ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

2001, No. 35

St. John's Development Corporation (Control of Vendors) Regulations, made under section 26 of the St. John's Development Corporation Act, Cap. 392.

Short title.

1. These regulations may be cited as the St. John's Development Corporation (Control of Vendors) Regulations 2001.

Application of regulations.

2. These Regulations apply to vendors in any designated area under the Act.

Interpretation.

3. In these Regulations:

"the Act" means the St. John's Development Corporation Act.

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

"Executive Director" means the person appointed to that office by the Corporation under section 6 of the Act.

"designated area" means any area of land designated under section 2 of the Act.

"vendor" means any person who offers for sale any wares, goods or services or solicits another person to buy any form of entertainment, recreation or ownership in a business or enterprises whether permanent or temporary and the terms "vend" and "vending" shall have the appropriate derivative meanings.

Licence to vend in a designated area.

4. No person shall vend, whether by way of trade or otherwise, in a designated area without a licence issued for the purpose by the Executive Director or some other person duly authorised in writing by the Corporation to issue such licences.

Corporation to limit number of licences.

5. The Corporation shall, by Order published in the *Gazette,* prescribe the fixed number of licences to be issued to vendors in the designated area and in specified places in the designated area.

Procedure for application.

6. All applications for licences to vend in the designated area shall be submitted to the Executive Director in the Form prescribed in Schedule I.

Approval of applications.

7. (1) The Executive Director shall approve applications for licences within the limit prescribed by the Corporation.

(2) No licence shall be issued in excess of the limit prescribed unless authorised in writing by the Corporation.

(3) The Executive Director shall not approve the application of any person who is not a citizen of Antigua and Barbuda unless such person has been issued with a work permit.

(4) Any applicant whose application for a licence or renewal of a licence is refused may appeal to the Corporation.`

(5) Where an application is approved under this regulation, the applicant shall, upon payment of the prescribed fee, be issued with the licence.

Duration of a licence.

8. (1) A licence issued under these regulations shall, unless sooner revoked for violations of any of these regulations or for breach of conditions attached to the licence, remain in force for twelve months.

(2) The holder of a licence which expires in accordance with sub-regulation (1) may apply to the Executive Director for renewal.

Vending at approved places and display of identificaion badge.

9. (1) The holder of a licence shall vend only at the place and spot indicated in his licence.

(2) The holder of a licence shall not vend in a designated area without having on display at all times his identification badge and licence.

Scope of licence.

10. (1) A licensee shall not carry on any business not authorised by the licence.

(2) No licence granted under these regulations authorises the doing of any other business for which a permit is required by any other law for the time being in force in Antigua and Barbuda.

(3) Any person who contravenes this regulation commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment not exceeding six months.

Prohibition of vending on undeclared streets.

11. (1) No person shall vend on any street or sidewalk in a designated area, unless the street is declared by the Minister, by notice published in the *Gazette* to be a street on which vending is permitted and the vendor has in his possession a valid licence to vend on that street.

(2) Any person who contravenes this regulation commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment not exceeding six months.

Unauthorised structures prohibited.

12. (1) No person shall within a designated area, erect any structure for the purpose of vending without the approval of the Executive Director.

(2) Notwithstanding sub-regulation (1), no approval for the erection of a structure on any part of a street or sidewalk or within ten feet of an electric pole shall be given by the Executive Director.

Structures to conform with approved specifications.

13. The Executive Director shall not approve an application for the erection of a structure for vending unless the said structure conforms with the specifications and standards established by the Corporation for such structures, including but not limited to standards relating to safety, size, material used, color and portability.

Issue of licence and identification badge.

14. Upon approval of an application to vend in a designated area and upon payment of the prescribed fee, the Executive Director shall issue the applicant with a licence and an identification badge indicating his name and address, his licence number, the expiry date of the licence and the place allotted to the applicant to carry on his business of vending.

Authority to inspect badges and licences.

15. Any person who is found vending in a designated area shall, upon demand by an inspector appointed by the Corporation or a Police Officer, produce his identification badge or licence for inspection.

