



# MINUTES OF PROCEEDINGS

OF

## The Honourable The Senate

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The Senate met in the Senate Chamber, Parliament Buildings on Wednesday, the 7th day of November, 2018 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, B.A., M.A., Ph.D.  
(*Parliamentary Secretary, Ministry of  
Education, Technological and Vocational  
Training*)

Senator Miss L. P. Holder, M.B.A., 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 C. A. Franklyn, J.P.

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 Dr. C. A. Maynard, M.B.B.S., FRCS (ENT)

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

Senator Rev. M. B. St. J. Maxwell, B.Sc., B.A.,  
M.A.A.T.

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

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

### ABSENT

Senator R. W. Grant, J.P., B.A. (Econ.), LL.B., PG Dip. MA., Senator Miss L. R. Cummins, B.Sc., M.Sc.  
and Senator Miss T. N. S-A. Moore, M.B.A.

### EXCUSES

Senator R. W. Grant, J.P., B.A. (Econ.), LL.B., PG Dip. MA., Senator Miss L. R. Cummins, B.Sc., M.Sc.  
and Senator Miss T. N. S-A. Moore, M.B.A.

Prayers were led by Rev. Canon Errington Massiah.

**ANNOUNCEMENTS BY HIS HONOUR  
THE PRESIDENT**

Mr. President announced that he had received and read the following Message:

**MESSAGE**

**From**

**THE HONOURABLE THE HOUSE OF ASSEMBLY**

**To**

**THE HONOURABLE THE SENATE**

The Honourable the House of Assembly has the honour to inform the Honourable the Senate that at its Sitting on **Friday, 26th October, 2018:-**

1. The Honourable the House of Assembly **agreed** to and concurred in the amendments made by the Honourable the Senate on the 24th October, 2018 to the **Debt Holder (Approval of Debt Restructuring) Bill, 2018 and the Road Traffic (Amendment) Bill, 2018.**

2. The Honourable the House of Assembly **disagreed** with the Honourable the Senate in the amendment to the **National Insurance and Social Security (Amendment and Validation) Bill, 2018** made by the Honourable the Senate on the 24th October, 2018 and amended the Bill by leaving out the words substituted and reinstating the words appearing in the original Bill for the following reasons:

From 1st January, 2006, the contributions payable by self-employed persons under section 13 of the National Insurance and Social Security Act, Cap. 47 was 15.5%.

The training levy of 0.5% payable under the Occupational Training Act, Cap. 42 and the catastrophe fund levy of 0.1% payable under the Catastrophe Fund Act, Cap. 39D must not be included under the National Insurance (Self-employed Persons) Regulations, 1970 as it would inaccurately inflate the amount that should be paid by persons under those Regulations.

AND the Honourable the House of Assembly transmits the Amended Bill to the Honourable the Senate inviting concurrence in the amendment to the Bill.

Dated the 6th day of November, 2018.

Gline Clarke  
DEPUTY SPEAKER

Mr. President recognised and announced the presence of the new appointed Deputy Clerk of Parliament

Ms. Beverley Gibbons and extended a warm welcome.

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

Senator C. A. Franklyn spoke.

Mr. President announced that he was in receipt of an excuse for absence from Senator R. W. Grant.

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

On the motion of Senator the Hon. Mr. J. X. Walcott Standing Order 22(1) was suspended for the remainder of the Sitting.

### **INTRODUCTION OF BILLS**

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

1. Resolution to approve in accordance with section 5 of the Crown Lands (Vesting and Disposal) Act, Cap. 225, the vesting in the National Housing Corporation of a parcel of land, the property of the Crown, situate at Chancery Lane in the parish of Christ Church in this Island, for the public purpose of housing development.
2. Resolution to seek the concurrence of the Honourable the Senate in the amendment made by the Honourable the House of Assembly to the National Insurance and Social Security (Amendment and Validation) Bill, 2018.

