

No. 11 of 2001.

*The Public Market Complex
Act 2001.*

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ANTIGUA
AND
BARBUDA



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

11th July, 2001.

ANTIGUA AND BARBUDA

No. 11 of 2001

AN ACT to make provision for the management, control and administration of the Public Market Complex at Saint John's.

[19th July, 2001]

ENACTED by the Parliament of Antigua and Barbuda as follows —

1. This Act may be cited as the Public Market Complex Act 2001. Short title

2. In this Act — Interpretation.

"Corporation" means the St. John's Development Corporation established under section 3 of the St. John's Development Corporation Act; Cap. 392.

"Manager" means the Market Manager appointed under section 8 or any person for the time being acting for him;

"Market Complex" means the Public Market Complex referred to in section 3;

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"Minister" means the member of the Cabinet for the time being charged with the responsibility for the St. John's Development Corporation;

"officer" includes an inspector or any other personnel employed by the Corporation for the proper administration of the market;

"stand" means any area in the market which may from time to time be designated a stand for the purposes of parking vehicles, or for the purpose of delivering supplies to the market and shall include any area which the Manager may from time to time appoint as the place for parking vehicles or for selling, offering or exposing for sale as wholesale dealers marketable commodities and other goods.

**Description of
market.**

3. The Market Complex shall be as is more particularly described in the Schedule and includes all buildings, land, passageways and appurtenances to and within the limits of the said market including the area known as Heroes Park.

**Managing
Authority.**

4. (1) Notwithstanding the provisions of the St. John's Development Corporation Act, the Corporation shall for the purposes of this Act, be the governing body of and be responsible for the management of the Market Complex.

(2) The Corporation shall exercise all the powers of a corporate body in the performance of its functions under this Act.

**Vesting of
property.**

5. (1) All lands, buildings, installations, equipment and all other forms of property, whether real or personal situate in the City of St. John's and known as the market, and all interests therein, of whatsoever nature, belonging to the Government of Antigua and Barbuda and used for the purpose of the market are by this Act transferred to and vested in the Corporation.

(2) The transfer of land above shall be effective on the coming into force of this Act and without further assurance.

(3) The provisions of any other Act notwithstanding, the Corporation shall not, except with the prior written permission of the Governor-General acting on the advice of the Cabinet, dispose of by sale, lease, sublease, mortgage, easement or otherwise any land or interest in land vested in the Corporation save

and except such leases of stall and stores as are provided for in this Act.

6. (1) The Corporation shall generally be responsible for **carrying out** of the provisions of this Act. Functions of the Corporation.

(2) Without prejudice to ~~the~~ generality of subsection (1) the Corporation shall —

- (a) control, manage and supervise all activities to be carried on in the Market;
- (b) lease, rent, grant licences and permits to persons to **carry on** businesses in the Market;
- (c) collect fees, rents and charges for services provided at the Market;
- (d) maintain the buildings, equipment and facilities provided for use in the Market.

7. The Corporation may delegate to any member or committee of the Corporation the power and authority to carry out on its behalf such duties as the Corporation may determine. Delegation of powers.

8. (1) Subject to subsection (2) and for the proper management of the Market Complex, the Corporation shall appoint and employ, at such remuneration on such terms and conditions as it thinks fit, a Market Manager, inspectors and such other employees as may be necessary and proper for due and efficient administration, control and management of the Market Complex. Appointment of staff.

(2) A person shall not be qualified to be employed nor be appointed in any capacity by the Corporation to carry out functions in relation to the management, of the Market Complex if such person, spouse of such person or business partner —

- (a) is personally interested in the sale of any commodity offered for sale in the market; or
- (b) receives directly or indirectly any emolument or reward of any kind on account of any services or facility provided in the market, or

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- (c) owns a stand, shop or stall in any part of the market;

provided however that a person shall not be deemed unqualified for employment if he or his spouse holds less than five percent of the shares in a company that does business in the market and discloses that ownership to the Corporation.

