



THE ANTIGUA AND BARBUDA OFFICIAL GAZETTE

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Thursday 15th April, 2021

No. 24

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Notice Submissions and Style

Notices for publication and related correspondence should be addressed to Denise Dublin Editor of the Official Gazette at the following email addresses: **denise.dublin@ab.gov.ag / antiguagazette@gmail.com**

That is the preferred method of communication for **all** correspondence (especially when sending Notices/information which must be sent in Microsoft Word format) to be published in the Gazette.

Letter headings should be addressed to:

Ms. Denise Dublin
Editor of the Official Gazette
Ministry of Justice & Legal Affairs
Parliament Drive
Queen Elizabeth Highway
P.O. Box 118
Antigua

Microsoft Word is the preferred format for notice submissions. Please do not send notices only in PDF format as errors may occur when converting to Word. Image files should be sent in JPG or PNG format.

“Therefore, please send all notice submissions in the Microsoft Word format and a PDF version of such Notice only where there are signatures to be included in the notice submission (document).” This applies to all institutions including governmental, financial and other commercial institutions. Additionally, for the security purposes of any financial information being sent, the institution’s Information Technology (IT) personnel can lock the information as a JPEG in a Microsoft Word document and send the information to the Editor in that prescribed manner.

The Gazette Department reserves the right to apply its in-house style to all notices. Any corrections which are related to style will be made at the discretion of the Editor for reasons of consistency.

Deadlines

The deadline for submitting notices for publication in the principal edition is midday Monday on every week for all commercial and Government notices, in the week of publication.

*Late notices may be accepted at the discretion of the Editor.

The deadline for cancelling notices in the principal edition is 12.00 midday Wednesday. Please call the Gazette Office immediately to cancel a notice, and confirm by email.

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All editions are also available on subscription from the Antigua and Barbuda Government Printery, St. John’s, Antigua (telephone: (268) 562-5168/ (268) 462-0510).

NOTICES

ANTIGUA AND BARBUDA DEVELOPMENT BANK NOTICE

NOTICE OF THE APPOINTMENT OF CHAIRMAN OF THE ANTIGUA AND BARBUDA DEVELOPMENT BANK BOARD

NOTICE IS HEREBY GIVEN that pursuant to section 3(2) of the Antigua and Barbuda Development Bank Act, Cap. 24 of the Laws of Antigua and Barbuda, **Mr. Calvin Hendren Parker** has been appointed Chairman of the Antigua and Barbuda Development Bank Board with effect from 12th April, 2021.

Hon. Gaston Browne
Minister of Finance, and
Minister with responsibility for the
Antigua and Barbuda Development Bank

ANTIGUA AND BARBUDA DEVELOPMENT BANK NOTICE

NOTICE OF THE APPOINTMENT OF A DIRECTOR TO THE ANTIGUA AND BARBUDA DEVELOPMENT BANK BOARD

NOTICE IS HEREBY GIVEN that pursuant to section 3(2) of the Antigua and Barbuda Development Bank Act, Cap. 24 of the Laws of Antigua and Barbuda, **Mrs. Gail Imhoff-Gordon** has been appointed a Director and Secretary to the Antigua and Barbuda Development Bank Board with effect from 12th April, 2021.

Hon. Gaston Browne
Minister of Finance, and
Minister with responsibility for the
Antigua and Barbuda Development Bank



ANTIGUA AND BARBUDA BAR ASSOCIATION

“Wherever law ends, tyranny begins”

John Locke

Lenworth Johnson, President; Cherissa Roberts-Thomas, Vice President;
C. Debra Burnette, Immediate Past President; Luann DeCosta, Secretary;
Karen Defreitas-Rait; Treasurer
Ordinary Council Members
Cosbert Cumberbatch, Kendrickson Kentish, Leslie-Ann Brissett George,
Safiya Roberts, Barbara Hesse, Jarid Hewlett

P.O. Box 3277, St. John's, Antigua
Tel# 1(268) 562-1378(President)

1(268) 736-8772 (Secretary)
Email: antiguabarbudabarassociation@gmail.com
lenworthjohnson@johnsongardiner.com (President)

9th April, 2021

NOTICE

Pursuant to Section 6, Schedule 1 of the Legal Profession Act, 2008, Attorneys-at-Law are hereby notified that the Antigua and Barbuda Bar Association Council Elections are due this year. In preparation for the election the closing date for nominations of candidates for election to the Council is extended further extended from 31st March, 2021 to 15th May, 2021.

