



# MINUTES OF PROCEEDINGS

## OF

### The Honourable the House of Assembly

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At a meeting of the House of Assembly at the Parliament Buildings on Friday the 20th day of December, 2019, pursuant to the provisions of Standing Order 6 (9).

#### PRESENT

His Honour A. E. Holder, B.Sc. (Hons.), MSW, LL.B. (Hons.), L.E.C. (*Speaker*)

His Honour G. A. Clarke, J.P., B.Sc., Dip. Ed. (*Deputy Speaker*)

Hon. G. W. Payne, Q.C. (*Minister of Housing, Lands and Rural Development*)

Hon. Miss C. Y. Forde, J.P., L.C.P. (*Minister of People Empowerment and Elder Affairs*)

Hon. D. D. Marshall, Q.C., LL.B. (Hons.), L.E.C. (*Attorney General and Minister of Legal Affairs*)

Hon. T. A. Prescod, B.A. (*Minister of Environment and National Beautification*)

Hon. K. D. Symmonds, B.A., LL.B. (*Minister of Tourism and International Transport*)

Lt. Col. the Hon. J. D. Bostic, MVO, B.A. (Hons.) (*Minister of Health and Wellness*)

Hon. E. G. Hinkson, LL.B. (Hons.), L.E.C., LL.M. (*Minister of Home Affairs*)

Hon. Miss S. J. O. Bradshaw, LL.B. (Hons.), L.E.C. (*Minister of Education, Technological and Vocational Training*)

Bishop J. J. S. Atherley, J.P., B.A., B.Sc., PgD. (*Leader of the Opposition*)

Hon. W. A. Abrahams, LL.B. (*Minister of Energy and Water Resources*)

Hon. Ms. C. S. V. Husbands, B.A. (Hons.), M.Sc. (*Minister in the Ministry of Foreign Affairs and Foreign Trade*)

Hon. I. A. Weir, M.B.A. (*Minister of Agriculture and Food Security*)

Hon. A. R. Forde, RPh. (*Minister of Youth and Community Empowerment*)

Hon. C. McD. Griffith, B.Sc. (*Minister in the Ministry of Housing, Lands and Rural Development*)

Hon. P. R. Phillips (*Minister in the Ministry of Transport, Works and Maintenance*)

Hon. J. A. King, BSS (*Minister of Creative Economy, Culture and Sports*)

Mr. G. P. I. Gooding-Edghill

Dr. S. E. Browne, M.B.B.S. (*Chairman of Committees*)

Hon. K. D. M. Humphrey, B.Sc., M.Sc., M.P.A. (*Minister of Maritime Affairs and the Blue Economy*)

Hon. R. R. Straughn, B.Sc., M.Sc. (*Minister in the Ministry of Finance*)

Hon. Miss M. K-A. Caddle, B.A., M.Sc. (*Minister in the Ministry of Economic Affairs and Investment*)

and

Mr. N. G. H. Rowe (*Parliamentary Secretary in the Ministry of People Empowerment and Elder Affairs*)

### ABSENT

Hon. R. St. C. Toppin, LL.B. (Hons.) (*Minister of International Business and Industry*), Hon. Miss M. A. Mottley, Q.C., LL.B. (*Prime Minister, Minister of Finance, Economic Affairs and Investment, Minister of National Security and the Civil Service*), Hon. D. G. Sutherland, B.Sc., M.Sc., M.B.A. (Dist.) (*Minister of Small Business, Entrepreneurship and Commerce*), Dr. the Hon. W. F. Duguid, J.P., B.D.S., F.D.S., F.D.R.C.S., M.Min. (*Minister of Transport, Works and Maintenance*), Mr. R. A. Thorne, Q.C., LL.B., L.E.C., Dip. Theology and Hon. C. E. Jordan, B.Sc. (Hons.) (*Minister of Labour and Social Partnership Relations*).

Mr. Speaker took the Chair at 10.30 a.m.

Prayers were taken by Rev. Father Mark Harewood.

### ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. Speaker announced that he had received a letter dated December 19, 2019 from Hon. Miss S. J. O. Bradshaw, Leader of the House requesting a meeting of the House under provisions of Standing Order 6(9) which he read. He was satisfied that the public interest required a meeting of the House of Assembly and had therefore given permission for the day's meeting.

