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Part A

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## Content

Bill re Older Persons (Care and Protection) Act, 2026.

## OLDER PERSONS (CARE AND PROTECTION) ACT, 2026

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This Bill would make provision for older persons in need of care and protection and other related matters.



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## **BARBADOS**

A Bill entitled

An Act to make provision for older persons in need of care and protection and other related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Older Persons (Care and Protection) Act, 2026*.

**Interpretation**

2. In this Act,

“abuse” means any conduct or failure to act by a person which causes harm or distress or is likely to cause harm or distress to an older person including abandonment, physical abuse, sexual abuse, emotional abuse, financial abuse and neglect;

“Agency” or “Social Empowerment Agency” means the Agency established under the *Social Empowerment Agency Act, 2025* (Act 2025-8);

“care giver” means a person who provides paid or unpaid services to an older person who needs assistance to improve daily functioning;

“care plan” means a plan approved by the Executive Director which details the care to be given to an older person placed in a place of temporary safe care, place of safety or the care of a fit person;

“emotional abuse” means any act by a perpetrator which causes psychological pain or injury to an older person and includes harassment, the use of threatening words or behaviour or withholding access to family or friends;

“Executive Director” means the Executive Director of the Social Empowerment Agency;

“family care” means provision of home care by a relative or friend of an older person, authorised in writing by the older person, for an older person who needs assistance for daily functioning to enable them to stay at home;

- “financial abuse” means the exercise of control by a perpetrator over an older person’s access to financial resources through coercion, deception or intimidation, the effect of which is to hinder the older person's financial independence or to ensure financial dependence on the perpetrator and includes exploitation of the older person’s financial resources and withholding the financial support necessary to maintain the older person;
- “fit person” means a person approved by the Minister to care for older persons and appointed by the court to act as a fit person to care for a vulnerable adult;
- “health care provider” means a medical practitioner, nurse, pharmacist or paramedic;
- “home-based care” means support services provided to individuals in their homes and includes medical and non-medical care;
- “inspector” means a person appointed under section 24(1);
- “manager” means a person or organization approved by the Minister to care for older persons and appointed by the court to act as a manager for a vulnerable adult;
- “mental disorder” has the meaning assigned to it under section 2 of the *Mental Health Act*, Cap. 45;
- “Minister” means the Minister with responsibility for the care, protection and welfare of older persons;
- “necessities” includes food, clothing, shelter, medical care and any other necessity required to meet the person's basic needs;
- “older person” means a person who is 65 years or above;
- “older person who is in need of care and protection” means an older person referred to in section 11;
- “physical abuse” means any act or omission by a perpetrator which causes pain or injury to the body of an older person;

“place of safety” means

- (a) an institution or a place designated as a place of safety by the Executive Director;
- (b) a hospital;
- (c) an institution or a place where the manager will temporarily receive and take care of an older person and which, in the opinion of the Court, may be a safe and secure place to keep such an older person; or
- (d) a residential facility;

“resident” means an older person who is residing in a residential facility;

“residential facility” means place approved by the Minister to provide

- (a) accommodation; or
  - (b) home-based care,
- to an older person, but does not include a shelter;

“sexual abuse” means the performance by a perpetrator of a sexual act on an older person by the use of force, threats, fear, manipulation or guile and includes the actual or attempted commission of any of the offences stated in Part I of the *Sexual Offences Act*, Cap. 154;

“spouse” has the meaning assigned to it under section 2 of the *Family Law Act*, Cap. 214;

“Service Standards” means the Standards prescribed by the Minister pursuant to section 8;

“State Agency” means a Ministry or an agency, department or unit within a Ministry;

“union other than marriage” has the meaning assigned to it under section 2 of the *Family Law Act*, Cap. 214;

“vulnerable adult” means an older person who is in need of care and protection.

**Purpose**

- 3.** The purposes of this Act are as follows:
- (a) protect an older person from abuse and neglect;
  - (b) provide for an older person housed in a residential facility;
  - (c) recognise, maintain and protect the rights of older persons prescribed in any law or policy on vulnerability, ageing, disability, the family and any other applicable law;
  - (d) uphold the rights of an older person to maintain a connection with his community by ensuring that an older person is housed within his home, as far as reasonably practicable;
  - (e) regulate the establishment, registration, approval and management of residential facilities; and
  - (f) ensure compliance with any relevant international conventions to which Barbados is a party.

**Act binds State**

- 4.** This Act shall bind the State.

PART II

ADMINISTRATION

**Social Empowerment Agency**

- 5.** The Social Empowerment Agency shall be responsible for the general management and administration of this Act.

**Role of Minister**

- 6.** The Minister shall establish an Inter-Ministerial Committee to
- (a) coordinate the execution of responsibilities for older persons among State Agencies;
  - (b) monitor the implementation of this Act; and
  - (c) ensure compliance with the Standards.