Every practitioner member of the Bar Association of more than ten years standing shall be eligible for election as President, Vice President or Treasurer.

There shall be seven ordinary members of the Council comprising seven practitioner members, each of whom shall be not less than five years standing on the day of his/her nomination for election to the Council.

The final member of the Council is the Immediate Past President of the Association when he/she is resident in Antigua and Barbuda.

By the Bar Council

L.W. Johnson

.....
Lenworth Johnson
President

In the matter of the Companies Act 1995

and

In the matter of Henley & Partners Antigua Limited (In Voluntary Liquidation), members winding-up.

At a General Meeting of the above-named company duly convened and held on 31st March 2021, the following Special resolution was duly confirmed.

RESOLVED that the Company be wound up voluntarily and that Charles Walwyn and Robert Wilkinson of Grant Thornton, No. 11 Old Parham Road, P.O. Box 1531, St. John's, Antigua be appointed Liquidator for the purpose of such winding-up.

Notice is hereby given that the creditors of the above named company which is being voluntarily wound up, are required, on or before the 15th day of July 2021 to send their names and addresses and the particulars of their debts or claims, to the Liquidator at P.O. Box 1531, St. John's, Antigua, and if so required by notice in writing from the said Liquidator, are to come in and prove their said debts or claims at such time and place as shall be specified in such notice, or in default thereof they will be excluded from the benefits of any distribution made before such debts are proven.

Dated this 14th day of April 2021.

Charles W. A. Walwyn
Liquidator

TENDER NOTICE

INVITATION TO BID

**Construction of Concrete Roads – Piccadilly Development Project
Phase 1**

Central Housing and Planning Authority (CHAPA)

The Tenders Board of the Government of Antigua and Barbuda, on behalf of Central Housing and Planning Authority (CHAPA), invites interested vendors to submit a bid/proposal, for works and/or services related to the **Construction of Concrete Roads (Phase 1) – Piccadilly Development Project**.

The **scope of works** and supporting documents related to this tender will be made available via a link at the Tenders Board website at www.tendersboard.gov.ag under **News/Notices**.

The link will provide access to an e-Procurement Platform hosted by EASiBUY where you will be required to register before being able to download the tender documents.

Please be advised that the eligibility of your bid/proposal, is subject to the completion of a Vendor Registration Form, which is also available from the e-Procurement platform.

Bid/Proposal for this tender can be submitted by:

- a) uploading to the e-Procurement Platform or
- b) submitting two (2) hard copies in sealed envelopes addressed to: Chairman, Tenders Board, Ministry of Finance and Corporate Governance, Parliament Drive and with the heading **“Construction of Concrete Roads (Phase 1) – Piccadilly Development Project”** – Central Housing and Planning Authority (CHAPA).

Bid submission shall be no later than **12:00 noon on Wednesday 19 May 2021.**

Queries or Clarification Requests regarding the specified requirements of this tender, must be emailed to: **Chairman, Tenders Board** (tenders.board@ab.gov.ag), with the subject heading – **CHAPA Piccadilly Development Project, Query**. Please note that the final day for considering queries related to this tender, is **2:00 PM on Thursday April 15 2021.**

ANTIGUA AND BARBUDA

NON-CITIZENS LAND HOLDING REGULATION ACT, CAP. 293

APPLICATION FORM

CORPORATE APPLICANT

NOTICE: The information requested below is required to enable the Minister to access the fitness of the applicant for a licence to hold and develop and manage the land so held in accordance with the land policy of the Government. All parts of the Form must be completed with the correct information. Incomplete application form will be returned unprocessed to applicant(s).

