



# MINUTES OF PROCEEDINGS

OF

## The Honourable The Senate

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The Senate met in the Senate Chamber at the Worthing Corporate Centre on Wednesday the 10th day of June, 2020, at 11.00 o'clock a.m.

### PRESENT

His Honour Senator Dr. Sir Richard L. Cheltenham, KA, Q.C., Ph.D., J.P., B.Sc. (Econ.) (*President*)

His Honour Senator R. N. Greenidge, LL.B. (*Deputy President*)

Senator the Hon. Mr. J. X. Walcott, M.B., B.S., F.R.C.S. (Edin.), J.P. (*Minister of Foreign Affairs and Foreign Trade*) (*Leader of the Senate*)

Senator the Hon. Miss L. C. Moe (*Minister of Information, Broadcasting and Public Affairs*)

Senator the Hon. Miss K. S. McConney (*Minister of Innovation, Science and Smart Technology*)

Senator Dr. R. O. Springer, Ph.D. (*Parliamentary Secretary, Ministry of Education, Technological and Vocational Training*)

Senator R. W. Grant, J.P., B.A. (Econ.), LL.B., PG Dip. MA

Senator Dr. L. P. Holder, M.B.A., M.Sc., M.Th., D.Th.

Senator Miss L. R. Cummins, B.Sc., M.Sc.

Senator Dr. C. K. M. Haynes, M.B.B.S.

Senator D. R. Sands, LL.B. (Hons.)

Senator R. J. H. Adams, B.Sc. (Econ.), M.Sc. (Political Sociology)

Senator Miss C. N. Drakes, B.Sc. (Econ. & Mgmt.), M.Phil Econ.

Senator the Hon. L. E. Nurse, F.C.A., F.C.C.A.

Senator Mr. C. A. Maynard, M.B.B.S., F.R.C.S. (ENT)

Senator Ms. M. C. Taitt, Q.C., LL.B. (Hons.), M.B.A.

Senator Rev. J. A. Rogers, B.Sc., B.A. (Hons.), M.Phil.

Senator K. J. Boyce, LL.B. (Hons.), L.E.C.

Senator Miss A. M. Wiggins, J.P., B.Sc.

### ABSENT

Senator C. A. Franklyn, J.P. and Senator Miss T. N. S-A. Moore, M.B.A.

Prayers were led by Senator Rev. J. A. Rogers.

### **ANNOUNCEMENTS BY HIS HONOUR THE PRESIDENT**

Mr. President announced that he was in receipt of excuses for lateness from Senators the Hon. Miss L. C. Moe, R. W. Grant and Miss T. N. S-A. Moore.

Mr. President also announced that he was in receipt of an excuse for absence from Senator C. A. Franklyn.

### **PRESENTATION OF PAPERS**

Senator the Hon. Mr. J. X. Walcott by command laid the following:

1. Audited Financial Statements of the Barbados Water Authority for the Years ended March 31, 2015 to March 31, 2017.
2. Report of the Judicial Appointments Committee April 2019 to January 2020.
3. Annual Reports and Audited Financial Statements of the Grantley Adams International Airport Inc. for the Years ended March 31, 2017 to March 31, 2018.
4. Audited Financial Statements of the Caves of Barbados Limited (CBL) for the Financial Years ended March 31, 2017, March 31, 2018 and March 31, 2019.
5. Annual Report and Audited Financial Statements of the Fair Trading Commission for the period April 1, 2018 to March 31, 2019.

### **MOTIONS RELATING TO THE BUSINESS OF THE SENATE**

On the motion of Senator the Hon. Mr. J. X. Walcott Standing Order 45(2) was suspended for the remainder of the Sitting.

### **GOVERNMENT NOTICES**

Senator the Hon. Mr. J. X. Walcott gave notice of the following:

1. Income Tax (Amendment) (No. 2) Bill, 2020.
2. Public Transport (Miscellaneous Provisions) Bill, 2020.
3. Transport Authority (Validation) Bill, 2020.
4. Resolution to approve under section 3 of the *Special Loans Act*, Cap. 105, the borrowing by the Government of the sum of BBD 2,493,271 from Scotia Bank (Barbados) Limited to repay an existing overdraft facility held by the Caribbean Broadcasting Corporation.

### **FIRST READINGS OF BILLS**

On the motion of Senator the Hon. Mr. J. X. Walcott the following Bills were read a first time:

1. Stamp Duty (Amendment) Bill, 2020.
2. Registration of Judgements (Amendment) Bill, 2020.
3. Catastrophe Fund Bill, 2020.
4. Planning and Development (Amendment) Bill, 2020.
5. Income Tax (Amendment) (No. 2) Bill, 2020.
6. Public Transport (Miscellaneous Provisions) Bill, 2020.
7. Transport Authority (Validation) Bill, 2020.

