

CHAPTER 392

THE ST. JOHN'S DEVELOPMENT CORPORATION ACT

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Section

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ST. JOHN'S DEVELOPMENT CORPORATION

(1st December, 1986.)

1/1986.

PART I Preliminary

1. This Act may be cited as the St. John's Development Corporation Act. **Short title.**

2. In this Act—

Interpretation.

"chairman" means the chairman of the Corporation and includes any person for the time being performing the functions of chairman;

"the Corporation" means the St. John's Development Corporation established under section 3;

"designated area" means any area of land designated under section 14;

"financial year" means such period of twelve months as the Corporation with the approval of the Minister may determine to be its financial year, so, however, that the first financial year shall be the period commencing with the commencement of this Act and ending with such day as may be fixed by the Corporation with the approval of the Minister;

"Minister" means the Minister of Government charged with the responsibility for tourism;

"owner" in relation to land, means a person who is for the time being entitled to dispose of the fee simple of the land whether in possession or in reversion, and includes a person holding or entitled to the rents and profits under a lease or agreement, the unexpired term whereof exceeds three years;

"statutory undertakers" means persons authorized by any law to carry on any transport undertaking by

land, air or water, or any undertaking for the supply of electricity, gas, hydraulic power or water, or any telephone service.

PART II

Establishment and Functions of the Corporation

Establishment of
St. John's
Development
Corporation.

3. (1) There is established for the purposes of this Act a body corporate to be called the St. John's Development Corporation.

First Schedule.

(2) The provisions of the First Schedule shall have effect with respect to the constitution of the Corporation and otherwise in relation thereto.

Functions of the
Corporation.

4. (1) Subject to the provisions of this Act the Corporation shall have power to carry out or secure the laying out and development of areas designated under section 14.

(2) Subject to the provisions of this Act, the Corporation may, for the purpose of performing any of its functions under this Act, do anything and enter into any transaction which, in the opinion of the Corporation, is necessary to ensure the proper performance of its functions.

(3) In particular and without prejudice to the generality of the provisions of subsections (1) and (2) the Corporation may—

(a) acquire, manage and dispose of land whether within or outside any designated area;

(b) lay out, construct and maintain roads, construct and maintain buildings and carry out such other building and engineering operations as may appear to it to be necessary or desirable in, on, over or under land within any designated area;

(c) provide and maintain car parks, piers, public parks, public gardens and other public amenities within any designated area;

(d) carry on any business or undertaking for the development of any designated area;

(e) contribute to statutory undertakers sums in respect of expenditure incurred by such undertakers in respect of their functions in connection with the development of any designated area;

(f) engage in any other activity designated to promote the development of any designated area.

(4) The Corporation shall, in performing any of its functions under this Act, take such action as may be necessary and practicable to ensure the preservation of sites and objects of architectural or historic interest.

5. (1) The Minister may, after consultation with the chairman, give to the Corporation directions of a general character as to the policy to be followed in the performance of its functions in relation to matters appearing to him to concern the public interest.

Ministerial directions.

(2) The Corporation shall furnish the Minister with such returns, accounts and other information as he may require with respect to the property and activities of the Corporation, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

6. (1) The Corporation may appoint and employ at such remuneration and on such terms and conditions as it thinks fit an executive director, a secretary and such other officers, servants and agents as it thinks necessary for the proper performance of its functions.

Appointment of officers, servants and agents.

(2) Notwithstanding subsection (1)—

(a) no person shall be appointed executive director without the prior approval of the Minister;

(b) the Corporation shall have power to dismiss the executive director, subject to the prior approval of the Minister;

(c) no salary in excess of such sum as the Minister may determine and notify in writing to the Corporation shall be assigned to any post without the prior approval of the Minister;

(d) no appointment whether permanent or temporary shall be made to any post to which a salary is assigned by the Minister under paragraph (c) without the prior approval of the Minister;

(e) except with the prior approval of the Minister, no person shall be dismissed from any post specified in paragraph (6).

