



# MINUTES OF PROCEEDINGS

OF

## The Senate

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The Senate met in the Senate Chamber, Parliament Buildings on Wednesday, the 11th day of March, 2015 at 11.00 o'clock a.m.

### PRESENT

- Her Honour Senator Miss Kerryann F. Ifill, B.Sc. (Hons.), M.B.A. (*President*)  
His Honour Senator the Very Reverend H. E. Crichlow, G.C.M., B.A. (Hons.) Dunelm (*Deputy President*)
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| Senator the Hon. Miss M. P. O. McClean, B.Sc. (Hons.), M.A., M.B.A. ( <i>Minister of Foreign Affairs and Foreign Trade</i> ) ( <i>Leader of the Senate</i> ) | Senator R. A. Hunte, J.P.   |
| Senator Dr. the Hon. E. R. Byer, M.B., B.S. ( <i>Minister of Labour, Social Security and Human Resource Development</i> )                                    | Senator Rev. Dr. D. L. Durant, D.D. (Hon.)  |
| Senator the Hon. D. W. Boyce, B.Sc. (Econ.), M.B.A. (Fin.), CMA, F.C.A. ( <i>Minister in the Office of the Prime Minister</i> )                              | Senator A. R. Worrell, B.A. (Hons.)   |
| Senator the Hon. P. M. T. Todd, B.Sc. ( <i>Minister of State in the Office of the Prime Minister</i> )   | Senator Miss V. A. G. De Peiza, B.Sc. (Hons.), LL.M. (Merit)                          |
| Senator Mrs. V. I. Sandiford-Garner, CIM, Dip. Mng., M.B.A. ( <i>Parliamentary Secretary, Ministry of Tourism and International Transport</i> )              | Senator Dr. J. X. Walcott, M.B., B.S., F.R.C.S. (Edin.), J.P.                         |
| Senator J. Ince, J.P., BB.A., M.B.A., DIP (Mgmt.) ( <i>Parliamentary Secretary, Ministry of Finance and Economic Affairs</i> )                               | Senator W. A. Abrahams, LL.B. (Hons.)   |
|  | Senator Sir Roy Trotman, K.A., M.A.   |
|  | Senator Prof. Emeritus Sir Henry Fraser, K.A., G.C.M., B.Sc., MBBS, Ph.D., FACP, FRCP |
|  | Senator Dr. Sir Trevor Carmichael, K.A., L.V.O., Q.C., B.Sc. (Econ.), M.A., Ph.D.     |
|  | Senator A. A. Adams, J.P., B.A., Ed. Cert., M.Sc. Ed.                                 |
|  | Senator J. A. Watson  |
|  | Senator Carol Lady Haynes, M.B., B.S.   |

**ABSENT**

Senator H. A. Husbands, M.L.I.R., B.Sc. (Public Administration) (Hons.), Ed. Cert. (U.W.I.) (*Parliamentary Secretary, Ministry of Education, Science, Technology and Innovation*).

Prayers were led by Reverend Father Errington Massiah.

**ANNOUNCEMENTS BY HER HONOUR THE PRESIDENT**

The President announced that she was in receipt of an excuse for absence from Senator H. A. Husbands and lateness from Senators Hon. D. W. Boyce and Dr. J. X. Walcott.

**PAPERS**

By command Senator the Hon. Miss M. P. O. McClean laid the following:

1. Barbados Investment Development Corporation Annual Report 2012 – 2013.
2. Central Bank of Barbados 2013 Annual Report.
3. Duties, Taxes and Other Payments (Exemption) (Boarded Hall Green Inc.) Order, 2015.
4. Duties, Taxes and Other Payments (Exemption) (First Citizens Bank Limited) Order, 2015.
5. Duties, Taxes and Other Payments (Exemption) (Beaches, Heywoods) Order, 2015.
6. Duties, Taxes and Other Payments (Exemption) (Sandals Casuarina) Order, 2015.
7. Estimates of Revenue and Expenditure 2015 – 2016.

**MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE  
AND MOVED BY A MINISTER**

On the motion of Senator the Hon. Miss M. P. O. McClean Standing Orders 22(1) and 45(2) were suspended for the remainder of the day's Sitting.