### **PUBLIC BUSINESS**

#### **ORDER NO. 5**

#### **CATASTROPHE FUND BILL, 2020**

On the Order being called for Senator the Hon. Mr. J. X. Walcott to move the second reading of the Bill entitled an Act to provide for a fund, to be known as the Catastrophe Fund, to provide financial aid to eligible persons and qualifying businesses in need of such aid as a result of a catastrophe, the Hon. Member spoke and moved, that the Bill be read a second time.

Senator Miss C. N. Drakes spoke.

Senator Dr. L. P. Holder spoke.

Senator Dr. C. K. M. Haynes spoke.

Senator D. R. Sands spoke.

Senator R. J. H. Adams spoke.

Senator the Hon. Mr. J. X. Walcott spoke in reply.

The Bill was read a second time.

On the motion of Senator the Hon. Mr. J. X. Walcott the Honourable the Senate resolved itself into Committee on the Bill, His Honour the Deputy President in the Chair.

Clauses (1 – 5); (6 – 10); (11 – 14); the First Schedule, the Second Schedule and the Third Schedule were called and on the separate motion of Senator the Hon. Mr. J. X. Walcott were passed.

On the motion of Senator the Hon. Mr. J. X. Walcott the Chairman of Committees reported the passing of the Bill in Committee to the President who resumed the Chair and reported accordingly.

On the separate motion of Senator the Hon. Mr. J. X. Walcott the Bill was read a third time and passed and the title read and agreed to.

#### **SUSPENSION**

On the motion of Senator the Hon. Mr. J. X. Walcott the Sitting was suspended to 2.15 p.m.

At 1.15 p.m. Mr. President suspended the Sitting.

#### **RESUMPTION**

On resumption Mr. President resumed the Chair.

#### **ORDER NO. 3**

##### **STAMP DUTY (AMENDMENT) BILL, 2020**

On the Order being called for Senator the Hon. Miss K. S. McConney to move the second reading of the Bill entitled an Act to amend the Stamp Duty Act, Cap. 91,

the Hon. Member sought and obtained leave to introduce the Bill and Order No. 4 in a cognate debate.

Senator the Hon. Miss K. S. McConney spoke and moved that the Bill be read a second time.

Senator Miss C. N. Drakes spoke.

His Honour Senator R. N. Greenidge spoke.

Senator K. J. Boyce spoke.

Senator the Hon. Miss K. S. McConney spoke in reply.

The Bill was read a second time.

On the motion of Senator the Hon. Miss K. S. McConney the Honourable the Senate resolved itself into Committee on the Bill, His Honour the Deputy President in the Chair.

Clauses 1 to 4 were called and passed on the motion of Senator the Hon. Miss K. S. McConney.

On the motion of Senator the Hon. Miss K. S. McConney the Chairman of Committees reported the passing of the Bill in Committee to the President who resumed the Chair and reported accordingly.

On the separate motion of Senator the Hon. Miss K. S. McConney the Bill was read a third time and passed and the title read and agreed to.

#### **ORDER NO. 4**

##### **REGISTRATION OF JUDGEMENTS (AMENDMENT) BILL, 2020**

On the Order being called for Senator the Hon. Miss K. S. McConney to move the second reading of the Bill entitled an Act to amend the Registration of Judgements Act, Cap. 201,

the Hon. Member moved, that the Bill be read a second time.

The motion was passed.

On the motion of Senator the Hon. Miss K. S. McConney the Honourable the Senate resolved itself into Committee on the Bill, His Honour the Deputy President in the Chair.

Clauses 1 and 2 were called and passed on the motion of Senator the Hon. Miss K. S. McConney.

On the motion of Senator the Hon. Miss K. S. McConney the Chairman of Committees reported the passing of the Bill in Committee to the President who resumed the Chair and reported accordingly.

On the separate motion of Senator the Hon. Miss K. S. McConney the Bill was read a third time and passed and the title read and agreed to.

#### **ORDER NO. 1**

##### **RESOLUTION TO APPROVE THE CHANGE OF USE OF LAND AT MAXWELL, CHRIST CHURCH, COMPULSORILY ACQUIRED BY THE CROWN**

Senator the Hon. Mr. J. X. Walcott spoke on the following Resolution:

RESOLVED that Parliament approve the change of the public purpose for which the parcel of land, the property of the Crown situate at Maxwell in the parish of Christ Church in this Island, more particularly described in the *First Schedule* to this Resolution was compulsorily acquired by the Crown under the *Land Acquisition Act*, Cap. 228 from the public purpose of the provision of public parking facilities to that of tourism development and public parking.