(3) The Governor-General or the Public Service Commission, as the case may be, may, subject to such conditions as may be imposed, approve of the appointment of any public officer in the service of the Government of Antigua and Barbuda to any office with the Corporation; and any public officer so appointed shall, in relation to pension, gratuity or other allowance, and to other rights as a public officer, be treated as continuing in the service of the Government.

PART III

Financial

Funds and resources of the Corporation.

7. The Funds and resources of the Corporation shall consist of—

(a) such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament;

(b) moneys borrowed by the Corporation pursuant to section 8 for the purpose of meeting any of its obligations or performing any of its functions;

(c) all other moneys and other property which may in any manner become payable to, or vested in, the Corporation in respect of any matter incidental to its functions.

Borrowing powers.

8. (1) Subject to the provisions of subsection (2), the Corporation may borrow moneys required by it for meeting any of its obligations or performing any of its functions.

(2) The power of the Corporation to borrow shall be exercisable only with the prior approval of the Minister responsible for finance as to the amount, as to the source of borrowing and as to the terms on which the borrowing

may be effected; and an approval given in any respect for the purpose of this section may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

9. Money standing to the credit of the Corporation may from time to time be invested in securities approved either generally or specifically by the Minister responsible for finance, and the Corporation may from time to time with the like approval sell any or all of such securities. **Investments.**

10. The Corporation shall establish a reserve fund to be utilized for such purposes as the Minister responsible for finance may approve. **Reserve Fund and Disbursement of Funds.**

11. (1) The Corporation shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by the Director of Audit or some other suitable person appointed by the Minister for the purpose. **Accounts and audit.**

(2) The members, officers and servants of the Corporation shall grant to the Director of Audit or any other person appointed under this section to audit its accounts access to all books, documents, cash and securities of the Corporation and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Corporation.

12. (1) The Corporation shall prepare and present to the Minister within four months (or such longer period as the Minister may allow) after the expiration of each financial year of the Corporation a report— **Annual report and estimates.**

(a) dealing generally with the activities of the Corporation during its last financial year;

(b) containing such information relating to the proceedings and policy of the Corporation as in its opinion can be made public without detriment to the interest of the Corporation; and

(c) including a statement of its account audited in accordance with the provisions of section 11.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the report of the person who audited the accounts on that statement and on the accounts of the Corporation to be laid on the table of the House of Representatives and of the Senate.

(3) Copies of the Corporation's report together with the annual statement of accounts and the report of the person who audited the accounts on that statement and on the accounts of the Corporation shall be published in such manner as the Minister may direct.

(4) The Corporation shall, not less than three months (or such shorter period as the Minister may in any particular case allow) before the expiration of each financial year of the Corporation, submit to the Minister for approval its estimates of revenue and expenditure in respect of its next financial year.

PART IV

Transfer of property to Corporation

Transfer of
property to
Corporation.

13. Upon a day to be appointed by the Minister by notice published in the *Gazette* by virtue of this section and without further assurance all such property owned by the Government of Antigua and Barbuda within the designated area as may be specified in the notice as aforesaid shall be transferred to and vested in the Corporation, for such consideration, if any, as the Government and the Corporation may agree.

PART V

Designation of areas, and consequential powers and duties

Designation
orders.

14. (1) If the Minister is satisfied, after consultation with any person or group of persons in Antigua and Barbuda which appears to him to be concerned, that it is expedient in the national interest that any area of land within the designated area should be developed by the Corporation, he may make an order designating that area for the purposes of this Act.

(2) The provisions of the Second Schedule shall have effect with respect to the procedure to be followed in relation to an order made or to be made under this section. Second Schedule.

(3) Every order made under this section shall be subject to affirmative resolution of the House.

