ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

1993, No. 53

Saint John's Development Corporation (Heritage Quay) Regulations, 1993, made by the Minister under section 26 of the Saint John's Development Corporation Act, 1986, (No. 1 of 1986).

Short title.

1. These Regulations may be cited as Saint John's Development Corporation (Heritage Quay) Regulations, 1993.

Interpretation.

2. In these Regulations—

"business or trade" includes hawking, peddling or soliciting for a fee or reward.

"designated place" means a place designated under the Saint John's Development Corporation Act, 1986.

No. 1 of 1986.

"Executive Director" means the person appointed to the office of Executive Director under section 6 of the Saint John's Development Corporation Act, 1986.

"public service vehicle" has the same meaning as defined in the Vehicles and Road Traffic Act.

(Cap. 283)

Application of Regulation.

3. These Regulations apply to the Heritage Quay as described in Schedule I.

Permit to do business etc. in a scheduled place.

4. (1) No person shall in the scheduled place engage in—

(a) any business or trade; or

(b) the use of a public service vehicle for hire;

unless such person is in possession of a valid permit issued by the Corporation.

(2) Any person who contravenes this regulation is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for two years.

Application for a licence.

5. (1) Any person who wishes—

(a) to engage in any business or trade; or

(b) to use a public service vehicle for hire; or

(c) to do any act within the Heritage Quay for which a permit is required;

may apply to the Executive Director in the form prescribed in the Schedule II.

(2) An Applicant may complete the relevant form set out in Schedule II and furnish the Executive Director with any other information he may consider necessary.

(3) The application shall be accompanied by a service fee of ten dollars.

Approval and issue of permit.

6. (1) The Executive Director—

if satisfied that the applicant has complied with the requirement under this regulation and any other law in force relating to the carrying on of business in Antigua and Barbuda and on payment of the fee prescribed in Schedule III issue the applicant with the type of permit applied for.

(2) The Executive Director may with the approval of the Corporation impose such conditions (including the wearing of uniforms designed by him) as he considers proper of any permit granted by him.

(3) The Executive Director may cancel any permit granted by him if the holder of such permit—

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

(b) is convicted of any felony;

(c) is found to have obtained a permit under these Regulations by misrepresentation or false pretences; and

(d) in the case of a permit for hire of a public service vehicle if he ceases to hold a driving licence or is suspended from driving a motor vehicle; or

(e) has a record of a persistent drunkenness or of a conduct unbecoming of a driver of a public service vehicle.

7. (1) The Corporation may provide car parks or parking lots in the scheduled place where— Provision of car parks.

(a) public service vehicles issued with a permit under these Regulations may park for the purpose of hire;

(b) vehicles other than public service vehicles with permit to enter a scheduled place may park.

(2) Any person who parks a vehicle in a place other than the place provided for such vehicles under these Regulations is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars or to a term of imprisonment for two years.

(3) Where in the opinion of the Executive Director the holder of a permit under these regulations becomes unfit to engage in business or to use a public service vehicle for hire at the scheduled place he may, by writing, notify the holder of such permit of the substance of the allegation.

(4) The holder of the permit shall, within seven days of such notification under subregulation (3) submit to the Executive Director, a written reply to the substance of the allegation.

(5) The Executive Director may, after considering the application and hearing any witnesses, called on behalf of the permit holder—

(a) suspend the permit holder from using his vehicle for hire at the scheduled place for a period not exceeding three months; or

(b) cancel the permit.

(6) Any person suspended under subregulation 5*(a)* or whose permit is cancelled under subregulation 5*(b)* may appeal to the Corporation against the decision of the Executive Director.

(7) Where a permit is cancelled under this regulation the Executive Director, may by notice in writing, addressed to the permit holder, inform him of the cancellation and require him to return the permit.

(8) The permit of a driver of a public service vehicle shall cease to be valid during any period in which the holder is not a holder of a driving licence under the Vehicles and Road Traffic Act. (Cap. 283)

Immobilization and removal of vehicles.

8. (1) Any police officer or a person authorised by the Executive Director under these regulations may use any device approved by the Commissioner of Police to immobilize or remove any vehicle not authorised to enter a scheduled place or park in a place other than the place directed for the parking of such vehicles.

(2) Any vehicle removed from the scheduled place shall be detained in a place approved by the Commissioner of Police.

(3) No vehicle immobilized or removed under subregulation (1) shall be released to its owner unless the owner of such vehicle pays to the Executive Director or any person authorised by him—

(a) in the case of immobilized vehicle, a fee of fifty dollars;

(b) in the case of a vehicle removed from a place not provided for such vehicle, the actual cost of removal plus a fee of fifty dollars.

