

(b) cause any vehicle which is parked in a place at Heritage Quay other than that provided for under these regulations to be removed from that place.

(2) Where a vehicle is removed from Heritage Quay under sub-regulation (1) it shall be stored in a place approved by the Commissioner of Police and under the supervision of the Commissioner of Police until it is returned to the owner.

(3) The owner of a vehicle immobilised at Heritage Quay or removed from Heritage Quay under sub-regulation (1) shall—

(a) within 10 days from the date on which a Notice is served under sub-regulation (4), pay to the Corporation in the case of an immobilised vehicle a fee of \$100; or

(b) within 30 days from the date on which a Notice is served under sub-regulation (4), pay to the Corporation in the case of a vehicle removed from a place not provided for under these regulations a fee of \$250.

(4) Where a vehicle is immobilised at Heritage Quay or removed from Heritage Quay under sub-regulation (1) and the owner of the vehicle does not, within the specified time, comply with the provisions set out at sub-regulation (3), the Commissioner of Police shall cause a Notice in the Form set out in Schedule IV to be served on the owner of the vehicle, in person, requiring the person to comply with the provisions of sub-regulation (3)(a) or (3)(b), whichever is applicable and informing the owner of the vehicle that, if he fails to comply with the Notice within 30 days of receipt of the Notice, the vehicle will be destroyed or disposed of in the manner prescribed under these regulations.

(5) Where a Notice is to be served under sub-regulation (4) the Commissioner of Police shall cause no less than two police officers to be present when the Notice is served on the owner of the vehicle.

(6) Where the owner of a vehicle fails to comply with a Notice served under sub-regulation (4) the Commissioner of Police may cause the vehicle that is the subject of the Notice to be—

(a) destroyed; or

(b) disposed of by public auction and the proceeds of the disposal, after the expenses of the auction are paid, placed in the Consolidated Fund.

(7) Unless it can be proven that damage or loss caused by the immobilisation, removal, destruction or disposal of a vehicle under this regulation was caused by malice or negligence, the following persons are not liable for any damage caused to a vehicle immobilised, removed, destroyed or disposed of, under these regulations or any damage or loss of the owner of a vehicle caused by the sale of that vehicle—

ANTIGUA AND BARBUDA



THE ST. JOHN'S DEVELOPMENT CORPORATION (HERITAGE QUAY)  
REGULATIONS, 2010

STATUTORY INSTRUMENT

2010, No. 18

[ Printed in the Official Gazette Vol. XXX No. 50  
dated 16th September, 2010. ]

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by Eric T. Bennett, Government Printer  
— By Authority, 2010.

(6) Where a permit is cancelled under this regulation the Corporation shall, by notice in writing addressed to the holder of the permit, inform him of the cancellation and publish notice of the cancellation in the *Official Gazette* and a well circulated newspaper in Antigua and Barbuda.

(7) Publication under sub-regulation (6) shall be by Notice signed by the Chairman of the Corporation.

(8) A permit to ply a public service vehicle for hire shall cease to be valid during any period for which the holder of the permit is not a holder of a valid licence to drive a vehicle in Antigua and Barbuda.

(9) The Corporation may, if the holder of a permit that was cancelled under this regulation applies for another permit at any time after the cancellation, take into consideration the reason for the cancellation of any permit that was previously granted to the applicant and may, if the Corporation is satisfied that the reason for the cancellation of the previous permit—

- (a) applies to the circumstances under which the subsequent application is made, refuse to issue the permit; or
- (b) does not apply to the circumstances under which the subsequent application is made, issue the permit.

#### **7. Provision of car parks**

(1) The Corporation may make provision for the parking of a car at Heritage Quay for—

- (a) the holder of a permit issued under regulation 5 who plies a public service vehicle for hire; or
- (b) any other person for whom the Corporation considers a parking facility to be necessary under these regulations.

(2) A person who parks a vehicle in a place other than that provided for under these regulations commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.

