

ANTIGUA AND BARBUDA



PHYSICAL PLANNING (AMENDMENT) ACT, 2024

No. 15 of 2024

*[Published in the Official Gazette Vol. XLIV No. 49
dated 30th August, 2024.]*

Printed at the Government Printing Office, Antigua and Barbuda,
by Noel F. Abraham, Government Printer
— By Authority, 2024.

ANTIGUA AND BARBUDA

PHYSICAL PLANNING (AMENDMENT) ACT, 2024

ARRANGEMENT OF SECTIONS

SECTIONS

1.	Short title.....	4
2.	Interpretation.....	4
3.	Amendment of section 2 - Interpretation	4
4.	Amendment of Section 6 – Town and Country Planner, Secretary, Officers and employees of the Authority.....	5
5.	Amendment of section 7 – Exercise of functions of Town and Country Planner	5
6.	Amendment of section 34 – Enforcement Notice	5
7.	Amendment of section 74- Powers of entry	6
8.	Amendment of Section 78 – Notification of decisions to Registrar of Land	6
9.	Amendment of section 80 - Offences.....	6
10.	Amendment of section 81 - Regulations	7

[L.S.]



I Assent,

Rodney Williams,
Governor-General.

26th August, 2024

ANTIGUA AND BARBUDA

PHYSICAL PLANNING (AMENDMENT) ACT, 2024

No. 15 of 2024

AN ACT to amend the Physical Planning Act 2003, No. 6 of 2003 to provide for the introduction of a Deputy Town and Country Planner, to revise the powers of entry and the penalties for various offences and breaches of the Act and for other incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Physical Planning (Amendment) Act, 2024.

2. Interpretation

In this Act, “principal Act” means the Physical Planning Act 2003, No. 6 of 2003.

3. Amendment of section 2 - Interpretation

Section 2 of the principal Act is amended by inserting in the appropriate alphabetical position the following—

“beach” means an area of land consisting predominantly of sand, stone and other beach material situated along the shoreline of the sea and extends from the foreshore to the inland limits where the natural characteristics of the shoreline ceases to exist;

“Building Code” means the Building Code of Antigua and Barbuda;

“shoreline” means the boundary line where the sea meets the land;

“working hours” means 6 a.m. to 6 p.m. Monday through Friday”

4. Amendment of Section 6 – Town and Country Planner, Secretary, Officers and employees of the Authority

Section 6 of the principal Act is amended —

- (a) in subsection (1) by adding immediately after the words “Town and Country Planner”, the words “Deputy Town and Country Planner”; and
- (b) by repealing subsection (5) and replacing it as follows:

“(5) The Town and Country Planner shall sign and issue all development permits, refusals of development permission, enforcement notices and other documents authorized by the Authority under the provisions of this Act and in the absence of the Town and Country Planner the Deputy Town and Country Planner shall sign and issue all such aforementioned documents.”

5. Amendment of section 7 – Exercise of functions of Town and Country Planner

Section 7 of the principal Act is amended by repealing subsection (1) in its entirety and replacing it with the following—

“(1) Functions assigned to the Town and Country Planner by or under this Act, other than the provisions of subsection (5) of section 6, may be exercised by the Deputy Town and Country Planner or any planning officer authorized by the Town and Country Planner in writing, either generally or specially, in that behalf.”

6. Amendment of section 10 – Scope and preparations of development plans

Section 10(1) of the principal Act is amended by inserting in the proviso to subsection (1), immediately after the words, “St. John’s Development Corporation Act;” the words, “AND provide that for areas designated under the National Parks Act, Cap. 290, except for and on behalf of the National Parks Authority in accordance with this Act and under the National Parks Act, Cap. 290.”

7. Amendment of section 34 – Enforcement Notice

Section 34 of the principal Act is amended by—

- a) inserting a new subsection immediately after subsection (4) thereof as follows:

“(4A) An enforcement notice shall be considered duly served if served in accordance with subsection (4) or if served by posting or placing the enforcement notice in a conspicuous place on the property in question.”

- b) inserting immediately after subsection (9) the following new subsections:

“(10) the Authority may, from time to time, cause a list of enforcement notices to be published in the *Gazette*, on a website or social media source determined appropriate by the Town and Country Planner or, in the absence of the Town and Country Planner, the Deputy Town and Country Planner, in any news media widely circulated in Antigua and Barbuda.

(11) Where an enforcement notice is issued under subsection (4), the Authority may cause the notice to be displayed in a conspicuous place in a police station, post office, or other place in an area close to which the development work is being carried out, as notice to the public.”

8. Amendment of section 74 - Powers of entry

Section 74(1) of the principal Act is amended by inserting the words “or at such other time as may be agreed between the Authority and the owner or occupier of the property”, immediately after the words “during working hours”.

9. Amendment of Section 78 – Notification of decisions to Registrar of Land

Section 78 of the principal Act is amended by inserting after paragraph (h) the following new paragraph—

“(i) any restrictive covenants imposed on an approved subdivision development by the Authority.”

10. Amendment of section 80 - Offences

Section 80 of the principal Act is amended in subsection (1) as follows –

- (a) by repealing paragraph (d) thereof and replacing it as follows –

“(d) fails to comply with any regulations made with respect to the control of any activities in, or the management of, any environmentally sensitive or protected area, commits an offence and is liable –

- (i) on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years, or both;
- (ii) on conviction on indictment, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding three years, or both; and
- (iii) if the failure in respect of which a person is convicted under this section is continued after conviction, the continued failure shall constitute a further offence and the person shall be liable to a fine of five thousand dollars for each day during which the offence is continued.”

(b) by inserting after paragraph (d), the following new paragraph –

“(e) fails to comply with regulations made pursuant to section 58 or 81 of this Act, commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years, or both.”

11. Amendment of section 81 - Regulations

Section 81 of the principal Act is amended —

(a) in subsection (2), by adding a new paragraph as follows –

“(o) Subdivisions.”

(b) in subsection (3), by inserting after the word “section” the following –

“, and accordingly, may be amended, substituted or repealed, in part or in its entirety, by regulations made under this section.”

(c) by repealing subsection (4) in its entirety and replacing it with the following—

“(4) Regulations made under this section and under section 58 may provide, *in lieu* of court proceedings, for the payment of penalties for breaches of said regulations not exceeding fifty thousand dollars.”

Passed the House of Representatives on
the 18th day of July, 2024.

Passed the Senate on the 26th day of
July, 2024.

Gerald Watt, Q.C.,
Speaker.

Alicia Williams-Grant,
President.

Rosemarie Weston,
Clerk to the House of Representatives

Rosemarie Weston,
Clerk to the Senate