

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
ANTIGUA AND BARBUDA
Claim No. ANUHCV2002/
BETWEEN

H.M.B. HOLDINGS LIMITED

Applicant

and

(1) THE CABINET OF ANTIGUA AND BARBUDA
(2) THE ATTORNEY GENERAL FOR ANTIGUA AND BARBUDA
Respondents

AFFIDAVIT IN SUPPORT OF EX PARTE APPLICATION

I, Baldwin Spencer of Cooks New Extension in the Parish of St. John in the State of Antigua and Barbuda make oath and say as follows:

1. I am the Leader of the Opposition in the House of Representatives of the Parliament of Antigua and Barbuda.
2. The facts and matters to which I depose in this Affidavit are within my personal knowledge except where stated to be based on information and belief in which case I verily believe same to be true and correct.

3. This Affidavit is made voluntarily without fear or favour in the public interest and in support of the Applicant's application for judicial review. Having reviewed the plans for restoration of the Half Moon Bay Hotel by the Applicant I am convinced that the Applicant has the best chance of revival of the Half Moon Bay Hotel industry for the benefit of the people of Antigua in general and in particular the residents of Freetown and St. Phillips.

4. As a practicing politician with a deep commitment to the political, social and economic development of Antigua and Barbuda, I am firmly of the view having carefully studied the relevant documents and issues concerning this matter, that the decision by the cabinet of the government of Antigua and Barbuda is fundamentally flawed. The decision must not be allowed to stand. The decision is pregnant with bias unreasonableness and maladministration. The court must intervene.

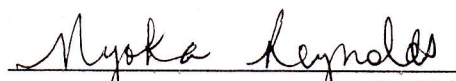
5. It is true that when this matter first came to the legislature members of the opposition lent support to the Government's intended scheme. However, members of the opposition soon discovered that material facts were suppressed by the Government thereby misleading the opposition into a position of support. The opposition took immediate corrective action. We now prosecute the interest of the people of Antigua and Barbuda by opposing the Government's unlawful move to acquire the Applicant's property.

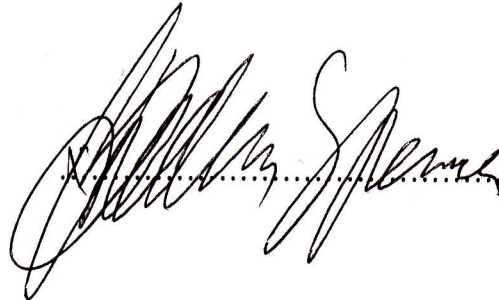
6. I was in the House of Representatives on 12th February, 2002 when the Honourable Member for St. John's Rural (East), the Prime Minister Mr. Lester Bryant Bird moved a resolution authorising the Secretary to the Cabinet to cause a declaration to be made for the acquisition by the State of Antigua and Barbuda of certain lands known as the Half Moon Bay Hotel property for an alleged public purpose. There is now shown to me as Exhibit No."B.S.1" to this Affidavit a copy of the order paper for the House of Representatives for 12th February, 2002 which contains a copy of the resolution referred to above. Because the opposition disagreed with the resolution, in protest, we exited/walked out of the Parliament before the division.

7. At the next sitting of the House on which I attended, I was informed by the Clerk of the House and verily believe that the resolution referred to in paragraph 6 of this Affidavit was passed after the walkout of Opposition Members referred to aforesaid.

Sworn at the High Court, St. John's,
Antigua this 15th day of March, 2002

Before me :


COMMISSIONER FOR OATH
ANTIGUA & BARBUDA



THIS AFFIDAVIT IS FILED ON BEHALF OF THE APPLICANT HEREIN