

ANTIGUA AND BARBUDA



SMALL CHARGES (AMENDMENT) BILL 2024

No. of 2024

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SMALL CHARGES (AMENEMENT) BILL 2024
ARRANGEMENT OF CLAUSES

CLAUSE

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AN ACT to amend the Small Charges Act, Cap. 405 to maintain public safety and the safety of children by discouraging the practice of children loitering and requiring them to be accompanied by a parent between the hours of 10pm to 6am and for other connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows—

1. Short title

This Act may be cited as the Small Charges (Amendment) Act 2024.

2. Interpretation

In this Act—

“principal Act” means the Small Charges Act Cap 405;

“loitering” for the purposes of Sections 11A and 11B means to linger or hang around in a public place or business where one has no particular or legal purpose for being present.

3. Insertion of section 11A - Prohibition against loitering

The principal Act is amended by inserting immediately after section 11 the following—

“11A. Prohibition against loitering

(1). A person under the age of 18 years shall not be permitted to hang around, loiter or congregate on the streets or in any public place in Antigua and Barbuda between the hours of 6am to 10 pm., except when he or she is participating in a lawful activity conducted by a registered association such as a football club, netball club, basketball club or similar association for the practice of a recognised sport, whether such association is affiliated with the community or an educational institution.

(2) A person under the age of 18 years who contravenes subsection (1), commits an offence.

(3) A police officer who finds a child under the age of 18 years loitering in the street or a public place may –

(a) take the child to the home of the parents and warn either of the parents of the consequences of the offence being repeated;

- (b) take the child to the police station and have a parent of the child collect the child at the police station; or
- (c) charge the child with the offence of loitering under subsection (2).

4. Insertion of section 11B - Offence of loitering of child at night

The principal Act is amended by inserting immediately after section 11A the following—

“11B. Offence of loitering of child at night

- (1) A person under the age of 18 years shall not be permitted to be loitering on the streets or in any public place between the hours of 10 o’clock in the night and 6 o’clock in the morning unless accompanied by a parent or a person acting in loco parentis of the child.
- (2) A parent whose child is found loitering in the street or in a public place contrary to subsection (1) commits an offence and is liable on summary conviction –
 - (a) if it is the first time that the parent is being charged with the offence, to a fine of two thousand (\$2,000.) dollars;
 - (b) if it is the second time that the parent is being charged for the offence, to a fine of three thousand (\$3,000.) dollars; or
 - (c) where the parent is being for the third time or any subsequent occurrence, to a fine of five thousand (\$5,000.) dollars and to imprisonment for a term of two years.”

Passed the House of Representatives on
The day of , 2024.

Passed the Senate on the day of
, 2024.

Speaker

President

Clerk to the House of Representatives

Clerk to the Senate

EXPLANATORY MEMORANDUM

This is a Bill for an Act to maintain law and order by discouraging the practice of children loitering and requiring them to be accompanied by a parent between the hours of 10pm to 6am.

The Bill has 4 Clauses

Clause 1 states the Short title of the Bill.

Clause 2 is the Interpretation section and this provides for definitions of “principal Act” and “loitering”

Clause 3 creates the offence of loitering of child. This empowers a police officer to take action upon any child who is found loitering during the hours of 6am and 10pm and the officer may either take the child home to the parents, or take the child to the police station and call the parents to collect the child, or charge the child with the offence of loitering.

Clause 4 creates the offence of loitering of child at night. It is now an offence for anyone under 18years to be on the streets or in a public place between 10pm and 6am unless accompanied by a parent or other individual acting as the parent. Clause 4 additionally makes the parent liable to penalties ranging from 2 thousand up to 5 thousand dollars if the child commits the offence.

Honourable Sir Steadroy C. O. Benjamin,
Attorney General
Minister of Justice, Legal Affairs and Public Safety