in relation to the fee, that you should have this fee. It adds respectability and so forth to what they do. It does not constitute a nuisance. The other vending association was quite contrary to the view but I am not going to push that here.

Mr. CHAIRMAN: Okay. I do not know why you would push it elsewhere but.... Alright. Please proceed, Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Sir, just for the record the only changes then would be to the nomenclature referring to permits rather than licences in view of what has been submitted before and then, all the other fees would remain as is stated currently?

Mr. CHAIRMAN: Yes.

Ms. S. R. BELLE: Going back to Clause 12, we go to Sub-Clause (2) which states that you would grant the permit and the permit will be in the form set out in Part VI of the Second Schedule. The permit in Clause 12 (3) will last for a year and on the expiration of that permit then upon payment of the relevant fees set out in the Third Schedule it will be paid and is non-transferable. In Clause 12 (4), the Minister may refuse to grant, revoke or vary a permit and shall give notice of that decision in writing. A person aggrieved by such a decision shall appeal to a Judge in Chambers in Clause 12 (6), a person who engages in occasional vending without a permit shall be subject to the payment of an administrative fee or an administrative penalty as imposed under Section 28 and then of Clause, what I drew the attention Committee to earlier, is that if such a person who is engaged in itinerant vending wishes to participate in the festivals, et cetera, that is contemplated

by the occasional vending permissions. They would not be required to acquire an occasional permit as stipulated in Clauses 10 and 11. Thank you, Mr. Chair.

Mr. CHAIRMAN: Are there any challenges? I do not think there are any. Please proceed.

Ms. S. R. BELLE: Mr. Chairman, the next amendment would have been drawn to the attention of the Committee earlier which is Clause 16(3) where the Chief Fisheries Officer shall be responsible for the management and operation of a fish landing site and just to indicate for clarity that in a shoulder note of Clause 16 the words "an itinerant vending" would be removed. This was put in before and it is now going to be taken out. Thank you.

Mr. CHAIRMAN: Are there any challenges?

Ms. S. R. BELLE: Mr. Chairman, moving on to the next Clause which is Clause 17, the attention of the Committee is drawn to Clause 17(4) and (5).

Mr. CHAIRMAN: Sorry, the one you just did is Clause what?

Ms. S. R. BELLE: The Clause that we just did was clause 16 and drawing attention to Clause 16(3) in particular and also the other change in the shoulder note which would take out the words "*an itinerant vending*". Thank you.

Mr. CHAIRMAN: So Clause 17 is where you are going now?

Ms. S. R. BELLE: Yes, Mr. Chairman. Clause 17, specifically Clause 17(4) and (5) which appeared on page 26 of the new draft, that has a definition of consulted per Clause 3(b) so in Clause 3 and specifically Clause 3(b) we will read from the Chapeau:

"*Where a vendor is operating pursuant to Section 3(1)a. Subject to a relocation notice pursuant to Section 19(2) he is entitled to be consulted in respect of the assignment to a new site or location in relation to the carrying out of his vending business.*" Pursuant to instructions given by the Committee in earlier discussions that the definition of *consulted* has been inserted and it appears in Clause 17(4) for the purposes of subsection 3(b*) consulted shall entail that the manager of Vending Zones shall within the 30-day notice period write to the vendor stating the reasons for the assignment of a new site or location of his vending business and the vendor shall respond to the Manager of Vending Zones in writing within the 30-day notice period stating his objections to the assignment to the day notice periods*".

Then in Clause 17, Sub-Clause(5) where it talks about Statement of Reasons:

"T*he Statement of Reasons, by the Manager of Vending Zones referred to in subsection 4 shall take into account discussion on the subject of relocation of a vendor with (a) the organisations that represent the interests of vendors generally, and (b) and organisation that represent the interests of the vendor who is subject to the relocation in particular if applicable and the written record of the result of these discussions shall accompanied the Statement of Reasons*".

Mr. CHAIRMAN: I am just trying to remember the substance of the conversation we had when evidence was being given.

Ms. S. R. BELLE: Mr. Chairman, there was a concern raised about the fact that there was not a complete understanding of what consulted within the context of Clause 3(b) would entail, so that resulted in trying to give an articulation of what that process would look like and that process was to entail the fact that you had to do a consultation with all the necessary parties involved, but you had indicated that there had to be some form of writing involved and so that has been included and the consultation has also been tied to the 30-day notice period so that everything has to be completed within that time frame.

Mr. CHAIRMAN: Correct, so that we have sought to give teeth to the use of the term "*consultation*".

Ms. S. R. BELLE: Yes, Mr. Chairman.

Mr. CHAIRMAN: I agree.

Ms. S. R. BELLE: Or to explain it fully.

Mr. CHAIRMAN: Understood. As so often happens the folks that make heavy weather of this are not here to state their satisfaction now that the labour is o'er, however, we will proceed. Please do. I see no difficulty with it now.

Ms. S. R. BELLE: Mr. Chairman, just for clarity, then is it accepted for the purposes of discussion, but subject to any submissions or is there another position that would be taken?

Mr. CHAIRMAN: Sorry, I am not understanding your question.

Ms. S. R. BELLE: Mr. Chairman, in light of the fact that there are persons who would have raised the issue who are not here to give submissions ...

Mr. CHAIRMAN: No, it accords with common-sense. Please proceed. We cannot keep deferring again.

Ms. S. R. BELLE: Yes, Mr. Chairman, thank you. Mr. Chairman, in relation to Clause 18, attention is drawn to Clause 18(2) which provides a dispute resolution mechanism in the context of those persons who are operating pursuant to the licensing structure that is required earlier in the legislation so that where parties are in a dispute they may seek the assistance of the Manager of Markets to resolve the dispute within 14 days after the dispute has been reported and where a party aggrieved by the decision of the Manager in relation to the resolution of the dispute he shall appeal to a Judge in Chamber in 14 days within the receipt of the decision of the Manager which shall be communicated to the parties of the dispute in writing. Then in Clause 18(3), the Manager of the Market Zones in resolving any conflict pursuant to subsection (2) *shall give directions which facilitate the maintenance of order or regularity an is conducive with the conducting of business in the interests of vending generally and in the interests of the parties to the dispute in particular, so what this contemplates is that they would give such remedies as is appropriate in the circumstances.*

Now, what I did not want to do is to specifically provide for relocation per se, but to give the power to the Manager of the Vending Zones in context to deal with the matter, but if it is that, there is problem with that decision then the vendor would then go that Judge in Chambers. Thank you.

Mr. CHAIRMAN: So you are facilitating order or regularity and it will be conducive with the conducting of business in the interest of vending generally and in the interest of the parties to the dispute in particular. Understood.

"Where a dispute arises between vendors operating pursuant to section 3(1)a. the parties to the dispute may seek the assistance of the Manager of the Vending Zones to resolved the dispute and he has 14 days to do that after the dispute has been reported. Where parties aggrieved by a decision of the manager in relation to the resolution he can appear to a Judge in Chamber within 14 days."

Mr. CHAIRMAN: But why are you going to the Judge in Chambers before you go to the Appellate Tribunal under the Act?

Ms. S. R. BELLE: Mr. Chairman, I was thinking that in this context there would be urgency in the matter and so I was thinking that you probably should go to a Judge in Chambers.

Mr. CHAIRMAN: I am a little bit reluctant to involve...

Ms. S. R. BELLE: Mr. Chairman, just from the point of view of the fact that you have to think about what is happening in context because if I bring up even the reason why it was inserted in the first place what was being observed particularly in the discussion with BARNUFO by members thereof was that there are times where a fight would break out and they needed to be a resolution mechanism to address such a fight, then if there is a supposed to be a solution you have to take into account the speed that is necessary because it is a matter of livelihood and I was thinking that it would be better served with the *ex parte* process rather than with the Tribunal process. Thank you, Chair.

Mr. CHAIRMAN: Bear with me. Parties to this dispute may seek the assistance of the Manager to the Vending Zone to resolve the dispute within 14 days after the dispute has been reported. Where a party is aggrieved by a decision of the Manager in relation to the Resolution of the dispute, that is where you have your appeal, now the question is: Who do you appeal to? In Sub-Clause (3) it says the Manager of the Vending Zones in resolving any conflict pursuant to subsection 2 shall give such directions which facilitate maintenance of order or regularity and such directions - as you have directions plural on page 27 in the last line so that must therefore invite the use of the term '*and are*' conducive as opposed to '*as is*' conducive on top of page 28 first line so I would suggest you replace the '*is*' with '*are*' - and are conducive with the conducting of business in the interest of vending generally and in the interest of the parties.

I must tell you I understand the spirit of your instinct to go to the Judge in Chambers but again I think that this is a matter which is more suited to the Vending Appeals Tribunal which is created to deal with grievances arising from decisions of the same Manager of Vending Zones.

Yes, I take the point that this does touch on a matter of livelihood but equally I think we need to structure the regulations in such a way as to get the Tribunal to meet as often as is necessary and with the kind of urgency that might be necessary. I think that is where the solution lies. That is my judgement on it. Senator Sands, do you have a view on this? Sorry, I thought you were. I was trying to invite your legal opinion. On page 27, 18 (2) page says that where a dispute arises between vendors operating ... to section 3 (1) (a), and just to help everybody section 3 (1) (a) takes us all the way back to that you are operating in a vending zone for the purposes of earning a living, so you have people for example in a fish market and the parties to the dispute may seek the assistance of the Manager of the Vending Zone to resolve the dispute. We know this happens on a daily basis and that there is 14-day period for that dispute after it has been reported to be adjudicated for want of a better way of putting it. Where a party is aggrieved by the decision of the Manager in relation to the resolution of the dispute that party has a right of appeal to some higher entity. The question is when once the Manager of the Vending Zones has communicated his decision in writing to me a vendor, should I have to go to the High Court to a Judge in Chambers or is the provision in already in existence in the legislation, which is the Appeals Tribunal, satisfactory to treat to this matter of a dispute with a person with whom I work. Now, my thinking is that the Vending Appeals Tribunal really is created for these types of issues and I genuinely feel that we should, in the same way as we did on the previous occasion, just adjust the appellate power of that Tribunal to treat to these types of matters because the fact of the matter is that going into the High Court...

Senator D. R. SANDS: Again, as I indicated earlier I do not think the Judge in Chambers should be the immediate next step once you have an issue.

Mr. CHAIRMAN: I tend to agree with that. In fact, the whole spirit of where we are going with the law in Barbados in terms of resolution of disputes is to try to keep matters from going into the court process because the court process as we know is exceptionally... Yes, we say we are going there urgently but the Court can only do so many things and is already overburdened, and there is a process here which we can I think further empower by way of the regulations to this Act which can then seek to have issues of time and so on within which appeals are heard.

Ms. S. R. BELLE: Mr. Chairman, then that would mean that if you are going in that direction that would necessarily to my mind affect 10 and 11 which deals with the occasional vending and it also affects Clause 12 which also relies on this mechanism for the resolution of disputes.

Mr. CHAIRMAN: Not really.

Ms. S. R. BELLE: The whole idea was to take into account the urgency necessary so if it is that you are... No, I am flagging it to you because it has been used in other Clauses with the same justification in mind.

Mr. CHAIRMAN: I understand that and I accept that has been the thing. I have not only accepted it; it has sat in the back part of my mind now for the totality of this process from all of the different iterations of this legislation as to the suitability of it. The reason why I have never sought to raise that particular issue about 10 and 11 is because effectively it is really saying I am an occasional vendor, there is an event coming up and I want to be able to get a permit or licence in order to do this event, and the fact of the matter is the fastest way is that you can get that are solution is probably is to go *ex parte* to the Judge.