#### **8. Immobilisation, removal, destruction or disposal of vehicles**

(1) A police officer or a person authorised by the Corporation under these regulations may—

- (a) use any device approved by the Commissioner of Police to immobilise or remove any vehicle which is parked in a place at Heritage Quay other than that provided for under these regulations; or

- (a) is convicted of an offence under these regulations;
- (b) is convicted of an indictable offence;
- (c) is found to have obtained the permit by misrepresentation or dishonesty;
- (d) contravenes the provisions of any conditions attached to the permit;
- (e) is intoxicated, violent or abusive whilst carrying on business at Heritage Quay or whilst in charge of a public service vehicle plying for hire at Heritage Quay; or
- (f) in the case of a permit for hire of a public service vehicle, is prohibited by law from driving a vehicle.

(2) Where, in the opinion of the Corporation, the holder of a permit under these regulations has behaved in a manner that warrants the suspension or cancellation of a permit under, the Corporation shall notify the holder of the permit in writing with the details of the alleged behaviour and of the action that may be taken by the Corporation under this regulation.

(3) The holder of the permit shall, within seven days of notification, respond in writing to the substance of the allegation of the Corporation and either admit or deny the allegation made by the Corporation and may request an opportunity to be heard, in person or by an attorney-at-law, by the Corporation with regard to the allegation made.

(4) A response under sub-regulation (3) may include a request to present the account of a witness, either orally or in writing, for the consideration of the Corporation, in relation to the allegation made.

(5) Where the Corporation grants a request made under sub-regulation (3) or sub-regulation (4), the Corporation may, after considering the response of the holder of the permit and the account of any witness presented by the holder of the permit—

- (a) dismiss the allegation and notify the holder of the permit of the dismissal in writing;
- (b) suspend the permit for a period not exceeding three months for a first offence and six months for a subsequent offence and prohibit the holder of the permit from —
  - (i) carrying on business at Heritage Quay; or
  - (ii) using his vehicle for hire at Heritage Quay; or
- (c) cancel the permit.

**THE ST. JOHN'S DEVELOPMENT CORPORATION (HERITAGE QUAY)  
REGULATIONS, 2010**

**ARRANGEMENT**

**REGULATIONS**

**PART 1 - PRELIMINARY**

1. Short title.
2. Interpretation.

**PART 2 – REGULATION OF BUSINESSES AND TRANSPORTATION**

3. Permit to do business etc. at Heritage Quay.
4. Application for a permit.
5. Approval and issue of permit.
6. Suspension, cancellation and cessation of validity of permits.
7. Provision of car parks.
8. Immobilisation and removal of vehicles.
9. Fees and charges.
10. Acts requiring written permit.

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11. Offences.
12. Arrest without a warrant.
13. Revocation of the St. John's Development Corporation (Heritage Quay) Regulations, 1993.

**Schedules**

**SCHEDULE I** – Description of Heritage Quay

**SCHEDULE II** – Forms

**SCHEDULE III** – Fees

**ANTIGUA AND BARBUDA**

**THE ST. JOHN'S DEVELOPMENT CORPORATION (HERITAGE QUAY)  
REGULATIONS, 2010**

**2010, No. 18**

**THE ST. JOHN'S DEVELOPMENT CORPORATION (HERITAGE QUAY) REGULATIONS, 2010  
made in exercise of the powers contained in section 26 of the St. John's Development Corporation Act, Cap. 392.**

**1. Short title**

These Regulations may be cited as St. John's Development Corporation (Heritage Quay) Regulations, 2010.

**2. Interpretation**

In these Regulations—

“the principal Act” means the St. John's Development Corporation Act, Cap. 392;

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

“Heritage Quay” means the places specified in Schedule I; and

“public service vehicle” means a vehicle, whether motorised or not, used for carrying passengers for hire or reward.