**General principles for administration**

- 7.** A person or State Agency responsible for performing any function or duty under this Act shall
- (a) ensure that the objects of this Act for which it has responsibility are met, as far as reasonably practicable;
  - (b) cooperate and coordinate with
    - (i) any person responsible for providing home-based care for older persons; and
    - (ii) any relevant person, company or agency which provides services to older persons;
  - (c) respect the rights and dignity of older persons, including the right to equality of treatment and fairness;
  - (d) protect the rights of older persons;
  - (e) protect against discrimination, including discrimination on the grounds of health, disability or infirmity due to age;
  - (f) use methods of alternative dispute resolution to resolve problems concerning older persons where practicable;
  - (g) operate to reduce or avoid delay, as far as reasonably practicable and take all measures necessary to protect older persons from harmful

practices which affect the life, health, welfare and dignity of the older person.

### PART III

### STANDARDS

#### **Development of Service Standards**

**8.** The Minister may make regulations prescribing the Service Standards to define the acceptable levels applicable to services required to be provided to an older person pursuant to this Act.

#### **Guiding principles for provision of services**

**9.** The following principles shall guide the provision of services under this Act:

- (a) recognition of the social, cultural and economic contribution of older persons;
- (b) participation of older persons at all levels of the decision-making process;
- (c) recognition of the multi-dimensional needs of older persons;
- (d) promotion of inter-sectoral collaboration on issues related to older persons;
- (e) access to information through the education and training of older persons;
- (f) the need to ensure basic care for older persons residing in rural and urban areas;
- (g) prevention of the exploitation of older persons;
- (h) respect for the dignity of older persons;

- (i) ensuring prioritisation of the provision of basic services to older persons;
- (j) the provision of rehabilitative and assistive devices to older persons; and
- (k) ensuring that as far as reasonably practicable, services and facilities are accessible to older persons.

## PART IV

### PROTECTION OF OLDER PERSONS

#### **Prohibition of abuse of older persons**

**10.** A person who abuses or neglects an older person commits an offence and is liable on summary conviction to a fine of \$100 000 or to a term of imprisonment of 5 years or to both.

#### **Older person in need of care and protection**

**11.** An older person is in need of care and protection where the older person

- (a) is suffering, has suffered abuse or is likely to suffer abuse;
- (b) has his income, assets or any grant to which he is entitled
  - (i) taken away against his wishes or without his consent; or
  - (ii) used by another person in a manner inconsistent with his best interests;
- (c) has been removed from his property or has been unlawfully evicted from any property he occupies;
- (d) engages in self-neglect;

- (e) lives in circumstances likely to cause or to be conducive to seduction, abduction or sexual exploitation;
- (f) lives in or is exposed to circumstances which may cause physical, emotional or mental harm to the older person;
- (g) has been abandoned at a hospital, nursing home or clinic; or
- (h) is unable to care for himself.

### **Reporting**

**12.(1)** This section shall apply to

- (a) a medical practitioner, a health practitioner, a dental practitioner, a nurse or mental health practitioner;
- (b) an administrator of a hospital or medical facility;
- (c) a social worker or other social service professional;
- (d) a law enforcement officer;
- (e) an internet provider, film technician, computer technician or telecommunications technician;
- (f) any person who provides health care, welfare, education, religious, care or law enforcement services, wholly or partly to an older person; and
- (g) any other person who by virtue of the nature of their work, owes a duty of care to an older person.

(2) A person listed under subsection (1) who has knowledge or has reasonable grounds to suspect that an older person is in need of care and protection shall be under a duty to

- (a) immediately report or cause to be reported the circumstances to the Agency, a social worker, a police officer or the manager of a residential facility; and

- (b) provide the Agency, a social worker, a police officer or the manager of a residential facility with such additional information as is known or available to the person.
- (3) Where a person makes a report to a police officer under subsection (2) (a), the police officer shall transmit the report to the Agency within 24 hours.
- (4) Subsection (2) shall apply notwithstanding the confidential nature of the information on which the report is based.
- (5) Nothing in this section abrogates any attorney-client privilege.
- (6) A report made under subsection (2) may be made anonymously.
- (7) A person who fails to make a report under subsection (2) commits an offence and is liable on summary conviction to a fine of \$10 000.
- (8) A person who makes a report in good faith shall not be liable for prosecution.
- (9) A person who intentionally makes a false report or provides false or misleading information commits an offence and is liable on summary conviction to a fine of \$10 000.

**Removal of an older person to a place of safety**

**13.(1)** The Agency or a social worker, or a police officer shall, with the consent of an older person or where the older person is incapable of giving consent a person authorised to give consent for the older person, remove the older person from his place of residence and place him in a place of safety, without an order of the court, where he has knowledge or reasonable grounds to suspect that

- (a) the older person
  - (i) is in need of care and protection; and
  - (ii) needs immediate emergency protection;
- (b) the delay in obtaining an order of the court for the removal of the older person may jeopardise the safety and welfare of the older person; or

- (c) the removal of the older person from his place of residence is necessary to secure the safety and welfare of the older person.
- (2) Where the Agency, a social worker, or a police officer removes an older person from his residence pursuant to subsection (1), he shall within 24 hours of the removal
  - (a) inform the family of the older person of the removal and the name of the place of safety the older person was moved to; and
  - (b) apply to the court for an order for the placement of the older person in a place of safety.
- (3) A person with responsibility for an older person may apply to the court for an order to remove the older person from his place of residence to a place of safety where the person has knowledge or reasonable grounds to believe that the older person is in need of care and protection.
- (4) An older person may be placed in a place of safety for a period not exceeding 6 months; and the Agency shall make all reasonable efforts to find safe permanent placement for the older person, before the expiration of that period.
- (5) An older person may be placed in a place of safety for a period exceeding 6 months where the Agency has been unable to find safe permanent placement for the older person; and such a period may be reviewed by the court at such intervals as the court determines.
- (6) A person who acts pursuant to subsection (1) or (2) in good faith shall not be liable for prosecution.

