

ANTIGUA AND BARBUDA



THE NATIONAL PARKS (TRADING) REGULATIONS, 2014

STATUTORY INSTRUMENT

2014, No. 9

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*The National Parks (Trading) Regulations, 2014.*

2

2014, No. 9

## **THE NATIONAL PARKS (TRADING) REGULATIONS, 2014**

### **ARRANGEMENT**

#### **Regulations**

1. Short title
2. Interpretation
3. Prohibition of operating a business in the Park without a license
4. Procedure for application
5. Grant of license & license fee
6. Duration and Renewal of a license
7. Scope and conditions of license
8. Revocation of license
9. Right of a licensee to be heard
10. Appeals
11. Prohibited persons
12. Recovery of unpaid fees
13. Offences and Penalties

#### **SCHEDULES**

Schedule I — Application Forms

Form I — Application for National Parks General Trading License

Form II — Application for National Parks Special Events Trading License

Schedule II — National Parks Trading Annual License Fees

Schedule III — National Parks Trading License

**ANTIGUA AND BARBUDA**

**THE NATIONAL PARKS (TRADING) REGULATIONS, 2014**

**2014, No. 9**

**THE NATIONAL PARKS (TRADING) REGULATIONS** made in exercise of the powers contained in section 26 of the National Parks Act, Cap. 290.

**1. Short title**

These Regulations may be cited as the National Parks (Trading) Regulations, 2014.

**2. Interpretation**

In these Regulations—

“Act” means the National Parks Act, Cap. 290;

“Authority” means the National Parks Authority established under section 3 of the Act;

“Applicant” means the person who applies for a licence under Regulation 4;

“Labour Code” means the Antigua and Barbuda Labour Code Cap. 27 and any amendments thereto;

“Licensee” means a person licensed under these Regulations to carry on business in the Park;

“Park” has the same meaning assigned to it as in section 2 of the Act;

“Parks Commissioner” has the same meaning assigned to it as in section 2 of the Act;

**3. Prohibition of operating a business in the Park without a licence**

A person shall not carry on any business within the Park without a licence obtained for that purpose from the Authority.

**4. Procedure for application**

(b) any other business not specified,

shall be made to the Parks Commissioner in the Form prescribed in Schedule I.

(2) The Parks Commissioner shall review all applications received for a licence and submit them to the Authority with his recommendations.

(3) The Parks Commissioner may require an applicant to submit such other information in writing as he may consider necessary.

(4) The Authority shall consider any application submitted to it and if satisfied approve the grant of a licence to the applicant.

## **5. Grant of licence and licence fee**

(1) The class of licences in relation to the carrying on of business in the Park are as specified in Schedule II.

(2) Where an application for a licence is approved by the Authority, the applicant in whose favour the application was approved shall be informed by the Authority and upon payment of—

(a) the prescribed fee set out in Schedule II; or

(b) the fee determined by the Authority in the case of an unspecified business,

the Parks Commissioner shall issue to the applicant a licence in the Form set out in Schedule III

(3) Any licence granted under these Regulations shall be subject to such conditions as the Authority may think fit.

(4) The Authority shall keep a register in which there is recorded—

(a) the number of the licence;

(b) the name and address of each licensee;

(c) the type of business the licensee is authorized to carry on;

(d) the address and location at which the business is to be carried on; and

(e) the period during which the licence is valid.

## **6. Duration and renewal of licence**

(1) A licence under these Regulations shall remain in force for 1 year from the date on which it was issued unless sooner revoked by the Authority under regulation 8.

(2) The holder of a licence, which expires in accordance with sub-regulation (1), may apply to the Parks Commissioner for the renewal of the licence 30 days prior to its expiration date.

(3) A class C licence granted for the purpose of carrying on business in the Park for a special event shall be valid only for the period identified in the licence and sub paragraphs (1) and (2) above shall not apply thereto.

## **7. Scope and conditions of licence**

(1) A licensee shall not carry on business in the Park which he is not authorized to conduct under the licence.

