

ANTIGUA AND BARBUDA

**LAW REVISION (MISCELLANEOUS AMENDMENTS) (NO. 2)
ACT, 1995**

Arrangement of Sections

Sections

1. Short title.
2. Amendments of Specified Acts.

SCHEDULE

1. Amendment of the Architects Registration Act, Cap. 34.
2. Amendment of Caribbean Community and the East Caribbean Common Market Act, Cap 68
3. Amendment of the Coroners Act, Cap. 105
4. Amendment of the Eastern Caribbean Central Bank Act, Cap 142.
5. Amendment of the Land Sales Duty Act, Cap. 236
6. Amendment of the Larceny Act, Cap. 241.
7. Amendment of the Magistrates' Code of Procedure Act, Cap. 255.
8. Amendment of the Maritime Areas Act, Cap. 260.
9. Amendment of the Motor Vehicle Insurance (Third Party Risks) Act, Cap. 288.
10. Amendment of the National Parks Act, Cap. 290
11. Amendment of the Offences Against the Person Act, Cap. 300
12. Amendment of the Police Act, Cap. 330
13. Amendment of the Property Tax Act, Cap. 348
14. Amendment of the St. John's Development Corporation Act, Cap. 392.
15. Amendment of the Slum Clearance and Housing Act, Cap. 404.
16. Amendment of the Small Charges Act, Cap. 405
17. Amendment of the Stamp Act, Cap. 410.
18. Amendment of the Vendors Act, Cap. 463.
19. Amendment of the Board of Education Act, No. 11 of 1994.



[L. S.]

I Assent,

James B. Carlisle,
Governor-General.

8th March, 1996.

ANTIGUA AND BARBUDA

No. 17 of 1995

AN ACT to amend the provisions of certain Acts of Parliament.

[28th March, 1996]

ENACTED by the Parliament of Antigua and Barbuda as follows—

1. This Act may be cited as the Law Revision (Miscellaneous Amendments) (No.2) Act 1995. Short title.

2. The Acts specified in the Schedule are amended to the extent indicated. Interpretation.

SCHEDULE

Section 2.

1. The Architects (Registration) Act, is amended as follows —

*Amendment of
the Architects
Registration Act,
Cap 34.*

(a) in section 6, by the deletion of the words "within 6 months of the commencement of this Act" and the substitution of the words "on or before the 30th day of June 1996".

(b) in section 11, by the repeal of subsection (1).

ANTIGUA AND BARBUDA 2 *Law Revision (Miscellaneous Amendments) No. 17 of 1995.*
(No. 2) Act, 1995.

Amendment of Caribbean Community and the East Caribbean Common Market Act Cap 68.

2. The Caribbean Community and the East Caribbean Common Market Act is amended in section 2 by repealing the definition of "More Developed Country" and "MDC's" and substituting the following—

"More Developed Country" and "MDC's" mean the following Territories—Barbados, Guyana, Jamaica, Surinam and Trinidad and Tobago".

Amendment of the Coroners Act Cap. 105

3. The Coroners Act is amended as follows—

(a) in section 16 by inserting after subsection (1) the following—

"(1A) Any report submitted by a duly qualified medical practitioner under this section stating that he has performed a post mortem examination for the Coroner is admissible in evidence under this Act, and in the absence of evidence to the contrary is proof of the statements contained in the report without proof of the signature of the official character of the person appearing to have signed the report".

(b) by inserting after subsection (3) the following—

"(4) When a duly qualified medical practitioner's post mortem report has been submitted to the Coroner's Court under this section, any party concerned in the proceedings may require attendance of the medical practitioner for the purpose of cross examination".

Amendment of the Eastern Caribbean Central Bank Act Cap 142.