(2) Any person who —

(a) fails or refuses to produce his licence or badge for inspection when so required by an inspector or a Police Officer to do so; or

(b) obstructs an inspector appointed by the Corporation in the performance of his work,

commits an offence and is liable upon summary conviction to a fine not exceeding two thousand dollars or to imprisonment not exceeding two months.

Replacement of lost licence.

16. Where a licence issued by the Executive Director is lost, the holder of the licence shall, as soon as is reasonably practicable, obtain a replacement on payment of the fee prescribed in Schedule II.

Reason for refusing applications.

17. (1) The Executive Director may refuse to grant a licence to an applicant if the applicant —

(i) has been convicted of any offence under these regulations;

(ii) knowingly makes a false or misleading statement on the application to obtain a permit;

(iii) has a proven history of misconduct or other behavior making him unfit to hold a licence under these regulations.

Revocation of a licence.

18. (1) The Executive Director shall revoke a licence granted under these regulations if the holder of the licence —

(a) is convicted of any offence under these Regulations;

(b) is convicted of a money laundering offence;

(c) is in breach of a condition attached to the licence;

(d) indulges in harassment of visitors or conducts himself in a disorderly or improper manner as to make him unfit to hold a licence under these regulations.

(2) No licence shall be revoked under these regulations unless the licensee is given a hearing.

(3) No application for a licence by a person whose licence is revoked shall be considered unless in the case of —

(a) a licence revoked under sub-regulation (1)*(a), (c)* and *(d),* two years have elapsed since the revocation;

(b) a licence revoked under sub-regulation *(b),* five years have elapsed since the revocation of the licence.

Return of revoked licence and notification in the *Gazette*

19. (1) The Executive Director shall cause a notice of the revocation of a licence to be published in the *Gazette.*

(2) The holder of a revoked licence shall return the licence to the Executive Director.

Notification for refusal of application.

20. The Executive Director shall notify an applicant or holder of a licence in writing at the address stated in the application that the application has been refused or the licence revoked.

Licence not transferable.

21. A licence issued under these regulations is not transferable.

Prohibition of sale etc. of licence.

22. (1) No person to whom a licence has been issued under these regulations shall sell, trade, exchange, rent, or lend such licence to any other person.

(2) Any person who contravenes this regulation commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment not exceeding six months.

Issue of false licences.

23. Any person who, not being the Executive Director, purports to issue a licence to vend in a designated area commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollards or to imprisonment not exceeding twelve months.

Authority to attach conditions to a licence.

24. The Executive Director, may on approval of a licence, attach to the licence such conditions as he considers necessary for the proper control of vending in a designated area.

SCHEDULE I

ANTIGUA AND BARBUDA

FORM OF APPLICATION FOR LICENCE

To: The Executive Secretary, St. John's Development Corporation

1. Full Name of Applicant .....
2. Date and Place of Birth .....
3. Nationality .....
4. Social Security No. .....
5. Medical Benefit No. .....
6. Identification Tax No. .....
7. Passport No. ..... Place and Date of Issue .....
8. Residential Address & Tel. No. .....
9. Work Permit No. ..... Date of Expiry .....
10. Business Address & Tel. No. .....

    .....

11. Trade or Business Licence No. .....Date of Expiry .....
12. No. of years Applicant has been carrying on such a business in Antigua/ Barbuda .....
13. List of goods or articles to be sold .....

    .....

14. Character reference of two persons in Antigua and Barbuda who have known the applicant for not less than five years.

    (a) Full Name .....

    Residential Address .....

Telephone No. .....

(b) Full Name .....

Residential Address .....

Telephone No. .....

(The two persons must be citizens of Antigua and Barbuda and must be a Justice of the Peace, Minister of Religion, Senior Civil Servant not below the rank of Principal Assistant Secretary, an Attorney of not less than five years standing and a senior Police Officer not below the rank of Inspector).

15. Signature of Applicant ..... Date .....

16. For Official Use Only .....

17. REMARKS .....

SCHEDULE II

FEES

For issue of a licence	$150.00 per annum
For renewal of licence	$150.00
For replacement of a lost permit	$ 50.00

Made this 10th day of October, 2001.

Asot Michael,
Minister responsible for
St. John's Development Corporation.

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