

M O N T S E R R A T

LAW REVISION (MISCELLANEOUS AMENDMENTS)
BILL 2013

No. of 2013

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I ASSENT

Governor

DATE:

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A BILL FOR

AN ACT TO MAKE CONSEQUENTIAL AMENDMENTS TO VARIOUS
LEGISLATION.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and
with the advice and consent of the Legislative Assembly of
Montserrat, and by the Authority of the same as follows:—

PART 1—MISCELLANEOUS

1. Short title and commencement

This Act may be cited as the Law Revision
(Miscellaneous Amendments) Act, 2013 and comes into
force by Order on a date fixed by the Governor acting on
the advice of Cabinet.

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PART 2—ELECTIONS ACT (CAP. 1.04)

2. Section 22 amended

The Election Act is amended by deleting section 22(1) and substituting the following—

- “(1) A candidate for election, or someone on his behalf, shall deposit with the returning officer, on or before the day of his nomination, the sum of \$500, and, if he fails to do so, the nomination of the candidate is deemed to be withdrawn.”.

3. Election Registration Regulation amended

The Election Registration Regulations is amended by deleting regulation 53 and substituting the following—

“53. Fees for supplying list of voters

- (1) A final revised list and a printed list of voters shall be supplied to members of the public during business hours on payment of a fee of 50 cents per page.
- (2) Despite subregulation (1), a person validly nominated as a candidate for an election is entitled to receive free of charge 3 complete copies of the printed list of voters.”.

PART 3—SUPREME COURT ACT (CAP. 2.03)

4. Section 70 amended

Section 70 (2) of the Supreme Court Act is amended by deleting paragraph (a) and substituting the following—

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“(a) pay into the Treasury an application fee of \$100 and an enrolment and certificate of enrolment fee of \$500;”.

PART 4—NOTARIES PUBLIC ACT (CAP. 2.13)

5. Section 2 amended

The Notaries Public Act is amended by deleting section 2(3) and substituting the following—

“(3) A person appointed as a notary public shall, on his appointment, pay into the Treasury the sum of \$1000.”.

**PART 5—REAL ESTATE AGENTS REGISTRATION ACT
(CAP. 6.10)**

6. Section 5 amended

Section 5(1)(b) of the Real Estate Agents Registration Act is amended by deleting the number “\$1,000” and inserting the number “\$2,000”.

**PART 6—REGISTRATION AND RECORDS ACT (CAP.
6.12)**

7. Schedule amended

The Schedule to the Registration and Records Act is deleted and the following substituted—

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“SCHEDULE

(Section 40)

Item No	Description	Fee
1.	For entering, registering and recording any will	\$5.00 per page
2.	For entering, registering and recording any deed or writing, of whatever kind (wills excepted), presented for registration under section 18	\$5.00 per page
3.	For an office copy, or extract from, any registered deeds and writings	\$5.00 per page
4.	For every certificate	\$25.00
5.	For office seal on any document	\$25.00
6.	For any search whatsoever, for each year	\$10.00
7.	For every general search under one name.	\$10.00
8.	For acknowledgment of a signature to any document, or for signing a document, before a Registrar if at his office	\$25.00
9.	If out of his office (beside hire of conveyance)	\$50.00
10.	For swearing an affidavit before the Judge	\$10.00
11.	For a Judge’s Order	\$100.00
12.	For every Apostille	\$50.00
No fee is payable on the registration of any Bond entered into by any person with the Government with respect to the grant of a scholarship to the person and the entering into or resumption of service with the Government by the person.”		

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PART 7—HARBOUR MASTER ACT (CAP. 7.02)

8. Section 5 amended

The Harbour Master Act is amended by deleting section 5 and substituting the following—

“5. Fees payable for bills of health

Subject to section 6, the Harbour Master, or any other officer appointed by the Governor to issue bills of health to ships, is authorised to demand and receive for each bill of health issued by him a fee of \$25.00 and the fee shall be paid into the Treasury.”

**PART 8—AGRICULTURAL SMALL HOLDINGS ACT
(CAP. 8.04)**

9. Section 7 amended

The Agricultural Small Holdings Act is amended by deleting section 7 and substituting the following—

“7. Stamp duty and fees

- (1) Despite anything to the contrary in the Stamp Act, the stamp duty payable on a contract of tenancy is \$5.00.
- (2) The fees prescribed in Schedule B shall be paid by means of stamps affixed to or embossed on the contract or certified copy of the contract.
- (3) The stamp duty and attestation fee shall be borne by the landlord.

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10. Schedule B amended

Schedule B of the Agricultural Small Holdings Act is deleted and the following substituted—

“SCHEDULE B

(Section 7(2))

FEEES

Description	Fee
1 Attestation of contract	\$5.00
2. Registration of contract and certified copy of contract	\$5.00”

**PART 9—BRITISH NATIONALITY (FEES, OFFENCES
AND PENALTIES) ACT (CAP. 13.06)**

11. Section 2A inserted

The British Nationality (Fees, Offences and Penalties) Act is amended by inserting the following section immediately following section 2—

“2A. Oath of allegiance and pledge

A person who qualifies as a British Overseas Territories Citizen must attend a citizenship ceremony and take the oath of allegiance or affirmation of allegiance set out in the Schedule to the Constitution and make the pledge in the approved form before receiving a certificate of naturalisation.”.

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12. Section 3A amended

Section 3 of the British Nationality (Fees, Offences and Penalties) Act is amended by deleting subsections (2), (3), (4), (5) and (6) and substituting the following—

“(2) A non-refundable fee is payable in respect of a person making an application to the Governor under the Act,

(3) The fee payable in respect of —

(a) the registration of a person as a British Overseas Territories citizen; or

(b) the grant to a person of a Certificate of naturalisation as British Overseas Territories citizen;

is payable on the submission of the application.

