



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

9th August 2000.

ANTIGUA AND BARBUDA

No. 9 of 2000.

AN ACT to amend the provisions of certain Act, of Parliament

[10th August, 2000]

ENACTED by the Parliament of Antigua and Barbuda **as follows:**

1. This Act may be cited as the Law Revision (**Miscellaneous**) **short title.**
(Amendments)(No. 2) Act 2000.

2. The Education Act is amended **as follows —**

Education Act
Cap. 145.

(a) in section 2, by inserting in its appropriate alphabetical order the following —

"Pre-School" means a **nursery** school for the provision of **daycare** or pre-school services for residential or non-residential care of children under the age of five (5) years".

"Institute of Higher Education" means an educational institution that —

(a) admits **as regular students only persons** having a certificate of graduation from

school providing secondary education, or the recognized **equivalent** of such a **certificate**;

- (b) is legally authorized to provide a programme of education beyond secondary education;
- (c) provides an educational programme for which the institution awards a bachelor's degree or provides not less than a 2-year programme that is acceptable for full credit toward such a degree;
- (d) is accredited by either a nationally recognized accrediting agency or association, or if not so accredited, is **an** institution that has been granted **pre-accreditation** status by such **an** agency or association that has been **recognised** by the Minister for the granting of **pre-accreditation** status, and the Minister has **determined** that there is satisfactory assurance that the institution will meet the accreditation standards of such **an** agency or association within a reasonable time;
- (e) any school that provides not less than a 1-year programme of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1), (2) and (4).

(b) in section 35(2), by deleting the words "three hundred" and "seven hundred and fifty" **and** substituting the word "one thousand" and two thousand" respectively;

(c) by the insertion after section 52 of the following —

Permit to operate an institution of higher education.

52A (1) No person **shall**, on the coming into force of this Act, **establish or** continue to operate in Antigua and Barbuda **an** institution of higher education unless he is the holder of a **permit** granted by the Minister.

(2) Any person who intends to establish or to operate an institution of higher education shall apply to the Minister in the prescribed form.

(3) The Minister may, after consultation with the Chief Education Officer or some other recognised educational institution in or outside Antigua and Barbuda cancel or suspend a permit granted under this Act.

(4) The Minister may, by regulation —

- (a) prescribe the requirements for establishing institutions of higher education;
- (b) establish standards for recognition and certification of such institutions;
- (c) make provision for the effective maintenance of any approved standards in such institutions.

(5) Any person who contravenes this section or any regulation made thereunder commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months.

3. The Immigration and Passport Act is amended as follows —

**Immigration and
Passport Act Cap.
208.**

- (a) in section 7, by the repeal of subsection (3) and the substitution of the following —

"(3) Every permanent resident certificate is valid for a period of twelve months **and** may be renewed on application to the Minister.

(4) The Minister shall not renew any **perma-** nent resident certificate issued under this Act unless he is satisfied that the requirements of section **17B** have been fully complied with".

- (b) by the repeal of section **17 B**, and the substitution of the following —

(1) Any person who is not a prohibited **immigrant** or otherwise disqualified from entering into **Antigua** and Barbuda and who satisfies the Minister that —

- (a) "he maintains a **permanent** place of abode in Antigua and Barbuda for at least thirty (30) days in a year or engages in a substantial economic activity in Antigua and Barbuda and approved by Cabinet."
- (b) he is not suffering from any contagious disease and has a certificate of his **medical** condition issued by a medical practitioner qualified to practise medicine in Antigua and Barbuda and approved by the Minister;
- (c) he has an annual income of not less than one hundred thousand United States dollars (**US\$100,000**), shall. **unless** otherwise disqualified under any other law, or declined by Cabinet, be registered under this Act as a permanent resident.

(2) The Minister shall, acting on the advise of the Cabinet, register person **as** a permanent resident under section 17 B and issue to any person so registered, a certificate to be known **as** permanent resident **certificate**.