**Register of abuse**

**14.(1)** The Agency shall establish and maintain a register to be known as a “Register of Abuse” which shall contain the following particulars in relation to an older person in need of care and protection:

- (a) the name, address and telephone number of the older person in need of care and protection;
- (b) the nature of the abuse to which the older person in need of care and protection was subjected;
- (c) the time, date and location of the abuse to which the older person in need of care and protection was subjected;
- (d) the name, address and telephone number of the alleged perpetrator;
- (e) the name, address and telephone number of the care giver, relative or friend of the older person in need of care and protection;
- (f) any other information which the Agency deems fit for the purposes of completion of the Register.

(2) The Agency shall keep the particulars recorded in the Register of Abuse confidential unless required to disclose such particulars where

- (a) there is an order issued by a court; or
- (b) an obligation to disclose is imposed by an enactment.

(3) A person who discloses the particulars of the Register of Abuse in contravention of subsection (2) is liable on summary conviction to a fine of \$10 000.

**Care and protection order**

**15.(1)** An application for a care and protection order may be made by way of complaint by

- (a) an older person;

- (b) the Agency, a social worker or a health care provider; or
  - (c) the Commissioner of Police.
- (2) The person against whom the order is sought shall be the respondent to the application.
- (3) The court shall make an emergency care and protection order where it is satisfied that the older person is in need of care and protection in accordance with section 11 and the court shall take into account the following:
  - (a) the need to provide the older person with family care and special care where appropriate;
  - (b) the need to provide the older person with access to social, cultural, religious and education activities, in relation to any special need of the older person;
  - (c) the need to ensure the dignity of the older person;
  - (d) the need to foster an environment which allows the older person to be self-reliant as reasonably practicable;
  - (e) the need to encourage the older person to actively participate in the community; and
  - (f) the need to provide the older person and a care giver with the appropriate support services.
- (4) An emergency care and protection order may
  - (a) authorise the removal of an older person from any place at any time;
  - (b) prohibit the removal of the older person from any place at which he was being accommodated immediately before the order was made;
  - (c) give the applicant, where relevant, responsibility for the older person;
  - (d) limit the applicant to the exercise only of those powers which are specified in the order;

- (e) determine the contact which is or is not allowed with any named person; and
  - (f) require the medical, psychiatric and psychological examination of the older person.
- (5) An order made under this section shall have effect for a period not exceeding 14 days, unless the order is extended in accordance with subsection (4).
- (6) An order made under this section may, while the order remains in force, be extended once for a period not exceeding 14 days.
- (7) In this section “special care” means health care provided to meet needs which involve physical, cognitive or mental impairments which require professional support, treatment and management.

## PART V

### PLACES OF SAFETY

#### **Places of safety**

- 16.(1)** The Minister may, by order in the *Official Gazette*, designate any place as a place of safety.
- (2) The Minister may, at any time and stating reasons for his decision, revoke a designation made under subsection (1)
- (a) where he is satisfied that the place is not being managed in accordance with this Act or any regulations made hereunder;
  - (b) where he thinks it is in the interest of the public to do so; or
  - (c) for any other reason as may be prescribed in this Act,
- and notice of such revocation shall be published in the *Official Gazette*.

- (3) Where the Minister intends to issue a notice of revocation referred to in subsection (1), he shall give the manager 14 days after receipt of the notice to provide reasons opposing the decision.
- (4) Where a manager receives a notice of revocation referred to in subsection (1), he may provide reasons opposing the decision of the Minister, within 14 days of receiving the notice.
- (5) A manager shall take such security measures as he deems necessary to ensure the safety of older persons housed in a place of safety, as the case may be.
- (6) For the purposes of this section, “security measure” means
- (a) any measure, equipment or procedure used to carry out identification, or screening and clearing, of any person entering a place of safety;
  - (b) any measure or procedure to be used within a place of safety to
    - (i) control access at the place; or
    - (ii) detect and deter unauthorised access to the place; and
  - (c) any measure or procedure for responding to and investigating any incident or threat relating to the safety and protection of an older person in a place of safety.

### **Unlawful removal of vulnerable adult from a place of safety**

- 17.** A person who
- (a) without lawful authority, removes a vulnerable adult without his consent from a place of safety;
  - (b) knowingly assists or induces, directly or indirectly, a vulnerable adult to leave or to be removed from a place of safety;
  - (c) knowingly
    - (i) harbours or conceals a vulnerable adult who escaped from a place of safety;

- (ii) prevents a vulnerable adult from returning to a place of safety;
  - (iii) assists any other person in doing an act referred to subparagraph (i) or (ii); or
- (d) obstructs the removal from or committal of a vulnerable adult to a place of temporary safe care, place of safety or the custody of a fit person, commits an offence and is liable on summary conviction to a fine of \$7 000 and to imprisonment for a term of 12 months or to both.

