

2023-01-27

OBJECTS AND REASONS

This Bill would amend the *Minor Offences Act*, Cap. 137 to create an offence of flying a kite with any object which creates noise between specified hours.

Arrangement of Sections

1. Short title
2. Insertion of sections 4A, 4B and 4C into Cap. 137
3. Amendment of section 5 of Cap. 137
4. Insertion of *Schedule* into Cap. 137

SCHEDULE

BARBADOS

A Bill entitled

An Act to amend the *Minor Offences Act*, Cap. 137

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Minor Offences (Amendment) Act, 2023*.

Insertion of sections 4A, 4B and 4C into Cap. 137

2. *The Minor Offences Act, Cap. 137, in this Act referred to as the principal Act, is amended by inserting immediately after section 4 the following new sections:*

“Offence of flying a kite which makes noise between specified hours

4A.(1) Any person who flies or causes to be flown any kite with any object which

- (a) creates noise when attached to the kite; or
- (b) causes the kite to make noise,

between the hours of 7:00 p.m. and 6:00 a.m. is guilty of an offence and is liable on summary conviction to a fixed penalty of \$500.

(2) Where a person contravenes subsection (1), a member of the Police Service shall

- (a) ask the person to give his full name and address;
- (b) serve personally upon the person a fixed penalty notice in the relevant form set out in the *Schedule*; and
- (c) send a duplicate of the notice to the clerk of the magistrate’s court referred to in paragraph (c).

(3) The fixed penalty notice shall be signed by the member of the Police Service and shall state the following:

- (a) the date, time and place of service of the notice;
- (b) the provision of this Act which creates the alleged offence and such particulars of the offence as are required under this Act;

- (c) the time within which the fixed penalty may be paid in accordance with subsection (6); and
 - (d) the clerk of the magistrate's court to whom the fixed penalty may be paid and the address of the magistrate's court where the fixed penalty may be paid or remitted.
- (4) A person who refuses to answer or who gives a false answer in respect of a question mentioned in paragraph (a) of subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.
- (5) A person upon whom a fixed penalty notice is served may complete the notice in the prescribed manner and pay the fixed penalty in accordance with the notice.
- (6) A fixed penalty is payable within 14 days from the date of the fixed penalty.
- (7) Payment of the fixed penalty shall be
- (a) made to the clerk of the magistrate's court as stated in the notice; and
 - (b) accompanied by the completed notice.

Direction from member of the Police Service

4B.(1) A member of the Barbados Police Service shall require an owner or a person in charge of any kite found flying in contravention of section 4A to cause the kite to cease flying immediately and the owner or person in charge of the kite shall comply with the direction of the member of the Barbados Police Service.

- (2) Where a person fails or refuses to comply with a direction given by a member of the Police Service under subsection (1),
- (a) that person is guilty of an offence and is liable on summary conviction to a fixed penalty of \$500; and

(b) subsections (2) to (7) of section 4A and the *Schedule* shall apply *mutatis mutandis*.

Penalty to constitute a debt to the State

4C. A fixed penalty may be recovered as a debt due to the State in civil proceedings before a Magistrate for District “A”.

Amendment of section 5 of Cap. 137

3. *Section 5 of the principal Act, is amended by deleting the words “police officer” and substituting the words “member of the Barbados Police Service”.*

Insertion of *Schedule* into Cap. 137

4. *The principal Act is amended by inserting the *Schedule* set out in the *Schedule* to this Act.*

SCHEDULE

(Section 4)

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SCHEDULE

(Sections 4A and 4B)

FORM A



Minor Offences Act
Cap. 137

NOTICE OF FIXED PENALTY

Section A

Serial No.: _____

Take notice that, I, _____
(Name of member of the Police Service) _____
(Rank) _____
(Number),
have reason to believe that you have committed the offence herein. The fixed penalty for the offence is \$500.

In paying the fixed penalty, the following conditions shall be observed:

1. The payment of the fixed penalty shall be accompanied by this notice.
2. Payment of the fixed penalty shall be made or remitted to the clerk of the magistrate's court for District_____.

Schedule - (Cont'd)

This notice was given at _____
(place)
on _____ 20_____, at _____ a.m./p.m.
(state date) *(state time)*

PARTICULARS OF OFFENCE

At _____ a.m./p.m. on the _____ day of _____, 20_____, you,

(name) of _____
(address)

_____ were flying/caused to be flown
(place)
a kite with an object contrary to section 4A of the *Minor Offences Act*, Cap. 137.

Signature of member of the Police Service

Schedule - (Cont'd)

Instructions to Offender

Cash should be paid to the clerk. Cheques, postal orders or money orders may be sent by post and made payable to the clerk of the magistrate's court of District _____. A receipt for the payment will be given. Part payment will not be accepted by the clerk.

The person paying the fixed penalty must forward with the remittance Section B of this notice or identify this notice by quoting its serial number.

A fixed penalty may be recovered as a debt due to the State in civil proceedings before a Magistrate for District "A".

Schedule - (Cont'd)

Section B

Serial No.(of notice)_____

To: Clerk of the magistrate's court for District_____.

I enclosed the sum of \$500 as payment of the fixed penalty for the offence mentioned in Part A of this notice.

Name:_____

Address:_____

(Signature)

(Date)

Schedule - (Cont'd)

FORM B



Minor Offences Act
Cap. 137

NOTICE OF FIXED PENALTY

Section A

Serial No.: _____

Take notice that, I, _____
(Name of member of the Police Service) (Rank) (Number),
have reason to believe that you have committed the offence herein. The fixed penalty for the
offence is \$500.

In paying the fixed penalty, the following conditions shall be observed:

1. The payment of the fixed penalty shall be accompanied by this notice.
2. Payment of the fixed penalty shall be made or remitted to the clerk of the magistrate's court for District_____.

This notice was given at _____
(place)
on _____ 20_____, at _____ a.m./p.m.
(state date) (state time)

Schedule - (Cont'd)

PARTICULARS OF OFFENCE

At _____ a.m./p.m. on the _____ day of _____, 20____ you,

_____ of _____
(name) *(address)*

at _____ failed or refused to comply
(place)

with a direction of a member of the Police Service to cause a kite to cease flying contrary to section 4B of the *Minor Offences Act*, Cap. 137.

Signature of member of the Police Service

Schedule - (Cont'd)

Instructions to Offender

Cash should be paid to the clerk. Cheques, postal orders or money orders may be sent by post and made payable to the clerk of the magistrate's court of District____. A receipt for the payment will be given. Part payment will not be accepted by the clerk.

The person paying the fixed penalty must forward with the remittance Section B of this notice or identify this notice by quoting its serial number.

A fixed penalty may be recovered as a debt due to the State in civil proceedings before a Magistrate for District "A".

Schedule - (Concl'd)

Section B

Serial No.(of notice)_____

To: Clerk of the magistrate's court for District_____.

I enclosed the sum of \$500 as payment of the fixed penalty for the offence mentioned in Part A of this notice.

Name:_____

Address:_____

(Signature)

(Date) "

Read three times and passed the House of Assembly this
day of _____, 2023.

Speaker

Read three times and passed the Senate this _____ day of
, 2023.

President