4. The Eastern Caribbean Central Bank Act is amended in section 7 as follows—

(a) by renumbering subsection (5) as subsection (6);

(b) by inserting the following as subsections (5), (7) and (8)

(5) Any person who is required under article 5D (3) to assist the bank for the purpose of facilitating the performance of functions under article 5B is guilty of an offence if—

(i) he fails to assist the bank when required to do so in the manner provided under article 5D (3)

- (ii) he obstructs the Bank in the performance of functions under Part IIA; or
- (iii) he provides false or misleading information in pursuance of his obligations under article 5D(3)

(7) Any person who is guilty of an offence under subsection (5) is liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for five years or to both.

(8) Any person who, after the publication of the notification referred to in article 5C(3)—

- (i) receives, disposes of or otherwise deals with any assets of a financial institution without the approval or authority of the Bank or contrary to the written direction of the Bank;
- (ii) tampers whether by making entries in or otherwise with any books, records or documents of the financial institution is guilty of an offence and liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for five years or to both and on conviction on indictment to a fine of five hundred thousand dollars or to ten years imprisonment or to both.

(c) by renumbering subsection (6) thereof as subsection (9)

5. The Land Sales Duty Act is amended as follows—

Amendment of
the Land Sales
Duty Act. Cap
236

- (a) in section 2, by repealing the definitions of the word "fee simple" and the word "transfer" and substituting the following—

"fee simple" means

- (a) an estate in fee simple in possession;
- (b) the estate of a Registered Proprietor under the Title by Registration Act; Cap 429
- (c) the estate of a person registered under the Registered Land Act as the owner of land; Cap 374

but for the purpose of determining the value of any land or for determining the value of any consideration for the transfer of land, the expression "fee simple" shall be deemed to mean the estate of a Registered Proprietor of any land held under the Title by Registration Act or the estate in fee simple in possession in any land or the estate of a person registered under the Registered Land Act, as the owner of land, as the case may be, free from any lesser estate or interest therein or any encumbrances thereon and free also from any restrictive covenants other than restrictive covenants created by a Crown Grant or by law";

Cap. 429.

Cap. 429.

"transfer" includes conveyance, memorandum of transfer under the Title by Registration Act and instrument of Transfer of Land under the Registered Land Act";

Cap. 374.

(b) in section 9, by deleting from subsection (7) the words "conveyance or assignment" where those words occur and substituting the words "conveyance, memorandum, instrument or assignment".

Amendment of the Larceny Act, Cap. 241.

6. The Larceny Act is amended in section 14 by deleting the words "five hundred dollars or more" and substituting the words "five thousand dollars or more".

Amendment of the Magistrates Code of Procedure Act, Cap. 255.

7. The Magistrate's Code of Procedure Act is amended as follows—

(a) in section 8(1), by deleting the word "District"

(b) in section 127, by repealing subsection (1) and substituting the following—

"(1) If the application be made before the birth of the child or within two calendar months after the birth of the child, the Magistrate may order the payment of a weekly sum to be made from the birth of the child.

(2) Where after making the order in subsection (1) an information is laid before a Magistrate upon oath that the sum payable under the order is in arrear for one month the Magistrate may proceed to enforce the order in like manner as if the order were a conviction.

(3) For the purposes of subsection (2) the Magistrate may issue a warrant to apprehend and bring before him the person against whom the order was made, and thereupon the provisions of this Act shall apply in all aspects as-fully as though the order were a conviction.

(4) Notwithstanding subsections (2) and (3) the Magistrate shall not proceed to enforce the order unless he is satisfied that the person against whom the order is made is possessed of sufficient means to pay such arrears in whole or in part."

(b) renumber subsection (2) as Subsection (5)

8. The Maritime Areas Act is amended by repealing section 22 and substituting the following—

Amendment of
Maritime Areas
Act Cap. 260

"Power of the
Defence Force,
Police Force and
authorised persons.

22(1) Where a foreign or local ship engages in any of the activities specified in section 19(1); or where a member of the Defence Force, Police Force or a person authorised by the Minister under subsection (5) suspects upon reasonable grounds that a foreign or local ship is engaged in any such activity, such member of the Defence Force, Police Force or a person authorised by the Minister may, without a warrant—

- (i) stop, board and search the offending ship for the purpose of carrying out inquiries and investigations;
- (ii) require to be produced, examine and take copies of any licence or documents;
- (iii) arrest the offending ship and bring it to a port in Antigua and Barbuda;
- (iv) arrest the captain and any person on board the ship participating in the activity of the ship which is deemed to be prejudicial to peace, good order or security of Antigua and Barbuda.