Senator D. R. SANDS: Mr. Chairman, you are actually also appealing the decisions by the Minister because the Minister would be the one who would be making these decisions whereas in this section here we are appealing a decision by the Manager of Vending Zones, as opposed to the Minister so I can understand the practicalities of going to the Judge for a decision made by a Minister but for a decision made by the Manager of Vending Zones I should resort to the Tribunal first and if I do not agree with that then I go to the Judge.

Mr. CHAIRMAN: Yes. I think Senator Sands is...

Ms. S. R. BELLE: Yes, but, Mr. Chairman, you have to take into account context. Remember that 16 would make it clear that the Manager of Vending Zones in context is responsible for the administration there so it is in that context in terms of the administration and the running for the day-to-day. That is the highest office in that context, which is why then you make the escalation then to the Judge in Chambers.

Mr. CHAIRMAN: I understand what you are saying. Let us go back to 23. This is where I see the incongruity between the approaches. If you look Clause 23(c), you are saying that a person goes to the Vending Appeals Tribunal on the basis of, "a decision of the Manager of Vending Zones

(a) to issue a relocation or eviction notice pursuant to section 19;

(b) in relation to the amount of compensation to be paid pursuant to section 20(4) or section 17(3)(e);

in relation to an administrative penalty imposed pursuant to section 28."

Hence, you are really saying that you go to the Appeals Tribunal when you have a challenge with how the Manager of Vending Zones has sought to treat to any particular issue. I am just simply thinking consistently with that approach we should just let a resolution... This is not being streamed live, is it?

The CLERK: No.

Mr. CHAIRMAN: We have in my constituency in Payne's Bay right now two of four ladies, in fact, arguably three of four who cannot get along with one another and as long as is one in particular is at the centre of that location there will be a challenge because they just do not get along with this particular individual. The Manager of that locale gets on particularly well with that individual and she and he are alleged to be sweet. Now, it would seem to me that you cannot really carry a matter of that nature to the Judge in Chambers, I mean, you are dragging the Court into the middle of things that the Court is not there for. To me you solve some of these things more affectively by helping the Tribunal sit down and deal with this, but I would not put stuff like that in a Court.

Ms. S. R. BELLE: Mr. Chairman, that is why then there is the dispute mechanism with the Manager of Vending Zones. I understand what you saying in terms of that particular context where the Manager of Vending Zones is in a sense compromised. I can put it in and I just flag the other places where we did resort to the mechanism. The occasional vending is fine, but I just need a clarification in terms of the itinerant vending. Do we change that to no? Hence, then in this case we will put in the appeal to the Tribunal and of course appeals from the Tribunal will then go to the High Court.

Mr. CHAIRMAN: I think so. I genuinely feel that Senator Sands has hit the nail on the head on this matter. You have a kind of homemade solution and to me I would go to the Court as a last resort on matters of this nature. That is honest truth.

Hon. A. R. FORDE: I think that in our efforts since we started these discussions have to be routed in the fact that we are trying to make conditions and situation less onerous for vendors for processes and I think that this is the opportune time to say to the Tribunal that they need to respond within a specific time. It would be this and the matters at the other subsections that we spoke to earlier. When it goes to the Tribunal, give in writing as part of our legislation that the Tribunal has a specific time to respond. I think that is very important.

Mr. CHAIRMAN: I think that that can be done in the regulatory structure. Therefore, we can pin the Tribunal then to behaving the way we want it to behave by the timeframes that we prescribe.

Ms. S. R. BELLE: Mr. Chairman, the note has been taken. Hence, as a result of submissions made Clause 18 (2) will be changed to appeal to the Tribunal and then in Clause 23 (c) a provision will be inserted to speak to the resolution of disputes pursuant to Clause 18 (3).

Mr. CHAIRMAN: Now, without prejudice to any of that, let me just share with you a little bit of my thinking on the points that you had raised about itinerant vending and the other one. I suspect that this is where Senator Sands was going in his thinking that by virtue of the fact that the Minister is supposed under those provisions, for example at Clause 12, the Minister is supposed to be the person issuing the permit. It almost takes us into the realm of an administrative justice review

that the Minister is supposed to do XYZ or the Minister was expected to do or whatever and that I take issue with what the Minister has not done or the way in which the Minister has discharged his duties. As a result of that the normally accepted place to lodge that type of complaint and if we were dealing with an administrative justice review, would be in the High Court.

Ms. S. R. BELLE: Mr. Chairman, as I submitted earlier you have to look at context. In that particular situation the Minister was the operational functionary. In the context of Clause 18, it hinges itself on Clause 16, which provides that the Manager of Vending Zones is in charge for the purpose of administering the day to day functions of the particular zone they are administering, as such they would be at the top of scale. Hence, for that purpose that is why the escalation was made the way it was. That is where I am coming from in terms of the way it was structured.

Mr. CHAIRMAN: Okay. I see where you are. It would make an interesting academic debate, but let us not detain the process. I think we have identified a way forward and we should probably just proceed that way.

Asides.

Mr. CHAIRMAN: Yes, please.

Asides.

Mr. CHAIRMAN: Okay. What Clause are you going to next CPC?

Ms. S. R. BELLE: Mr. Chairman, we would be proceeding to Clause 22.

Mr. CHAIRMAN: Now, let me just ask a quick question. I wanted to just get from you an approximation of how many more Clauses you felt that we have to go through, because we are coming towards the end of the Bill.

Ms. S. R. BELLE: The next few Clauses should not be of a substantive nature. However, the ones that still needs to be discussed are expungement and then the issues related to the constitution of the Vending Committee and then of course just to draw the attention of Committee to the consequential arrangements that were made in the Eighth Schedule. Those are not on their face controversial matters.

Mr. CHAIRMAN: Colleagues, I am mindful of the fact that lunch is ready and 20 minutes to one is the hour. If we took a break now for lunch and came back at quarter pass one, I am just watching the pace at which we are going and after that consultation with CPC I think that we could be in a position to conclude the day's business by about 3:00 o'clock. Would we still have everybody here to be able to participate between now and 3:00, because if we can do that then effectively we have ended in large measure the requirement for us to be meeting in this type of format and I think we will then have a draft Report that can be read and views exchanged electronically. Is that a fair representation, Clerk?

Mr. T. A. PRESCOD: Mr. Chairman, I have to leave.

Mr. CHAIRMAN: You have to leave? All right. Fair enough. Is that a fair representation? So, we could probably bring this process to an end, or this aspect of the Committee's work to an end by three o'clock, and then it would be for the parliamentary staff to do the things that are necessary for us to have a draft Report circulated and then effectively that Report could be approved electronically. Would we actually have to meet again to approve it?

Asides.

Mr. CHAIRMAN: All right. probably we might need to have one final meeting to approve the draft Report, but that is going to be some distance down the road because we have moved at a pace which is a little faster than the members of staff can follow, as the Leader of the Opposition keeps reminding me. We can take the luncheon interval and we can come back at quarter past one. All right?

SUSPENSION

Mr. CHAIRMAN: Okay, we shall return at 1:30 p.m. A motion to that effect, please.

Hon. A. R. FORDE: I beg to move that we suspend for lunch and return at 1:30 p.m.

Senator D. R. SANDS: I beg to second that, Chair.

Mr. CHAIRMAN: I thank you, Minister Forde. Seconded by Senator Sands.

The question that the Sitting be suspended until 1:30 p.m. for lunch was put and agreed to, and the Chairman suspended the Sitting accordingly.

RESUMPTION

Mr. CHAIRMAN: Before we broke, I was walking us through the consideration of amendments to the National Vending Bill, so it is to that matter that we shall revert. Deputy Chief Parliamentary Counsel, the floor is yours.

Ms. S. R. BELLE: Mr. Chairman, moving on to Clause 22 and specifically Clause 22 (b) with the insertion of the "Minister of Commerce" for "the Minister responsible for Commerce". It reads as follows:

"The Committee shall advise..."

It then goes down to (b) and reads as follows:

"The Minister responsible for Commerce, the Minister responsible for public markets, the Minister responsible for beaches, esplanades, gardens and parks and the Minister responsible for fisheries on the following..."

One to five is set out, so that was the only insertion there.

Mr. CHAIRMAN: Duly noted. I cannot conceive of any challenges to that because it simply allows for there to be a clear line of advice flowing from the Committee to the relevant Ministries.

Ms. S. R. BELLE: Mr. Chairman, moving on then to Clause 29 which deals with the Administrative Penalty Notice. Pursuant to the earlier discussions of the

Committee, Clause 29, Sub-section (2) now has extended the period of time in which to pay the penalty. It is now 30 days as opposed to 14 days which I believe was the original time. In Clause 29 (4), a clause was inserted to make provision for the Manager of Vending Zones where satisfied on the grounds of undue hardship or for any other reason that would be just and equitable to do so, arrange with the person who is the subject of the penalty notice to pay the penalty set out in the notice in instalments. That mechanism was inserted per the discussion of the Committee in earlier meetings.

Mr. CHAIRMAN: Okay. Effectively colleagues, what we have done is to extend the period within which the penalty can be paid from 14 to 30 days and make provision for there to be in the discretion of the Manager of Vending Zones an avenue to pay by way of instalments in circumstances of a claim of hardship. Is there any challenge with this? No? Okay. Please proceed.

Ms. S. R. BELLE: Mr. Chairman, we move onto the final provision with an amendment. It is not an amendment but an insertion. This insertion happens through the vehicle of Clause 36 which deals with expungement. This is one of the critical policy points identified by you to be addressed. The new inserted section then states as follows:

"Notwithstanding the provisions of the Criminal Records Rehabilitation of Offenders Act Cap. 127A the record of any sentence of a person convicted of an offence of selling or offering or exposing for sale of goods, wares or merchandise in a public place, on a street lane, alley, road or highway or within the curtilage of a person's residence without a licence permit or any other similar document under any enactment shall be deemed to be expunged with effect from the commencement of this Act."

Mr. CHAIRMAN: I think that that satisfies the requirement that I was hoping that we could enact.

Ms. S. R. BELLE: Mr. Chairman, my only insertion then would be probably "beach" but if there are any other comments....

Mr. CHAIRMAN: Oh yes, beach. You cannot leave out those people who were convicted for offences of selling goods on the beach. Are there any voices of dissent or expressions of concern with respect to this matter? No? Okay. Fine. Thank you, Deputy Chief Parliamentary Counsel, are there any other proposed areas of amendment with respect to this because we now come to the Schedules?

Hon. A. R. FORDE: Mr. Chairman, I just want to ask something because I know, for instance, in National Conservation Commission, which is the National Conservation Commission because of that a licensee occupying a particular geographical space we recognized that that individual would have employees.

Mr. CHAIRMAN: Sorry, I am not hearing you well.

Hon. A. R. FORDE: Sorry. We recognized, of course, that that licensee would have employees or persons under which the licence must have some type of credence. The question I am asking is that under Section 6 that licensee for the purposes of vending would the licence also cover for employees by extension because it is not written here? For instance, if Kerrie Symmonds has a licence and he employed Ms. Belle or anyone in here, would that licence cover for those persons in law as well? When an inspector comes now, sees Kerrie Symmonds on the licence and not the person employed, how do we solve that idiosyncrasy?

Ms. S. R. BELLE: Mr. Chairman, it was not contemplated to extend to employees. This is supposed to be a licence to the person engaged in the vending. This was always the understanding from the policy paper, so it was not supposed to be covering employees.

Hon. A. R. FORDE: Obviously, the holder of a licence or a licensee would have employees at any particular point in time and those employees would have to be covered under the licensing regime.

Ms. S. R. BELLE: Mr. Chairman, yes. If they are engaged in the activity of vending, then yes they would be required to get a licence or the required permit. I just have to make it clear; it was never contemplated that it would be extending to any other person. It is supposed to be personal to the person engaging in the specific activity.