(4) Any person who obstructs or interferes with any police officer or a person authorised by the Managing Director under this regulation in the carrying out of his duties is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for two years.

Fees and charges.

9. (1) The Corporation may charge fees for permitting public service vehicles and other vehicles to park in car parks or parking lots provided and maintained by it.

(2) Any person who parks in any car park or parking lot provided and maintained by the Corporation but fails to pay the prescribed fee is guilty of an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for twelve months.

Acts requiring written permit.

10. (1) No person shall, without the written permission of the Executive Director—

(a) post up notice, exhibit, advertisement or political slogan on any wall or other place in the scheduled place;

(b) engage in gambling or any game of chance or operate a gambling device in any part of the scheduled place.

(2) The Executive Director may impose such conditions as he considers necessary on any permit granted by him under this regulation.

Prohibitions.

11. (1) No person shall—

(a) obstruct or interfere with the proper use of the Heritage Quay;

(b) use any toilet facility provided at the Heritage Quay in an improper manner;

(c) leave or deposit any litter in the Heritage Quay except in a bin provided for the purpose;

(d) abandon any property in any part of the Heritage Quay;

(e) climb any wall, fence, barrier, railing post erected in the Heritage Quay;

(f) give false fire or ambulance or bomb threat alarm in the Heritage Quay;

(g) walk on or otherwise damage any flower bed or lawn or anything growing on such lawn or bed in the Heritage Quay;

(h) remove, pick, or otherwise damage any trees, shrub or plant in the Heritage Quay;

(i) bring into the Heritage Quay any object capable of injury to any person or property;

(j) obstruct any person from carrying out any duty imposed upon him under these Regulations or directed by the Executive Director in accordance with these Regulations;

(k) except during a public festival, without licence issued under the hand of the Commissioner of Police or any officer designated in writing by him, beat any drum or play any noisy music or make any announcement by a loud speaker or other instrument in any street, road or from any moving vehicle within the Heritage Quay.

(2) No person shall, except with the written permission of the Executive Director, solicit funds for any purpose at the Heritage Quay.

(3) Any person who contravenes any of the prohibitions in these Regulations is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for two years.

SCHEDULE I

Regulation 3

Description of the Scheduled Place

Heritage Quay includes—

(a) Heritage Quay Shopping Centre which is bounded on the west by the sea, on the south by Pigott Building on Parcel #94, and APUA Building on Parcel #81, on the east by Thames Street, and On the North by the Bank of Antigua on Parcel #66 and #67 and #122 Crown property; and

(b) Commissioner's Alley.

SCHEDULE II

Application Form A — For Business or other activity requiring permit

Regulation 5

1. Full name of applicant.....
2. Date and place of birth.....
3. Social Security No.....
4. Passport No.....Place and date of issue.....
5. Residential address.....

   .....Telephone No.....
6. Work permit No.....Date of expiry.....
7. Business address.....
8. Trade or Business Licence No.....Date of expiry.....
9. Number of years applicant has been carrying on such business.....
10. List of goods or articles to be sold.....

.....

11. Name of two persons known to the applicant in Antigua and Barbuda.

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(a) Full name.....

Residential address.....

.....Telephone.....

(b) Full name.....

Residential address.....

.....Telephone.....

Signature of applicant.....

Date.....

Application Form B — For hire of a public service vehicle

Regulation 5

1. Full name of Applicant.....

2. Date and place of birth.....

3. Residential address.....Telephone.....

4. Business address.....Telephone.....

5. Social Security No.....

6. Applicant's Drivers Licence No.....

7. Registration number of vehicle.....

8. Type of vehicle.....

9. Name and address of Insurance Company and policy number of vehicle

.....

10. Namber of passengers vehicle is licenced to carry.....

11. Number of years experience as Taxi Driver.....

12. Name and address of two persons known to the applicant in Antigua and Barbuda.

(a) Full name.....

Business Address.....Telephone.....

(b) Full name.....

Business address.....Telephone.....

Residential address.....Telephone.....

Signature of Applicant.....

Date.....

SECTION III

Section 6

FEES

1. Traders allocated with Kiosks $50.00 per month payable quarterly in advance.

2. Public Service Vehicles allocated with parking lots inside Heritage Quay Shopping Centre $5.00 per day payable monthly in advance.

3. Sanitary Vehicles entering the Heritage Quay for the collection and removal of waste from cruise ships and boats $100.00 per entry payable in advance.

4. Private Vehicles allocated with parking lots inside Heritage Quay Shopping Centre $50.00 per month payable in advance.

Made this 26th day of October, 1993.

Rodney Williams,
Minister responsible for Tourism.

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