### **PUBLIC BUSINESS**

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

#### **OFFENCES AGAINST THE PERSON (AMENDMENT) BILL, 2018**

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 amend the Offences Against the Persons Act, Cap. 141, the Honourable Member sought and obtained leave by way of motion to introduce the Bill in a cognate debate with the following Bills in the Order Paper:

1. Criminal Procedure (Amendment) Bill, 2018.
2. Constitution (Amendment) Bill, 2018.
3. Penal System Reform (Amendment) Bill, 2018; and
4. Prisons (Amendment) Bill, 2018.

Senator the Hon. Mr. J. X. Walcott spoke and moved that the Bill be read a second time.

Senator C. A. Franklyn began to speak.

Mr. President spoke.

Senator C. A. Franklyn resumed his speech.

Mr. President spoke.

Senator C. A. Franklyn resumed his speech.

Mr. President spoke.

Senator C. A. Franklyn resumed his speech.

Senator Rev. M. B. St. J. Maxwell spoke.

Senator D. R. Sands began to speak.

Mr. President vacated the Chair in favour of the Deputy President.

Senator D. R. Sands concluded his speech.

Senator Miss C. N. Drakes spoke.

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

### **SUSPENSION**

On the motion of Senator the Hon. Mr. J. X. Walcott the Sitting was suspended until 2.30 p.m.

At 1.26 p.m. Mr. Deputy President suspended the Sitting.

### **RESUMPTION**

On resumption, Mr. President resumed the Chair.

#### **ORDER NO. 1 (resumed)**

Senator Dr. R. O. Springer spoke.

Senator K. J. Boyce spoke.

His Honour Senator R. N. Greenidge spoke.

Senator the Hon. Miss L. C. Moe spoke.

Mr. President vacated the Chair in favour of the Deputy President.

Senator Ms. M. C. Taitt spoke.

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

Senator Miss L. P. Holder began to speak.

Mr. President resumed the Chair.

Senator Miss L. P. Holder spoke.

Senator the Hon. L. E. Nurse 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 Senate resolved itself into Committee, His Honour the Deputy President in the Chair.

Clause 1 was called and passed on the motion of Senator the Hon. Mr. J. X. Walcott.

Senator the Hon. Mr. J. X. Walcott moved the passing of Clause 2.

Senator Ms. M. C. Taitt spoke.

Senator C. A. Franklyn spoke.

His Honour the Deputy President spoke.

Senator C. A. Franklyn spoke.

Senator Ms. M. C. Taitt spoke.

Senator K. J. Boyce spoke.

His Honour the Deputy President spoke.

Senator K. J. Boyce spoke.

Clause 2 was passed.

Clause 3 was called and passed on the motion of Senator the Hon. Mr. J. X. Walcott.

On the motion of Senator the Hon. Mr. J. X. Walcott the Chairman of Committee 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.

#### **ORDER NO. 2**

##### **CRIMINAL PROCEDURE (AMENDMENT) BILL, 2018**

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 amend the Criminal Procedure Act, Cap. 127,

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

The motion was passed.

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

Clause 1 was called and passed on the motion of Senator the Hon. Mr. J. X. Walcott.

Senator the Hon. Mr. J. X. Walcott moved the passing of Clause 2.

Senator C. A. Franklyn spoke.

Clause 2 was passed.

Clause 3 was called and passed on the motion of Senator the Hon. Mr. J. X. Walcott.

On the motion of Senator the Hon. Mr. J. X. Walcott the Chairman of Committee 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.

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

##### **CONSTITUTION (AMENDMENT) (NO. 2) BILL, 2018**

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 amend the Constitution of Barbados,

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

The motion was passed.

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

Clauses 1 to 3 were called and passed on the separate motion of Senator the Hon. Mr. J. X. Walcott.

Senator the Hon. Mr. J. X. Walcott moved the passing of Clause 4.

Senator K. J. Boyce spoke and moved seconded by Senator C. A. Franklyn an amendment to:

Clause 78 (3) delete the words “where a person makes .... the Laws of Barbados” and substitute the words “where any person has been sentenced to death”

Senator Ms. M. C. Taitt spoke.

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

Senator Ms. M. C. Taitt spoke.