Mr. CHAIRMAN: I think the example that I could give you if it helps you, Minister, would be that with Food and Health Safety Regulations I may have a business within which I have several employees who are assisting in the serving of the food. If I am involved in the business it means that I, as well as all of my employees, must meet the necessary regulatory requirements and hold the necessary permission. I suspect that with regard to the people who are vending, even if you are vending under the umbrella of an organization that I have created, you would therefore have to be similarly licensed.

Ms. S. R. BELLE: Mr. Chairman, just to be clear. What you are talking....

Mr. CHAIRMAN: In your individual capacity you would have to be licensed.

Ms. S. R. BELLE: Right. What you are contemplating is more when the person engages as a legal person or recognized enterprise, but this is not contemplating that. This is supposed to be more for individuals to apply.

Mr. CHAIRMAN: In other words, Minister Forde is attributing a level of sophistication to this process that vending is not ordinarily associated with. I am saying that if we have come to that point, then effectively nobody can stop you from having employees but I think your employees would have to be licensed as vendors.

Ms. S. R. BELLE: Mr. Chairman, also to be fair you will be engaging in a completely different type of enterprise then and it is not supposed to be including retailers, shops and little things. This is not supposed to be like that. This is supposed to target persons who are vendors as individuals. If you have people who are

assisting you or whatever they can assist you, but if they engaged in the vending exercise they are going to have to get the necessary licence or permit.

Hon. A. R. FORDE: Let me just get in my mind some translucency. I just want to know for instance a vendor, it could be my mother, it could be anybody, who goes and presents and have a vending licence, she has a stall whatever, and for whatever reason she decides or whoever decides, to employ some person, would that person also have to go a get a vending licence and go through the processes to be licensed as a vendor? If that person is working or if she has three or four persons holding in for one day or two days or whatever the case is or coming in for an hour or two-hour lunch, I do not know what the situation is, but would those persons also have to go through this whole vending process? That is the question that I have.

Ms. S. R. BELLE: Mr. Chairman, if it is that you are engaging in the vending activity, but if it is that you are dealing with another aspect of it, so you are basically assisting, then those other pieces of legislation then would kick in. For instance, if you are a food vendor then they would necessarily have to get the medical certificate and the licence under the Food and Hygiene legislation as is the law now, but this would not be covering them because they are not engaged in the vending activity. The vending is supposed to be for the vendor.

Hon. A. R. FORDE: I am still a little lost here. I am not trying to complicate and make things any more cumbersome, but as it stands now the way how we at the National Conservation Commission (NCC) issues licences, that licence covers the place, I do not know ... You are saying that this covers the individual.

Ms. S. R. BELLE: Mr. Chairman, that was always the orientation from the very beginning.

Senator D. R. SANDS: Just for further clarity just for myself as well, if I understand what the Deputy Chief Parliamentary Counsel is saying the licence is issued to the person which is the vendor based on what Minister Forde is asking. If the vendor has employees, while that might be a separate relationship between the vendor, who has a licence, and his employees those persons, should an inspector come in their own right, should also have a vending licence even though they are employees to the initial licensed holder which is the initial vendor, the employees who are working for the vendor should also have a licence should the inspector comes? I think that is the question that Minister Forde is really asking.

Ms. S. R. BELLE: I think that is fairly obvious on its face. I do not think I can make myself much clearer because if you are engaged ...

Senator D. R. SANDS: No, I just want the point to be clear.

Ms. S. R. BELLE: Yes.

Senator D. R. SANDS: Okay, cool.

Mr. CHAIRMAN: I think the answer to that therefore is in the affirmative.

Ms. S. R. BELLE: Yes.

Mr. CHAIRMAN: So I believe that has adequately resolved that matter. Are there any other areas to which you wish to direct our attention?

Hon. A. R. FORDE: Sir, understanding and recognising our culture, of course, and the way how we do business and vending, I do not know if that would not be compromising a lot of the businesses and making it cumbersome because if you are saying that every single person that works in the establishment must go through this whole process, I think that under the employers legislation that once the person who owns the establishment has the licence, I think that under normal employee regulations those persons who he employs should naturally be covered.

Mr. CHAIRMAN: Minister, may I remind you that it is not really an establishment we are contemplating here, it is vending, and vending is not an establishmentarian type of practice, it is very personal, an individual kind of thing and to the extent that you may come to the point where you have people who are working for you remember that the licensing requirement has just been made extremely inexpensive. I think we are talking about $50 which translates into – 12 times 4 is 48 - $4 per month, which is hardly prohibitive, I would imagine. Minister Humphrey, you had asked for the Floor.

Hon. K. D. M. HUMPHREY: Thank you.

Mr. CHAIRMAN: Welcome.

Hon. K. D. M. HUMPHREY: Thank you, so much. I am just listening and I must tell you, based on what Minister Forde has asked, that it has got me a little confused because a person who is working for a vendor is not necessarily a vendor. I heard the Deputy Chief Parliamentary Counsel saying it is insanely obvious, but it is not insanely obvious to me so we are saying that an employee of a vendor is automatically a vendor and ...

Ms. S. R. BELLE: Mr. Chairman, that is not what was said. If you are not engaging in the business ...

Hon. K. D. M. HUMPHREY: I was not finished.

Ms. S. R. BELLE: Okay. But just to make sure that you understand the parameters.

Hon. K. D. M. HUMPHREY: Well, let me finish, please. Based on my understanding and on Minister Forde's question and the question that was reinforced by Senator Sands as well, you are suggesting, Mr. Chairman, that any person who is working for that vendor is a vendor because if Kirk Humphrey is the registered vendor and I picked up three people from the Bayland ...

Mr. CHAIRMAN: You have inadvertently muted yourself and now you are off screen, Minister.

Hon. K. D. M. HUMPHREY: Can you still hear me, Mr. Chairman?

Mr. CHAIRMAN: Yes, you are back with us now. The last we have heard was that picked up three people from in the Bayland.

Hon. K. D. M. HUMPHREY: I am just asking if that is the intention of this legislation because if I offer

somebody a job they then have to take on the burden of becoming a vendor when they just want to be an employee so I am seeking clarity because it is really not that obvious to me.

Mr. CHAIRMAN: Please proceed Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: The thing is that it was always supposed to be personal to the person who is engaged in the vending business. If it is that you are assisting the person in the operations, you would not be required to get the vending licence or permit or whatever as required. Take for instance if you are engaged in food vending and you had an assistant helping you or something that person would not be required to get the licence, but may be caught under other pieces of legislation because they would be handling food or other pieces of legislation that would be relevant because of what they are engaging in if you are just assisting, but if then you are actually involved in the vending business then yes, you are going to have to get a licence or the relevant permit.

Mr. CHAIRMAN: So I think the policy answer would be Minister that for the purposes of this Act remember vending is referring to the offering for sale of merchandise or the rendering of services. There is somebody who is the principal and that person is the vendor. If it is therefore that you have picked up, as you put it, three people from in the Bayland to assist you they are not the vendor necessarily, therefore, they would not require ... I think a food van is a good example of that. Usually the food van has a person who is the actual operator of the food van and that person would be described as a vendor and would be required to be licensed. If, however, on that food van, as happened where my office is, there is a lady who comes with the operator and she helps to deal with the money and so on, that person is just an assistant and would not, I would imagine, ordinarily be treated as a vendor and therefore would not need to be licensed accordingly.

Hon. K. D. M. HUMPHREY: I think that was the clarity I was seeking and I suspect that might be the clarity Minister Forde might have been seeking as well, but he will speak for himself. Thank you.

Mr. CHAIRMAN: Okay. I think it really depends on the functions that the people carry out in this business, so if it is that you are there and you are collectively all doing a business of selling together what I had in my mind is what I have seen at hotels where, for example, somebody would go to the hotel and they would be selling arts or craft and so on and they set up their thing and there is a group of people and they are doing their thing across an expanse of the property so at different points they are all doing the business, then each one is really vending, but collectively they are representing one entity, but if it is that you are just helping to execute the practice then I cannot see why you would need to have a licence.

Senator D. R. SANDS: From your example, and again following on as well from the question that Minister Forde was asking, at all times the vendor is present.

Mr. CHAIRMAN: Yes.

Senator D. R. SANDS: Right. I think the question that Minister Forde was asking was in the circumstances now if the vendor, let us say he just has a cart that he is selling snacks and beverages from but he is unable to come and work on that specific day so he sends someone to hold on for him and on that same specific day the Inspector comes that person would not be a vendor, that person would be assisting the person who is not there at the point in time so the distinction with your example to what Minister Forde is saying is relative to whether to not the vendor is actually present, so I think his question is in the circumstances where the vendor is not present but the same function is being carried out what happens in those situations, would the person now have to get the vendor's licence because they technically now would not be an assistant since the operator is not present?

Mr. CHAIRMAN: Because of the very individualistic nature of vending, I think the answer to that would be yes.

Senator D. R. SANDS: I agree, Sir. I just wanted clarity for those listening to Minister Forde as well because I do not think his question was made clear to the Deputy Chief Parliamentary Counsel in terms of her response.

Mr. CHAIRMAN: Okay. I think the answer would be yes. Given the individualistic nature of the business then I do not see how you could transfer that responsibility of sale to a third party without that third party being licensed. My advice, if I were not here but I was an attorney practising and somebody asked me this question, I would say that for the avoidance of doubt spend the $4 and get the licence. That is a fact. The truth of the matter is you would recoup the $50 within a sale or two depending on what you are selling or maybe with a few more sales but you put yourself in a position where nobody could say you run afoul of the law so I think that is the practical solution to the matter. The costs of the permits are now so low as to not make it a burden. Deputy Chief Parliamentary Counsel we are back with you again.

Hon. A. R. FORDE: Mr. Chairman, not to belabour the point, but I know that you started out saying that vending is an individualistic exercise and from that perspective but over the last couple of weeks in being involved intimately with these meetings and having these types of lucid and limpid discussions, I am of the view that it is more than an individualistic exercise, I think that it has become so commercialised now and the things that I see vendors doing and how they bring their business to phytosanitary levels, are doing all sorts of things, extending businesses across the island having more than one arm, I think that these types of circumstances would come up more so than the norm in terms of individual persons just out there hustling and whatever so I think that we have to be mindful that this is a situation that may often present itself in terms of vendors having persons employed because that is the level we are trying to bring them to where one

person employs two and then two persons employ three and that is how propagation takes place, at least as a scientist I think so, so I am happy to know that we have this level of discussion and I am excited to know the day when vendors see themselves as business people and that is what we are trying to move them to eventually. Thanks.

Mr. CHAIRMAN: I think Minister that your point is well taken and I am not being trite in any way. I genuinely do think the point is a good point because it is developmental in scope. Clause 22 of the Bill speaks to the functions of the Committee and I think that national vending Committee is charged with a policy developmental thrust and that policy developmental thrust includes monitoring and evaluating the achievements of objectives of the vending policy. If it is that we come to a point in Barbados where we have significant preponderance of the vendors at the stage now where you are employing people and so on, then it may well be that the Policy would have to be reconsidered in that light. My respectful request at this point would be that we do not seek to perfect the enemy of the good because where we are now has come after great toil and I would want to think that we would be better served at this stage to reap the harvest that we can reap and if in fact the future portends something that is of a different dimension in terms of its scope then we will cross that bridge at that time. Is that fair? Okay. Deputy Chief Parliamentary Counsel, where else would you wish us to focus our attention?

