

ANTIGUA AND BARBUDA



LAW (MISCELLANEOUS AMENDMENT) ACT, 2021

No. 23 of 2021

*[Published in the Official Gazette Vol. XLI No. 87
dated 2nd December, 2021.]*

Printed at the Government Printing Office, Antigua and Barbuda,
by Noel F. Abraham, Government Printer
— By Authority, 2021.

ANTIGUA AND BARBUDA

LAW (MISCELLANEOUS AMENDMENT) ACT 2021

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[L.S.]



I Assent,

Rodney Williams,
Governor-General.

24th November, 2021.

ANTIGUA AND BARBUDA

LAW (MISCELLANEOUS AMENDMENT) ACT 2021

No. 23 of 2021

AN ACT to amend the provisions of certain Acts of Parliament to strengthen the effectiveness of laws relating to prosecution matters and other incidental and related matters.

ENACTED by the Parliament of Antigua and Barbuda as follows—

1. Short title

This Act may be cited as the Law (Miscellaneous Amendment) Act, 2021.

2. Amendment of the Labour Code Cap 27

The Labour Code Cap 27 is amended –

- (a) in subsection (1) of section D28 by repealing subsection (1) thereof and replacing it as follows –

“D28 Proceedings where inspector or operator believes the offender to be other than operator.

(1) When it is made to appear to an inspector at the time of discovering an offence—

- (a) that an operator of the workplace has used all due diligence to enforce the execution of this Division;
- (b) that the offence has been committed by a person other than the operator; and:
- (c) that it has been committed without the consent, connivance, or wilful fault of the operator,

the inspector shall, refer the matter to the Director of Public Prosecutions for prosecution or with authorization in writing by the Director of Public Prosecutions, proceed against the person whom he believes to be the actual offender without first proceeding against the operator.

- (b) in subsection (1) of section D29 by repealing subsection (1) thereof and replacing it as follows –

“D29 Prosecution of offences and recovery and applications of fines.

(1) In any proceedings under this Division it shall be sufficient in the information, which shall be laid by a prosecutor from the Office of Director of Public Prosecutions, or by authorization in writing by the Director of Public Prosecutions, the Labour Commissioner or someone on behalf of the Labour Commissioner, to allege that the workplace is a workplace within the meaning of this Division and to state the name of the ostensible operator thereof.

3. Amendment of the Police Act, Cap 330

The Police Act, Cap 330 is amended as follows –

- (a) in section 31 by repealing section 31 thereof and replacing it as follows –

“31. Right of police officer to prosecute

Where any police officer lays an information or complaint against any person before a Magistrate or any person alleged to have committed an offence is apprehended and brought before a Magistrate who is trying or enquiring into the matter of the information, complaint or charge, any other police officer, with authorization in writing by the Director of Public Prosecutions, shall have the same privileges as to addressing the Magistrate and examining the witnesses adduced in the matter as the police officer in whose name the information, complaint or charge is laid or made would have had.”

4. Amendment to the Customs (Control and Management) Act, 2013

The Customs (Control and Management) Act, 2013 is amended as follows —

- (a) in Section 219, subsection (2), by inserting immediately after the word “writing”, the following words—

“with the approval of the Director of Public Prosecutions in writing”.

Passed the House of Representatives on
the 19th day of October, 2021.

Passed the Senate on the 29th day of
October, 2021.

Gerald Watt, Q.C.,
Speaker.

Alicia Williams-Grant,
President.

A. Peters,
Clerk to the House of Representatives.

A. Peters
Clerk to the Senate.