**Duties of Manager
and inspectors.**

9. (1) The Manager shall be subject to the direction of the Corporation and shall be responsible for the day to day management and administration of the Market Complex and shall perform all such other duties as the Corporation may, from time to time direct.

(2) It shall be the duty of the Manager to enforce the compliance of this Act and any regulations made thereunder.

(3) The inspectors appointed under section 8 shall be responsible to the Manager and shall perform such duties as are assigned to them by the Corporation or the Manager.

Manager's powers.

10. (1) The Manager shall, at any time during the opening hours of the Market Complex, exercise the following powers —

- (a) inspect or cause to be inspected any store, stall, or other place within the Market to enforce the compliance of this Act, the Public Health Act or any regulations made under such Acts; provided that no such stall or store may be inspected until the tenant or vendor of the store or stall has been notified of the intention and given an opportunity to be present during the inspection;
- (b) inspect or caused to be inspected any scale, weight or measure of any description used by any person to ensure compliance with the requirements of standards established by law regulating weights and measures;
- (c) seize any animal or poultry found straying in the market or found therein during closed hours, and may destroy or sell live or as meat such animal seized unless the same is claimed within forty eight hours of seizure;

- (d) issue directions **confirming** either wholesale or retail trade to specified parts of the market;
- (e) establish any area in any part of the market as a stand.

(2) The Manager may seize any tainted or unwholesome food or other commodity which is found sold or offered or exposed for sale in the Market Complex and may destroy or order the destruction of such tainted or unwholesome food or commodity; provided that such items may not be destroyed if the owner requests that the same be examined by a qualified public health inspector in the presence of the owner and the same is pronounced fit for sale and consumption by the health inspector.

(3) The Manager may remove or cause to be removed all articles, **items** or persons who obstruct any of the paths or passages of the **market** and in the case of articles or other items may seize, take possession of and sell or dispose of the same if they are not claimed within forty eight hours of the time of seizure.

(4) The Manager or other market official authorized by the Manager may eject or cause to be ejected, and a police officer may eject or arrest —

- (a) any loiterer;
- (b) any person who acts in a disorderly or indecent manner, or who is indecently attired or who uses abusive or insulting language or who behaves in a manner likely to disturb the peace of the market; or
- (c) any person reasonably suspected to be afflicted with sores, yaws or any other infectious or **communicable** disease.

(5) The Manager or other market official may remove any animal found in the market.

11. (1) The Corporation shall not be held liable for loss or damage sustained in respect of any property brought into the market, save and except the negligence of the Corporation or any of its agents or servants. Indemnity.

(2) No liability shall attach to the Manager or other officer of the market in respect of any action lawfully taken pursuant to powers under **this Act** or regulations made hereunder.

Regulations.

12. (1) The Minister **may make** regulations generally for the control and better carrying out of the provisions of this Act and in particular without prejudice to the generality of the foregoing may make regulations —

- (a) for any activity which may be lawfully carried out in the Market Complex;
- (b) for the issue of licences and permits for carrying on certain businesses in the Market Complex;
- (c) prescribing **conditions** for renting shops, stalls and spaces within the Market Complex;
- (d) prescribing fees and charges for licences, permits, rents and services provided in the Market Complex;
- (e) prescribing the times during which the Market Complex shall open and close;
- (f) demarcating areas for parking vehicles and charging fees for parking vehicles in such areas;
- (g) creating offences and prescribing the penalties therefor;
- (h) prescribing forms and any other matter or thing which may be required to be prescribed by this Act.

(2) Regulations made under this Act shall come into force by publication in the *Gazette*.

Disapplication of the Public Health Act.

13. (1) The Market Regulations made under section 140(2) of the Public Health Act shall not apply to the **Public Market Complex**.

(2) Notwithstanding subsection (1), the Public Health Act shall, to the extent that it regulates public health, continue to apply to the Market Complex.