## PART VI

### RESIDENTIAL FACILITIES

#### **Classification of residential facilities**

- 18.(1)** A residential facility shall be classified as a Type I or a Type II residential facility in accordance with the type of care provided as set out in the *Schedule*.
- (2) Where a residential facility is classified as a Type I, such classification does not authorise the residential facility to operate as a Type II residential facility.
- (3) Where a residential facility is classified as a Type II, such classification authorises the residential facility to operate as a Type I or Type II residential facility.
- (4) Nothing in this Act prohibits a person who attains the age of 65 years from residing in a residential facility.

#### **Rights of older persons in residential facilities**

- 19.(1)** An older person residing in a residential facility has the right to
- (a) appoint a representative to act on his behalf;

- (b) have reasonable access to appropriate assistance and to visitation;
  - (c) keep and use personal possessions;
  - (d) have access to necessities;
  - (e) participate in social, religious, cultural and community activities of his choice;
  - (f) privacy;
  - (g) reasonable access to a physician hired by him; and
  - (h) be given at least 30 days' notice of a proposed transfer or discharge.
- (2) Nothing in this section shall be deemed to derogate from any right of an older person under any other law.

**Services at residential facilities**

- 20.(1)** A residential facility shall provide the following services:
- (a) care and support services to older persons with special needs for a continuous period of 24 hours daily; and
  - (b) care and supervision services of older persons suffering from dementia and related conditions.
- (2) A residential facility may provide the following services:
- (a) rehabilitation services;
  - (b) respite care services;
  - (c) counselling services to residents and family members;
  - (d) public education on ageing;
  - (e) outreach programmes;
  - (f) training of volunteers as caregivers;
  - (g) sport and recreational activities;

- (h) the provision of beds for the temporary accommodation of vulnerable adults;
  - (i) assisted-living services which provide accommodation, care and support services for older persons with special needs; and
  - (j) independent-living services which provide safe and accessible accommodation to older persons.
- (3) A manager shall cause to be prepared a care plan for each resident, which may be reviewed by a director of the Agency.

**Registration of residential facilities**

**21.(1)** A person who wishes to operate a residential facility shall apply to the Minister for registration to do so in the manner prescribed in regulations.

(2) After consideration of an application made pursuant to subsection (1), the Minister may

- (a) refuse to register the residential facility;
- (b) register the residential facility subject to such conditions as he may determine and direct that the applicant be issued a temporary certificate of registration stating the conditions; or
- (c) register the residential facility.

(3) A residential facility registered pursuant to subsection (2)(b) may operate for a period of 12 months.

(4) The Minister may reconsider the application

- (a) after the expiration of the period referred to in subsection (3);
- (b) upon notice by the holder of the certificate of registration of his compliance with the conditions stated in the temporary certificate of registration.

(5) Where the Minister thinks fit, he shall give a residential facility one month's notice, in writing, of his intention to vary the terms of registration or

revoke the registration of the residential facility, stating his reasons for his decision and the effective date of the variation or revocation.

- (6) The date of variation or revocation shall not exceed
- (a) three months, in the case of a residential facility holding a permanent certificate of registration; or
  - (b) one month, in the case of a residential facility holding a temporary certificate of registration,

after the date of the notice, unless the Minister and the holder of the certificate agree otherwise.

(7) A residential facility issued a notice pursuant to subsection (5) may provide reasons opposing the decision of the Minister, within 14 days of receiving the notice.

(8) A residential facility registered under this section shall be issued with a certificate of registration which shall be *prima facie* proof of registration.

(9) A person issued a certificate of registration under this section shall not transfer the certificate to any other person.

- (10) Where
- (a) a certificate of registration is revoked; or
  - (b) the holder of a certificate of registration wishes to cease operating as a residential facility,

the holder of the certificate of registration shall take all reasonable steps to ensure that before the facility ceases operating, all residents of the facility are accommodated at another registered residential facility or with a fit person as determined by a social worker.

(11) Any person who contravenes this section or any condition stated on a certificate of registration, commits an offence and is liable on summary conviction to a fine of \$20 000 or to imprisonment for a term of 3 years or to both.

**Establishment of residents' committees for residential facilities**

**22.(1)** The manager of a residential facility shall establish a residents' committee to represent the interests of the residents.

(2) A residents' committee

(a) shall include

(i) a representative of the residents; and

(ii) a representative of the Agency;

(b) may include a member of the public.

(3) A residents' committee shall ensure that the manager

(a) facilitates interaction between the residents, their families, the public and the committee;

(b) provides services of an acceptable quality;

(c) provides opportunities for the training of staff of the facility;

(d) monitors activities taking place at the facility to, as far as reasonably practicable, reduce incidents of abuse;

(e) addresses allegations and incidents of abuse in a timely manner and reports such allegations and incidents to the appropriate authority;

(f) establishes a complaints procedure for residents of the facility; and

(g) does anything necessary or expedient for the effective functioning of the facility.

**Admission to residential facilities**

**23.(1)** An older person shall not be discriminated against when applying for admission to a residential facility.

(2) Where an older person is refused admission to a residential facility, the manager shall give reasons, in writing, for the refusal.