(Please fill in Form as applicable)

1. Name of Corporate Applicant:
2. Country of Incorporation
3. Date and Number of Certificate of Incorporation:
4. Address of Corporate applicant, Including Email address and Telephone No.:
5. Registered Office and Address: of corporate applicant:
6. Name of current Directors (i)
- Nationality: (ii)
- Address including Email address and Telephone No. (iii)
- Name of Director (i)
- Nationality: (ii)

- Address including Email address (iii)
and Telephone No.
7. Date and number of Non-citizens
Land Holding Licence (where vendor
is a non-citizen)
8. Registration Particulars of land Reg. Section:
in respect of which application is made: Block No.:
Parcel No.:
Acreage :
Location:
9. Purchase Price (or aggregate rental
amount and rental term, where land
is a lease):
10. Name and address of Vendor (or Lessor):
11. Nationality of Vendor (or Lessor):
12. Price paid by Vendor/ Lessor at
the time of purchase:
13. Purpose for Acquisition: Residential / Commercial
(delete and initial where not applicable) Industrial / Tourism Development
Property Investment/Agricultural
14. If Land is developed, brief description
of development thereon:
15. If land is undeveloped or partially
developed or require renovation,
state proposed date of commencement
and completion of development, size of
Building to be constructed and estimated
cost, if land is for agricultural purposes
state acreage of the Farm land, crops
to be cultivated and the estimated
investment.
16. If acquisition is for industrial, commercial
Or tourism development, give brief
Particulars, including extent of proposed
Development, time table and sources
from which project will be financed:
17. Registration particulars of current
Parcel(s) of land owned by the applicant:
18. Names and address including email and
Telephone No. of applicant's Bankers:
19. Names and addresses, of two references
of which one of the references must be
a resident of Antigua and Barbuda

20. Name, of applicant's Real Estate Agent
and Telephone No. of Real Estate Agent

21. Name of Attorney or Agent
Address and Telephone No. including
Email address Attorney-at-Law
submitting Application:

Signed by Chairman/ Director or)
Managing Director of applicant's Company)
On the day of 2021)
)
In the presence of:)
Name of Witness)
Signature)
)
_____)
Witness

KINDLY NOTE: (1) Land Value Appreciation Tax is payable by a Non-Citizen Vendor equal to five percent (5%) of the difference between the value of the land at the time he became owner thereof, together with any subsequent expenditure of a capital nature thereon and the value of the land at the time of disposal: section 19 of the Non-Citizens Land Holding Regulation Act, Cap 293; (2) Non-citizen Undeveloped Land Tax is payable where the land has not been developed in breach of the Vendors licence or in breach of the Undeveloped Land Tax Act.

DOCUMENTS TO BE SUBMITTED WITH APPLICATION	OFFICIAL CHECK
1. Certified copy of Land Register
2. Copy of Cadastral Survey Location
3. Copy of Vendor's Non-citizens Land Holding Licence (where vendor is a Non-citizen)
4. Copy of Certificate of Incorporation
5. Copy of Certificate of Good Standing (as of date of application)
6. Copy of Certificate of registration of Applicant company or corporate entity (where company or entity is incorporated outside Antigua and Barbuda)
7. Copy of Annual Return of company/or Corporate entity for the previous year
8. Receipt of Application fee payable to Inland Revenue Department

**To: The Assistant Secretary
Ministry of Legal Affairs
Government Office Complex
Parliament Drive
Email address: legalaffairs@ab.gov.ag
Telephone No. 462-0245**

ANTIGUA AND BARBUDA

NON-CITIZENS LAND HOLDING REGULATION

ACT, CAP. 293

APPLICATION FORM

APPLICATION TO HOLD LAND AS MORTGAGEE/CHARGE

NOTICE: The information requested below is required in order that the application be considered in its proper perspective in light of the Land Utilisation and Development Policy of the Government. Copies of all Certificates, licences and other documents referred to on this form must be submitted with this form. Incomplete application forms will be returned to applicants.