15. (1) The Corporation shall, as soon as practicable after a designation order has been made, furnish every statutory undertaker with a plan of development for such designated area and a statement, both of which together shall give particulars in regard to— Plan of Development

(a) the manner in which such designated area will be laid out and the land therein used and in particular, the land intended to be used for the provision respectively of buildings, roads and open spaces;

(b) the approximate number and nature of the buildings proposed to be constructed;

(c) particulars relating to water supply, drainage and sewage disposal,

and request the statutory undertaker to furnish the information required in accordance with subsection (2), before a specified day.

(2) Every statutory undertaker to which a plan of development and a statement are furnished in accordance with the requirements of subsection (1) shall, before the specified day, inform the Corporation in writing—

(a) that it does not recommend any modifications of such plan and statement; or

(b) of any modifications of the plan or statement which it recommends.

(3) The Corporation shall subject to subsections (5) and (6) hold one or more public meetings for the purpose of presenting the plan of development or amendment thereto and receiving submissions thereon.

(4) The Corporation shall submit the plan of development or amendment thereto along with any information received from a statutory undertaker under subsection (2),

any submission thereon and a record of the public meetings, if any, to the Minister, who shall submit them to Cabinet for approval of the plan of development or amendment.

(5) Where the Corporation deems it necessary to amend the plan of development, notice of the intended amendment shall be published in the Gazette and in one or more newspapers in circulation in Antigua and Barbuda.

(6) If twenty or more persons requisition a public meeting in respect of an amendment under subsection (5), the Corporation shall hold one or more meetings on such amendment.

(7) The Cabinet may approve a plan of development with such modifications as it thinks fit and shall cause notice of its approval to be published in the Gazette, and thereupon such planning development, with or without modification, shall have effect as an approved plan of development.

Acquisition of land.

Cap. 233.

Corporation may require information as to ownership, etc. of premises.

16. Where the Corporation has determined that it is necessary for the better carrying out of its functions under this Act that any private land within the designated area should be acquired by the Crown, the Corporation shall issue a written determination to such effect and the Crown may thereupon acquire such land under the Land Acquisition Act.

17. (1) The Corporation may, for any purpose arising in relation to the preparation of a plan of development or the carrying out of an approved plan of development, by notice in writing require the owner or occupier of any land or building within the designated area to which such plan relates or is intended to relate or any person receiving, whether for himself or for another, rent out of any such land or building, to state in writing to the Corporation within a specified time, not being less than twenty-one days after service of such notice, particulars of the estate, interest or right by virtue of which he owns or occupies such land or building or receives such rent, as the case may be, and the name and address, and the estate, interest or rights, so far as they are known to him, of every person who to his knowledge has any estate or interest in or right over or in respect of such land or building.

(2) Every person who, being required under this section to state in writing any matter or thing to the Corporation, either fails to do so within the time specified under this section, or in doing so makes any statement in writing which is to his knowledge false or misleading in a material particular, is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for a term of six months.

18. (1) Without prejudice to any of its other powers under this Act, the Corporation may—

Powers of dealing with lands and buildings.

(a) let or lease for any term of years, or upon any conditions, any land vested in it under or by virtue of this Act and accept surrenders of any such leases as it may think fit: but the Corporation shall not exercise the powers conferred by this paragraph without the prior sanction of the Minister if he so directs;

(b) with the consent of the Cabinet, sell or exchange such land, whether or not it pays or receives any money for equality of exchange.

(2) The sale or lease of any land vested in the Corporation may be subject to such covenants and conditions as the Corporation, with the approval of the Minister, may impose in regard to the laying out and use of the land or in regard to the use and maintenance of any building thereon, and upon any such sale the Corporation may, with the approval of the Minister, accept payment of part of the price and secure the remainder by a mortgage of the premises.

19. Notwithstanding anything contained in any other enactment—

Exemption from Stamp Duty and income tax.

(a) the Corporation is exempt from the payment of stamp duties, registration or recording fees in respect of any instrument necessary for the transfer or vesting of any land to or in the Corporation or from or by the Corporation or relating to any lease, mortgage, or other charge or any release, in regard to which the Corporation is a party; and

(b) the Corporation is exempt from income tax.