AND FURTHER RESOLVED that Parliament in accordance with section 5 of the *Crown Lands (Vesting and Disposal) Act*, Cap. 225, approve the lease to Mahogany Park Inc. of the parcel of land, being the property of the Crown, situate at Maxwell in the parish of Christ Church in this Island and more particularly described in the *First Schedule* to this Resolution, on the terms and conditions set out in the *Second Schedule* to this Resolution, to give effect to the public purpose of tourism development and public parking.

APPROVED by the House of Assembly on 18th day of February, Two thousand and twenty.

#### FIRST SCHEDULE

ALL THAT land the property of the Crown situate at Maxwell in the parish of Christ Church in this Island formerly said to contain by admeasurement 1 310.5 square metres or thereabouts but by a more recent survey was found to contain by admeasurement 1 340.7 square metres (excluding 24.3 square metres in pavement) or thereabouts, Abutting and Bounding on lands now or formerly Maxwell Park Development (access lot) on lands now or late of Valdymer L. Barnett (Lot 39) on lands now or late of Ena Alleyne and on a pavement adjoining a road known as Highway 7 which leads to Oistins in one direction and Top Rock in the other direction or however else the same may abut and bound as shown and delineated on the Plan certified by Kevin R. Belgrave, Land Surveyor, on the 12th day of December, 2018 and recorded in the Lands and Surveys Department on the 9th day of January, 2019 as Plan No. 20/2019.

#### SECOND SCHEDULE

##### TERMS AND CONDITIONS

1. The lease of 1 316.4 square metres of Crown Land situate at Maxwell in the parish of Christ Church in this Island is made between the Crown (“the lessor”) and Mahogany Park Inc. (“the lessee”).
2. The lease shall be for a term of 25 years with an option to renew for a further 25 years.
3. The initial rent shall be at a rate of \$9,920.00 per annum, payable monthly at a rate of \$826.66, during the first 5 years of the lease.
4. A rent review shall take place every 5 years within the rental period.
5. The rental rate at the first rent review shall be \$19,840.00 per annum, payable monthly at a rate of \$1,653.33.
6. Subsequent rent reviews shall be at a rate equivalent to 4% of the open market rental value of the property, but no lower than the rate at the previous rent review.
7. The lessee shall be granted a concession on the open market rental value of the property at the rates of:
  - (a) \$20,000.00 per annum in the first 5 years of the lease; and
  - (b) \$55,979.40 per annum in the next 5 years of the lease.

SECOND SCHEDULE – *Cont'd*TERMS AND CONDITIONS – *Cont'd*

8. The lessee shall be responsible for the payment of insurance of the property, public liability and occupier's liability of the property, payment of utilities, land taxes and other outgoings arising out of the use of the property.
9. The lessee shall be responsible for insuring the property at its full reinstatement cost in the joint names of the lessor and lessee.
10. The lessee shall be responsible for renovations, repairs and maintenance of the property.
11. The property shall be kept clean and appropriately landscaped.
12. The lessee shall bear the cost of development of the property and shall comply with development planning and other statutory requirements throughout the term.
13. Either party may bring this lease to an end at any time by giving 2 years notice to the other party.
14. The lessee shall not be liable to pay a penalty where it has given notice to end the lease and has not breached any of the terms and conditions of the lease.
15. Where the lessor brings the lease to an end during the first term of the lease, the leasehold interest may be valued and depreciated for the period of use and thereafter the total concession on rate is to be subtracted from that value and the lessee paid the difference during the two year notice period.
16. The lessee shall not assign, mortgage or otherwise dispose of the property by way of lease or part with possession without the prior written consent of the lessor such consent not to be unreasonably withheld,

and moved that the Resolution be approved.

Senator R. W. Grant spoke.

Senator the Hon. Mr. J. X. Walcott spoke.

The Resolution was passed.

Senator Ms. M. C. Taitt rose to speak.

**ADJOURNMENT**

On the motion of Senator the Hon. Mr. J. X. Walcott the Senate was adjourned Wednesday 17th June 2020 at 10.00 a.m.

At 3.55 p.m. Mr. President adjourned the Sitting.

N. R. JONES, Q.C.  
Deputy Clerk of Parliament.

The Minutes were certified correct and confirmed the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

President.

SENATE CHAMBERS

**SENATE**

**FIRST SESSION OF 2018 – 2023**

**MINUTES**

Wednesday, 10th June, 2020.

Government Printing Department