Ms. S. R. BELLE: Mr. Chairman, I will draw your attention to the Sixth Schedule which deals with the Constitution composition of the Committee just to draw your attention to the additions that were made as a result of consultations. You would see at 1 (1) (d), this is on page 70, a representative of BARNUFO, the Barbados National Union of Fisherfolk Organisation, was inserted, at (f) a representative of the Small Business Association, at (g) a representative of a Community-Based Organisation, at (m) a representative of the Rastafarian community and (r) a representative of the Ministry responsible for Tourism. Those were the additions that were made. You would see that it now extends to (t). At one point there was a question of whether there needed to be a collapsing of (p) and (l) with (l) dealing with vocational training and (p) dealing with education but there needed to be a conversation about whether that should be collapsed into just education generally.

Mr. CHAIRMAN: Or vocational training generally.

Ms. S. R. BELLE: Yes, so just from that perspective then we need to settle on the composition. Thank you.

Mr. CHAIRMAN: I am curious about two things, and I will just throw this out there for general comment. A representative of a community-based organisation, I am just seeking the value added of a general community-based organisation in the context of having representatives of the fisherfolk, the Wayside Vendors and BARVEN, the Barbados Association of Vendors, Retailers and Entrepreneurs.

Ms. S. R. BELLE: Mr. Chairman, just to remind you of the background in relation to the addition of this particular member, your mind is drawn to the submission made by the Ambassador to CARICOM in which he made an observation that in spite of the many organisations that were represented it did not contemplate a relationship with the wider community and so therefore I inserted this definition. Now the thing was that we did not want to then identify... For one thing no submissions were made in terms of a specific community-based organisation but we did not want a situation then of course to be that you would have to amend in contemplation of something specific although what arises right now in my mind is that that you may well have to if it is that you think of a specific one because if there are more than one then this implies that it has to be a representative so I am just saying that there was a background in terms of its inclusion. Thank you.

Mr. CHAIRMAN: Right. I am concerned that the danger of this is that the definition of community-based organisation tends to be geographically focused, and I am not sure that we get the national scope that we are trying to achieve. I know what Ambassador Comissiong was thinking and he was thinking about the time that may well come some day when we have a change to our Constitution and the community organisations are elected across Barbados, but I am not sure that this helps us to get to where we would like to get with that. Because, if I can just pull a community based organisation from thin air, the question arises why that one as opposed to any other and the geographical focus of that community based organisation as opposed to every other potential geographical focus. That is my only concern about that, and frankly, I appreciate the importance of the Vocational Training and I supposed because the Ministry responsible for education will have some say about vending at schools, so we may as well leave that there. Are there any views about the community organisations or any other of the members of the Vending Committee outlined here?

Ms. S. R. BELLE: Sir, just concern to flag in relation to a representative of the Rastafarian community. I want to be sensitive here because I know that there may be a perception in terms of me raising it, but I am thinking that the argument could be raised as to why this community as opposed to that community, but it was a submission that was requested for inclusion, so I am flagging it.

Mr. CHAIRMAN: I remember well, and I am not minded to trouble it. I do not know if anybody else on the Committee is. I think that the Rastafarian community has ..... in association with the evolution of vending in the country. Many of them are members of either BARVEN or the Wayside Vendors Association. In fact, I think one member gave evidence before this Committee on behalf of BARVEN. I will leave well enough alone there.

I do not sense that there is a mood in the Committee to delay any longer on this matter CPC, so

please let it stand as is.

Ms. S. R. BELLE: Okay. Mr. Chairman, just to be clear; are we retaining then the community-based organisations or are we removing it?

Mr. CHAIRMAN: I think we can retain it. We will just have to deal with the difficult matter of choosing one.

Ms. S. R. BELLE: For clarity, the vocational training and education separation we will retain?

Mr. CHAIRMAN: Yes. I understand the vocational training and I also understand the education issue. The education issues really relate to vending at or around schools. Perhaps, I should just ask Members the direct question about Clause 1(1)(g), the representative of a Community-based Organisation. Colleagues, do you think that this lends any value immediately, visionary as it is for the future given the current constitutional arrangements in the country, the challenge that we have is that we cannot say that there is an entity which represents elected communities ..... What was the term that Ambassador Comissiong had used?

Asides

Mr. CHAIRMAN: Yes, people's representatives. There is no such entity as yet, so therefore does this lend value at this stage? No one seems to be of the view that they should take a stand here. I will tell you what, I will exercise the Chairman's discretion, because I have my own reservations about how we will actually choose this community based organisation in that we can only choose one. I think we will take it out for now and if and when the circumstances present themselves we can revisit this issue in the future.

Ms. S. R. BELLE: Noted Mr. Chairman. Thank you. Just to draw the attention of the Committee to the Seventh Schedule in terms of the administrative penalties. Included is the contravention of certain regulations of the *Markets and Slaughter-Houses Regulations*. Those were included and this then connects with the consequential amendments that would have been found in the Eighth Schedule. In earlier discussions before the Committee there were certain offences that were created by the *Markets and Slaughter-Houses Regulations* but attracted criminal penalties, and so, those were taken out, hence, the consequential amendment schedule is being used to take those out and put in administrative penalties. As you can see from paragraph two from page 75 where you see the *Markets and Slaughter-Houses Regulations* in column (1) and then you will see the corresponding amendments. You will see a number of them going down to number 13 or rather they go down from two to seven and then number 13 is the one that is caught up in that sweep, and those are dealing with removing the criminal penalties and putting in the administrative penalty and then they are mirrored correspondingly in the Seventh Schedule in the last set of columns. I just wanted to draw the Committee's attention to those amendments. Mr. Chairman, with that I conclude my reduction of the amendments done by the Committee.

Mr. CHAIRMAN: Are there any matters arising from this that we have not dealt with as yet? Okay. Colleagues I think then we are at a point where we would have to now come to the next phase of this process. We have done our deliberations, we have taken the submissions orally and in the writing, we are at that point where transcripts will have to be finalised. I will have to take guidance as to whether we also have to approve those transcripts, but I do know that coming out of the transcripts must come the draft Report and the minutes. I will be happy to be given guidance therefore as to the next step that would ordinarily be taken. We are clearly ahead of what the capacity of the Parliament would allow and we will have to slow down the process a little bit to allow the staff to catch up. Mr. Jones, if you had to recommend from here, I am thinking that in terms of the draft Report, we would obviously have to pause at this stage with a view to awaiting the draft Report to be circulated.

Asides

Ms. S. R. BELLE: Mr. Chairman, Mr. Jones and I discussed just the finalisation of the draft including all of the amendments coming out of this meeting. The aim is to finish that next week Friday with the view to having that draft be a part of the appendices to the Report. Mr. Chair, I have also indicated that the Preliminary list and any summarisations that I have made and also any notes that I have can be used to facilitate the completion of the Report as well.

Mr. CHAIRMAN: But you seem to be so far ahead. Why do we have to wait on your work for next week Friday?

Ms. S. R. BELLE: Mr. Chair, what I am saying is that I am trying to facilitate the completion.

Mr. CHAIRMAN: No, but we have done very little amendment to this draft that we went through today.

Ms. S. R. BELLE: This amendment dealt with probably about 50 amendments while in this form. But I have captured most of them here but you would still have to revisit what came out of today's discussion.

Mr. CHAIRMAN: Okay.

Ms. S. R. BELLE: What I am proposing is that that be done by next week Friday. Then, for the purposes of the Report, then you have that as a timeline so that it can be included as a part of the appendices to the Parliament Report.

Mr. CHAIRMAN: So are we thinking that the draft Report would be ready by next week Friday?

Some discussion took place between the Clerk and the Chairman.

Mr. CHAIRMAN: Members, you would remember the *caveat* that was entered earlier on, that the Honourable Leader of the Opposition (and I am not throwing this in his lap but it was said and I resisted the suggestion) that these things go into subcommittee and become lost and delayed, so on and so forth. We have done

so well so far.

Further discussion took place between the Chairman and the Clerk.

Mr. CHAIRMAN: Yes, I know. So you are saying that you believe that by Friday next week...

The Clerk spoke to Mr. Chairman off microphone.

Mr. CHAIRMAN: No, I do not want to trespass on set meetings of either House, so that if we go to next week Friday we would be at the 12th November. The question would then be, can we convene a meeting between the 15 and 19 November? That is the meeting that will allow us to clear the final hurdles of the Draft Report being approved and so on. If it is possible, as Tuesday 16th November would likely be Parliament and Wednesday 17th would equally likely be the Senate. So we can keep the 15th tentatively opened which is Monday 15th, then a fall-back position would be the morning of Friday 19th, thus leaving the evening opened for the Public Accounts Committee which the Honourable Leader of the Opposition usually occupy. Is that fair with you, Honourable Leader of the Opposition?

Members, that is the intended way forward, at which time we will then have a meeting that will allow us to approve the Draft Report and the transcripts and Minutes appended to it, and the amended Vending Bill, 2021, in its final form. If that can take place on the 15th then hopefully we will be in a position to have that matter dealt with on the following week in Parliament, but that would depend a lot on the Order Paper and so on. I say that only for the benefit of the Honourable Leader of the Opposition who may wish to... The Honourable Member said there were things that he would not necessarily say here but that he would say elsewhere, and I presume that that is elsewhere. (sic!)

For the benefit of those Members who would want to fully understand the way forward, could I get a little bit of guidance on the stage at which it comes back into Parliament. When, once it comes back into Parliament, we would lay the Report...

Asides.

Mr. CHAIRMAN: At some point, not necessarily on the same day, you would debate it. Therefore, I am presuming that the best way to go forward would be to adjourn this matter now *sine die*. If we did that, then we would be in a position to do all the things that we have just pointed out as being necessary to be done, with a view of coming back here either 15th or 19th November.

Hon. A. R. FORDE: Mr. Chair, I saw you went through some dates just now, I would just want the Clerk to recognise – and of course you would know better than me; someone who has sat in this Honourable Chamber much longer – that coming up to the month of December there is usually a break. Bearing in mind, if you plan to do this, and I suspect before the end of the year 2021, I suspect that we have to move apace.

Mr. CHAIRMAN: Well, that is what I am attempting to do Honourable Member but as you would appreciate, I think the clear plea has been entered from the Clerks at the table that there are three Committees which are working and at least there is only one set of staff and the requirements are large, and the Honourable Leader of the Opposition having been so good as to grace us with all of these meetings and has accommodated us on one day when we deeply encroached into his time, he cannot be now asked to stand down the business of the Public Accounts Committee clearly for our Committee to do its work. I will not be so churlish as to urge that upon the Honourable Leader of Her Majesty's Opposition.

Asides.

Mr. CHAIRMAN: I do not know about that, I am not getting into any speculation about electioneering but what I will say is that I think that we can meet the deadline of the 15th that we set ourselves and thereafter it will really be a question of good housekeeping to get the draft Report lay in Parliament as soon as possible after.

Colleagues, can I have a motion that this matter be adjourned *sine die?*

ADJOURNMENT

Hon. A. R. FORDE: Mr. Chair, I beg to move that this Meeting be now adjourned *sine die*.

Bishop J. J. S. ATHERLEY: I beg to second that, Sir.

The question that the Meeting be now adjourned sine die was put and resolved in the affirmative without division and Mr. CHAIRMAN adjourned the Sitting accordingly.