(2) Where the passage of a foreign ship is deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda, the captain or other person in charge of such ship and any person participating in the activities of the ship which is deemed to be so prejudicial, is guilty of an offence under this Act.

(3) In the exercise under this section of the power of enforcement against a foreign or local ship a member of the Defence Force, Police Force or a person authorised by the Minister shall not endanger the safety of navigation or otherwise create any hazard to the ship, or bring the ship to an unsafe port or anchorage, or expose the marine environment to unreasonable risk.

(4) The Minister may by order published in the Gazette designate such persons as he deems fit, including members of the enforcement authority of any country or any regional or sub-regional enforcement entity, to be authorised persons for the purposes of this Act.

(5) For the purposes of this Act "Defence Force" means Antigua and Barbuda Defence Force raised under the Defence Act, Cap. 132 and "Police Force" means the Royal Police of Antigua and Barbuda as maintained under the Police Act, Cap. 330."

Amendment of
Motor Vehicle
Insurance (Third
Party Risks) Act,
Cap. 288

9. The Motor Vehicles Insurance (Third Party Risks) Act is amended as follows—

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

"Minister" means the Minister to whom the responsibility of insurance is assigned";

(b) in section 3(2) by the deletion of the words "not exceeding three thousand dollars or to imprisonment for a term not exceeding three months" and the substitution of the words "of ten thousand dollars and to imprisonment for two years";

- (c) in section 3(3) by the deletion of the words "or by the United Kingdom";
- (d) in section 25, by the deletion of the words "not exceeding one thousand dollars or to imprisonment for a term not exceeding three months and the substitution of the words "of five thousand dollars and to imprisonment for twelve months".

10. The National Parks Act is amended—

Amendment of
the National Parks
Act.

- (a) in section 2, by deleting the definition of the word "Minister" and substituting the following—

"Minister" means the Minister to whom the responsibility of National Parks is assigned".

- (b) in section 21, by inserting a full stop after the word "Authority" and by deleting the words "for such term not exceeding fifteen years as the Authority may specify."

11. The Offences Against the Person Act is amended as follows —

Amendment of
the Offences
Against the
Person Act, Cap.
300.

- (a) by repealing section 43 and substituting the following—

"43(1) When any person unlawfully assaults or beats any other person, any Magistrate, upon the complaint by or on behalf of the party aggrieved, praying him to proceed summarily on the complaint, may hear and determine such offence, and the offender shall, on summary conviction be liable to a fine of three thousand dollars and to imprisonment for six months.

"(2) The Magistrate may, in addition to the penalty prescribed in subsection (1) bind the person convicted to keep the peace and be of good behaviour for a period not exceeding twelve months".

- (b) by repealing section 44 and substituting the following—

"(1) Any person charged before a Magistrate with an assault or battery upon any child below the age of fourteen years or upon any female is guilty of any offence and upon summary conviction is liable to a fine of ten thousand dollars and to imprisonment for five years.

"(2) The Magistrate may, in addition to such fine and imprisonment, bind the convicted person over to keep the peace and be of good behavior for twelve months".

- (c) Section 53, is repealed and substituted by the following—

"Whosoever unlawfully takes, or causes to be taken, any unmarried girl, being under the age of seventeen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, is guilty of an offence and is liable on conviction to imprisonment for five years.

Amendment of the Police Act, Cap. 330.

12. The Police Act is amended in section 68 (1) by the deletion of the words "fifty five" and the substitution of the word "sixty".

Amendment of the Property Tax Act, Cap. 348.

13. The Property Tax Act is amended as follows—

- (a) In section 2, by inserting after the definition of "Board" the following—

"Capital value" means the cost of constructing a building or erection.