(3) Any person who is granted a permanent resident certificate under this Act shall, while he remains a permanent resident under the scheme, pay annually to the Commissioner of Inland Revenue a flat tax of twenty thousand United States dollars (**US\$20,000**).

4. The External Trade Act is amended has follows —

- (a) in section 2, by the repeal of the definition of "Comptroller of **Customs**" and the substitution of the following —
"Comptroller of **Customs**" means the officer for

the time being performing the duties of Comptroller of Customs under the Customs (Control and Management) Act;

"Minister" means the **Minister** to whom the **responsibility** of Trade is assigned;

"Permanent Secretary" means the Permanent Secretary within the Ministry **responsible** for Trade.

- (b) by the deletion of the words "Comptroller of Customs" wherever these words appear in sections 3, 4, 5, 6, 7, and 8, and by the substitution therefor of the word "Permanent **Secretary**".
- (c) in section 9, by the repeal of subsection (1) and the substitution of the following —

"An appeal shall lie to the Minister for a review of a decision made by the Permanent Secretary."

5. The Hotel Guest (Levy) Act is amended as follows —

Hotel Guest (Levy)
Act Cap. 202.

- (a) in section 2 by the deletion of the definition of "Minister" and the substitution of the following —

"Minister" means the Minister to **whom** the **responsibility** of Tourism is assigned".

"Permanent Secretary" means the Permanent Secretary within the Ministry of Tourism.

- (b) by the repeal of section 3 and the substitution of the following —
- (i) There is hereby established a Hotel Levy Fund (hereinafter referred to as "the Fund").
- (ii) There **shall be** paid into the account of the Fund all **monies** collected by proprietors **under** this Act.
- (iii) Subject to this Act, the **Permanent Secretary** may, **from time to time**, authorise payments out of the Fund for the promotion and development of tourism in Antigua and Barbuda.

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(c) by the repeal of section 5 and the substitution of the following —

(i) The Permanent Secretary shall open an account with a bank approved by the Minister of Finance into which all monies collected under this Act shall be paid.

(d) by the repeal of section 7 and the substitution of the following —

(1) The Permanent Secretary shall every year prepare a budget in respect of the promotion and development of tourism for the approval of the Cabinet.

(2) All withdrawals from the account of the Fund shall be by warrant and in accordance with the budget approved by the Cabinet and prepared under subsection (1).

The Larceny Act
Cap. 241.

6. The Larceny Act is amended by the insertion after section 33 the following —

“33A(1) Every person who, being armed with a firearm, commits any of the crimes mentioned under sections 29, 30, 31 or 33 shall be liable on conviction to a term of imprisonment of not less than twenty-five years.

(2) Every person who, being armed with a firearm, commits any of the crimes mentioned under sections 29, 30, 31 or 33 and if during the process of committing any of these aforesaid crimes, he also commits the crime of rape or buggery he shall be liable on conviction to imprisonment for life.

The National Parks
Act Cap. 290.

7. The National Parks Act is amended as follows —

(a) in section 4(1), by the renumbering of paragraphs (f), (g) and (h) as paragraphs (g), (h) and (i) and by the insertion after paragraph (e) the following —

“(f) in so far as it may appear desirable to the Authority to do so, it may develop within

Parks, places for the carrying on of the business of a vendor and issue licences to persons **permitted to carry** on the business of a vendor in such places,

(b) in section 26, by the deletion of paragraph (c) and the substitution of the following —

"(c) provide for the fees and charges to be levied for entry into Crown Land in a Park or any **buildings** therein or for any services or amenities provided or for licences issued for **carrying** on any business in a park;"

8. The St. John's Development Corporation Act is amended as follows —

st. John's Development Corporation Act Cap. 392.

(a) in section 4 by deletion of the full stop after subsection (3)(f) and by the insertion therefor of a semicolon and by the addition immediately after subsection (3)(f) of the following new subparagraph —

"(g) provide and maintain places within a designated area for the purpose of carrying on the business of a vendor and **to issue** licences to such business".