SEVENTH MEETING OF THE JOINT SELECT COMMITTEE
ON THE
NATIONAL VENDING BILL, 2021
THE CHAMBER,
WORTHING CORPORATE CENTRE

WEDNESDAY, NOVEMBER 17, 2021

SECOND SESSION 2018-2023

PRESENT:
Hon. Kerrie D. SYMMONDS, M.P. (Chairman)
Hon. G. P. Ian GOODING-EDGHILL, M.P.
Hon. Adrian R. FORDE, M.P.
Hon. Kirk D. M. Humphrey, M.P. ***(Online)***
Mr. Trevor A. PRESCOD, J.P., M.P.
Bishop Joseph J. S. ATHERLEY, J.P., M.P.
Senator the Hon. Ms. Lisa R. CUMMINS
Senator Damian R. SANDS
Senator Miss Alphea M. WIGGINS, J.P. ***(online)***
Senator Dr. Lynette P. HOLDER, ***(online)***

ALSO IN ATTENDANCE:
Mr. N. R. JONES, O.B.E., Deputy Clerk of Parliament
Ms. B. S. GIBBONS, Deputy Clerk of Parliament
Ms. Shawn Raine BELLE, Deputy Chief Parliamentary Counsel
Ms. J'anne GREENIDGE (Procedural Clerk to the Committee (Ag.)) Typist

Meeting commenced at 10:45 a.m.

Mr. CHAIRMAN: Good morning, all. I want to acknowledged online Senator A. Wiggins, Minister K. Humphrey, and Senator Dr. L. Holder, and obviously present physically here are the Honourable Leader of the Opposition, Bishop J. J. S. Atherley; the Honourable Minister of Transport, Public Works and Maintenance, the Honourable G. P. I. Gooding-Edghill; the Honourable Minister with responsibility for the environment, Honourable A. R. Forde; and Senator D. R. Sands.

Colleagues, the Agenda for the Meeting has been circulated. Having welcomed you all here today, I just want to go to the point of the Minutes of the 2nd Meeting and the Minutes of the 5th Meeting of the Joint Select Committee on the National Vending Bill, 2021, which have been [already] circulated. Could we take these Minutes as being read, please?

MINUTES
On the motion of Hon. G. P. I. GOODING-EDGHILL, seconded by Senator D. R. SANDS, the Minutes were taken as read.

MATTERS ARISING
None.

CONSIDERATION OF THE NATIONAL VENDING BILL, (AS AMENDED)

Mr. CHAIRMAN: Colleagues, we are in a very happy position this morning that we have a final draft of the National Vending Bill, 2021, which has also been circulated. Essentially, the brunt of our business here today is to consider this final draft and to approve it.

Colleagues, I have in my possession a list of the amendments arising from the Meetings of the Joint Select Committee. I would want, in the interest of economic usage of time, to direct your attention to those clauses that were amended and to invite, as we go through the Bill, the Deputy Chief Parliamentary Counsel to point us to the substance of the amendments. In that regard, I want to begin by directing your attention to Clause 2 in the Definition Section, the question of "itinerant vendor". Deputy Chief Parliamentary Counsel, the Floor is yours.

Ms. S. R. BELLE: Good morning, all. Just to indicate in the National Vending Bill, 2021, in Clause 2 a definition of "itinerant vendor" was inserted.

(b) In the definition of "Manager of Vending Zones", that definition was amended to make reference to "the Chief Fisheries Officer".

(c) The definition of "vending zone" was amended to delete the reference to section 12 and substitute it with a reference to section 13, since we have a new section 12 which speaks directly to "itinerant vendor" specifically.

(d) The definition of "vendor" was also amended to delete references to Sections 10 and 11 only, then substitute references to Sections 4, 10, 11 and 12, recognising both the regimes under "permits" and under "licences".

(e) The definition of "vehicle" was also inserted. A definition is important, especially in the consideration of

what would be considered "an itinerant vendor", which if you recall speaks to a person who would be offering for sale merchandize or rendering services from a vehicle. The question then was whether the definition of vehicle being informed from the Road Traffic Act would be sufficient to cover all the conveyances from which you can sell.

Mr. Chair, to draw your attention, the definition of "vehicle" coming out of Section 2 of the Road Traffic Act, "vehicle" means:

> "A carriage, wagon, cart, motor vehicle, bicycle, tricycle, van, handcart, sledge, truck, barrow, wheelchair or any other machine for the carriage of good of persons on land."

It also includes every conveyance capable of being propelled or drawn on wheels, tracks or any other means; and the context permits an animal being driven or ridden.

Therefore, the most possible means of conveyance have been covered sufficiently in that case.

Mr. CHAIRMAN: Thank you very much, Deputy Chief Parliamentary Counsel. We then want to invite your attention to Clause 3 where further....

The Clerk spoke to Mr. Chairman regarding the clauses in the Bill.

Mr. CHAIRMAN: Honourable Members, are those amendments agreeable to Members present? All those in favour please say aye.

The question was put and agreed to in the affirmative without division. Clause 2, as amended, was passed.

Mr. CHAIRMAN: The amendments at Clause 3. Madam Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Chair, just to draw to the attention of the Committee to Sub-Clause (3)(1) which was amended to include the concept the "itinerant vending" as you would see in Sub-Clause 3(1)(c). Also, in Sub-Clause 3(2) you should note the new paragraph (e) which speaks to the sale of merchandize or rendering of services by a person within the curtilage of that person's residence; that is not considered vending for the purposes of this Act; and also the inclusion of the sale of fish by a fisherman to a vendor; that is not considered vending for the purposes of this Act.

Mr. CHAIRMAN: Thank you, Deputy Chief Parliamentary Counsel. Colleagues, you have heard the amendments which were made with respect to Clause 3. Are there any comments on these amendments?

There were none.

Mr. CHAIRMAN: Colleagues, can we then have the amendments to Clause 3 approved? All Honourable Members in favour please say aye. Those opposed, please say nay.

The question was put and agreed to in the affirmative without division. Clause 3, as amended, was called and passed.

Mr. CHAIRMAN: Madam Deputy Chief Parliamentary Counsel, please proceed.

Ms. S. R. BELLE: Mr. Chair, in relation to Clause 4, please note that it was redrafted to indicate that no person shall operate as a vendor unless he has attained the age of 18 years and has obtained a licence or permit to do so under this Act.

Additionally, the Clause also features wording that allows for persons to operate upon attaining the age of 16 years in accordance with regulations made by the Minister, and then where there is a contravention of one then the administration penalty would be imposed.

Mr. CHAIRMAN: Thank you very much, Ms. Belle. For the ease of reference, could you just refresh our memories as to the title of the piece of legislation that gave rise to the concern under this particular Clause?

Ms. S. R. BELLE: Mr. Chairman, attention would have been paid to the Minors Act which presented an issue as to whether minors had the capacity to enter into contracts and so the way that we are now choosing to deal with this is to allow on some level an operation that is different; then from persons who would have attained 18 years and over and that dispensation would then be articulated further in the regulations so that we do not fall afoul of the existing legislation, the Minors Act. Thank you.

Mr. CHAIRMAN: Fine, and so this is a special dispensation akin to probably apprenticeship or pupillage?

Ms. S. R. BELLE: Yes, Mr. Chairman.

Mr. CHAIRMAN: Are there any challenges Honourable Members with that amendment at Clause 4? All Honourable Members present, if you are prepared to support, please say aye. Those opposed. I hear no noes, so Clause 4 is approved.

Clause 4, as amended, was passed.

Mr. CHAIRMAN: Clause 5.

Ms. S. R. BELLE: Mr. Chairman, in relation to Clause 5 attention is drawn to Sub-Clause 5 (2) where there was an insertion of a seven-day period within which there should be the processing of an application the same seven-day period appears in Sub-Clause 5 (4), so Clause 5 (2) will deal with the dispensation that applies to zones that are not beaches, esplanades, gardens or parks, while Sub-Clause 5 (4), which is being regulated by the National Conservation Commission, that would then apply to beaches, esplanades, parks, et cetera, so those are the amendments that are in.

Mr. CHAIRMAN: Those amendments are noted. Honourable Members in favour of those amendments, please say aye. Those opposed. The amendments are approved.

Clause 5, as amended, was passed.

Ms. S. R. BELLE: Mr. Chairman, at Clause 6 (3), of Clause 6, attention is drawn to the fact that a provision was included to make it absolutely clear that those persons who were granted a licence may operate at a fair, festival, carnival or cultural, entrepreneurial, religious or recreational event without obtaining a permit required pursuant to Sections 10 (1) which deals with occasional vending. Thank you.

Mr. CHAIRMAN: Honourable Members in favour of this amendment to Clause 6 please say aye.

Those opposed. There being none in opposition. Please proceed.

Clause 6, as amended, was passed.

Mr. CHAIRMAN: Clause 7.

Ms. S. R. BELLE: Mr. Chairman, in relation to Clause 7, that was amended to include references to itinerant vending. These references mainly appear in Sub-Clause 7 (1) where it speaks to (e) vending licence number or itinerant vending number, for instance; (k) licence or permit; (j) date upon which the licence or permit was granted, came into force and set to expire, so those are the inclusions that were made. Also you would note in the Chapeau that it refers to a licensed vendor or an itinerant vendor. Thank you.

Mr. CHAIRMAN: You said (e), (j) and which other one?

Ms. S. R. BELLE: Mr. Chairman, note in Sub-Clause 7 (1) the Chapeau and then also (e), (j) and (k).

Mr. CHAIRMAN: (k). Right. Okay.

Ms. S. R. BELLE: Thank you.

Mr. CHAIRMAN: So this captures then the licensing of itinerant vendors? Honourable Members, are there any challenges with Clause 7. Honourable Members in favours please say aye. They opposed. Clause 7 amendments are approved.

Clause 7, as amended, was passed

Mr. CHAIRMAN: We turn then to Clause 8.

Ms. S. R. BELLE: Mr. Chairman, in relation to Clause 8, these amendments appear mainly in Sub-Clauses 8 (3) and (4). Sub-Clauses 8 (3) and (4) provide for the dispensation where there is a voluntary change that is being requested by a vendor in relation to certain conditions, so if there is a change of location being requested, then the mechanism is put in place so that that variance can be addressed. That is a dispensation that is afforded for places that are not esplanades, et cetera, and those that are esplanades, et cetera; one by the Minister and one by the National Conservation Commission.

Mr. CHAIRMAN: Okay. Thank you. I recall the issue that gave rise to this. Honourable Members in favour of the amendment, please say aye. Those opposed. The amendments were approved.

Clause 8, as amended, was passed.

Mr. CHAIRMAN: Clause 12.

Ms. S. R. BELLE: Mr. Chairman, a new Clause 12 was drafted and inserted to address "itinerant vending"; specifically to put in a permit mechanism; to also deal with where a person may be aggrieved; and also to put in an administration penalty where persons are in contravention of the proposed Section, as well as the understanding that would appear in Paragraph (5) where it makes it clear that a person who is granted a permit under this Section may operate at a fair, festival, et cetera, without having to get a permit as required under Sections 10 and 11.

Mr. CHAIRMAN: So this would be the permit that you would seek if it is that you are going to the farmers' market, for example.

Ms. S. R. BELLE: Mr. Chairman, this is in relation to "itinerant vending", so if I can draw the Committee's attention to Clause 2 in terms of the definition of what would be "itinerant vending", then it would be those persons who are operating from a vehicle or in a vending zone or other sites for a period of less than 12 hours; then what would happen would be that Clause 12 then provides the regulation apparatus – you set up the permit; you apply for the permit; the Form is set out in the Second Schedule; the duration of the permit; the fact that it is non-transferable; the fact that the Minister may grant or refuse; the fact that where you are aggrieved you may go to a Judge in Chambers.

This is one of the special situations very much like the "occasional vending". Then, there is the contravention, Clause 12 (6), as well as Clause 7, which makes it clear that if you have an itinerant vending permit, then if you want to operate at a fair, carnival, etcetera, then you would not have to apply again for an "occasional vending" permit under Sections 10 and Section 11.

Mr. CHAIRMAN: Understood. Honourable Members who are in favour of the amendment please say aye.

Hon. A. R. FORDE: Sir, sorry. There was something that I recall being discussed when we came to "itinerant vending". I do not know if special reference is made here or how it would be treated under the Ministry of Transport and Works, but, was it not to say that the persons who are involved in itinerant vending are supposed to provide evidence of registration of vehicles, through the MTW? Was it that that must be a prerequisite for them to have the itinerant vending [permit], so that the vehicle they would be using would not be an illegal vehicle on the road?