(Please fill in Form as applicable)

- 1 Name(s) of Applicant(s):
- 2 Address of applicant
- Email address and
- Telephone No.
- 3 Date and Number of Certificate of
- Incorporation (where company is
- Incorporated outside Antigua and Barbuda,
- state date and number of registration
- as an external company
- 4 Registered Address of applicant:
- (for corporate applicants)
- Email address and
- Telephone No.:
- 5 Non-citizens Land Holding Licence of
- Applicant (Date and Number of Licence
- Exhibit Licence):
- 6 If Land not vacant, give brief description
- of buildings thereon:
7. Names and address of Applicant's
- Bankers (for non- banking applicants):
- Email addresses and
- Telephone No.:
8. Name and addresses of two references,
- including Email addresses and
- Telephone Nos for non-corporate
- applicants
- 9 Name of Attorney-at-Law
- submitting application on behalf of
- Applicant(s):

Signed by Chairman/ Director or)
 Managing Director and Company)
 On the day of 2021)

In the presence of)
 Name of Witness)
 Signature)

 Witness

KINDLY NOTE: (1) Land Value Appreciation Tax is payable by a Non-Citizen Vendor equal to five percent (5%) of the difference between the value of the land at the time he became owner thereof, together with any subsequent expenditure of a capital nature thereon and the value of the land at the time of disposal: section 19 of the Non-Citizens Land Holding Regulation Act, Cap 293; (2) Non-citizen Undeveloped Land Tax is payable where the land has not been developed in breach of the Vendors licence or in breach of the Undeveloped Land Tax Act.

DOCUMENTS TO BE SUBMITTED WITH APPLICATION	OFFICIAL CHECK
1 Copy of extract of Land Register
2 Copy of Cadastral Survey Location
3 Copy of Vendor's licence (where applicable)
4 Copy of Certificate of Incorporation
5 Copy of Certificate of Good Standing (as of date of application)
6 Copy of Annual Return for the previous year
7 Receipt of Application fee payable to Inland Revenue Department
To: The Assistant Secretary Ministry of Legal Affairs Government Office Complex Parliament Drive Email address: legalaffairs@ab.gov.ag Telephone No. 462-0245	

Name and Address of mortgagor/chargor	Registration particulars of loan secure	Amount of loan	Purpose of loan	Interest payable

ANTIGUA AND BARBUDA

NON-CITIZENS LAND HOLDING REGULATION

ACT, CAP. 293

APPLICATION FORM

APPLICATION TO HOLD LAND IN TRUST

NOTICE: The information requested below is required in order that the application be considered in its proper perspective in light of the Land Utilisation and Development Policy of the Government. Copies of all Certificates, licences and other documents referred to on this form must be submitted with this form. Incomplete application forms will be returned to applicants.

(Please fill in Form as applicable)

- 1 Name of Applicant(s)/(Trustee):
- 2 Address of applicant(s)
- Email address and
- Telephone No.

- 3 Date and Registration Number of Trustee (where trustee is a corporate body Date and place of incorporation)
- 4 Registered Office of applicant: (for corporate applicants) Email address and Telephone No.:
- 5 Non-citizens Land Holding Licence of Applicant (Date and Number of Licence Exhibit Licence):
6. Names of mortgagee (where trust property is mortgagee)
7. If Land not vacant, give brief description of development thereon:
8. Name and address of beneficiaries, Email address and Telephone No.
9. Names and address of Applicant's Bankers: Email address and Telephone No. :
10. Names and address of two references, including Email addresses and Telephone Nos. for non-corporate applicants
11. Name of Attorney-at-Law/Agent representing Applicant(s):

Signed by Chairman/ Director or Managing Director and Company)
 On the day of 2021)
 In the presence of)
 Name of Witness)
 Signature)
 _____)
 Witness

KINDLY NOTE: (1) Land Value Appreciation Tax is payable by a Non-Citizen Vendor equal to five percent (5%) of the difference between the value of the land at the time he became owner thereof, together with any subsequent expenditure of a capital nature thereon and the value of the land at the time of disposal: section 19 of the Non-Citizens Land Holding Regulation Act, Cap 293; (2) Non-citizen Undeveloped Land Tax is payable where the land has not been developed in breach of the Vendors licence or in breach of the Undeveloped Land Tax Act.