**Part 2 – Regulation of Businesses and Transportation**

**3. Permit to do business etc. at Heritage Quay**

(1) A person shall not engage in—

(a) any business or trade; or

(b) ply for hire in a public service vehicle;

in Heritage Quay unless he has been issued with a valid permit by the Corporation under these regulations.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$5,000.

**4. Application for a permit**

(1) A person who wishes—

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

(b) to ply for hire in a public service vehicle,

shall apply to the Corporation in Form A or B, as appropriate, in Schedule II.

(2) An applicant under subsection (1) shall complete the prescribed form and provide any other information that the Corporation may require.

(3) A service fee of \$10 shall be paid to the Corporation by an applicant upon the submission of an application under this regulation in addition to any other prescribed fee.

**5. Approval and issue of permit**

(1) The Corporation shall, if satisfied that the applicant is suitably qualified and that the applicant has paid the fee prescribed in Schedule III, issue the applicant with the type of permit for which the applicant has applied.

(2) The Corporation may attach conditions that the Corporation considers necessary, to a permit granted under these regulations and these conditions may include—

(a) the requirement that a uniform designed by the Corporation be worn by the holder of a permit; and

(b) the duration for which a permit is valid.

(3) A person who engages in a business or trade at Heritage Quay pursuant to a permit issued under these regulations shall not require a licence under the St. John's Development Corporation (Control of Vendors) Regulations in respect of his business or trade activities at Heritage Quay.

**6. Suspension, cancellation and cessation of validity of permits**

(1) The Corporation may suspend or cancel any permit granted under these regulations if the holder of the permit—

Regulation 4

APPLICATION FORM B – FOR PUBLIC SERVICE VEHICLE FOR HIRE

APPLICATION FORM (FEE \$10.00)

1. Full Name of applicant .....
2. Date and place of birth .....
3. Nationality .....
4. Residential Address ..... Telephone .....
5. Business Address ..... Telephone .....
6. Social Security No. (Personal)..... (Business).....
7. Work Permit # ..... Expiry Date.....
8. Business Licence No. .... No. of years as a Taxi Driver.....
9. Applicant's Chauffeur's Licence # ..... Expiry Date of Licence.....
10. Have you ever been convicted in any court of law for traffic offences? Yes/No.  
If yes, give details .....
11. Registration Number of vehicle .....
12. Type of Vehicle ..... Expiry Date of Vehicle Licence .....
13. Vehicle Insurance Policy No. .... Expiry Date.....
14. Public Liability Insurance Policy#: ..... Expiry Date.....
15. Name and address of Insurance Company .....
- .....
16. Number of passengers vehicle licensed to carry .....

- (a) the Corporation;
- (b) an employee or agent of the Corporation;
- (c) a police officer; or
- (d) any person assisting the persons listed at (a), (b) or (c).

(8) A person who obstructs or interferes with a police officer or a person employed by the Corporation in the carrying out of his duties under this regulation commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.

9. Fees and charges

(1) The Corporation may charge fees for permitting public service vehicles and other vehicles to park in a car park or parking lot provided and maintained by the Corporation.

(2) A person who parks in any car park or parking lot provided and maintained by the Corporation but fails to pay the prescribed fee commits an offence and is liable on summary conviction to a fine of \$2,000.

10. Acts requiring written permit

- (1) A person shall not—
  - (a) without the written permission of the Corporation display or post a notice, exhibit, advertisement or political slogan at Heritage Quay except in connection with a business in respect of which a permit has been issued under these regulations; or
  - (b) engage in gambling or any game of chance or operate a gambling device in any part of Heritage Quay except in such places as may be authorised in writing by the Corporation.

(2) The Corporation may impose such conditions as it considers necessary on any permit granted under this regulation.

(3) A person who contravenes sub-regulation (1) or who fails to comply with a condition imposed under sub-regulation (2) commits an offence and is liable on summary conviction to a fine of \$2,000.

