ANTIGUA AND BARBUDA

THE ST. JOHN'S DEVELOPMENT CORPORATION (CONTROL OF VENDORS) (AMENDMENT) REGULATIONS, 2009

STATUTORY INSTRUMENT

2009, No. 42

[Published in the Official Gazette Vol. XXIX No. 55 dated 13th August, 2009.]

Printed at the Government Printing Office, Antigua and Barbuda,
by Eric.T. Bennett, Government Printer
— By Authority, 2009.

800—08.09

[Price $3.30]

THE ST. JOHN'S DEVELOPMENT CORPORATION (CONTROL OF VENDORS) (AMENDMENT) REGULATIONS, 2009

ARRANGEMENT

Regulations

1. Short title.
2. Interpretation.
3. Amendment of regulation 3
4. Amendment of regulation 4
5. Amendment of regulation 5
6. Amendment of regulation 10
7. Amendment of regulation 11
8. Amendment of regulation 12
9. Amendment of regulation 15
10. Amendment of regulation 19
11. Amendment of regulation 22
12. Amendment of regulation 23
13. Addition of new regulation 25

ANTIGUA AND BARBUDA

THE ST. JOHN'S DEVELOPMENT CORPORATION (CONTROL OF VENDORS) (AMENDMENT) REGULATIONS, 2009

2009, No. 42

THE ST. JOHN'S DEVELOPMENT CORPORATION (CONTROL OF VENDORS) (AMENDMENT) REGULATIONS, 2009 made in exercise of the powers contained in section 26 of the St. John's Development Corporation Act, Cap. 392.

1. Short title

These Regulations may be cited as the St. John's Development Corporation (Control of Vendors) (Amendment) Regulations, 2009.

2. Interpretation

In these Regulations—

"the principal Regulations" means the St. John's Development Corporation (Control of Vendors) Regulations, 2001.

3. Amendment of regulation 3

The principal Regulations are amended in regulation 3 in the definition "designated area" by adding at the end of the words "but shall not include Heritage Quay as defined in the St. John's Development Corporation (Heritage Quay) Regulations, 2009".

4. Amendment of regulation 4

The principal Regulations are amended in regulation 4 by renumbering the existing regulation as subregulation (1) and adding at the end the following subregulation—

In these Regulations—

"(2) a person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding $5,000."

5. Amendment of regulation 5

The principal Regulations are amended in regulation 5 by inserting after "Gazette" the words "'and in one or more newspapers published and circulated in Antigua and Barbuda".

6. Amendment of regulation 10

The principal Regulations are amended in regulation 10-

(a) by revoking the word "two" and substituting the word "five"; and

(b) by revoking the words "or to imprisonment not exceeding six months".

7. Amendment of regulation 11

The principal Regulations are amended in regulation 11—

(a) in subregulation (1) by inserting after the word "Gazette" the words" and in one or more newspapers published and circulated in Antigua and Barbuda";

(b) in subregulation (2)—

(i) by revoking the word "two and substituting the word "five"; and

(ii) by revoking the words "or imprisonment not exceeding six months".

8. Amendment of regulation 12

The principal Regulations are amended in regulation 12 by inserting after subregulation (1) the following subregulation—

"(la) a person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine, not exceeding $5,000.".

9. Amendment of regulation 15

The principal Regulations are amended in regulation 15 in subregulation (2)—

(a) by revoking the word "two" and substituting the word "five"; and

(b) by revoking the words "or to imprisonment not exceeding six months".

10. Amendment of regulation 19

The principal Regulations are amended in regulation 19 in subregulation (1) by adding at the; end the words" and in one or more newspapers published and circulated in Antigna and Barbuda.".

11. Amendment of regulation 22

The principal Regulations are amended in regulation 22 in subregulation (2)—

(a) by revoking the word "two" and substituting the word "five"; and

(b) by revoking the words "or to imprisonment not exceeding six months".

12. Amendment of regulation 23

The principal Regulations are amended in regulation 23—

(a) by inserting after the words "Executive Director" the words "or a person duly authorised by the Executive Director";

(b) by revoking the words "or to imprisonment not exceeding twelve months".

13. Addition of new regulations 25

The principal Regulations are amended by adding at the end the following new Regulation—

"25 (1) A person who commits an offence under these regulations may be arrested without a warrant by a police officer.

(2) A police officer who arrests a person under subregulation (1) may seize any article which he has reason to suspect is in that person's possession for the purposes of vending in contravention of these regulations.

(3) An article seized under subregulation (2) shall be stored in a secure place in accordance with the instructions of the Commissioner of Police and under his supervision and shall be submitted in evidence at the court proceedings in respect of the offence for which the person was arrested.

(4) Any article of a perishable nature seized under this regulation may be destroyed in accordance with the instructions of the Commissioner of Police and under his supervision after it has been processed for evidentiary purposes in accordance with any law for the time being in force relating to the preparation, recording and storage of evidence for court proceedings.

(5) Where a person is convicted of an offence under these regulations and an article has been seized under subregulation (2), the court, in addition to any other penalty imposed, may order that the article be-

(a) destroyed; or

(b) sold and that the proceeds resulting from the sale of the article be paid into the Consolidated Fund.

(6) Where a person has been arrested under subregulation (1) and is either acquitted of the offence for which he was arrested or released without being prosecuted, and an article was seized from him under subregulation (2) the article shall be returned to him immediately upon his acquittal or release.".

Made the 11th day of August, 2009

Hon. John Maginley,
Minister responsibile for
St. John's Development Corporation.