Mr. Speaker read the following:

### MESSAGE

From

THE HONOURABLE THE SENATE

To

THE HONOURABLE THE HOUSE OF ASSEMBLY

The Honourable the Senate has the honour to inform the Honourable the House of Assembly that at its sitting on **Wednesday 11th December, 2019** the **Tourism Levy Bill, 2019** was amended in the following terms:

In the Objects and Reasons at paragraphs (a) and (c) the words “*or a villa*” were deleted;

In the long title the words “*or a villa*” were deleted at paragraphs (a) and (c);

At Clause 2. the definition of “*Apartment*” was deleted and replaced by the following new definition:

**“Apartment” means complete unit which provides short-term accommodation to guests for reward, having either one or more studio bedrooms or separate bedrooms, a living room, a kitchen or kitchenette, a dining area, where**

- (a) at least one bathroom in the unit is for the exclusive use of the occupant of the unit;**
- (b) the occupants of the unit share the grounds, other recreational facilities and other common buildings with the occupants of other units; and**
- (c) the unit is within a building or group of buildings owned by a single owner without a separate legal title per unit;**

In the definition of ‘accommodation period’ the words “*or villa*” at the end were deleted.

The definition of “*direct tourism service*” was deleted and replaced by the following new definition:

**“direct tourism service” means the provision of goods and services by a person who**

- (a) has a licence from the Barbados Tourism Product Authority; and**
- (b) is also registered or licensed by any of the following:**
  - (i) Barbados Hotel and Tourism Association Inc.;**
  - (ii) Small Hotels of Barbados Inc.;**
  - (iii) Cultural Industries Development Authority;**
  - (iv) Ministry of Creative Economy, Culture and Sports;**
  - (v) Ministry of Health and Wellness;**
  - (vi) Town and Country Planning Office;**
  - (vii) Ministry of Maritime Affairs and the Blue Economy;**
  - (viii) Ministry of Tourism and International Transport; or**
  - (ix) another entity or organization which is approved by the Barbados Tourism Product Authority;**

Insertion of the following definition of **“goods and services”** after the definition of ‘direct tourism service’;

**“goods and services” means any of the following goods or services**

- (a) entertainment, other than entertainment supplied by a promoter of public entertainment, including theatrical performances, film, exhibitions, dinner shows and other performances;**
- (b) cruises other than international cruises;**
- (c) goods and services related to sport and recreation;**
- (d) goods and services provided at marinas;**
- (e) goods and services provided at spas and retreats;**
- (f) goods and services provided at conference facilities; or**
- (g) meals, drinks and dining services;**

The definition of *“vacation rental property”* was deleted and replaced by the following new definition:

**“vacation rental property” means any property, including a dwelling house or house, but not a guest house, hotel or apartment, which is registered with the Barbados Tourism Product Authority, that is systematically or periodically rented by guests during a calendar year, and in which**

- (a) a charge is made for the accommodation provided;**
- (b) sleeping accommodation is provided in one or more bedrooms;**
- (c) the grounds and any common areas or recreational facilities are for the use of the occupants of a single booking; and**
- (d) the property is managed by an individual, a company or a real estate agent.**

The definition of *“villa”* was deleted

In Clause 3. (1)(b) was deleted and the word **“or”** was inserted after the semi-colon in 3.(1) (a) and 1(c) became the new 1(b).

In Clause 4.(1)(b) was deleted, and the word **“or”** was inserted after the semi-colon in 4. (1)(a) and 1(c) became the new 1(b).

In Clause 4.(2) the comma and the words *“or a villa”* appearing in the third line after the word ‘accommodation’ were deleted.

In Clause 5. (1), (2) and (3) the words “*or a villa*”, “*or rents a villa*”, “*or villa*”, “*or a villa*”, “*or villa*” and “*or villa*” respectively were deleted, and;

In Clause 5.(1) (4) the words “*a villa*” were deleted and the words “**a vacation rental property**” substituted therefor;

In Clause 6. (1) and (2) the words “*or rents a villa*”, “*or villa*”, “*or a villa*” and “*or villa*” respectively were deleted.

In Clause 7.(2) (a) was deleted and the following substituted therefor:

- (a) “**is registered or not registered under the Value Added Tax Act, Cap. 87; and**

Clause 7. (2) (b) was deleted and Clause 7. (2) (c) became the new Clause 7 (2) (b).

In Clause 9. (1) (b) and (c), 9. (2) and 9. (3) the words “*or rents a villa*”, “*or villa*”, “*or villa*”, “*or villa*” and “*or villa*” were deleted respectively.

The following new Clause 9. (4) was inserted:

**“from the 1st day of April, 2019 the shared economy levy shall be applied to a vacation rental property.”**

The original Clause 9. (4) becomes 9. (5).

In Clause 10. (1), 10. (2), and 10. (2) (b) the words “*or rents a villa*”, “*or villa*”, “*or villa*” and “*or villa*” were deleted.

In Clause 11. (1) line 2 the words “*or rents a villa*” were deleted.

In Clause 15. (1) the comma in line 1 after the word ‘accommodation’ was deleted and the word “**or**” was substituted therefor and the words “*or rents a villa*” after the word “**service**” appearing in line 2 were deleted.