**INTRODUCTION OF BILLS AND RESOLUTIONS  
1. FIRST READINGS OF BILLS**

On the motion of Senator the Hon. Miss M. P. O. McClean the following Bills were read a first time:

1. Corporate and Trust Service Providers Bill, 2015.
2. Education (Amendment) Bill, 2015.

**2. NOTICE OF RESOLUTION**

Senator the Hon. Miss M. P. O. McClean gave notice of the following Resolution:

A Resolution to approve the borrowing by the Government of the sum of US\$67.9 million from Citibank N. A. the proceeds of which will be on-lent to the Barbados Water Authority to finance its Smart Meter Project.

**PUBLIC BUSINESS****ORDER NO. 4****CORPORATE AND TRUST SERVICE PROVIDERS ACT, 2015**

On the Order being called for Senator the Hon. Miss M. P. O. McClean to move the second reading of the Bill entitled the Corporate and Trust Service Providers Act, 2015, the Hon. Member spoke and moved that the Bill be read a second time.

Senator J. A. Watson spoke.

Senator A. A. Adams spoke.

Senator R. A. Hunte spoke.

Senator Dr. Sir Trevor Carmichael spoke.

Senator W. A. Abrahams spoke.

**SUSPENSION**

On the motion of Senator the Hon. Miss M. P. O. McClean the Senate was suspended for lunch until 2.45 p.m. At 1.28 p.m. the Sitting was suspended.

**RESUMPTION**

On resumption the Deputy President in the Chair.

**ORDER NO. 4 (resumed)**

Senator the Hon. P. M. T. Todd spoke.

Senator the Hon. Miss M. P. O. McClean began to speak.

The President resumed the Chair.

Senator the Hon. Miss M. P. O. McClean spoke in reply.

The Bill was read a second time.

On the motion of Senator the Hon. Miss M. P. O. McClean the Senate resolved itself into Committee, the Deputy President in the Chair.

On the motion of Senator the Hon. Miss M. P. O. McClean Part 1, Clauses 1 to 5 was called and passed.

On the motion of Senator the Hon. Miss M. P. O. McClean Part 2, Clauses 6 to 10 was called.

Senator W. A. Abrahams spoke.

Senator Miss V. A. G. De Peiza spoke.

Senator W. A. Abrahams spoke.

Senator Miss V. A. G. De Peiza spoke.

Mr. Deputy President spoke.

Senator W. A. Abrahams spoke.

Senator the Hon. Miss M. P. O. McClean spoke.

Part 2, Clauses 6 to 10 was passed.

On the motion of Senator the Hon. Miss M. P. O. McClean Part 3, Clauses 11 to 24 was called and passed.

On the motion of Senator the Hon. Miss M. P. O. McClean Part 4, Clauses 25 to 32 was called.

Senator W. A. Abrahams spoke.

Senator the Hon. Miss M. P. O. McClean spoke.

Part 4, Clauses 25 to 32 was passed.

Part 5, Clauses 33 to 42 was called and passed on the motion of Senator the Hon. Miss M. P. O. McClean.

The First Schedule was called on the motion of Senator the Hon. Miss M. P. O. McClean.

Senator W. A. Abrahams spoke.

Senator the Hon. Miss M. P. O. McClean spoke.

Senator Miss V. A. G. De Peiza spoke.

Senator W. A. Abrahams spoke.

The First Schedule was passed.

The Second Schedule and the Third Schedule were called and passed on the motion of Senator the Hon. Miss M. P. O. McClean.

On the motion of Senator the Hon. Miss M. P. O. McClean the Deputy President reported the passing of the Bill in Committee and The President resumed the Chair and reported accordingly.

On the separate motion of Senator the Hon. Miss M. P. O. McClean the Bill was read a third time and passed and the title read and agreed to.

**ORDER NO. 6**

Senator the Hon. Miss M. P. O. McClean spoke on the following Resolution:

WHEREAS by section 2 of the *Special Loans Act*, Cap. 105 the Government is authorised from time to time to borrow from any bank, corporation, company or other institution sums of money not exceeding in the aggregate BDS\$2,500,000,000.00 on such terms as may be agreed upon between the Government and the lender of any such sum of money;

AND WHEREAS by section 3 of the said Act it is provided that any money borrowed under the authority of the Act shall be appropriated and applied to such purposes as Parliament may approve by resolution and that such money and any interest payable thereon is charged upon the general revenues and assets of Barbados;

AND WHEREAS the Government considers it necessary to borrow the sum of US\$67.9 million from Citibank N. A. the proceeds of which will be on-lent to the Barbados Water Authority to finance its Smart Meter Project on the terms and conditions contained in the Agreement, the main provisions of which are set out in the *Schedule*;

AND WHEREAS the said sum of US\$67.9 million is within the authorised borrowing limit given to the Government under section 2 of the said Act;

RESOLVED therefore that Parliament approve the borrowing of the said sum of US\$67.9 million from Citibank N. A. the proceeds of which will be on-lent to the Barbados Water Authority to finance its Smart Meter Project on the terms and conditions set out in the *Schedule*.