Part 3 – Public Order

11. Offences

(1) A person commits an offence and is liable on conviction to a fine not exceeding \$2,000 if that person—

- (a) deposits any litter or refuse at Heritage Quay except in a bin provided for that purpose;
- (b) obstructs another person at Heritage Quay from carrying out a duty imposed upon him under these regulations or directed by the Corporation in accordance with these regulations;
- (c) except with the written permission of the Corporation, solicits funds for any purpose at Heritage Quay; or
- (d) without a written licence issued by or on behalf of the Commissioner of Police, plays any noisy music or operates a loudspeaker or other instrument at Heritage Quay.

(2) A person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 if that person—

- (a) without lawful excuse, contravenes any lawful direction given by an employee of the Corporation or a police officer;
- (b) without the permission of the Corporation, hawks, sells or exposes for sale any article;
- (c) defaces any building, wall, fence, bill board or any notice authorised, by the Corporation, to be maintained upon any premises;
- (d) without lawful reason damages or interferes with any property of the Corporation;
- (e) without lawful reason, loiters at night at Heritage Quay; or
- (f) being the owner, driver or conductor of any vehicle disobeys any lawful direction given by any employee of the Corporation or member of the Police Force.

(3) A person at Heritage Quay, commits an offence and is liable on summary conviction to a fine not exceeding \$5,000, if that person does an unlawful act or fails to discharge a legal duty and thereby—

- (a) endangers the lives, safety, health, property or comfort of the public,
- (b) causes physical injury to any person, or
- (c) obstructs the public in the exercise or enjoyment of any right that is common to all the members of the public.

(4) An owner, driver or conductor of a vehicle, who is not the holder of a permit issued by the Corporation, who touts or solicits for business at Heritage Quay commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.

- 4. Bank reference submitted Yes No N/A
- 5. Certificate of Insurance submitted Yes No N/A
- 6. Proof that undertaking has met statutory requirements submitted Yes No N/A
- 7. Food Handlers permit submitted Yes No N/A
- 8. Letter of recommendation / good standing – (S/S), (M/B) submitted Yes No N/A

- 9. Is applicant a tenant of the St. John's Development Corporation Yes No N/A
- 10. Application accepted Yes No N/A

11. Proposed location/store# booth# .....  
 12. Recommendations.....

Signature:.....  
 Title:.....  
 Date:.....

**Application approved** Yes No

Remarks:.....

**Application on hold** Yes No

Reason:.....

**Application declined** Yes No

Reason:.....

Signed:.....

Executive Director

Date:.....

13. Number of years applicant has been carrying on business.....

14. Business Address.....

15. List of goods or articles to be sold / Activity to be undertaken .....

.....

16. Names of two persons known to the applicant in Antigua and Barbuda who may be contacted as references for the applicant:

(a) Full Name .....

Residential Address .....

.....

.....Telephone .....

(b) Full Name .....

Residential Address .....

.....

.....Telephone .....

**An applicant is also required to submit in support of their application picture identification, a copy of his Business Certificate(if applicable), a Business Outline, at least one Bank Reference, a certificate of insurance, a Food Handlers permit (if applicable) and at least one letter of recommendation.**

Signature of Applicant .....

Date .....

**FOR OFFICIAL USE ONLY  
Requirements**

1. Picture ID submitted	Yes	No	N/A
2. Business registration certificate submitted	Yes	No	N/A
3. Business outline submitted (store)	Yes	No	N/A

**12. Arrests**

(1) A police officer may arrest without a warrant, a person who commits an offence under these regulations and shall immediately or on the next working day after the arrest, bring the person before a Magistrate.

(2) An employee of the Corporation, who is so authorised by the Minister in writing, may arrest without a warrant, a person who commits an offence under these regulations and shall immediately or within 6 hours of the arrest, place that person in the custody of a police officer who shall treat the arrest of that person as an arrest under sub-regulation 12(1).