In Clause 16. (1) the comma in line 2 appearing after the word ‘accommodation’ was deleted and the word “**or**” substituted therefor and the words “*or rents a villa*” after the word ‘service’ were deleted.

In Clause 16.(1)(c) the comma in line 2 appearing after the word ‘accommodation’ was deleted and the word “**or**” substituted therefor and the words “*a villa*” appearing after the word ‘service’ were deleted.

In Clause 16.(2)(a) and (b) the comma appearing after the word ‘accommodation’ was deleted and the word “**or**” substituted therefor and the words “*or rents a villa*” appearing after the word ‘service’ respectively were deleted.

Clauses 25. and 26. are interchanged so that the ‘**Validation**’ clause is now Clause 25. and the ‘**Amendment of enactments in the Fifth Schedule and Sixth Schedule**’ is now Clause 26.

In the Clause 27., the Commencement Clause the words “*first column of the*” appearing after the article ‘the’ in the second line were deleted.

Clause 27. (3) was deleted and the following substituted therefor:

**“(3) The amendments in PART I of the *Fifth Schedule* shall be deemed to come into effect on the 1st day of July, 2018 and the amendment in PART II shall be deemed to come into effect on the 1st day of April, 2019.”**

The following new Clause 27. (4) was inserted:

**“the third column of the Second Schedule shall be deemed to come into effect on the 1st day of April, 2019.”**

The original Clause 27. (4) becomes the new Clause 27. (5).

In the **SECOND SCHEDULE** in the first column the words “*Vacation rental properties*” and “*Villa*” were deleted and replaced with the words “**Vacation rental property**”.

In the second column one set of the words “*2.5% of the rate to be charged per bedroom night, and where this amount exceeds \$20.00 per night, the rate to be charged shall be \$20.00 per bedroom per night.*” were deleted;

In the third column paragraphs 4 and 5 were deleted and substituted with the following new paragraph:

**“The Room Rate Levy shall no longer be applied to a vacation rental property from this date. The shared economy levy shall be applied.”**

In the **THIRD SCHEDULE** columns 1 and 2 were deleted and substituted with the following:

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**“Amount of Product Development Levy with effect from the 1st July 2018”**

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**“2.5% of the cost of the direct tourism service”**

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In the **FOURTH SCHEDULE** columns 1 and 2 were deleted and substituted with the following:

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**“Amount of Shared Economy Levy with effect from the 1st August 2018”**

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**“10% of the cost of the rental or lease of the tourist accommodation whether that charge is a rate which is charged per night or per bedroom, or a rate for the period of use.”**

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Delete the **FIFTH SCHEDULE**, and insert the following **therefor**:

## FIFTH SCHEDULE

(Section 26(1) )

*Enactments to be Amended*

## PART I

ENACTMENT	AMENDMENT
<i>Barbados Revenue Authority Act, 2014</i>	<p>Insert in section 15 the following new subsection after subsection (3):</p> <p>“ (4) All revenue paid, collected or received pursuant to section 4 shall be paid into the Consolidated Fund.”.</p> <p>In the <i>First Schedule</i> insert the following new paragraph after paragraph 10:</p> <p>“<b>11.</b> <i>Tourism Levy Act, 2019</i> ”.</p>
<i>Land Tax Act, Cap. 78A</i>	<p>Delete section 6D delete and substituting:</p> <p>“ Tax payable in respect of vacation rentals    6D. (1) The proprietor of a vacation rental property shall pay tax at the rate specified under section 6(1), with effect from the 1st day of April, 2011, where the tax is paid at the time prescribed in section 28, the actual amount payable shall be calculated on 75 per cent of the tax demanded.</p> <p>(2) For the purposes of this section,</p> <p>(a) “proprietor” includes the owner of a vacation property rental and any person, not being the owner, who for the time being has immediate control over the management of the vacation rental property;</p> <p>(b) “vacation rental property” means a dwelling house or house which is registered with the Barbados Tourism Product Authority, and which</p> <p>(i) is valued at not less than \$525 000;</p> <p>(ii) makes a charge for the accommodation provided;</p> <p>(iii) is systematically or periodically rented by guests during the calendar year, for at least 3 months during that year;</p>