(b) in section 26 by the renumbering of paragraph (c) as "(e)" and by the insertion after paragraph (b) of the following —

"(c) **prescribing** the fees to be charged for licences issued to persons permitted to carry on the business of a vendor within designated areas;

(d) **prohibiting the carrying on of the business** of a vendor within the designated area and fixing the penalty for contravening such **prohibition**".

9. The Vendors Act is amended as follows —

Vendors Act Cap. 463.

(a) by the deletion of section 2 and the substitution of the following —

"(2) This Act applies to Vendors on all beaches and in any other place which the Minister may prescribe".

(b) in section 4 in any other section where the words "Director General" occur, by the insertion after the words "Director General" appearing therein of the words "or some other officer appointed by the Minister";

(c) in section 16, by the renumbering of paragraph (e) as paragraph (f) and by the insertion after paragraph (d) of the following —

"(e) prescribing the conditions to be attached to licences issued under this Act";

(d) section 13 is repealed and substituted by the following —

"17. Any person who contravenes any provisions of this Act or the regulations made thereunder, commits an offence and is liable on conviction to a fine not exceeding five hundred dollars or to imprisonment not exceeding one month."

(e) The Schedule is repealed and substituted by the following —

SCHEDULE

Fee	Annual fee	Half yearly fee
All beaches and places to which this Act applies	\$100.00	\$50.00
Duplicate licence	\$ 50.00	

the accounts shall be audited annually by the Director of Audit or by an auditor qualified to practise in Antigua and Barbuda and appointed by the Minister of Finance.

11. The Antigua and Barbuda Hospitals Board Act 1999 is amended by the insertion after section 11 of the following —

Antigua and Bar-
buda Hospitals
Board Act No. 1 of
1999.

(a) by the repeal of the definition of "general hospital" and the substitution of the following —

"the general hospital" means the i-Iolberton Hospital, the Medical Centre at Mount St. John's and any other premises which the Minister may, by notice published in the *Gazette*, declare to be part of the general hospital.

(b) by the insertion after section 11 of the following —

Appointment of
Director of
Nursing.

11A. (1) The Board shall appoint at remuneration, terms and conditions approved by the Cabinet, a Director of Nursing Services who shall be a qualified registered nurse.

(2) The Director of Nursing Services shall be responsible to the Hospitals Director for the programme and activities of nursing care of patients and shall coordinate professional activities of the nursing staff with those of the medical staff.

(c) by the insertion after section 12(3) of the following —

(4) The emoluments of any public officer who is seconded to the Board shall, at the end of every month after commencement of this Act, be paid into the consolidated Fund by the Board for the benefit of such public officers.

(5) The sums payable as contributions by the Government under the Social Security Act in respect of each such public officer seconded to the Board shall, at the end of every month after commencement of this Act, be paid into the Consolidated Fund by the Board and such sums

shall be paid by the Government into the Social Security Fund established under the Social Security Act.

(6) The Board shall within six months after the end of each financial year pay to the Government contributions to the pension and other rights of such public officers under the Pensions Act such sums of money as would have been due by the Government in respect of the accruing pension and other rights of such public officers under the Pensions Act had such public officers not been seconded to the Authority.

(d) by the renumbering of section 16 as section 16(1) and by the insertion of the following —

“(2) For the year 2000, the monies approved by Parliament for the use of the Holberton Hospital and the Mental Hospital in the Estimates of Recurrent Revenue and Expenditure, 2000 shall be deemed to be part of the monies appropriated by Parliament for use of the Board in accordance with the purposes for which they were approved.”

Passed the House of Representatives
this 7th day of June, 2000.

Bridget Harris,
Speaker.

Yvonne Henry,
*Deputy Clerk to the House of
Representatives.*

Passed the Senate this 20th day
of June, 2000.

Senator Llewellyn Smith,
Vice President.

Sylvia Walker,
Clerk to the Senate.