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

Senator K. J. Boyce spoke.

His Honour the Deputy President spoke.

Senator K. J. Boyce spoke.

His Honour the Deputy President spoke.

Senator K. J. Boyce spoke.

Senator Dr. C. A. Maynard spoke.

Senator Miss L. P. Holder spoke.

Senator K. J. Boyce spoke.

Clause 4 was passed the Senate dividing thereon.

Nine Senators voting aye and eight Honourable Senators voting no.

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

On the motion of Senator the Hon. Mr. J. X. Walcott the Bill was read a third time the Senate dividing as follows:

*Ayes:* Senator the Hon. Mr. J. X. Walcott, Senator the Hon. Miss L. C. Moe, Senator the Hon. Miss K. S. McConney, Senator Dr. R. O. Springer, Senator Miss L. P. Holder, Senator Dr. C. K. M. Haynes, Senator D. R. Sands, Senator R. J. H. Adams and His Honour the Deputy President.

*Noes:* Senator the Hon. L. E. Nurse, Senator Dr. C. A. Maynard, Senator Ms. M. C. Taitt, Senator Rev. M. B. St. J. Maxwell, Senator K. J. Boyce, Senator Miss A. M. Wiggins, Senator Miss C. N. Drakes and Senator C. A. Franklyn.

On the motion by Senator the Hon. Mr. J. X. Walcott that the Bill be passed and the title read and agreed to the Senate divided as follows:

*Ayes:* Senators the Honourables Mr. J. X. Walcott, Miss L. C. Moe and Miss K. S. McConney, Senators Dr. R. O. Springer, Miss L. P. Holder, Dr. C. K. M. Haynes, D. R. Sands, R. J. H. Adams and His Honour the Deputy President.

*Noes:* Senators the Hon. L. E. Nurse, Dr. C. A. Maynard, Ms. M. C. Taitt, Rev. M. B. St. J. Maxwell, K. J. Boyce, Miss A. M. Wiggins, Miss C. N. Drakes and C. A. Franklyn.

The Bill did not receive the requisite two-thirds majority for passing.

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

##### **PENAL SYSTEM REFORM (AMENDMENT) BILL, 2018**

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 amend the Penal System Reform, Cap. 139,

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

The motion was passed.

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

Clauses 1 to 3 were called and passed on the separate motion of Senator the Hon. Mr. J. X. Walcott.

On the motion of Senator the Hon. Mr. J. X. Walcott the Chairman of Committee 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.

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

##### **PRISONS (AMENDMENT) BILL, 2018**

On the Order being called for Senator the Hon. Mr. J. X. Walcott to move the second reading of the Bill entitled the Prisons (Amendment) Bill, 2018,

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

The motion was passed.

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

Clauses 1 to 2 were called and passed on the separate motion of Senator the Hon. Mr. J. X. Walcott.

On the motion of Senator the Hon. Mr. J. X. Walcott the Chairman of Committee 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.

**ORDER NO. 9**

Senator the Hon. Mr. J. X. Walcott having obtained leave to deal with the matter of the Message from the Honourable the House of Assembly spoke on the following Resolution:

Resolution to seek the concurrence of the Honourable the Senate in the amendment made by the Honourable the House of Assembly to the National Insurance and Social Security (Amendment and Validation) Bill, 2018,

and moved that the Resolution be approved.

Mr. President spoke.

Senator C. A. Franklyn spoke.

The motion was passed.

**ADJOURNMENT**

Senator the Hon. Mr. J. X. Walcott moved the adjournment of the Senate to Wednesday, 21st November, 2018 at 11.00 a.m.

Senator Ms. M. C. Taitt spoke congratulating Senator Miss C. N. Drakes on a public presentation.

The motion was passed.

At 6.30 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 \_\_\_\_\_, 2018.

President.

SENATE CHAMBERS  
PARLIAMENT BUILDINGS  
BRIDGETOWN.

**SENATE**

**FIRST SESSION OF 2018 – 2023**

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**MINUTES**

Wednesday, 7th November, 2018.

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