(3) A police officer or an employee of the Corporation who arrests a person, may seize any article which he has reason to suspect is in that person's possession for the purposes of carrying on a trade in contravention of these regulations and the article seized shall be stored in a secure place in accordance with the instructions of the Commissioner of Police and under his supervision and if stored shall, if required, be submitted in evidence at the court proceedings in respect of the offence for which the person was arrested.

(4) An article of a perishable nature seized under these regulations may be destroyed in accordance with the instructions of the Commissioner of Police and under his supervision after it has been processed for evidentiary purposes in accordance with any law for the time being in force relating to the preparation, recording and storage of evidence for court proceedings.

(5) Where a person is convicted of an offence under these regulations and an article was seized under sub-regulation (3), the Court, in addition to any other penalty imposed, may order that the article shall be destroyed.

(6) Where a person was arrested under sub-regulations (1) or (2) and is either acquitted of the offence for which he was arrested or released without being prosecuted, and an article owned by him or under his control was seized under subregulation (3), the article, if it was not destroyed, shall be returned to him immediately upon his acquittal or release.

**13. Revocation of the St. John's Development Corporation (Heritage Quay) Regulations, 1993**

The St. John's Development Corporation (Heritage Quay) Regulations, 1993 are revoked.

**Regulation 3**

**SCHEDULE I**

Heritage Quay includes—

(a) Heritage Quay Shopping Centre which is bounded on the west by the sea, on the south by (Piggott Building) on Parcel #94, and (Heritage Quay Hotel) on Parcel #81, on the east

by Thames Street, the North by the Bank of Antigua on Parcel #66 and #67 and #122 Crown property;

- (b) Commissioner's Alley;
- (c) Lower High Street, west of the junction of Thames Street and High Street down to the waterfront;
- (d) Lower St. Mary's Street, west of the junction of Market Street and St. Mary's Street to the Heritage Quay;
- (e) Lower Redcliffe Street, west of the junction of Thames Street and Redcliffe Street down to the water front;
- (f) The Vendors' Mall on Thames Street;
- (g) The Vendors' Place on High Street;
- (h) The Vendors' Square on the corner of High Street and Thames Street;
- (i) The Car Park on Newgate Street.

**SCHEDULE II**

**FORMS**

**Regulation 4**

**APPLICATION FORM A-FOR BUSINESS OR TRADE ACTIVITY REQUIRING PERMIT**

**APPLICATION FORM (FEE \$10.00)**

1. Full Name of applicant .....
2. Date and place of birth .....
3. Nationality ..... Sex: Male..... Female .....
4. Passport No. .... Place and date of issue.....
5. Work Permit No. .... Date of Expiry.....
6. Residential Address .....
- .....
- .....
- .....
7. Telephone No. (s) .....
- .....
8. Is Business Registered? Yes ( ) No( ) If "Yes" where?.....
9. Registration / Receipt No:..... Tax. ID No. (Inland Revenue).....
10. Social Security No. (Personal)..... (Business).....
11. Medical Benefit No. (Personal)..... (Business).....
12. Type of Business.....



- Small twenty-five dollars per day and three hundred dollars per month
- Coolers only fifteen dollars per day and one hundred and eighty per month
- 5. Vendor's Square Kiosks
  - Billboards Two hundred and fifty dollars per month  
ten thousand dollars per annum
- 6. Car Park on Newgate Street
  - Parking two dollars per hour or twelve dollars per day
- 7. Entertainment / Events at aforementioned locations three thousand dollars per event
- 8. Public Service Vehicles allocated with parking lots three hundred and sixty-five dollars per annum, payable annually in advance.
- 9. Sanitary Vehicles entering the Heritage Quay for the collection and removal of waste from cruise ships and other vessels – one hundred dollars per entry, payable by the agent.
- 10. Application fee – ten dollars
- 11. Issue of a permit – one hundred and fifty dollars per annum
- 12. Renewal of a permit – one hundred and fifty dollars
- 13. Replacement of a lost permit – fifty dollars

17. Names of two persons known to the applicant in Antigua and Barbuda who may be contacted as references for the applicant:

(a) Full Name .....