Approved by the House of Assembly this 10th day of March, 2015.

#### SCHEDULE

##### TERMS AND CONDITIONS

Arranger:	Citi
Borrower:	Government of Barbados.
Lender:	Citibank N. A. and other lenders to be determined by the Arranger.
Facility Agent:	Citibank N. A.
Canadian Policy Agent:	Citi Trust Company Canada
Executing Agency:	Barbados Water Authority
Facility Type:	Term loan benefitting from 95% cover under the Export Development Canada (EDC) Non-Honoring of Sovereign Obligations insurance programme.
Facility Amount:	US\$67.9 million
Purpose:	To finance the Barbados Water Authority's Smart Meter Project.
Availability Period:	Three (3) years, or as otherwise approved by EDC and Citi.

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

Repayment Period:	Principal will be repaid over nine (9) years in eighteen (18) consecutive approximately equal semi-annual installments in arrears, with the first repayment to be made within no more than six (6) months following the end of the availability period, or when fully disbursed, whichever is earlier.
Interest Period:	Interest and the Lender's commitment fee will be payable semi-annually and shall be computed on a 360 day basis and the actual number of days elapsed.
Interest Rate:	6 month USD LIBOR plus a margin of 155 bps per annum (weighted average).
EDC Premium:	Estimated at USD\$9.3 million. The Premium is based on the transaction parameters and is subject to change if any of the parameters change. All premiums received by EDC are non-refundable.
Commitment Fee:	0.62% per annum.
Structuring Rate:	Non-refundable up-front fee of 1.75% of the facility amount.
Facility Agent Fee:	A one-time acceptance fee of up to US\$10 000. An annual administration fee of US\$50 000 during the availability period and US\$40 000 during the repayment period.
Canadian Policy Agent Fee:	An annual administration fee of US\$10 000.
Cancellation Fee:	US\$500 000.
Optional prepayment:	Prepayment shall be permitted without penalty on the last day of each interest period (an interest payment date) provided that advance notice of the prepayment is provided to the Agent (exact amount of advance notice required to be determined) and provided that the Borrower shall be responsible for payment of any minimum fee due to EDC as consideration for the issuance of the proposed coverage. The Borrower will bear all costs related to the prepayment of an advance prior to the last day of its interest period. Any swap breakage costs, embedded hedge unwinding costs or make whole premiums are the sole responsibility of the Borrower.
Taxation:	All payments in respect of the Facility will be made free and clear of any present or future taxes, withholdings or other deductions whatsoever (other than income taxes in the jurisdiction of the Lender's applicable lending office). The Borrower will indemnify the Lenders and the Agent for such taxes paid by the Lenders or the Agent.

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

- Increased costs: The Borrower will reimburse the Lenders for any increased costs arising from increased liquidity costs, reserve requirements, capital adequacy protection, indemnification, break funding costs, withholding, any change in law, or compliance with any other requests from or requirement of any central bank or other fiscal, monetary or other authority.
- Conditions Precedent: Usual and customary for this type of transaction including but not limited to
- (a) the submission by the Borrower to the Facility Agent of a Notice of Borrowing to be delivered on or before the date that is 90 days after the date of the Agreement;
  - (b) duly executed and delivered transaction documents that are fully effective;
  - (c) all authorisations connected with the project, the execution, delivery and performance of the Finance Documents shall be obtained by the Borrower;
  - (d) the provision by the Borrower of all governmental, ministerial and other regulatory approvals or consents as may be required;
  - (e) the successful preparation, negotiation and execution of all necessary legal documentation to the Lenders satisfaction;
  - (f) receipt of legal opinions in form and substance satisfactory to the Lenders, including the opinion of the Solicitor General of Barbados;
  - (g) the absence in the Lenders opinion of any material adverse change in the financial, economic or political environment of Barbados;
  - (h) all representations and warranties are true and correct;
  - (i) all fees due prior to disbursement have been paid;
  - (j) all other required approvals have been obtained.
- Events of Default: Notwithstanding any other provision herein contained, any sum advanced with all unpaid interest thereon shall become immediately payable to the Lender upon the happenings of the following:
- (a) if any principal or interest payment due by the Borrower is not paid on that date fixed for the payment thereof as per the Facility Agreement;

SCHEDULE – *Concl'd***TERMS AND CONDITIONS – *Concl'd***

- (b) if the Borrower shall default in the performance or observance of any of the terms and covenants contained in the Facility Agreement;
- (c) if any representation or warranty given hereunder shall prove to be untrue or incorrect in any respect;
- (d) if the Borrower ceases to be a member in good standing with the International Monetary Fund and ceases to be entitled to the general resources thereof.