- (3) An older person may not be admitted to a residential facility without his consent unless his mental capacity renders him incapable of giving such consent and, where applicable, the manager shall take all reasonable steps to obtain the consent of the older person.
- (4) An older person referred to in subsection (3) may be admitted to a residential facility
- (a) with the consent of a person lawfully authorised to give such consent on behalf of the older person; or
  - (b) where no such person exists, with the consent of the Minister, after certification by a medical practitioner registered under the *Medical Profession Act, 2011* (Act 2011-1) that admission to the residential facility is in the best interests of the older person.
- (5) Notwithstanding subsection (4), an older person who is capable of understanding shall be informed of the intended admission even where his mental capacity renders him incapable of giving consent to the admission.
- (6) Any person who contravenes this section commits an offence and is liable on summary conviction to a fine of \$20 000 or to imprisonment for a term of 3 years or to both.

### **Inspection of registered residential facilities**

- 24.(1)** The Minister shall cause a residential facility to be inspected by a suitably qualified person appointed for that purpose.
- (2) An inspector shall be responsible for inspecting all aspects of the administration, operation, management and physical plant of a residential facility, including the standard of care offered to residents of the residential facility.
- (3) An inspector shall inspect a residential facility once every 6 months or at such other time as directed by the Executive Director.

- (4) An inspector shall forward a report on the findings of the inspection to the Executive Director, within 14 days after the date of the completion of the inspection.
- (5) An inspection conducted pursuant to this section shall be conducted in the manner prescribed in the regulations.
- (6) Where, after conducting an inspection, the inspector is of the view that the residential facility does not meet the standards prescribed, he may
  - (a) make recommendations to ensure compliance with the standards;
  - (b) require the residential facility to comply with the recommendations; or
  - (c) recommend to the Executive Director that the registration of the residential facility be suspended or revoked.

**Powers of inspectors**

- 25.(1)** Subject to the provisions of this Act and any other law, an inspector has the power to
- (a) visit, inspect and monitor a registered residential facility to ensure compliance with this Act;
  - (b) investigate a complaint made to the Executive Director where the complaint relates to
    - (i) a resident;
    - (ii) the manager;
    - (iii) a member of staff of the residential facility;
    - (iv) the management, maintenance, administration, operation or physical plant of a residential facility;
    - (v) a person providing a service to the residential facility; or
    - (vi) a visitor of the residential facility;
  - (c) interview a resident;

- (d) enquire into the welfare of an older person, with or without the assistance of a health care provider; and
  - (e) direct any person who has in his possession or custody any book or document relating to the residential facility, to submit such book or document to him for inspection.
- (2) An inspector exercising a power under subsection (1) shall, at the request of the manager, produce a certificate issued by the Executive Director identifying him as an inspector.
- (3) An inspector may issue a notice requiring the holder of a certificate of registration to comply with the provisions of this Part.
- (4) A notice referred to in subsection (3) shall have effect until the inspector is satisfied that the holder of the certificate has complied with the recommendations and is issued a certificate of compliance.

#### **Obstruction of inspectors**

**26.** A person commits an offence and is liable on summary conviction to a fine of to a fine of \$10 000 or to imprisonment for a term of 12 months or both, where that person

- (a) hinders or obstructs an inspector in the performance of his duties;
- (b) refuses to give the inspector access to an older person residing at the residential facility; or
- (c) fails to comply with a direction given pursuant to section 25(1)(e).

#### **Warrants**

**27.** Where a magistrate is satisfied by information on oath that there are reasonable grounds to believe that an offence under this Act is being or has been

committed in any residential facility, he may issue a warrant authorising a police officer to

- (a) enter and search the premises specified in the application for the warrant; and
- (b) seize and retain any material found on the premises which is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which warrant is sought.

### **Offences**

**28.(1)** Where a manager or other employee of a residential facility abuses, neglects or exposes an older person to abuse or neglect, that person commits an offence and is liable on summary conviction to a fine of \$100 000, or to a term of imprisonment of 5 years or to both.

(2) Where a person commits an offence or contravenes any provision under this Act for which no penalty is provided he shall be liable on summary conviction to a fine of \$10 000, or to a term of imprisonment of 12 months or to both.

### **Report to Minister by operators of residential facilities**

**29.(1)** A manager shall, within 60 days after the end of the financial year of the residential facility, submit to the Minister, a report on the following:

- (a) the compliance of the residential facility with
  - (i) the Service Standards; and
  - (ii) the measures prescribed under this Act to prevent the abuse of older persons; and
- (b) the provisions of any service agreement concluded during the financial year.

- (2) Where a manager fails to submit a report referred to in subsection (1), the Minister may
- (a) give notice, in writing, to the manager that where the report is not submitted within 90 days after the date of the notice, registration may be revoked; and
  - (b) revoke registration after giving one month's notice of the intention to do so, stating his reasons for his decision.
- (3) The Minister shall give the holder of the certificate of registration for a residential facility for which a report was not submitted, 14 days after receipt of the notice to provide reasons for the failure to submit the report.
- (4) Before making a decision under subsection (2), the Minister shall give due consideration to the reasons provided pursuant to subsection (3).