Mr. CHAIRMAN: I must confess that that one escapes my memory. I do not remember us having that discussion.

Hon. A. R. FORDE: Did we not?

Ms. S. R. BELLE: Chair, I do not have it in my notes as something to be included, but it could be included.

Mr. CHAIRMAN: Minister, bear with me, because the Road Traffic Act deals with these matters of unlicensed vehicles. I do not want us to overreach ourselves. [Let us] remember, the definition of "vehicle" is so wide now that it captures anything that is capable of propulsion, so that it might be a trolley, pan cart or whatever you are selling from. However, for us to get into whether the vehicle is properly licensed to be on the road, I think might be to trespass into the domain of what the law already provides for under the Road Traffic Regulations.

I see the learned Queen's Counsel at the Clerks Table nodding his head in agreement.

Hon. G. P. I. GOODING EDGHILL: Mr. Chairman.

Mr. CHAIRMAN: Yes, Minister.

Hon. G. P. I. GOODING EDGHILL: At Sub-Clause 12 (b), perhaps I might be wrong, but it says here;

(b) *"In case of an applicant who seeks to operate as a food vendor,*

(i) a certificate of good health issued by

a registered medical practitioner; and (ii) a licence to carry on a food business granted pursuant to the Health Services (Food Hygiene) Regulations, 1969 (S.I. 1969 No. 232);"

Chair, correct me if I am wrong. My understanding is that in order to obtain the Health Services certificate, you have to visit the doctor and therefore you have to be deemed to be certified in good health to carry out the functions of the food business. Therefore, I am wondering if there is a requirement for both, or should we just stick to Clause 12.1(ii), on the understanding that [for the vendor to have] the licence to carry on [that food business] you must obtain the Health Services (Food Hygiene) Regulations, 1969 (S.I. 1969 No. 232), which I believe must be issued by a registered medical practitioner? I am not sure, but I just thought I would ask the question.

Mr. CHAIRMAN: Deputy Chief Parliamentary Counsel, what is your view on it, please?

Ms. S. R. BELLE: Chair, I must confess, I had a problem hearing his submission, sorry.

Mr. CHAIRMAN: Your problem is more fundamental. You may need to remove mask Minister.

Hon. G. P. I. GOODING EDGHILL: My apologies. I am just questioning whether or not we needed to have at Sub-Clause 12.1(b), if we need to have (i)and (ii).

Ms. S. R. BELLE: Mr. Chairman, this wording, you would see appears at Clause 5 as well, in terms of the licensing. This was at the insistence of the Ministry of Agriculture to say that you must show that you have these licences to indicate that, especially when you are handling food. This was a policy request.

Hon. G. P. I. GOODING EDGHILL: Thank you, Deputy Chief Parliamentary Counsel. Mr. Chair, the only reason I asked that question, going back to my good old days in the hotel sector, is that in accordance with the Health Services Regulation, you visit the doctor, the doctor certifies you, and you are issued with the certificate. So I was just wondering why, but if that is the policy position, that is fine. I was wondering, instead of having both steps, if we could have one step.

Mr. CHAIRMAN: I think that there is probably merit in us looking at this at another stage, but I do know again that, again, there are so many ministries involved. The Ministry of Health has historically sought, especially for those people who are doing, I suppose, roadside type of activity, I guess they are trying to dot "i's" and cross "t's".

Hon. A. R. FORDE: Sir, if I may. I suspect what is happening here is that you are registering a business with a facility to carry out food and that type of vending and then you are ensuring that the person carrying out that business is of good health. I suspect that is why they have two: one of the business, ensuring that you have the pristine facilities for the business, and the next one speaks to the person himself or herself who is carrying out the business.

Mr. CHAIRMAN: I think you are right. I do recall, though, that there was a very strong position taken by this in the very early days of this structure, this process by the Ministry of Agriculture and the Ministry of Health. Senator Wiggins, you requested the Floor.

Senator Ms. A. M. WIGGINS: Good morning to you, Mr. Chairman.

Mr. CHAIRMAN: Your volume is low, but good morning to you also.

Senator Ms. A. M. WIGGINS: Good morning, can you hear me better?

Mr. CHAIRMAN: A lot better.

Senator Ms. A. M. WIGGINS: Thank you. I just wanted clarification. Minister Forde just made mention of it. When we spoke to the issue of "itinerant vendors", I know we would have included the salesmen going from door to door selling items. Are food vendors now officially included in the whole concept of the "itinerant vendor" trades? If we looking at "vending zones", "vending zones" is a separate concept from "itinerant vending", so I just wanted the Deputy Chief Parliamentary Counsel to clarify that food vendors are now also classified as part of the itinerant vendors.

Mr. CHAIRMAN: No, not all food vendors will be itinerant vendors. Deputy Chief Parliamentary Counsel, do you want to help in that regard?

Ms. S. R. BELLE: Mr. Chairman, if it is that you are operating within the zones of the esplanade, etcetera, or you are operating on the beach and you are a food vendor, you are regulated by Clause 5. If you are operating in the context of the itinerant vendor as specified in Clause 2 and you are a food vender, then you would be regulated by Clause 12. Both concepts cover the operations of food vendors.

Mr. CHAIRMAN: Sorry about that, that was my Permanent Secretary trying to reach me. Does that clarify then, Senator Wiggins?

Senator Miss A. M. WIGGINS: Thank you, Mr. Chair.

Mr. CHAIRMAN: Good. Okay. All Honourable Members who are in favour of the amendment please say aye.

The question was put and resolved in the affirmative without division. Clause 12 was passed.

Mr. CHAIRMAN: Deputy Chief Parliamentary Counsel, please turn your attention Clause 16.

Asides

Mr. CHAIRMAN: Indeed not. I think that what you are looking at is numbering, as opposed to the clauses, so [that] Clause 12 is No. 9.

Mr. DEPUTY CLERK: Mr. Chair, I believe the clauses have to be passed individually, with the amendments.

Mr. CHAIRMAN: Oh, I see. You want us to approve every clause. I take your point.

Mr. DEPUTY CLERK: The clauses, with the approved amendments, have to be called.

Mr. CHAIRMAN: Okay. No problem, I am guided. I had taken it as being unnecessary, but I am guided.

Clause 9 to 11, as amended, were called and passed.

Mr. CHAIRMAN: We now go to Clause 12.

Clause 12, as amended, was called and passed.

Clause 13 – 15, were called and passed.

Mr. CHAIRMAN: Clause 16. Deputy Chief, the Floor is yours.

Ms. S. R. BELLE: Chair, attention is drawn to sub-Clause 16(3):

"The Chief Fisheries Officer shall be responsible for the management and operation of a fish landing site".

Mr. CHAIRMAN: Okay. Senator Wiggins, is your hand up again or is that from the previous occasion?

Senator Ms. A. M. WIGGINS: That would be from previously.

Mr. CHAIRMAN: Thank you. Honourable Members who are in favour of Clause 16, please say aye. Those opposed?

Clause 16, as amended, was called and passed.

Mr. CHAIRMAN: Clause 17, Deputy Chief.

Ms. S. R. BELLE: Chair, attention would then be drawn just to some minor changes in references in 17(3)(f) where there was a reference to sub-Section 20(4) and now they would be changing it to subsection 20 (5). In terms of the substantive amendments, in Sub-Clause 17(4) a definition of what would be understood as what it means to "consult" in the context of subsection 17 (3)(b) specifically. You would see that there is a procedure set out in terms of the involvement of the Manager of Vending Zones seeking to consult with the vendor and that they operate within the confines of the 30-day notice period.

There is also in Sub-Clause 17(5) a definition of what would be understood as a "statement of reasons" pursuant to Clause 4.

Mr. CHAIRMAN: Yes, this speaks directly to the 30-day notice period and the requirement for us, as the Leader of the Opposition was very concerned about, not just having the notion of consultation but being able to produce evidence of the substance of consultation. We have gone really where the Constitution of Barbados has not yet taken us, and I am sure, Honourable Leader of the Opposition, that you would take a certain degree of pride in having guided us there. Those Honourable Members in favour of this Clause 17, please say aye. Those opposed.

Clause 17, as amended, was agreed to and approved.

Mr. CHAIRMAN: Clause 18. Hold on a minute please. Deputy Chief, I believe that you need to speak to Clause 18.

Ms. S. R. BELLE: Yes, Chair. Just to speak to Sub-Clause 18(1)(e)(i), the wording was changed to be consistent with the existing law:

(i) "Using threatening, abusive or insulting words or behaviour".

Chair, if you would recall in the earlier drafts of the same provision, objections were raised. I just need to find the earlier drafts. I crave your indulgence, Chair.

Yes, Chair. In former iterations of the Bill objection was made to the following words:

"Use of abusive language or making insulting gestures".

The wording was then changed to:

"Use threatening, abusive or insulting words or behaviour",

to be consistent with what was in-line with existing legislation; in this case, in particular, the Public Order Act. That was the substance of the change. Thank you.

Mr. CHAIRMAN: Thank you. Colleagues, those Honourable Members who are in favour of Clause 18 being approved, please say aye. Those opposed.

Clause 18 was agreed to and approved.

Mr. CHAIRMAN: Can we then go to Clause 19, please, Deputy Chief? That is at Part 6? Yes.

Ms. S. R. BELLE: Also, I would want to draw the attention of the Committee to the dispute mechanism that has been included, this is also in Clauses 2 and 3.

Mr. CHAIRMAN: Sub-clauses 2 and 3.

Ms. S. R. BELLE: Yes. This is to provide for a mechanism for the Manager of Markets to resolve disputes that may arise, and then if the decision of the Manager is not approved, then the parties may appeal to the National Vending Appeals Tribunal.

Mr. CHAIRMAN: And do so within 14 days, which keeps faith with the Committee's concern about honouring time. Substantively, it reflects what we had requested and I think we have already approved it, so thank you for drawing it to our attention separately. We can go then to Clause 19.

Ms. S. R. BELLE: Chair, in relation to Sub-Clause 19(2)(a), in the previous iteration of the draft, the word "serious" appeared in Clause 2(a):

"Where the vendor is in serious breach".

The word "serious" was deleted?

Mr. CHAIRMAN: Yes. I recall well, and the concern was that this was admitting an element of arbitrariness as to what is serious and in whose judgement. You have made it now a simple breach of the conditions of the licence. Colleagues, those in favour, please say aye.

Clause 19, as amended, was agreed to and approved.

Mr. CHAIRMAN: Deputy Chief, Clause 20, please.

Ms. S. R. BELLE: Chair, just for the record, in Clause 20.(1) the draft previously made reference to Section 18. It now makes reference to Section 19.

Mr. CHAIRMAN: Fine. I cannot envisage any opposition to that. Colleagues, those in favour, please say aye.

Clause 20, as amended, was agreed to and approved.

Mr. CHAIRMAN: We then go to Part 7, Clause 21. There are no amendments made under this particular Clause. Honourable Members in favour of Clause 21 being approved, please say aye.

Clause 21 was agreed to and approved.

Mr. CHAIRMAN: Clause 22, Deputy Chief Parliamentary Counsel the Floor is yours.