20. The Corporation shall carry out or secure the laying out and development of every designated area in accordance with the approval plan of development relating thereto.

flexibility and designated areas.

Roads.

21. (1) The Corporation may, for the purposes of an approved plan of development—

(a) lay out, pave, improve, sewer and complete such roads as it thinks fit within the designated area to which such plan relates;

(b) close, alter or discontinue any road within such area.

Cap. 360.

(2) Subject to the provisions of subsections (3) and (4) any roads laid out in accordance with an approved plan of development shall be deemed to be public roads to which the Public Works and Road Act applies and to be public roads within the meaning of that Act; and the exclusive care, management, control and superintendence of the said roads shall accordingly be vested in the Director of Public Works.

(3) The Corporation shall notify the Director of Public Works that the roads have been laid out in accordance with the approved plan of development and the Director of Public Works shall, if he is satisfied that the roads have been so laid out, notify the Corporation to that effect and upon receipt by the Corporation of this notification the provisions of subsection (2) shall apply to such roads.

(4) Where the Corporation decides to alter or discontinue any road—

(a) the Corporation shall notify the Director of Public Works of the decision and furnish him with a plan of the road intended to be altered and of the intended alterations thereto, or of the road intended to be discontinued; and

(b) the Director of Public Works shall, as soon as may be thereafter, decide whether such road shall be altered or discontinued, as the case may be, in accordance with the plan, and forward a copy of his decision to the Corporation.

(5) Upon receiving the decision of the Director of Public Works pursuant to paragraph (b) of subsection (4)—

(a) the Corporation may proceed with the alteration of the road; or, as the case may be,

(b) the discontinuance to which such decision relates shall have effect and thereupon—

- (i) the road so discontinued shall cease to be a public road and all rights of way over it shall cease; and
- (ii) the owner of the adjoining land on either side of the road so discontinued may enclose up to the centre of the road the part thereof which his land adjoins, so, however, that a person who owns the adjoining land may enclose entirely so much of the road as those lands adjoin.

(6) If there is any continuing dispute between the Director of Public Works and the Corporation as to whether or not any roads are laid out in accordance with an approved plan of development, or if there is any continuing refusal or continuing neglect by the Director of Public Works to comply with the provisions of subsection (3) or paragraph (b) of subsection (4) the Corporation shall refer the matter to the Minister, who shall, if he is satisfied that the roads are laid out in accordance with the relevant approved plan of development or that the Corporation has complied with the provisions of paragraph (a) of subsection (4), as the case may be, issue to the Corporation and the Director of Public Works a declaration to that effect and thereupon the provisions of subsection (2) or paragraph (a) or (b) of subsection (5), as the case may be, shall apply to the relevant roads, and the decision of the Minister under this subsection shall be final.

(7) The provisions of this section shall apply to any part of a road as they apply to a road.

22. (1) Where the removal or alteration of apparatus belonging to statutory undertakers on, under or over land within the designated area to which an approved plan of development relates, or on, under or over a road running over or through, or adjoining any such land, is necessary for the purpose of enabling the Corporation to perform any of its functions under this Act, the Corporation shall have power to execute works for the removal or alteration of the apparatus, subject to and in accordance with the provisions of this section.

Removal or alteration of apparatus of statutory undertakers.

(2) The Corporation shall serve on the statutory undertakers notice in writing of its intention, with particulars of the proposed works and of the manner in which they are to be executed and with plans and sections thereof, and shall not commence any works until the expiration of a period of twenty-eight days from the date of service of the notice, and the statutory undertakers may within that period by notice served on the Corporation—

(a) object to the execution of the works or any of them on the ground that they are not necessary for the purpose aforesaid; or

(b) state requirements to which, in their opinion, effect ought to be given as to the manner of, or the observance of conditions in, the execution of the works, as to the execution of other works for the protection of other apparatus belonging to the statutory undertakers, or as to the execution of other works for the provision of substituted apparatus whether permanent or temporary, and if objection is so made to any works and not withdrawn, the Corporation shall not execute the works unless they are determined by arbitration to be necessary and if any such requirement is made and not withdrawn, the Corporation shall give effect thereto unless it is determined by the Minister to be unreasonable.