**Non-compliance with conditions for registration of residential facilities**

- 30.(1)** The Minister may order the manager of a residential facility, in writing, to comply with any condition of registration stated on his certificate of registration.
- (2) A manager of a residential facility shall, at all reasonable times, report any circumstance which hinders his ability to comply with conditions of registration to the Minister, in writing.
- (3) Where a residential facility contravenes a provision of this Act or fails to comply with the provisions of this Act, the Minister may, for such period as he thinks fit and stating reasons for his decision,
- (a) suspend the registration of the facility, subject to conditions; or
  - (b) revoke the registration of the facility.
- (4) Where the Minister intends to take action under subsection (3), he shall give the manager 14 days to provide reasons opposing the decision.

(5) Where a certificate of registration is revoked or the holder of a certificate of registration wishes to cease operating as a residential facility the holder of the certificate of registration shall

- (a) consult with the Minister before ceasing operations;
- (b) furnish the Minister with a report on the proposed alternative accommodation for residents; or
- (c) surrender to the Executive Director, all assets acquired with government funds.

(6) Any person who fails to comply with subsection (5) commits an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 12 months or to both.

#### **Revocation of registration of residential facilities**

**31.(1)** Where a residential facility refuses to cooperate with, hinders, obstructs or misrepresents any fact to a social worker, health care provider, police officer or any authorised person exercising a function under this Act, a report of this fact shall be submitted to the Executive Director.

(2) Where the Executive Director intends to revoke the registration of a residential facility pursuant to this section, he shall

- (a) issue or cause to be issued, a notice, in writing, informing the holder of the certificate of the intention to revoke the registration, stating his reasons for his decisions;
- (b) ensure that adequate alternatives for accommodation are provided for residents before the cessation of operations;
- (c) give the holder of the certificate 14 days after receipt of the notice to provide reasons opposing the decision;
- (d) consider the representations of the holder of the certificate in relation to the revocation; and

- (e) by notice, in writing, inform the manager of his decision to revoke the registration.

**Cessation of operations of unregistered residential facility**

**32.(1)** Notwithstanding any provision to the contrary, the Executive Director or a person authorised by him may

- (a) by notice in writing, instruct an unregistered residential facility to cease operating; and
- (b) where necessary, enlist the assistance of the police to effect the closure.

(2) Where the Executive Director intends to instruct an unregistered residential facility to cease operations, he shall

- (a) issue or cause to be issued, a notice, in writing, informing the manager of the facility of the intention to require the facility to cease operations, stating his reasons for his decisions;
- (b) ensure that adequate alternatives for accommodation are provided for residents before the cessation of operations;
- (c) give the manager 14 days after receipt of the notice to provide reasons opposing the decision;
- (d) consider the representations of the manager in relation to the revocation; and
- (e) by notice, in writing, inform the manager of his decision.

PART VII

HOME-BASED CARE

**Persons providing home-based care**

**33.**(1) A person who provides home-based care shall ensure that care givers receive adequate training to fulfil their obligations.

(2) A health care provider who provides care contemplated by subsection (1) to an older person shall be registered in accordance with the enactments in respect of the relevant profession.

(3) The Minister shall, in the manner prescribed in the regulations

(a) establish, keep and maintain a register of care givers providing home-based care to older persons; and

(b) develop and implement a code of conduct for care givers referred to in subsection (1).

(4) The register referred to in subsection (3) shall not be open to inspection by members of the public.

(5) A person who contravenes subsection (1), (2) or (4) commits an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 12 months or to both.

## PART VIII

## CONFIDENTIAL INFORMATION

**Restriction on publication of information leading to identification of vulnerable adult, etc.**

**34.(1)** A person shall not, without the approval of the Executive Director, in writing, publish or broadcast any information, picture or thing which identifies or is likely to lead to the identification of

- (a) a vulnerable adult who has been committed to a place of temporary safe care, a place of safety or the custody of a fit person in accordance with this Act;
- (b) a vulnerable adult who is the subject of an order of the court pursuant to this Act;
- (c) a place of temporary safe care, a place of safety or the location of such a place; or
- (d) a fit person in whose care a vulnerable adult or an older person in need of care and protection has been placed or the location of the place of residence of such fit person.

(2) On an application made by the Executive Director, the court may order a person to remove the publication or to cease the broadcast of any information, picture or thing in contravention of this section.

(3) Notwithstanding any provision to the contrary, the court may make an order under subsection (2) where

- (a) the application is not served on the person against whom the order is to be made (hereinafter referred to as the "respondent") or is not served on the respondent within a reasonable time before the hearing of the application; or

- (b) the application has been served on the respondent but the respondent does not appear at the hearing of the application,

provided that it is satisfied, on a balance of probabilities, that the order is necessary for the protection and safety of the person referred to in subsection (1) (a).

(4) Where any information, picture or thing is published or broadcast in contravention of this section

- (a) in the case of the publication of any information, picture or thing as a part of a newspaper or periodical publication, every proprietor, editor, publisher and distributor of the newspaper or periodical publication;
- (b) in the case of the publication of any information, picture or thing otherwise than as a part of a newspaper or periodical publication, every person who published or distributes it; or
- (c) in the case of the broadcast of any information, picture or thing, every person who transmits or provides the programme in which the information, picture or thing is broadcast and every person who, in relation to the programme, has a role corresponding with that of the editor of a newspaper or periodical publication,

commits an offence and is liable on summary conviction to a fine of \$5000 and in the case of a second or subsequent conviction, to a fine of \$7000 dollars.