- (b) by inserting after the definition of "property tax roll" the following—

"Provisional Valuation List" means the provisional valuation list prepared by the Chief Valuation Officer under section 12A(1).

- (c) In section 8, by inserting after paragraph (a) the following —

"(b) declare that where the capital value of the building or erection on the provisional list does not exceed ten thousand dollars the rate levied shall not be payable;"

(d) by renumbering paragraph (b) as paragraph (c).

(e) by inserting after section 12 the following —

"Preparation of a provisional valuation list.

12A (1) For the purpose of determining the capital value of every newly constructed building or erection, the Chief Valuation Officer shall prepare a provisional valuation list for every district.

(2) The Chief Valuation Officer shall place on the provisional valuation list every newly constructed building or erection in respect of which a report of its completion has been made to him by the owner."

(f) Insert after section 13 the following new sections —

"Owner to report completion of building or erection.

13A (1) The owner of any newly constructed building or erection shall, not later than fourteen days after the completion of such building or erection, make a report of the completion to the Chief Valuation Officer on the prescribed form.

(2) Not later than thirty (30) days after receipt of the report under subsection (1), the Chief Valuation Officer shall determine the capital value of the building or erection.

(3) In determining the capital value of property the Chief Valuation Officer shall take into account —

(a) the cost of the construction of the building or erection including plant, equipment or machinery permanently installed or fitted for the purpose of any trade,

business or industrial process as provided by the owner;

- (b) particulars supplied by the contractor; and
- (c) any bank statement indicating any amount borrowed for the purpose of purchasing the land or constructing the building or erection.

(4) Where the capital value of the property is determined in accordance with this Act the Chief Valuation Officer shall by notice in writing inform —

- (a) the owner of the property; and
- (b) the Commissioner of Inland Revenue, of his determination.

(5) On receipt of the notice under section (4) the Commissioner of Inland Revenue shall immediately send a demand notice to the owner who shall without delay pay the rate specified in the demand notice.

(6) The owner of every property which is not on the valuation list of any district and in respect of which no property tax is paid shall, fourteen days after the coming into force of this Act, furnish the Chief Valuation Officer on the prescribed form of the particulars specified therein.

(7) The Chief Valuation Officer shall, on receipt of the particulars furnished under subsection (6), determine the capital value of the building or erection.

13B The Minister shall, on the coming into force of this Act by order, declare the rate of tax to be levied and collected in respect of the capital value of properties placed on the provi-

sional valuation list and thereafter the rate of tax shall be declared in the manner provided under section 5.

13C (1) No public utilities shall be connected to any newly constructed property by the Public Utilities Authority unless the Chief Valuation Officer certifies to the Authority that a report of the completion of the property has been made in accordance with this Act".

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of ten thousand dollars or to imprisonment for two years.

(3) Where an offence is committed under subsection (1) the person who authorises the connection as well as the person who actually connects the utility is guilty of an offence.

(g) In section 14, by inserting a comma and the words " the General Manager of the Public Utilities Authority" after the word "Surveyor".

(h) In section 19, by inserting after subsection (2) the following new subsection—

"(3) Where a valuation list is altered to include a building or erection on the provisional valuation list the Chief Valuation Officer shall delete that building or erection from the provisional valuation list."

(i) By inserting after section 22 the following —

"22A Any person who, being an owner of property included in a provisional valuation list, is aggrieved by the capital "value" ascribed in the list to that property may, by notice of appeal in the prescribed form, serve on the Chief Valuation Officer within twenty-one days after the date of the receipt of the information under section 13A (4) a notice of appeal to

the Board under section 22 and the Chief Valuation Officer shall, on receipt of the notice of appeal, transmit a copy to the Commissioner."

- (j) In section 33(2), by deleting the semicolon after the word "lists" in paragraph (c) and inserting the following "or the capital value of each property as set out in the provisional valuation list;"

Amendment of the St. John's Development Corporation Act, Cap. 392.