(2) No licence granted under these Regulations shall authorize the licensee to conduct any business for which a licence is required by any other law for the time being in force in Antigua and Barbuda.

(3) The grant of a licence under these Regulations does not authorize the licensee to erect any structure within any Park. Any person who wishes to erect a structure within any area of the Park shall with the written consent of the Authority obtain the approval of the Development Control Authority.

(4) A licence issued under these Regulations shall—

(i) not be transferable.

(ii) be subject to such conditions as may be imposed or specified therein.

(5) A copy of the licence granted under this regulation shall be displayed in a conspicuous place in the public part of the business premises in the Park.

## **8. Revocation of licence**

The Authority may revoke any licence granted under these Regulations where a licensee

- (c) has been convicted of an offence outside of Antigua and Barbuda which is punishable in Antigua & Barbuda on indictment;
- (d) carries on business not authorized by the licence;
- (e) indulges in harassment of patrons, other licensees or conducts himself in a disorderly manner as to make him unfit to carry on business in the Park;
- (f) has become incapable of carrying on the business in respect of which the license was issued,
- (g) permits someone to work without a valid work permit.

## **9. Right of a licensee to be heard**

No licence shall be revoked under these Regulations unless the licensee is first given notice of the intent to revoke the licence and an opportunity to give reasons, within the time specified in the notice, why the licence should not be revoked.

## **10. Appeals**

(1) There is hereby established an Appeal Tribunal for the purpose of hearing and determining appeals referred to it under these Regulations.

(2) The Tribunal shall be appointed by the Minister with responsibility for the National Parks and shall consist of:

- (a) a Chairperson, who shall be a legal practitioner;
- (b) a person with no less than 7 years experience in the marine industry;
- (c) a person with knowledge and experience in environmental matters;
- (d) a person from the community in which the National Park is located.

(3) A member of the tribunal shall hold office for a period not exceeding two years but shall be eligible for reappointment upon the expiry of any such period.

(4) The names of all member of the Tribunal as first constituted and every change in the member-

(6) The secretary shall keep a written record of all proceedings of the Tribunal which shall be confirmed by the Chairman.

(7) The decisions of the Tribunal shall be by a majority of votes of members present and voting and in addition to an original vote, the Chairman shall have a second or casting vote in any case in which the voting is equal.

(8) A member of the Tribunal who is in any way directly or indirectly interested in a matter coming before the Tribunal shall declare the nature of his or her interest in the matter as soon as it is practicable to do so, and shall take no part directly or indirectly in any deliberation, discussion, consideration or similar activity by the Tribunal on that matter.

## **11. Prohibited Persons**

The Parks Commissioner shall not accept any application for a licence and the Authority shall not consider or approve any application for a licence or renewal of a licence under these Regulations if—

(a) the applicant's licence has been previously revoked —

- (i) under regulation 8, paragraphs (a), (d), (e) or (f) unless two years have elapsed since its revocation;
- (ii) under regulation 8, paragraphs (b) or (c) unless five years have elapsed since its revocation.

(b) the applicant is—

- (i) an individual or partnership who is not a citizen of Antigua and Barbuda, nor in possession of a valid work permit issued under the Labour Code;
- (ii) a company which is not incorporated under the laws of Antigua and Barbuda nor registered as an external company and in possession of registration number issued by the Commissioner of Inland Revenue.

## **12. Recovery of unpaid fees**

Any fees which remain unpaid after the expiration of one month after they become due and payable under these Regulations may be recovered in civil proceedings before any court.

two thousand dollars (\$2000.00) or to imprisonment not exceeding three months, and in the case of a continuing offence is liable to a further penalty of two hundred dollars (\$200.00) for each day during which the offence continues.

(2) Where a body corporate commits an offence under subparagraph (1), in addition to the penalties thereunder, every director thereof is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars (\$5000.00) or to imprisonment not exceeding six months and in the case of a continuing offence is liable to a further penalty of five hundred dollars (\$500.00) for each day during which the offence continues unless he adduces evidence to show that the offence was committed without his knowledge, consent or connivance.