DOCUMENTS TO BE SUBMITTED WITH APPLICATION	OFFICIAL CHECK
1 Copy of extract of Land Register
2 Copy of Cadastral Survey Location
3 Copy of Vendor's licence (where applicable)
4 Copy of Certificate of Incorporation
5 Copy of Certificate of Good Standing (as of date of application)
6 Copy of Annual Return for the previous year
7 Receipt of Application fee payable to Inland Revenue Department
To: The Assistant Secretary Ministry of Legal Affairs Government Office Complex Parliament Drive Email address: legalaffairs@ab.gov.ag Telephone No. 462-0245	

ANTIGUA AND BARBUDA

NON-CITIZENS LAND HOLDING REGULATION ACT, CAP. 293

APPLICATION FORM

TO HOLD DIRECTORSHIP

NOTICE: The information requested below is required in order that the application be considered in its proper perspective in light of the Land Utilisation and Development Policy of the Government. Incomplete application Form will not be accepted for processing.

(Please fill in Form as applicable)

- 1 Name of Applicant:
- 2 Nationality:
- 3 Permanent address:
including email address
and telephone No.
- 4 Occupational Status:
- 5 Local address (if a resident):
- 6 Name of Company or corporate entity
of which a licence to be a director is
required
- 7 Date of Incorporation and registered No.:

- 8 Date of registration as an external
 Company if incorporated outside
 Antigua and Barbuda, provide External
 Registration No. in Antigua and Barbuda
- 9 Registered office of Company
 in Antigua and Barbuda.
 Email address and Telephone No.:
- 10 Registered particulars of land held
 by company or corporate entity of which
 application for a licence to be a
 director is submitted.
 Reg. Section:
 Block No.:
 Parcel No.:
 Acreage:
 Location:
- 11 Name and address of two personal
 References, who have known the
 Applicant for at least two years
- 12 Name and Address of two personal
 reference persons in Antigua
 and Barbuda:
- 13 Name and address of Attorney-at-Law
 or Agent submitting Application, e-mail
 address:
 Telephone No.

Signed by Applicant (s))
 On the day of 2021)

In the presence of:)

Name of Witness)

Signature)

_____)

Witness

DOCUMENTS TO BE SUBMITTED WITH APPLICATION

OFFICIAL CHECK

- | | |
|--|-------|
| 1 Certified Copy of Company's Certificate of Incorporation | ..... |
| 2 Certified Copy of Certificate of Good Standing (as at the date of application) | ..... |
| 3 Certificate of registration if company is Incorporated outside Antigua and Barbuda | ..... |
| 4 Certified Copy of Last Annual Return | ..... |
| 5 Certified Copy of Land Register of the land held by the Company or corporate entity of which the Applicant is a director | ..... |
| 6 Copy of Company's licence to hold land in Antigua and Barbuda | ..... |
| 7 Personal and Bank Reference | ..... |
| 8 Receipt of Application fee payable to Inland Revenue Department | ..... |

**To: The Assistant Secretary
Ministry of Legal Affairs
Government Office Complex
Parliament Drive
Email address: legalaffairs@ab.gov.ag
Telephone No. 462-0245**

ANTIGUA AND BARBUDA

NON-CITIZENS LAND HOLDING REGULATION

ACT, CAP. 293

APPLICATION FORM

TO HOLD SHARES

NOTICE: The information requested below is required in order that the application be considered in its proper perspective in light of the Land Utilisation and Development Policy of the Government. Incomplete application Form will not be accepted for processing.