(4) The fee payable in respect of—

(a) the administering of the oath of allegiance or affirmation of allegiance is payable before the citizenship ceremony; and

(b) the registration of declaration of renunciation of British Overseas Territories citizenship is payable on the submission of the declaration of renunciation.

(5) Where—

(a) an application for the registration of a minor as a British Overseas Territories Citizen is made; and

(b) at the same time, an application for the registration of another minor as a British Overseas Territories Citizen or any other application for the registration of the minor is made; and

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(c) both minors have the same parent,
the total fee payable is that of a single
application for registration, in addition to the
fee payable in respect of each additional
application.”.

13. Section 5A amended

Section 5 of the British Nationality (Fees, Offences and Penalties) Act is amended—

- (a) in subsection (1) by deleting the figure “\$2,000” and inserting the figure “\$4,000”; and
- (b) in subsection (2) by deleting the figure “\$1,000” and inserting the figure “\$2,000”.

14. Replacement of the Schedule

The Schedule to the British Nationality (Fees, Offences and Penalties) Act is repealed and substituted with the following—

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“SCHEDULE

(Section 3)

TABLE OF FEES

Item	Description	Fees
1.	Any application to the Governor under the Act	\$50
2.	Registration as a British Overseas Territories citizen in respect of: (a) a minor	\$500
	(b) a person of full age	\$500
3.	For each additional Registration as a British Overseas Territories citizen by a minor under section 3(5) of this Act.	\$500
4.	Grant of a certificate of naturalisation as a British Overseas Territories citizen, under section 18(1) of the Act	\$1500
5.	Grant of a certificate of naturalisation as a British Overseas Territories citizen, under section 18(2) of the Act	\$1500
6.	Registration of a declaration of renunciation of citizenship under section 24 of the Act	\$200
7.	Supplying a certified or other copy of a notice, certificate, order declaration or entry given, granted or made under the Act or any of the former Nationality Acts	\$200

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8.	Administering the oath of allegiance and affirmation of allegiance for the purposes of the Act	\$100”
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PART 10—MEDICAL ACT (CAP. 14.02)

15. Section 11 amended

Section 11(1) of the Medical Act is amended by deleting the words “felony or misdemeanour” and inserting the words “an offence”.

16. Section 15 amended

Section 15 of the Medical Act is amended by deleting the words “a misdemeanour” and inserting the words “an offence”.

17. Section 16 amended

Section 16 of the Medical Act by deleting the words “a misdemeanour” and inserting the words “an offence”.

18. Section 38 amended

Section 38(2) of the Medical Act is amended by deleting the number “\$48” and inserting the number “\$500”.

19. Section 42 amended

Section 42 of the Medical Act is amended by deleting the number “\$24” and inserting the number “\$250”.

20. Section 43 amended

Section 43(2) of the Medical Act is amended by—

- (a) deleting the number “\$24” and inserting the number “\$250”; and
- (b) deleting the number “\$48” and inserting the number “\$500”.

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21. Section 44 amended

Section 42 of the Medical Act is amended by deleting the number “\$96” and inserting the number “\$750”.

22. Section 45 amended

Section 45(2) of the Medical Act is amended by deleting the number “\$24” and inserting the number “\$250”.

23. Section 48 amended

Section 48(2) of the Medical Act is amended by deleting the number “\$48” and inserting the number “\$500”.

24. Section 50 amended

Section 50 of the Medical Act is amended by inserting the following as subsection (3)—

“(3) The Governor acting on the advice of Cabinet may amend the Schedules and the Table of Fees.”.

25. Section 51 amended

Section 51 of the Medical Act is amended by deleting the number “\$96” and inserting the number “\$750”.

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26. Schedule amended

The Schedule of the Fees to the Medical Act is deleted and the following is substituted—

“SCHEDULE OF FEES		
<i>(Section 2)</i>		
Description		Fee
1.	For registration as a Medical Practitioner	\$500.00
2.	For registration as a Dentist	\$500.00
3.	For registration as an Optician	\$500.00
4.	For registration as a Chemist and Druggist	\$250.00
5.	Examination for a Certificate of Competency	\$100.00
6.	For registration of any additional qualification	\$50.00”

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**PART 11— REGISTRATION OF BUILDING AND CIVIL
ENGINEERING CONTRACTING UNDERTAKINGS ACT
(CAP. 15.07)**

27. Schedule amended

The Schedule to the Registration of Building and Civil Engineering Contracting Undertakings Act is deleted and substituting with the following—

“SCHEDULE

For every agreement for any building undertaking or civil engineering contracting undertaking where the amount of the agreement is \$10,000 or more, stamp duty of 1% is payable.”.

PART 12—STAMP ACT (CAP. 17.02)

28. Section 74A inserted

The Stamp Act is amended by inserting the following section as section 74A—

**“74A. Deduction of sum equivalent to stamp
duty before making payment**

Where a person receives payment in whole or in part for—

- (a) services rendered to the Government;
- (b) for goods or services in or towards the satisfaction of any debt incurred by, or any demand made in respect of any transactions undertaken for the Government for profit; or
- (c) any transaction with the Government in the nature of commerce,

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and the payment is of an amount of \$5.00 upwards, the Accountant General shall, before making payment to the person, deduct from the payment an amount as will represent in full the amount of stamp duty that should be paid by the person.”.

SPEAKER

Passed the Legislative Assembly this day of ,
2013.

CLERK OF THE LEGISLATIVE ASSEMBLY