(3) The Corporation shall make to the statutory undertakers reasonable compensation for any damage which is sustained by them by reason of the execution by the Corporation of any works under subsection (1) and which is not made good by the provision of substituted apparatus. Any question as to the right of the statutory undertakers to recover compensation under this subsection or as to the amount thereof shall be determined by arbitration.

(4) Where the removal or alteration of apparatus belonging to the statutory undertakers, or the execution of works or the provision of substituted apparatus, whether permanent or temporary, is necessary for the purposes of their undertaking by reason of discontinuance, diversion or alteration of the level or width of a road by the Corporation under powers exercisable by the virtue of this Act, the statutory

undertakers may, by notice in writing served on the Corporation, require it, at the expense of the Corporation, to remove or alter the apparatus or to execute the works; and where any such requirement is made and not withdrawn the Corporation shall give effect thereto unless it serves notice in writing on the statutory undertakers of its objection to the requirement within twenty-eight days from the date of service of the notice upon it and the requirement is determined by the Minister to be unreasonable.

(5) At least fourteen days before commencing any works which it is authorized or required under this section to execute, the Corporation shall, except in case of emergency, serve on the statutory undertakers notice in writing of its intention so to do, and the works shall be executed by and at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the statutory undertakers.

(6) If within fourteen days from the date of service on them of notice under subsection (5) the statutory undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the Corporation, and the reasonable costs thereof shall be repaid to the statutory undertakers by the Corporation.

(7) Any difference arising between statutory undertakers and the Corporation under subsections (5) and (6) shall be determined by the Minister; and in any matter which is by virtue of the provisions of this section to be determined by the Minister his decision shall be final.

(8) In this section, references to the alteration of apparatus include reference to diversion and alteration of position or level.

23. (1) The Minister may by order extinguish any public right of way over any land acquired by virtue of the provisions of this Act.

**Extinguishment
of rights of way,
easements, etc.**

(2) A draft of every order proposed to be made under this section shall be published at intervals of not less than seven days in six issues of a newspaper printed and circulated in Antigua and Barbuda and objection to the making of the

order may be made to the Minister in writing by any person before the expiration of six weeks from the date of the first publication of the draft order.

(3) The Minister shall before making any order consider every objection made in accordance with subsection (2) and the order shall after being made be published in the *Gazette*.

(4) Upon the acquisition of any land for the purposes of this Act all private rights of way over, and all rights of laying down, erecting, continuing or maintaining any pipes, wires or cables on, under or over such land, together with the property in such pipes, wires or cables, and all other rights or easements in or relating to such land shall, except so far as may be otherwise agreed by the Corporation and the person entitled to the rights in question, vest in the Corporation, and any person who suffers loss by the vesting of any such right or property as aforesaid shall be entitled to be paid reasonable compensation.

Transfer of
undertaking
of the
Corporation.

24. Without prejudice to the powers of the Corporation under this Act to dispose of any of its property and any trade or business carried on by it, the Corporation may, by agreement made with any statutory undertakers and approved by the Minister, transfer to those undertakers any part of that undertaking consisting of a statutory undertaking, upon such terms as may be specified by the agreement.

Revocation of
designation
orders,
consequential
provisions.

25. (1) Where the Minister is satisfied that the purposes for which any designated order was made under this Act have been substantially achieved and that the circumstances are not such as to render it expedient on financial grounds to defer the disposal under this section of the undertaking of the Corporation in the area to which such designation order applies, he shall revoke such designation order and may thereupon by order provide for the transfer of that undertaking or of any part thereof in so far as that undertaking consists of a statutory undertaking, to such statutory undertakers as may be specified in the order mentioned last.

(2) The Minister shall, before making such orders, consult with statutory undertakers, if any, and with any other statutory undertakers who, immediately before the designation order came into force, were authorized to carry on within the area to which such designation order applies an undertaking similar to the undertaking or part of the undertaking which will be so transferred.