(5) For the purposes of this section,

“broadcast” means sounds or visual images distributed over wire or wireless paths or any other means of transmission and intended for general reception;

“messaging system” means any system that enables the transmission of short text messages or of any visual communication, voice communication or electronic mail

- (a) from a digital mobile telephone to another digital mobile telephone; or

- (b) from an electronic mail address to a digital mobile telephone or from a digital mobile telephone to an electronic mail address;

“publish” in relation to any information, picture or thing, means to bring the information, picture or thing to the notice of the public or a section of the public by any means, including through

- (a) the internet or a website, web service or an internet application; or
- (b) any messaging system.

**Notification of information relating to individual who is, or is suspected to be, a vulnerable adult**

**35.(1)** Where any person has knowledge or reasonable grounds to suspect that a vulnerable adult is experiencing, has experienced or is at risk of abuse, neglect or self-neglect, he may notify any of the following persons of this fact and the circumstances on which the suspicion is based:

- (a) the Executive Director;
- (b) a social worker;
- (c) any other person authorised by the Executive Director or a social worker to receive such information.

(2) A person who makes a notification under subsection (1)

- (a) shall not, by virtue of doing so, be regarded in any proceedings before any court, tribunal or in any other respect, to have breached any code of professional ethics or to have departed from any accepted form of professional conduct; and
- (b) where the person has acted with reasonable care and in good faith, he shall incur no civil or criminal liability in respect of the notification or the provision of any information contained in the notification.

(3) Any person appearing as a witness in any proceedings in any court, tribunal or before any person authorised by law to hear and take evidence shall not be compelled

(a) to disclose

(i) the identity; or

(ii) any information likely to lead to the disclosure of the identity,

of any person who has made a notification under subsection (1); or

(b) to produce any report, document or any part of a report or document, which is likely to identify or lead to the identity of any person who made a notification under subsection (1).

**Disclosure of information to and by Executive Director or social worker**

**36.(1)** Subject to subsection (2) and any restriction imposed by or under any other law, a person to whom this section applies may disclose, to the Executive Director or a social worker, any information received by that person under or for the purposes of any law including this Act, where the disclosure is made for the purpose of assisting the Executive Director or a social worker in the performance of his duties under the Act.

(2) The Executive Director or a social worker may disclose to a body or a person to whom this section applies, any information received by the Executive Director or the social worker under or for the purposes of this Act, where the disclosure is made by the Executive Director or the social worker

(a) for any purpose connected to the performance of any duty of the Executive Director or the social worker under this Act; or

(b) for the purpose of enabling or assisting that body or person in the performance of his duties.

- (3) This section applies to the following bodies and persons:
- (a) a department of the government;
  - (b) a statutory body;
  - (c) a police officer; and
  - (d) such other body or person as may be prescribed in the regulations.
- (4) Nothing in this section shall be construed as affecting any duty of disclosure under any other section of this Act or any other law.

## PART IX

### ENFORCEMENT

#### **Powers of entry, etc., for enforcement purpose**

- 37.(1)** The Executive Director accompanied by a police officer may exercise the powers prescribed in this section for the purpose of
- (a) determining compliance with an order of the court; or
  - (b) investigating an offence under this Act.
- (2) The Executive Director accompanied by a police officer may
- (a) at all reasonable times and without notice, enter any premises to inspect and search the premises where the Executive Director or the police officer reasonably believes that evidence of the commission of an offence under this Act or the non-compliance with or contravention of an order of the court may be found at the premises;
  - (b) take any photograph or film, or make any record or sketch of any part of the premises referred to in paragraph (a) or any person or thing at premises;

- (c) inspect and make copies of, or take extracts from, any document or thing which is in the possession or under the control of any person found at premises;
- (d) seize any document or thing found at the premises which the Executive Director or the police officer reasonably believes to be the subject matter of, or to be connected to the commission of an offence under this Act, or the non-compliance with or contravention of an order of the court;
- (e) issue a notice, in writing, requiring any person whom the Executive Director or the police officer reasonably believes to be in possession of any document or thing relevant to the investigation of an offence under this Act, or the non-compliance with or contravention of an order of the court
  - (i) to produce the document or thing, without charge, at such time and place as is stated in the notice; or
  - (ii) to give the Executive Director or the police officer, without charge, access to the document or thing;
- (f) issue a notice, in writing, requiring any person within the limits of Barbados, who appears acquainted with any fact or circumstance related to the matter under investigation, to attend before the Executive Director or a police officer, at such time and place as is stated in the notice;
- (g) require any person who the Executive Director or the police officer reasonably believes to be acquainted with any fact or circumstance of the matter under investigation, to answer any question to the best of the person's knowledge, information or belief, immediately or at such time and place as is specified in writing; and
- (h) take any reasonable step necessary to preserve or prevent interference with any document or thing which the Executive Director or the police officer considers to be the subject matter of, or to be connected to the

commission, of an offence under this Act, or the non-compliance with or contravention of, an order of the court.