(3) The Magistrate may, in addition to any fine imposed under this Regulation, make such Order as he thinks fit, including an Order for the closure of the business and eviction of the person from the Park.

**SCHEDULE I**

**FORM 1**

**ANTIGUA & BARBUDA**

**APPLICATION FOR NATIONAL PARKS TRADING LICENCE**

**Part A-To be completed if Applicant is an Individual or Partnership**

1. Full Name of Applicant(s): \_\_\_\_\_
2. Trading Name of business: \_\_\_\_\_
3. Social Security No: \_\_\_\_\_
4. Medical Benefits No: \_\_\_\_\_
5. Passport No: \_\_\_\_\_ Place & Date of Issue: \_\_\_\_\_
6. Residential Address & Tel. No \_\_\_\_\_
7. Work Permit No: \_\_\_\_\_ Expiration Date: \_\_\_\_\_
8. Nature/Type of business: \_\_\_\_\_
9. Address & Tel. No. of business: \_\_\_\_\_  
\_\_\_\_\_
10. Email address: \_\_\_\_\_
11. Trade or Business License No: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

**\*Applicant shall be required to present 2 items of picture ID including a passport**

**Part B -To be completed if Applicant is a company**

14. Nature/Type of business: \_\_\_\_\_

15. Address of principal place of business: \_\_\_\_\_

16. Address of principal or registered office of company: \_\_\_\_\_

17. Email address: \_\_\_\_\_

18. Particulars of Directors:

Name (First, Middle and Surname)	Residential address	Occupation	Nationality of Origin

**(Please attach separate sheet to continue further Directors details, if necessary)**

19. Copy of last filed Annual Return attached? [ ] yes [ ] no

20. Copy of Corporate Resolution authorizing the operation of the business is attached?

[ ] yes [ ] no

21. Does company contribute to—

Social Security [ ] yes [ ] no

\*Paragraph 23 must be supported by a certificate issued by the Director of Social Security, the Chief Executive Officer of the Medical Benefits Scheme and the Executive Director of the Board of Education.

**PART C — To be completed by all Applicants**

22. Nature/Type of business to be conducted in the Park: \_\_\_\_\_

23. Location of business in the Park: \_\_\_\_\_

24. Date of commencement of business or date on which business is likely to commence: \_\_\_\_\_

25. Tax identification No: \_\_\_\_\_

26. ABST Registration No: \_\_\_\_\_

27. Number of persons employed or to be employed: \_\_\_\_\_

28. No. of years Applicant has been carrying on business in Antigua & Barbuda \_\_\_\_\_

29. Particulars of Shareholders/Owners/Partners:

Name (First, Middle and Surname)	Percentage of Shares /Ownership	Residential Address	Occupation	Nationality of Origin

**(Please attach separate sheet to continue further  
Shareholders/Owners/Partners details, if necessary)**

30. Have you or any Director or Shareholder/Owner/Partner been granted a licence by the Authority?

yes  no if yes, when: \_\_\_\_\_

31. Have you /any director/shareholder/partner been convicted of drug, money laundering, financing of terrorism, or assault offence in Antigua & Barbuda in the past

2 years  5 years  no

32. Has your licence ever been revoked by the Authority?

yes  no if yes when: \_\_\_\_\_

33. Character References:

Please provide names, addresses, occupation of two persons in Antigua & Barbuda who have known the Applicant for not less than five years.

\*The two persons must be persons practicing a recognized profession in Antigua and Barbuda and personally known to the applicant.

Full Name (First, Middle and Surname)	Residential Address	Telephone Number

**Certification**

The undersigned hereby certifies that the information contained in this form and in the accompanying attachments is true and correct to the best of my knowledge, information and belief. The undersigned agrees to notify the Authority of any material change thereto.

Dated..... day of ..... 20.....