(Please fill in Form as applicable)

- 1 Name of Applicant:
- 2 Nationality:
- 3 Permanent address:
(including email address
and Telephone No.
- 4 Occupational Status:
- 5 Local address (if a resident):
.....
.....
- 6 Name of Company or corporate entity
Whose shares are being purchased
- 7 Date of incorporation and registered No.:
(Where incorporation is made outside
Antigua and Barbuda state date of
Registration as and external company
in Antigua and Barbuda)
- 8 Registered office of Company or
Corporate entity, including
Email address and telephone No.:
.....
.....
- 9 Name and address of the shareholder
transferring shares and the number
and price of each share

- 10 Nationality of shareholder
 Exhibit copy of shareholders licence
 If the shareholder is a non-citizen.
- 11 Registration particulars of land held
 by corporate entity of which
 application for a licence to be
 a shareholder is made
 Reg. Section:
 Block No.:
 Parcel No.:
 Acreage:
 Location:
- 12 Name and address of two personal
 references:
 Email address
 Telephone No.
- 13 Name and Address of Vendor
 transferring shares, including
 email address and telephone No.
- 14 Valuation Report of Company's real
 Property (where shares are being purchased)
- 15 Name and address of two references
 known the applicant for at least two years
- 16 Name and address of Attorney-at-Law
 or Agent submitting Application,
 including email address and Telephone
 No.

Signature by Applicant)
 On the day of 2021)
 In the presence of:)
 Name of Witness)
 Signature)
 _____)
 Witness

**DOCUMENTS TO BE SUBMITTED
 WITH APPLICATION**

OFFICIAL CHECK

- | | |
|---|-------|
| 1 Copy of Company's Certificate of Incorporation | ..... |
| 2 Copy of Certificate of Good Standing
(as at the date of application) | |
| 3 Copy of Last Annual Return | ..... |
| 4 Certified copy of Extract of Land Register of the
Land held by the company or corporate
entity of which the vendor is a shareholder | |
| 5 Copy of Non-citizens Land Holding licence | ..... |
| 6 Non-citizen shareholding licence and
a copy of the annual returns in the case of
corporate entity shareholder. | |
| 7 Personal and Bank References | ..... |
| 8 Receipt of Application fee payable to
Inland Revenue Department | |

**To: The Assistant Secretary
Ministry of Legal Affairs
Government Office Complex
Parliament Drive
Email address: legalaffairs@ab.gov.ag
Telephone No. 462-0245**

ANTIGUA AND BARBUDA

NON-CITIZENS LAND HOLDING REGULATION ACT, CAP. 293

APPLICATION FORM

INDIVIDUAL APPLICANT

NOTICE: The information requested below is required to enable the Minister to access the fitness of the applicant for a licence to hold and develop and manage the land so held in accordance with the land policy of the Government. All parts of the Form must be completed with the correct information. Incomplete application form will be returned unprocessed to applicant(s).

(Please fill in Form as applicable)

- 1 Name(s) of Applicant:
- 2 Permanent Address (including email
Address and Telephone No.:
.....
.....
- 3 Nationality of Applicant:
- 4 Occupation:

5. Registration Particulars of the Parcel of land of which
Application is made.
- Reg. Section:
Block No.:
Parcel No.:
Acreage:
Location:

6. Application for licence to hold Land
- ☐
Freehold

☐
Leasehold
- (tick whether freehold or leasehold)

- 7 Purchase Price (if land is freehold
Annual rent if land is Leasehold):
(Exhibit copy of transfer instrument
or lease agreement)

- 8 Name and Address of Vendor (or Lessor):
 If vendor is a non-citizen the date and
 Licence number of his or her licence
 (Exhibit a copy of the licence and Folio
 No. Issued by the Record Office)
- 9 Nationality of Vendor/Lessor:
 (Exhibit bio page of passport)
- 10 Amount paid by Vendor/Lessor
 on purchase and date of purchase:
- 11 If land is developed, give brief and
 accurate description of building thereon
- 12 Purpose for Acquisition: Residential / Commercial
 (delete and initial where applicable) Industrial / Tourism Development
 Property Investment
- 13 If acquisition is for purpose of residence:
 (i) state whether you propose to build
 or renovate existing building;
 (ii) state number of rooms and the
 proposed time table for
 commencement and completion
 of the proposed development;
 (iii) Estimated capital outlay and
 source of funding:
- 14 If acquisition is for industrial, commercial,
 or tourism development:
 (i) give brief particulars including
 extent of proposed development,
 number of rooms and time table, for
 (ii) commencement and completion
 (iii) of estimated capital outlay and
 sources from which the project will
 be financed.
- 15 Registration particulars of current or
 previously owned parcel of land held in
 your name or in the name of a company
 in which you are a shareholder or director
 (Exhibit certified copy of extract of
 Land register).
- 16 Names and addresses of Applicant's
 Bankers:
- 17 Names and addresses of two references,
 (persons in Antigua and Barbuda
 if possible):
- 18 Name and Address of Real estate Agent
 including email address
 Telephone Number