(3) Every order made under this section providing for the transfer of the undertaking or any part of the undertaking of the Corporation shall define the terms on which the transfer is to be made and may provide for the payment by the statutory undertakers to whom the transfer is to be made, of such amount in the consideration of the transfer, as may be specified in the order, to be paid in such manner as may be so specified.

(4) Not less than twenty-eight days before making an order under this section providing for the transfer of the undertaking or any part of the undertaking of the Corporation, the Minister shall serve a copy of the proposed order on the statutory undertakers to whom the transfer is to be made; and if any objection is made by them within twenty-eight days after the service of the copy of the proposed order, the order is subject to affirmation resolution of the House; but if objection is made by any statutory undertaker as to the amount to be paid only, such order shall have effect subject to the amount being determined by the arbitration in the manner provided by the Arbitration Act.

Cap. 33.

(5) An order made under this section which provides for the transfer to the undertaking or any part of the undertaking of the Corporation may contain such incidental, consequential and supplementary provisions as the Minister thinks necessary or expedient for the purposes of the order, and in particular, but without prejudice to the generality of the foregoing, may extend or modify the powers and duties of the statutory undertakers to whom the transfer is to be made, so far as appears to the Minister to be necessary or expedient in consequence of the transfer.

(6) In this section "designated order" means an order made under section 14 (1).

PART VI
General**Regulations.**

.26. The Minister may make regulations generally for the proper carrying out of the provisions and purposes of this Act and in particular but without prejudice to the generality of the foregoing may make regulations—

(a) for securing the proper laying out and development of the designated area;

(b) prescribing the form of any notice or other document authorized or required by this Act to be served or issued;

(c) prescribing any other matter or anything which may be, or is required by this Act to be, prescribed.

FIRST SCHEDULE

(section 3)

Constitution and procedure of the Corporation

1. (1) The Corporation shall consist of—

(a) a chairman, who may be the Minister or a person appointed by the Minister;

(b) A deputy chairman who shall be a representative of the Minister of Agriculture, Lands and Fisheries;

(c) The Town and Country Planner;

(d) A representative of the Ministry of Public Works;

(e) Four other members appointed by the Minister, being persons of recognised standing, knowledge and experience in commerce, tourism, law, banking, real estate or professional or academic matters.

(2) In the case of the absence or inability to act of the chairman, the deputy chairman shall exercise the functions of the chairman.

(3) Subject to the provisions of sub-paragraph (2), the Minister may appoint any person to act temporarily in the place of any member of the Corporation in the case of absence or inability to act of such member.

2. The appointment of a member of the Corporation shall, subject to the provisions of this Schedule, be for a period not exceeding three years and such member shall be eligible for reappointment.

3. (1) Any member of the Corporation, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman; and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Corporation.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

4. The Minister may at any time revoke the appointment of any member of the Corporation if he thinks it expedient so to do.

5. If any vacancy occurs in the membership of the Corporation such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

6. (1) The seal of the Corporation shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Corporation in the presence of the chairman or any other member of the Corporation and the secretary.

(2) The seal of the Corporation shall be authenticated by the signatures of the chairman or a member of the Corporation authorized to act in that behalf and the secretary and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Corporation may be signified under the hand of the chairman or any other member authorized to act in that behalf or the secretary.

7. A summons, notice or other document required or authorized to be served upon the Corporation under the provisions of this Act or any other law may, unless in any case there is express provision to the contrary, be served by delivering the same to the chairman or secretary, or by sending it by registered

post addressed to the secretary at the principal office of the Corporation.

8. A member of the Corporation who is interested in a contract made or proposed to be made by the Corporation—

(a) shall disclose the nature of his interest at a meeting of the Corporation;

(b) shall not take part in any deliberation or decision of the Corporation with respect to that contract.

9. (1) The Corporation shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Corporation may determine; but not less than six meetings of the Corporation shall be held in each financial year of the Corporation.