**FORM 2**

**ANTIGUA & BARBUDA  
APPLICATION FOR NATIONAL PARKS SPECIAL  
EVENTS TRADING LICENCE**

1. Full Name of Applicant(s): \_\_\_\_\_

2. Social Security No: \_\_\_\_\_

3. Medical Benefits No: \_\_\_\_\_

4. Passport No: \_\_\_\_\_ Place & Date of Issue: \_\_\_\_\_

5. Residential Address & Tel. No.: \_\_\_\_\_

6. Work Permit No: \_\_\_\_\_ Date of Expiration: \_\_\_\_\_

Nature/Type of business: \_\_\_\_\_

8. Address & Tel. No. of business: \_\_\_\_\_

9. Email address: \_\_\_\_\_

10. Trade or Business License No: \_\_\_\_\_ Date of Expiry \_\_\_\_\_

11. Name and Date of event for which license is required:  
\_\_\_\_\_

12. Have you /any director/shareholder/partner been convicted of drug, money laundering, financing of terrorism, or assault offence in Antigua & Barbuda in the past

[ ] 2 years                      [ ] 5 years                      [ ] no

**Certification**

The undersigned hereby certifies that the information contained in this form and in the accompanying attachments is true and correct to the best of my knowledge, information and belief. The undersigned agrees to notify the Authority of any material change thereto.

Dated..... day of ..... 20.....

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Signature of Applicant

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Position/Designation

**SCHEDULE II****ANTIGUA & BARBUDA  
NATIONAL PARKS TRADING ANNUAL LICENCE FEES**

<b>Class of Licence</b>	<b>BUSINESS</b>	<b>Price</b>	<b>Comments</b>
A	Marinas	US\$ 500.00	
	Ship Repair	350.00	
	Yacht Refitting	350.00	
	Ship Chandlery	500.00	
	Salvage and Towing	250.00	
	Sail and Canvas	250.00	
	Rigging Services	500.00	
	Electrical Sales	250.00	
	Real Estate Sales and Rental	500.00	
	Boat Sales	500.00	
B	Inflatable Repairs	US\$ 250.00	
	Electrical/Electronic Service and repair	350.00	
	Fiberglass Specialist	300.00	
	Water Mariner Services	500.00	
	Welding Fabrication/Machine Shops	250.00	
	Paint/Spray Painting/Varnishers	350.00	
	Marine Engineers/ Mechanics	350.00	
	Refrigeration and Air Condition	350.00	
	Marine Surveyors	350.00	
	Woodwork And Deck	500.00	
	Marine Upholstery	350.00	
Vehicle Rental	250.00		
C	Yacht Charter	US\$ 500.00	
	Yacht Management	350.00	
	Yacht Brokers	350.00	
	Provisioning Services	350.00	
	Custom Brokers	250.00	
	Travel Agents	250.00	

Class of Licence	BUSINESS	Price	Comments
D	Restaurant and Bar Liquor Stores and Supermarket Sports Centre / Recreational facilities Pharmacies Bakery Art Galleries Wholesalers Boutiques/Gift Shops	US\$ 250.00 250.00 500.00 250.00 200.00 50.00 250.00 250.00	
E	Hotels Guest Houses Sports Centre Sailing School Entertainment	US\$ 500.00 250.00 500.00 350.00	
F	Petrol or Service Stations Fishing & Dive operations Agriculture and related services	250.00 250.00	
G	Consultancy Information Technology Water Taxis Tours and services Financial services Health care Services (Spas and massageTherapy)	500.00 250.00 250.00 250.00 500.00 300.00	
	Roaming Vendors	100.00	

**SCHEDULE III**

**ANTIGUA & BARBUDA**

**NATIONAL PARKS TRADING LICENCE**

No.

(Name of licensee) is hereby granted a trading license Class A/B/C/D/E/F/G to carry on business of (type of business) at (name of place) for the period commencing on

day of                      and ending on the                      day of

Subject to the following conditions:

1. List of Conditions

Dated this..... day of..... 20.....

**This License Is Non-Transferable**

Made the 25th day of February, 2014.

**Hon. Eleston Montgomery Adams,**  
*Minister responsible for National Park.*