Ms. S. R. BELLE: Mr. Chairman, in relation to Clause 22 and specifically Sub-Clause 22 (b), the words:

"Minister responsible for Commerce"

was inserted. That is in relation to making sure that this Minister was included in:

(i) monitoring and ensuring continued upgrade and maintenance of vending zones;

(ii) monitoring the compliance of vendors with the conditions applicable to the vending zone allocated to them and the conditions under which the zone has been allocated;

(iii) standards that should be adhered to by vendors relating to
  (A) personal hygiene;
  (B) the cleanliness and public hygiene in the vending zones;

(iv) the amenities that should be made available in vending zones for vendors including access to
  (A) waste disposal;
  (B) public toilets to maintain cleanliness;
  (C) drinking water;
  (D) protective covers to protect against the weather;
  (E) storage facilities including cold storage;

(v) the aesthetic design of stalls."

This request was made and it appears as is.

Mr. CHAIRMAN: Fine. Honourable Members in favour of Clause 22, as amended, please say aye. Honourable Members opposed?

Clause 22, as amended, was called and passed.

Mr. CHAIRMAN: Deputy Chief Parliamentary Counsel, Clause 23.

Ms. S. R. BELLE: Clause 23 deals with the Grounds for Appeal. The new insertions would now appear in paragraph (c)(i) where it speaks to the resolution of disputes as spoken to in Clause 18 (2), so that that is now an additional ground.

Another ground is also dealt with in Clause 23(2) which speaks to:

"Where a person is not granted a licence within the seven-day period referred to in section 5(2) or (4), he may appeal to the National Vending Appeals Tribunal".

Mr. CHAIRMAN: Fine. Once again, honouring the concerns of the Leader of the Opposition with respect to the teeth which are given in order to protect the interest of the vendor under this Bill. Honourable Members in favour of Clause 23, as amended, please say aye. Honourable Members opposed?

Clause 23, as amended, was called and agreed to.

Mr. CHAIRMAN: Clause 24 is a matter where there were some amendments. Deputy Chief Parliamentary Counsel, the Floor is yours.

Ms. S. R. BELLE: Mr. Chairman, in relation to Clause 24, specifically Sub-Clause 24 (2) paragraph (b), the wording of:

"A vendor nominated by an organisation that represents the interests of vendors"

was inserted.

Mr. CHAIRMAN: Correct, and that was the substance of the amendment at Clause 24, so that we would have the Vending Appeals Tribunal being comprised of:

(a) an attorney-at-law of 10 years' standing;

(b) a vendor nominated by an organisation that represents the interests of vendors; and

(c) a person with knowledge and experience in the business of vending and operation of markets or areas designated for vending".

Honourable Members in favour of Clause 24, as amended, please say aye. Honourable Members opposed?

Clause 24, as amended, was called and passed.

Mr. CHAIRMAN: We go to Clause 25. There were no amendments proposed or made under Clause 25, so those Honourable Members in favour of the clause 25, please say aye. Honourable Members, opposed?

Clause 25 was called and passed.

Mr. CHAIRMAN: Clause 26, Deputy Chief Parliamentary Counsel the Floor is yours.

Ms. S. R. BELLE: Yes, Mr. Chairman. Clause 26 would include the new ground at paragraph (g), speaking to Clause 23 (2) which spoke directly to where you appeal on the ground that your licence was not processed within the seven-day period. It has been inserted directly.

Mr. CHAIRMAN: I am at a bit of disadvantage in trying to follow. This is at Clause 26(g) but my Clause 26(g) says:

"based on the grounds set out in section 23(2), dismiss the appeal or allow the appeal and direct the

(i) Minister, or

(ii) Commission

to issue a licence to the appellant."

Ms. S. R. BELLE: Okay, Chair, [let us] remember that under the Clauses 5 (2) and 5 (4), you were to process the application within the seven-day period. You have failed to do that and so the Tribunal is being brought in place. They are then able to say specifically the power of whether they would set it aside, dismiss it or whether a direction will be made to issue the licence.

Mr. CHAIRMAN: I see. I am with you, so we go back to the concern at Sub-Clause 23 (2):

"Where a person is not granted the licence within the seven-day period referred to in section 5(2) or (4), he may appeal to the National Vending Appeals Tribunal".

This will now empower the Appellate Tribunal to direct the Minister or the Commission to issue the licence to the appellant; again, holding the appellate process to the tight timelines that are provided in the interest of the business facilitation of the vendor. This is truly revolutionary in its approach. It is unprecedented in Barbados' law, equally.

Honourable Members in favour of the Clause 26,

as amended, please say aye. Honourable Members opposed?

Clause 26, as amended, was called and approved.

Mr. CHAIRMAN: We are at Clause 27 and there were no amendments proposed, which is the appeal to the High Court.

Honourable Members in favour of the clause, please say aye. Honourable Members opposed?

Clause 27 was called and passed.

Mr. CHAIRMAN: We are into Part IX, Administrative Penalties. Clause 28, there were no amendments proposed.

Honourable Members in favour of the Clause 28, please say aye. Honourable Members opposed?

Clause 28 was called and approved.

Mr. CHAIRMAN: Deputy Chief Parliamentary Counsel, we go to Clause 29. I believe that there was an amendment made there.

Ms. S. R. BELLE: Mr. Chairman, in relation to Sub-Clause 29 (2) in terms of the payment of the penalty, you have a thirty-day period in which to pay the penalty, rather than the 14 days that was there previously. In Sub-Clause 29 (4):

> "Notwithstanding subsection (3) where the Manager of Vending Zones is satisfied on grounds of undue hardship or for any other reason that it would be just and equitable to do so, he may arrange with the person who is the subject of the penalty, notice to pay the penalty set out in the notice in instalments".

This arrangement was inserted. Thank you.

Mr. CHAIRMAN: The provisions are humane. Honourable Members in favour of the Clause 29, as amended, please say aye. Honourable Members opposed?

Clause 29, as amended, was called and passed.

Mr. CHAIRMAN: Clauses 30 to 35, inclusive, are bereft of any amendments. Honourable Members in favour of the Clauses 30 to 35, inclusive, remaining part of the legislation, please say aye. Honourable Members opposed?

Clause 30 to 35, inclusive, were called and passed.

Mr. CHAIRMAN: I beg your pardon. Let me pause. Senator Wiggins, I saw your hand, belatedly, so I am not sure how long ago you had it up.

SENATOR A. M. WIGGINS: Again, this is for clarification.

Mr. CHAIRMAN: Your volume is a bit low again. Whatever magic you did before, please do it again.

SENATOR A. M. WIGGINS: Not being a lawyer and in terms of Clause 31, it says:

> ***"Administrative penalty to constitute a debt to the Crown."***

I just wanted to know if we are going to change it to ***"The State"*** now or if we are going to do that after the 30th November and do another amendment. Thank you.

Mr. CHAIRMAN: We have to go with what we have. At this stage, it would be legally correct to say "The Crown". I suspect that we may, depending on what happens and how fast we proceed, we may either overtake in one House and then in the other House it would happen at a point when it would be "The State", but the law would be that wherever "The Crown" is referenced in legislation, it will become "The State" automatically, so that [that] needs not detain us, but your concern is noted.

I go back to the question: there being no amendments made to Clauses 30 to 35, inclusive, are Honourable Members in favour of Clauses 30 to 35, inclusive, remaining part of the legislation, as amended, please say aye. Those opposed please say no. Me thinks the ayes have it.

Clauses 30 to 35, inclusive, were called and passed.

Mr. CHAIRMAN: We go then, Deputy Chief Parliamentary Counsel, to Clause 36.

Ms. S. R. BELLE: Mr. Chairman, this is a new clause which was drafted to make provision for the expungement of the records of persons who had been convicted under legislation related to vending:

> "Notwithstanding the provisions of the *Criminal Records (Rehabilitation of Offenders) Act, Cap. 127A* the record of any sentence of a person convicted of
>
> an offence of selling or offering or exposing for sale of goods, wares or merchandise in a public place, on the street, a lane, an alley, a road, a highway, a beach or within the curtilage of that person's residence without a licence, permit or any other similar document under any enactment shall be deemed to be expunged with effect from the commencement of this Act".

Mr. CHAIRMAN: Once again, Colleagues, this is a Clause about which I think, collectively, we should feel very proud because we have corrected a number of the ills of history. Sorry. Mr. Prescod.

Mr. T. A. PRESCOD: Mr. Chairman, I would just like to make a comment. It is not a question or anything. This is, as one of my colleagues would normally say, a happy moment. This is a Clause that is impregnated with deep humane thought. It certainly makes the departure in this document between those things that were influenced heavily by slavery and colonialism and it brings us some joy to know that we are now putting legislation in place, as you indicated early, that demonstrates how humane the Committee is. I want to thank those persons who are responsible for drafting and all other persons who shared views on this specific document. This is the most important provision in the entire draft document at this specific time and I do not believe I should sit here and not at least say a couple words of gratitude to all of those collective ideas that helped to bring us to this specific point. I just wanted to compliment Ms. Belle and the members in her office for this great work.

Mr. CHAIRMAN: Thank you, Honourable Member, and I am sure that we would all want to embrace and echo the sentiments as expressed. Obviously,

Honourable Member, you have an opportunity to expatiate upon those sentiments when the appropriate time comes, I believe, maybe next Tuesday when the House of Assembly would have an opportunity to deliberate further on this matter.

Honourable Members in favour of Clause 36 being approved please say aye. Those opposed, please say no. There being no opposition Clause 36 is approved.

There are no amendments to Clauses 37 and 38 so I will take those latter Clauses collectively. Can Honourable Members who are in favour of approving Clauses 37 and 38, inclusive, as being part of the legislation please say aye. Those opposed please say no. Me thinks the ayes have it so Clauses 37 and 38, inclusive, are approved. We then go to the First Schedule.

Colleagues, we are going to go through the Schedules, the First, Second, Third, Fourth, Fifth, Sixth and Seventh all have amendments so we will take them sequentially. Madam Deputy Chief Parliamentary Counsel the First Schedule, please.

Ms. S. R. BELLE: Mr. Chairman, in relation to **"First Schedule – Part I: Application Form and License for Vendor's Licence"**, what was inserted was the "Contact Number". This is while you are operating on a beach or an esplanade or in a garden or park.

Then in **"First Schedule – Part III: Application Form and Licence for Vendor's Licence"**, a field for "Contact Number" is inserted in the application in relation to vending as well, so you have Part I where it is where you are not operating on a beach, et cetera, the "Contact Number" field was inserted and where you are operating on a beach, *et cetera*, the "Contact Number" field was inserted as well, as requested.

Mr. CHAIRMAN: Okay. With respect to the other amendments made in the First Schedule, is that it?

Ms. S. R. BELLE: Yes, Mr. Chairman.

Mr. CHAIRMAN: At Parts I and III of the First Schedule a field has been added to the Form contained therein.

Colleagues, Honourable Members who are in favour of the First Schedule, as amended, being approved please say aye. Those opposed please say no. Me thinks the ayes have it.

The First Schedule is approved.

The Second Schedule, Madam Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Mr. Chairman, in the Second Schedule, specifically:

"Second Schedule – Part 1: Application Form and Permit for Occasional Vending", and;

"Part III: Application Form and Permit for Occasional Vending",

a field was put in for the "Contact Number". Then, in relation to further amendments to the **"Second Schedule – Part V: Application Form for Itinerant Vending Permit"**, and **"Part VI: Itinerant Vending Permit"**, a field was put in. Thank you.

Mr. CHAIRMAN: Honourable Members in favour of the Second Schedule being approved, please say aye. Those opposed? Me think the ayes have it. Please go to the Third Schedule.

The Second Schedule is approved.

Ms. S. R. BELLE: In relation to the Third Schedule attention is drawn to paragraphs 1 and 2, reducing the fee from $100 to $50 in both instances. Additionally, new paragraphs were inserted to deal with the "Itinerant Vending Permits", specifically at paragraphs 5 and 6. Thank you.