(2) Minutes in proper form of each meeting of the Corporation shall be kept.

(3) The chairman may at any time call a special meeting of the Corporation and shall cause a special meeting to be held within seven days from the receipt of the written request for that purpose addressed to him by any three members of the Corporation.

(4) The chairman or, in his absence the deputy chairman, shall preside at the meetings of the Corporation, and if both the chairman and the deputy chairman are absent from any meeting the members present shall elect one of their number to preside at that meeting.

(5) The quorum of the Corporation shall be five members of whom one shall be the chairman or deputy chairman.

(6) The decisions of the Corporation shall be by a majority of votes and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(7) The validity of the proceedings of the Corporation shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule the Corporation may regulate its own proceedings.

10. The Corporation may by a vote of a majority of all the members thereof delegate to the chairman or a committee appointed by the Corporation such of the functions of the Corporation as to enable it effectively to transact such of the day to day business of the Corporation as it may decide; but nothing in this paragraph shall authorize the Corporation to delegate to any person functions to do any act involving extraordinary expenditure.

11. (1) No member of the Corporation shall be personally liable for any act or default of the Corporation done or omitted to be done in good faith in the course of the operations of the Corporation.

(2) Where any member of the Corporation is exempt from liability by reason only of the provisions of this paragraph, the Corporation shall be liable to the extent that it would be if the member was a servant or agent of the Corporation.

12. There shall be paid from the funds of the Corporation to the chairman and other members of the Corporation such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

13. The office of member of the Corporation shall not be a public office for the purposes of Chapter VII of the Constitution of Antigua and Barbuda.

SECOND SCHEDULE (section 14)

Provisions as to orders under section 14

1. Where the Minister proposes to make an order under section 14 of this Act, he shall prepare a draft of the order, describing the area to be designated by the order by reference to a plan, either with or without descriptive matter (which, in case of any discrepancy with the plan, shall prevail except in so far as may be otherwise provided by the draft order) together with such statement as the Minister considers necessary for indicating the size and general character of the area as aforesaid.

2. The Minister shall, before making an order—

LAWS OF ANTIGUA AND BARBUDA

CAP. 392) *St. John's Development Corporation*

(1) publish in the *Gazette* and at intervals of not less than seven nor more than ten days in three issues of a newspaper printed and circulating in Antigua and Barbuda a notice—

(a) stating that the draft of an order under section 14 of this Act has been prepared by the Minister and is about to be considered by him;

(b) describing the area to be designated by the order;

(c) naming a place within the area or as near thereto as may be convenient where a copy of the draft (including any plan or descriptive matter annexed thereto) and of the statement required by paragraph 1 may be inspected on such days and at such hours that as may be specified in the notice;

(d) specifying the time (not being less than twenty-eight days after the publication of the notice in the *Gazette* within which, and the manner in which objections to the draft order may be made;

(2) not later than the date on which the notice is published in the *Gazette*, serve a like notice on any person or statutory undertaking which appears to him to be concerned with the order; and

(3) hold one or more public meetings for the purpose of presenting the draft order and receiving submissions thereon.

3. The Minister shall, before making the order, consider any objection to or submission on the draft order and may hold such inquiry with respect thereto as may appear to him to be necessary.

4. Subject to the provisions of paragraph 3, the Minister may make the order either in terms of the draft order subject to such modifications as he thinks fit; but, except with the consent of all persons interested, the Minister shall not make the order subject to a modification including in the area designated by the order any land not included in the area described in accordance with paragraph 1.

5. As soon as may be after an order has been made the Minister shall publish in a newspaper printed and circulating in Antigua and Barbuda a notice stating that the order has been made and serve a like notice—

(a) on any person, statutory undertaking on whom notice of the draft order was served under paragraph 2 and;

(b) on any other person who has duly made an objection to the draft order and at the time of making it or thereafter, has sent to the Minister a request in writing to serve him with the notice required by this paragraph, specifying an address for service.