(3) For the purposes of subsections (2)(c), (d), (e) and (h), where any document or information required by the Executive Director accompanied by a police officer is kept in electronic form

- (a) the power of the Executive Director or a police officer to inspect the document or to obtain information includes the power to
  - (i) access any computer or other equipment, including a mobile telephone, on which the document or material is stored; and
  - (ii) require any person having charge of, or who is otherwise connected with the operation of, the computer or equipment to provide assistance in gaining access to the computer or equipment; and
- (b) the power of the Executive Director or a police officer to seize the document includes the power to
  - (i) make copies of the document in legible or electronic form; and
  - (ii) transfer the information from the document or material to a disc, tape or other storage device.

(4) Where, pursuant to subsection (3)(b), the Executive Director or a police officer is unable to make a copy of the document or transfer the document, the Executive Director or the police officer may

- (a) seize the computer or other equipment, including a mobile telephone, on which the document or information is stored as evidence in proceedings related to the commission of an offence under this Act; and
- (b) require any person having charge of, or otherwise connected with the operation of, the computer or equipment to disclose any password or access code used for gaining access to the document or information stored on the computer or equipment.

(5) Where the Executive Director or a police officer is unable to enter or access premises pursuant to subsection (2)(a), the Executive Director or the police officer may, with such assistance as he may consider necessary, use any reasonable means to gain entry or access into the premises.

(6) Where any person fails to comply with a notice issued under subsection (2)(e) or (f), the Executive Director or a police officer may report such failure to a magistrate who may, in his discretion, issue a warrant ordering the person to comply with the notice.

(7) Any person examined under subsection (2)(g) shall state the truth of the facts or circumstances known to him in relation to matters under this Act, except that the person need not say anything which may incriminate himself or expose him to a criminal charge, penalty or forfeiture.

(8) A statement made by a person examined under subsection (2)(g) shall

(a) be reduced to writing;

(b) be read over to the person;

(c) where the person does not understand English, be interpreted in a language that he understands; and

(d) after correction, where necessary, be signed by the person.

(9) For the purposes of this section, “premises” means any place to which this Act applies, including a place of temporary safe care, a place of safety and a residential facility.

### **Power to arrest without warrant**

**38.(1)** A police officer may arrest, without warrant, any person who the Executive Director or a police officer reasonably suspects is committing or has committed an offence under the Act.

(2) For the purpose of arresting a person referred to in subsection (1), a police officer may pursue that person into any building or other place to which that person has fled and search any such building or place where that person is.

(3) Any person arrested under this section shall be brought to a police station or place of custody prescribed by the Minister in regulations, as soon as reasonably practicable after the arrest and may be released on bail or on his own bond, to appear before a magistrate.

(4) Where a person is brought before a magistrate pursuant to subsection (3), the magistrate may

- (a) order that he be detained in custody pending trial; or
- (b) release him on bail or on his own bond with surety, to appear before the court.

#### **Search of arrested persons and power to seize offensive weapons**

**39.** Where a police officer conducts a search of a person he shall comply with the *Police Act*, Cap. 167.

#### **Duty to inform Executive Director of abuse during commission of offence**

**40.(1)** Where the court finds that a person who is convicted of an offence abused an older person during the commission of the offence, the Registrar shall inform the Executive Director of

- (a) the name of the offender;
- (b) the type of offence committed; and
- (c) any other particulars about the offender,

within 14 days after the date of the conviction.

(2) The Executive Director shall include or cause to be included in the Register any information received in accordance with subsection (1).

## PART X

## MISCELLANEOUS

**Obstruction**

**41.** A person who refuses to give access to, obstructs, delays or otherwise hinders

- (a) the Executive Director;
- (b) a police officer;
- (c) an authorised person;
- (d) a social worker; or
- (e) any other relevant person,

in the discharge of his duties, or in the exercise of his powers, under this Act, commits an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 12 months or to both.

**Providing false documents, statements and information**

**42.(1)** A person who furnishes a document, makes a statement, whether orally, in writing or in any other way, or gives information to the Executive Director, social worker or to a police officer which document, statement or information, he knows or ought to know is false or misleading, commits an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 12 months or to both.

(2) Subsection (1) shall not apply where the document, statement or information

- (a) is not false or misleading in a material particular; and
- (b) did not omit any matter or thing without which the statement or information, as the case may be, is misleading in a material particular.

**Regulations**

**43.** The Minister may make Regulations generally for the purpose of giving effect to this Act.

**No conflict with *Domestic Violence (Protection Orders) Act, Cap. 130A***

**44.** Nothing in this Act shall be construed as derogating from the provisions of the *Domestic Violence (Protection Orders) Act, Cap. 130A*.

**Savings and Transitional**

**45.(1)** Subject to subsection (2), with effect from the commencement of this Act, a place operating as a residential facility shall continue to function as if they were registered under this Act.

(2) A place which operated as a residential facility before the commencement of this Act shall register under this Act within one year after the date of commencement of this Act.

**Commencement**

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

**SCHEDULE**

*(Section 18)*

*Classification of Residential facilities*

**Type I**

A residential facility which provides care and housing to healthy, older persons, and older persons who are not in need of acute medical care, but who may require assistance in performing daily activities, including the administration of medication, and who may also require supervision by a member of staff.

**Type II**

A residential facility which provides care and housing to infirm older persons, who require the administration of medication and continual supervision by a registered nurse or physician.

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2026.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
, 2026.

**President**