19 Name and Address of Attorney-at-Law
submitting Application including
email address and Telephone Number:

Signed by Applicant (s))
On the day of 2021)
In the presence of:)
Name of Witness)
Signature)
_____)
Witness

KINDLY NOTE: (1) Land Value Appreciation Tax is payable by a Non-Citizen Vendor equal to five percent (5%) of the difference between the value of the land at the time he became owner thereof, together with any subsequent expenditure of a capital nature thereon and the value of the land at the time of disposal: section 19 of the Non-Citizens Land Holding Regulation Act, Cap 293; (2) Non-citizen Undeveloped Land Tax is payable where the land has not been developed in breach of the Vendors licence or in breach of the Undeveloped Land Tax Act.

DOCUMENTS TO BE SUBMITTED WITH APPLICATION	OFFICIAL CHECK
1 Certified Copy of Extract of Land Register
2 Copy of Vendor's/ Lessor's licence (where applicable)
3 Copy of Purchaser's passport bio and two passport size photograph of applicant
4 Copy of lease Agreement or transfer Instrument
5 Copy of Vendor's passport bio page
6 Bank Reference of applicant
7 Two Personal References letters of Persons who have known the applicant for at least two years
8 Valuation report by a registered valuer.
9 Sales and Purchase Agreement
10 Survey map of location of land
11 Receipt of Application fee payable to Inland Revenue Department
To: The Assistant Secretary Ministry of Legal Affairs Government Office Complex Parliament Drive Email address: legalaffairs@ab.gov.ag Telephone No. 462-0245	



A Compendium Sentencing Guideline of The Eastern Caribbean Supreme Court

Homicide Offences

This Sentencing Guideline is made pursuant to the Eastern Caribbean Supreme Court (Sentencing Guidelines) Rules, 2019¹

This compendium sentencing guideline will deal with offences of homicide, being murder (as the text of Practice Direction 1 of 2021, copied here at page 4), and then causing death by dangerous driving (page 11), while it is anticipated manslaughter will be added at later date.

Applicability of Guideline

In sentencing for these offences, the Chief Justice has issued as guidance a Practice Direction or guidelines² and the court must apply the relevant guidance and sentence accordingly, unless to do so would not be in the interests of justice. It is only permissible to depart from the guidelines in exceptional circumstances, where

¹ Made pursuant to Rule 7(1) for the Territory of the Virgin Islands, Montserrat, Antigua and Barbuda, Saint Kitts and Nevis, Commonwealth of Dominica, Saint Lucia, Saint Vincent and the Grenadines and Grenada; and Made pursuant to Rule 8(1) for Anguilla.

² As at 12th April 2021.

such departure can be justified. Clear reasons for not applying the guideline must be given when passing sentence.

It is expected that every court will follow the steps below, with each relevant step being identified to the offender in public before the sentence is passed. Starting points and ranges apply to all adult offenders³ whether they have pleaded guilty or been convicted after a trial. Credit for a guilty plea is taken into consideration only at Step 3.

Step 1

Consider the seriousness of the offence. Find the starting point by consulting the Practice Direction or guideline with grid below. Then adjust the figure within the range for the aggravating and mitigating factors of the offence.

Step 2

Adjust the figure within the range for the aggravating and mitigating factors affecting the offender.

Step 3

Adjust the figure on assessing discount for any plea of guilty, if applicable.

Step 4

Adjust the figure on assessing totality if sentencing for more than one offence.

Step 5

Give credit for time served on remand.

Step 6

Finally, consider ancillary orders, confiscation, compensation, etc, if applicable.