Mr. CHAIRMAN: Fine. Colleagues would note that the reductions have been made from an average of $100 now to an average of $50 and in the case of occasional vendors with permits not operating on a beach or in an esplanade or a garden, as low as $25. I do not know it would have been humanly possible to have realistic fees that are set lower than that, so that those Honourable Members in favour please say aye. Those opposed? Me thinks the ayes have it.

The Third Schedule, as amended, was called passed.

Mr. CHAIRMAN: We can go then to the Fourth Schedule, Madam Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Mr. Chairman, in relation to the Fourth Schedule, specifically Part I, you will note No. 9, which deals with the insertion of Queen's Park. Additionally, in Part III, which dealt with the listing of the fish landing sites. These references, of course, would be references to a previous draft that included those numbers but the point is that the list now reflects what was approved in Committee. Thank you.

Mr. CHAIRMAN: I am obliged. Honourable Members in favour of the Fourth Schedule being approved, please say aye. Those opposed, please say no. I think the ayes have it.

The Fourth Schedule, as amended, was called and passed.

Mr. CHAIRMAN: We go then to the Fifth Schedule. Is Mr. Alexandra here yet? The Fifth Schedule, Deputy Chief Parliamentary Counsel.

Ms. S. R. BELLE: Mr. Chairman, in relation to the Fifth Schedule, there was in error an extra Seizure Notice Form that was removed. That represents all of the amendments to the Fifth Schedule. Thank you.

Mr. CHAIRMAN: Honourable Members, who are in favour of the Fifth Schedule being approved please say aye. Those opposed, please say no.

The Fifth Schedule, as amended, was called and passed.

Mr. CHAIRMAN: We go then, Deputy Chief Parliamentary Counsel, to the Sixth Schedule.

Ms. S. R. BELLE: In relation to the Sixth Schedule specifically in paragraph 1 dealing with the membership of the National Vending Committee, please note those representatives that were inserted are: a representative of the Small Business Association; a representative of BARNUFO; a representative of the Ministry responsible for tourism; and a representative of

the Rastafarian Community. Thank you.

Mr. CHAIRMAN: Honourable Members who are in favour, please say aye. Those opposed, please say no. Me thinks the ayes have it.

The Sixth Schedule, as amended, was called passed.

Mr. CHAIRMAN: We turn now to the Seventh Schedule.

Ms. S. R. BELLE: Mr. Chairman, in relation to the Seventh Schedule, please note in the field that speaks to:

"Occasional Vending Without a permit contrary to Section 11 (1)", erroneously a penalty had been missing, the word "$500" is inserted in this field.

The other amendments that were inserted including the ones to deal with the itinerant vending was inserted as well and then in relation to the contravention of the regulations specifically in Markets and Slaughterhouses, as you would recall in the discussions there would have been criminal penalties that would have been preserved in the regulations, we then made a decision to take those out and to be dealt with as administrative penalties. Thank you.

Mr. CHAIRMAN: Removal of the criminal penalties. Honourable Members in favour please say aye. Those opposed, please say no. The Seventh Schedule was approved.

The Seventh Schedule, as amended, was passed.

Mr. CHAIRMAN: Honourable Members, that brings us to the end of the exercise in... Sorry, I forgot that there was an Eighth Schedule. I beg your pardon. Honourable Members in favour of approving the Eighth Schedule, please say aye. Those opposed, please say no.

The Eighth Schedule, as amended, was passed.

Mr. CHAIRMAN: The final draft in its totality as amended has now been approved.

Honourable Members, that brings us therefore to the conclusion of the matters relating to the consideration of the National Vending Bill, 2021. I want to indicate to you that we were at one stage expecting Mr. Alistair Alexander to appear this morning. He wanted to share with us some tidings but that appears not to be possible because of an emergency that has befallen him, so he will not be here. It therefore brings us, I think, to the close of our business.

Madam DEPUTY CLERK: Not yet.

Mr. CHAIRMAN: No? What else do we have to do? Oh, I beg your pardon; the draft Report was circulated. Obviously, it is still in an informal stage. I can attest to that because I would have made a minor amendment to it yesterday afternoon around 5 o'clock. I believe that the best that we can do with respect to the draft Report is to have an informal discussion on it. Are there any issues that come out of it that Honourable Members would want to reflect on?

Asides.

The CHAIRMAN: You have not seen it? No? Well, then, maybe what we can do is to stand the meeting down. Let us suspend for five minutes so that every Honourable Member can have a copy of it. It is really only a three-pages document, if I recall correctly - if so much. Six pages? We will suspend for five minutes.

SUSPENSION

On the motion of Hon. A. R. FORDE, seconded by Senator D. R. SANDS, Mr. CHAIRMAN suspended the meeting for five minutes, to be resumed at 12:00 noon.

RESUMPTION

Mr. CHAIRMAN: Colleagues, can we come to order, please? I think that the draft Report of the Joint Select Committee has been circulated. I trust that all Honourable Members have had a chance to begin the perusal of it. I am quite happy to assist. I am unsure, Senator Wiggins and others online, whether you all have had sight of it.

Asides

Mr. CHAIRMAN: It was circulated electronically as well? Fine. However, to assist in it, I would just go through the paragraphs. As I said, it is not lengthy. The first paragraph indicates what the purposes of the Bill were for:

"OBJECTS AND REASONS

This Bill would provide for the

(a) regulation of vending in Barbados;
(b) protection of rights of vendors; and
(c) matters related to paragraphs (a) and (b)".

The second one indicates the membership of the Committee, and I think that that is fairly self-explanatory.

The third paragraph speaks to the Terms of Reference of the Committee, and just for the ease of recollection those terms were: First inquire into and determined whether the Bill, as drafted, fulfilled the expressed objects of the promotion, regulation, and decriminalisation of vending in Barbados.

Secondly, to examine and determine whether the Bill as drafted will upon effective implementation fulfil the expressed objects of improving the environment for vending, thus contributing to the development of an ethos of transparency, compliance, accountability and development of the sector.

The third was to consider whether the Bill as drafted offers an effective enforcement procedure to ensure compliance with the provisions of the Bill.

The fourth was to make recommended changes, if deemed necessary, to the Bill as drafted for further consideration by the Chief Parliamentary Counsel.

My own view is that we have not only addressed, but responded very appropriately to those requirements of the Terms of Reference. The Committee has the honour of reporting at paragraph four that it met, and the number of times that it met. The occasions are outlined. The Minutes of the Meetings are appended or will be appended to the

Report. Obviously that is a work in progress because all of the Minutes have not yet been compiled. It outlines the fact that the Committee issued special invitations to a number of stakeholders, and we know who those stakeholders were; that we have received written submissions from a number of organisations and individuals, and again we know who they were. The written submissions will be appended. There are five of them and will form part of the Report.

In addition to the written submissions are organisations and persons who made oral presentations, and obviously we participated in that, so we know who they are. Then, on the last page it outlines in brief what the submissions and presentations pointed us to. It signalled some of the, I dare say, emotive responses that this Bill has brought up, especially from those people who are practitioners of vending. Obviously it makes provision for the transcripts of the meetings to be appended.

Colleagues, that is a brief and I hope not just succinct but accurate portrayal of the draft Report. The question would be then that we can adopt it, provisionally.

Mr. Deputy Clerk spoke to Mr. Chairman.

Mr. CHAIRMAN: First of all, if anyone wants to add anything to it. Are any Members of the view that there is something that they would wish to see added?

Mr. T. A. PRESCOD: Mr. Chairman, I do not know if this will be appropriate here, but I have been invited to participate in a different capacity to the one that I wanted to represent. I believe that, based on my conversation with members of the Task Force on Reparation and Economic Enfranchisement, (although we did not participate in the exercise based on one of our major objectives of self-reparatory justice), we strongly believe that this is an act of self-repair and reparatory justice.

In addition to that, we obviously will support every attempt that was made to exclude or to opiate any form of negative stains which have been imposed on our brothers and sister during those times when persons shared a different focus to the focus that this Committee has shared. Therefore, I would love to take the opportunity to associate the Task Force on Reparation and Economic Enfranchisement as a unit within the Government that strongly supports the major amendments that were made by this Committee. I just wanted to make those brief comments.

Mr. CHAIRMAN: I thank you, Honourable Member, and I would urge that the record reflects the comments made by the Honourable Member, especially with respect to the effect of reparatory justice that is brought out by this piece of legislation. Honourable Leader of the Opposition, the Floor is yours.

Bishop J. J. S. ATHERLEY: Thank you, Sir. I do not know if it is proper, but obviously Ms. Belle has worked hard in helping to guide the Committee. I notice that in the second last paragraph there is a reference to the fact that she has given guidance to the Committee. I think the language should be much stronger than that. I am sure it is not only Ms. Belle coming out of the Office of the Chief Parliamentary Counsel, I am sure others would have been involved. Certainly, Ms. Belle has been the embodiment representing them here, but that work has been diligent and we have benefitted significantly. I think the language could be improved to express appreciation, if it is proper, that is. I also think the Parliamentary staff who, in trying circumstances, have had to deal with other Meetings of Committees, could be commended. These are commendatory words. I think we can include that type of language, if it is appropriate, that is.

Mr. CHAIRMAN: I will want to echo the sentiment, Leader of the Opposition and to urge that the Committee, in fact, signals by way of its vote the deep appreciation that we have for the work coming out of the Office of the Chief Parliamentary Counsel in assisting us. To that end, I would want to invite Members of the Committee, if they are so minded, to signal that the Report should reflect the indebtedness of the Committee to the Office of the Chief Parliamentary Counsel for the tremendous assistance that they have lent in enabling us to come to this point in such a timely manner. Honourable Members who are in favour of that, kindly indicate.

The motion that the Report reflect the Committee's indebtedness to the Office of the Chief Parliamentary Counsel was put and agreed to.

Mr. CHAIRMAN: Let the record so reflect and let the Report so reflect. Are there any other requests for the Floor? I see none. Therefore, I would want to invite Honourable Members to agree that the Report can be laid at the soonest practicable opportunity, together with a Resolution to adopt and approve the Report of the Joint Select Committee on the National Vending Bill, 2021.

The Motion that the Report be laid was put and agreed to.

Mr. CHAIRMAN: The Committee has signaled its willingness for the Report to be laid at the soonest practical opportunity, and I would imagine, Clerks of the House at the Table, that that may well be next Tuesday, so please let us address our minds to making that possible.

In those circumstances, I think that the business of this Joint Select Committee on the National Vending Bill is concluded. As Chairman, I would want to thank all of you for your participation. I want to thank you sincerely for your robust and clearly demonstrable interest in the work that this Committee has done.

I want to thank the Leader of the Opposition for making himself available on every single occasion of the meeting of this Committee. I want to express my deep regret that there are some Members of the Committee who have not found it possible to participate at all. I will not resort to naming them. I think that would be churlish and improper, but I equally feel that we should, as we close once again, reflect our gratitude to the staff of Parliament who have worked very diligently and in some cases, especially last weekend, above and beyond the call of duty to get us to this point.

I well recall that there was a point at which it was made very clear that the Committee had proceeded at a

pace that was far greater than the Parliament could [have] accommodated, in terms of its human resource capacity. Equally, I also want to close by echoing the sentiments expressed before, and once again thanking Ms. Belle and her officers for their tremendous support in helping us to come to this point.

ADJOURNMENT

Mr. CHAIRMAN: Colleagues, this has been an historic undertaking. The journey is not quite over because we still have to conclude the debate in Parliament, and the Bill must pass both Houses, but I think that we can all come away with a sense of pride that we have been participating in the making of history, not only in this country but across this region, and that we are participants in the shaping of what may well be a model piece of legislation for the entire Commonwealth to pay attention to. I am obliged to you. This Committee now stands adjourned.

REPORT OF THE JOINT SELECT COMMITTEE ON THE NATIONAL VENDING BILL, 2021