**FIFTH SCHEDULE – Cont’d***(Section 26(1) )**Enactments to be Amended***PART I – Cont’d**

<b>ENACTMENT</b>	<b>AMENDMENT</b>
<i>Land Tax Act, Cap. 78A – Cont’d</i>	<p>(iv) provides sleeping accommodation in one or more rooms;</p> <p>(v) is managed by an individual, company or real estate agent and employs no less than 3 persons; and</p> <p>(vi) the grounds and any common areas or recreational facilities are for the use of the occupants of a single booking.”.</p>
<i>Tourism Development Act, Cap. 341</i>	<p>Section 2</p> <p>(a) delete the definition of the word “villa”; and</p> <p>(b) insert the following definition in alphabetical order:</p> <p>“ “vacation rental property” means a dwelling house or house which is registered with the Barbados Tourism Product Authority, and which</p> <p>(a) is valued not less than \$525 000;</p> <p>(b) makes a charge for the accommodation provided;</p> <p>(c) is systematically or periodically rented by guests during the calendar year, for at least 3 months during that year;</p> <p>(d) provides sleeping accommodation in one or more rooms;</p> <p>(e) is managed by an individual, company or real estate agent and employs no less than 3 persons; and</p> <p>(f) the grounds and any common areas or recreational facilities are for the use of the occupants of a single booking.”.</p> <p>Delete the word “villa” wherever it appears and substitute the words “vacation rental property” therefor.</p>

**FIFTH SCHEDULE – Concl’d***(Section 26(1) )**Enactments to be Amended***PART I – Concl’d****ENACTMENT****AMENDMENT***Value Added Tax Act, Cap. 87*

Section 2 insert the following definition in alphabetical order

“ “direct tourism service” has the meaning assigned to by section 2 of the *Tourism Levy Act, 2019 (Act 2019-)*.”.

Section 7 repeal subsection (3B).

Delete section 7(11) and substitute the following:

“ (11) With effect from the 1st day of October, 2013 the tax imposed by subsection (1) on the supply of accommodation in a guest house, hotel, inn, apartment or any other similar place; or for a direct tourism service shall be 7.5 per cent of the value of the supply and is payable by the registrant at the time the supply is made.”.

Delete section 7(12).

Delete the *Fourth Schedule*.

**PART II****ENACTMENT****AMENDMENT***Value Added Tax Act, Cap. 87*

Insert in the *Second Schedule* the following new paragraph after paragraph 15:

“ **16.** From the 1st day of April, 2019, a supply of a vacation rental property, being a house or a dwelling house, which is registered with the Barbados Tourism Product Authority and is systematically or periodically rented for a charge or sum during a calendar year by guests as tourist accommodation. ”.



Delete the **SIXTH SCHEDULE**, and substitute the new SIXTH SCHEDULE therefor:

## **SIXTH SCHEDULE**

*(Sections 26(2) and 27(4) )*

*Amendment of the Value Added Tax Act, Cap. 87*

### **ENACTMENT**

*Value Added Tax Act, Cap. 87*

### **AMENDMENT**

Delete section 7(11) and substitute the following:

“ (11) With effect from the 1st day of January, 2020 the tax imposed by subsection (1) on the supply of accommodation in a guest house, hotel, inn, apartment or any other similar place; or for a direct tourism service shall be 10 percent of the value of the supply and is payable by the registrant at the time the supply is made.”.

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

**Dated the 11th day of December, 2019.**

R. L. CHELTENHAM  
**PRESIDENT**

### **PAPERS**

Hon. Miss M. K-A. Caddle by her command laid the following:

Loan Contract No. 4342/OC-BA between the Government of Barbados and the Inter-American Development Bank – National Tourism Program.

### **FIRST READINGS OF BILLS**

On the motion of Hon. Miss S. J. O. Bradshaw seconded by Hon. D. D. Marshall the Caribbean Community Movement of Skilled Nationals Bill, 2019 was read a first time.

### **ORDERS OF THE DAY**

### **SUSPENSION OF STANDING ORDERS**

On the motion of Hon. Miss S. J. O. Bradshaw seconded by Hon. D. D. Marshall Standing Orders 6, 16, 18, 20, 42(5), 43 and 44 were suspended for the remainder of the Sitting.

### **GOVERNMENT BUSINESS**

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

On the Order being called for Hon. R. R. Straughn to move the passing of a Resolution to seek the concurrence of the Honourable the House of Assembly in the amendments made by the Honourable the Senate to the Tourism Levy Bill, 2019.

the Hon. Member spoke and moved, seconded by Hon. K. D. M. Humphrey that the Resolution be passed.

The motion was passed.

**ADJOURNMENT**

Hon. Miss S. J. O. Bradshaw spoke and moved seconded by Hon. D. D. Marshall that the Sitting be adjourned until January 14th, 2020 at 10.00 a.m.

Mr. Speaker spoke.

At 11.35 a.m. Mr. Speaker adjourned the Sitting.

BEVERLEY S. GIBBONS  
Deputy Clerk of Parliament.

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

Speaker.

HOUSE OF ASSEMBLY  
PARLIAMENT BUILDINGS  
BRIDGETOWN.



# **HOUSE OF ASSEMBLY**

**FIRST SESSION OF 2018 – 2023**

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## **MINUTES**

Friday, 20th December, 2019.

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Government Printing Department.