Governing law: State of New York.

and moved that the Resolution do now pass.

Senator Dr. J. X. Walcott spoke.

Senator J. Ince spoke.

Senator Sir Roy Trotman spoke.

Senator the Hon. D. W. Boyce spoke.

Senator the Hon. Miss M. P. O. McClean spoke in reply.

The Resolution was passed.

**SUSPENSION**

On the motion of Senator the Hon. Miss M. P. O. McClean the Sitting was suspended to 5.45 p.m.

At 4.20 p.m. the President suspended the Sitting.

**RESUMPTION**

On resumption The President in the Chair.

**ORDER NO. 5****EDUCATION (AMENDMENT) BILL, 2015**

On the Order being called for Senator the Hon. Miss M. P. O. McClean to move the second reading of the Bill entitled an Act to amend the Education Act Cap. 41,

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

The Bill was read a second time.

On the motion of Senator the Hon. Miss M. P. O. McClean the Senate resolved itself into Committee, The Deputy President in the Chair.

Clauses 1 and 2 were called and passed on the separate motion of Senator the Hon. Miss M. P. O. McClean.

On the motion of Senator the Hon. Miss M. P. O. McClean the Deputy President reported the passing of the Bill in Committee and the President resumed the Chair and reported accordingly.

On the separate motion of Senator the Hon. Miss M. P. O. McClean the Bill was read a third time and passed and the title read and agreed to.

**ORDER NO. 1**

Senator the Hon. Miss M. P. O. McClean spoke on the following Resolution:

**RESOLVED** that Parliament, in accordance with section 5 of the *Crown Lands (Vesting and Disposal) Act*, Cap. 225, approve the vesting in the National Housing Corporation of the parcel of land, the property of the Crown situate at “Rosemont”, Deacons Road, Black Rock, in the parish of Saint Michael, in this Island, more particularly described in the *Schedule* hereto, for the public purpose of housing development.

APPROVED by the House of Assembly this 10th day of February, 2015.

**SCHEDULE**

ALL THAT land the property of the Crown situate at “Rosemont”, Deacons Road, Black Rock, in the parish of Saint Michael, in this Island containing by admeasurement 1.871 hectares or thereabouts Abutting and Bounding on lands now or formerly of the Barbados Government, on lands now or late of J. Rudder, on lands now or late of Sundry Owners, on lands now or late of Lilian Weekes, on lands now or late of Fitzgerald Sealy, deceased, on lands now or late of one Devonish, on a public road known as Deacons Road that leads to Highway 1 in one direction and to Brandons in the other direction, on lands now or formerly of the Barbados Government on three sides or however else the same may abut and bound as shown and delineated on a Plan certified on the 15th day of October, 2004 by Lennox J. Reid, Land Surveyor and recorded in the Lands and Surveys Department on the 26th day of October, 2004 as Plan No. 1084/2004, in conjunction with a statement of rectification contained in an affidavit deposed on the 14th day of January, 2014 by Lennox J. Reid, Land Surveyor and recorded in the Land Registry on the 16th day of January, 2014 as Instrument No. RD 2014 000495.

and moved that the Resolution do now pass.

Senator the Hon. P. M. T. Todd spoke.

Senator the Hon. Miss M. P. O. McClean spoke in reply.

The Resolution was passed.



**ADJOURNMENT**

On the motion of Senator the Hon. Miss M. P. O. McClean the Senate was adjourned to Monday,  
23rd March, 2015 at 11 a.m.

At 6.26 p.m. the President adjourned the Senate.

RICHARD P. BYER  
Deputy Clerk of Parliament.

The Minutes were certified correct and confirmed the \_\_\_\_\_ day of  
, 2015.

President.

SENATE CHAMBERS  
PARLIAMENT BUILDINGS  
BRIDGETOWN.

**SENATE**

**FIRST SESSION OF 2013 – 2018**

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**MINUTES**

Wednesday, 11th March, 2015.

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