14. The St. John's Development Corporation Act is amended in section 2 by deleting the definition of the word "Minister" and substituting the following —

"Minister" means the Minister to whom the responsibility of St. John's Development Corporation is assigned."

Amendment of the Slum Clearance and Housing Act, Cap. 404.

15. The Slum Clearance and Housing Act is amended in section 10,

- (i) by repealing subsection (5) and substituting the following —

"(5) Every advance made by the Central Authority under subsection (1) shall be secured by a charge on the land in favour of the Central Authority";

- (ii) in subsection (6), by deleting the word "mortgage" wherever it occurs and substituting the word "charge";

- (iii) by repealing subsection (7) and substituting the following —

"(7) Every charge referred to in subsection (5) shall be registered as an incumbrance under the Registered Land Act".

Cap. 374

- (iv) in subsection (9) by inserting after the words "to mortgagees" the words "or chargees, as the case may be,"

16. The sections of the Small Charges Act referred to in the first column below are amended as specified in the second and third columns
 Amendment of Small Charges Act, Cap 405.

1st Column	2nd Column Delete	3rd Column Substitute
Sections Amended 23(1), 39, 43	not exceeding one hundred dollars	— of five hundred dollars
47	not exceeding one hundred and fifty dollars	— of five hundred dollars
17, 23(1), 26(1), 27(c) 36, 44	not exceeding two hundred and fifty dollars	— of five hundred dollars
31(4)	not exceeding three hundred and forty dollars	— of one thousand dollars
13, 18, 23(1), 28(4), 33, 38(1), 46(3), 48, 55	not exceeding five hundred and fifty dollars	— of two thousand dollars
13(2), 51	not exceeding seven hundred and fifty dollars	— of five thousand dollars
38(2), 49	not exceeding one thousand dollars	— of five thousand dollars
17, 23(2), 25(1), 26(1), 31(1), 43(3), 44	not exceeding one month	— of three month
13	not exceeding two months	— of six months
24, 25(2), 28, 31(3), 40, 46, 48, 51, 54, 55	not exceeding three months	— of nine months
13, 24(1), 26(2), 30, 33, 41, 49	not exceeding six months	— of twelve months

Amendment of the Stamp Act, Cap 410

17. The Stamp Act is amended in the Schedule by repealing paragraph (b) of the item "LOANS TO NON-CITIZENS" and substituting the following —

"(b) For the purpose of this paragraph —

(a) the expression "non-citizen" includes a company registered under the Companies Act in which two thirds of the shares are not beneficially owned by citizens of Antigua and Barbuda, and a share is deemed to be beneficially owned by an Antiguan and Barbuda citizen if —

(i) that Antiguan and Barbadian citizen is in any way under obligation to or otherwise may exercise any right attaching to that share at the instance of, or for the benefit of, any person who is not an Antiguan and Barbudan citizen;

(ii) that share is held jointly or severally with any person who is not an Antiguan and Barbudan."

(b) the expression "Bank" and "Financial Institutions" have the meaning assigned to them in section 2 of the Banking Act, and section 2 of the Financial Institutions (Non-Banking) Act, respectively."

Amendment of
the Vendors Act,
Cap. 463.

18. The Vendors Act is amended in section 5 by repealing paragraph (c) and substituting the following —

"5(c) on demand by a police officer or a person designated in writing by the Minister, produce his licence for inspection by such officer.

Amendment of
the Board of
Education Act,
1994

19. The Board of Education Act is amended by inserting after section 22 the following —

"Borrowing powers 22A (1) Subject to subsection (2) the Board may borrow monies required by it for meeting any of its obligations or performing any of its functions.

(2) The powers of the Board to borrow monies under this section shall be exercisable only with the approval of the Minister responsible for Finance".

Passed the House of Representatives
this 8th day of February, 1996.

B. Harris,
Speaker.

S. Walker,
Clerk to the House of Representatives.

Passed the Senate this 26th
day of February, 1996.

L. Smith,
Vice-President.

S. Walker,
Clerk to the Senate.

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