Residential Address .....

.....Telephone .....

(b) Full Name .....

Residential Address .....

.....Telephone .....

An applicant is also required to submit in support of his application, picture identification, his vehicle registration certificate, his driver's licence, an insurance certificate for his vehicle, his public liability insurance certificate and at least one letter of recommendation.

Signature of Applicant .....

Date .....

**FOR OFFICIAL USE ONLY**  
**Requirements**

1. Picture ID submitted	Yes	No	N/A
2. Vehicle registration certificate submitted	Yes	No	N/A
3. Driver's Licence submitted	Yes	No	N/A
4. Insurance Certificate for vehicle	Yes	No	N/A

5. Public Liability Insurance certificate submitted	Yes	No	N/A
6. Letter of recommendation / good standing	Yes	No	N/A
7. Is applicant a member of the St. John's Taxi Association	Yes	No	N/A
8. Application accepted	Yes	No	N/A

9. Proposed location.....  
 10. Recommendations.....  
 Signature:.....  
 Title:.....  
 Date:.....

**Application approved** Yes No

Remarks:.....

**Application on hold** Yes No

Reason:.....

**Application declined** Yes No

Reason:.....

Signed:.....

Executive Director

Date:.....

**SCHEDULE III  
Fees**

1. Heritage Quay Shopping Centre Common Areas
  - Operators – seven hundred dollars per month
  - Hair Braiders two hundred dollars in season and one hundred and thirty dollars off season per month
  - ATM two thousand five hundred dollars per month
  - Bandstand one thousand dollars per month
2. Vendor's Mall on Thames Street
  - Outside Single booth two hundred and fifty dollars in season and two hundred dollars off season per month
  - Outside Double booth five hundred dollars in season and four hundred dollars off season per month
  - Inside Single booth three hundred dollars in season and two hundred and seventy-five Dollars off season per month
  - Inside Double booth six hundred dollars in season and five hundred and fifty dollars off season per month
  - ATM two thousand dollars per month
  - Cell site three thousand five hundred dollars per month
3. Vendor's Place on High Street
  - Kiosk / Parking two hundred and forty dollars per month
  - Billboards ten thousand dollars per annum
4. Lower High, Redcliffe and St. Mary's Streets
  - Large fifty dollars per day and six hundred dollars per month

**FURTHER TAKE NOTICE THAT IF YOU DO NOT COMPLY WITH THIS NOTICE WITHIN 30 DAYS OF RECEIPT OF SAME, YOUR VEHICLE WILL BE DESTROYED OR DISPOSED OF IN THE MANNER PRESCRIBED.**

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

.....  
*Commissioner of Police.*

Made the 9th day of September 2010

**Honourable John Maginley,**  
*Minister responsible for  
St. John's Development Corporation.*

**SCHEDULE IV**

**NOTICE**

**NOTICE by the Commissioner of Police under regulation 8(4) of the St. John's Development Corporation (Heritage Quay) Regulations, 2010 No. \_\_\_\_\_ of 2010.**

.....of.....  
*(Name of Person)* *(Address of person)*

.....and owner of a  
vehicle bearing registration No. .... which was immobilized/  
*(strike through whichever*

removed from Heritage Quay on the ..... day of ....., 20\_\_\_\_,   
*not applicable)*

you are hereby required—

*(tick whichever applicable)*

within 10 days from the date on which this Notice is served on you, pay to the office of the St. John's Development Corporation a fee of \$100 and upon presentation of an original receipt from same at the ..... you will  
*(indicate the applicable Police Station)*

allowed to take possession of your vehicle.

within 30 days from the date on which this Notice is served on you, pay to the office of the St. John's Development Corporation a fee of \$250 and upon presentation of an original receipt from same at the ..... you will

*(indicate the applicable Police Station)*

allowed to take possession of your vehicle.