Pass the Sentence

The court must give reasons, explaining the construction of the sentence in a way that can be readily understood by the defendant, in particular justifying any departure from the guideline.

MURDER – section 1

There follows below the text of the Practice Direction on murder to take effect from 12th April 2021, updating the earlier Practice Direction on murder effective from 31st July 2020. While the Practice Direction does not offer a grid, its structure generally mirrors the six steps approach of other guidelines. However, care must be taken to read the language of the Practice Direction and to follow it where it may deviate from the six steps approach, if arising.

**EASTERN CARIBBEAN SUPREME COURT
(SENTENCING GUIDELINES) RULES 2019**

PRACTICE DIRECTION 8E

NO. 1 OF 2021

SENTENCING FOR THE OFFENCE OF MURDER

RE-ISSUE

12TH APRIL 2021

SENTENCING FOR THE OFFENCE OF MURDER

This Practice Direction is made pursuant to rule 7(1) of the Eastern Caribbean Supreme Court (Sentencing Guidelines) Rules 2019 and supplements rule 8(1).

The previous Practice Direction for the offence of Murder which came into effect on the 1st day of September, 2020 is revoked and replaced by this Practice Direction.

This practice direction⁴ directs that in order to promote consistency in sentencing, sentencing to a custodial term for the offence of murder shall hereafter follow the approach below to be applied in the territories falling under the jurisdiction of the Eastern Caribbean Supreme Court.

Title

This practice direction may be cited as the “Practice Direction on Sentencing for the Offence of Murder for the Eastern Caribbean Supreme Court”.

Interpretation

1 In this Schedule—

“Adult” means a person aged 18 or over.

“An act of terrorism” for the purpose of this guidance means a death arising from:

- (i) an act of a person on behalf of, or in connection with, any organization which carries out activities directed towards the overthrowing or influencing by force or violence the lawful government of a state; or
- (ii) an act intended to raise in the public a fear of future and further indiscriminate violence against bystanders in a public place.

“Criminal gang” means a group of three or more persons who share a criminal purpose.

“Determinate sentence” means a sentence fixed as to the amount of time to be spent imprisoned.

“Whole life sentence” means a sentence of imprisonment for the duration of the offender’s natural life.

Sentence of an adult for murder

2 A conviction of an adult for the offence of murder may result in one of the following sentences:

- a. Sentence of death;
- b. A whole life sentence;
- c. A determinate sentence; or
- d. Detention at the court's pleasure where an offender has been found to be insane or suffering relevant mental illness; or

Sentence of death

- 3 Sentence of death, where lawful for murder, may only be considered in cases:
- a. Where the offender was an adult when he committed the offence;
 - b. Where there has been a conviction after trial;
 - c. Which are 'the rarest of the rare';
 - d. Which are 'the worst of the worst';
 - e. Where there is no reasonable prospect of reform of the offender;
 - f. Where the offender has been appropriately evaluated by a psychiatrist;
 - g. Where the character of the offender and any other relevant circumstances are taken into account so far as possible as mitigation in his favour;
 - h. Which are compared with other murder cases and not with ordinary civilized behavior; and
 - i. Where the object of punishment cannot be achieved by any means other than sentence of death.

Whole life sentence

- 4 If:
- a. the court considers that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is exceptionally high; and
 - b. the offender was an adult when he committed the offence;
- the appropriate starting point is a whole life sentence.

- 5 Cases where the seriousness of the offence could be considered exceptionally high include:

- a. the murder of two or more persons;
- b. the murder is associated with a series of serious criminal acts;
- c. a substantial degree of premeditation or planning;
- d. the abduction of the victim;
- e. a murder involving sexual or sadistic conduct;
- f. a murder involving prolonged suffering or torture;
- g. the murder of a police officer, emergency service worker, prison officer, judicial officer, prosecutor, health worker, teacher, community worker or any other public official exercising public or community functions or as a political activist, or the offence arose because of the victim's occupation or voluntary work;
- h. a murder relating to membership of a criminal gang;
- i. a murder which is an act of terrorism;
- j. a murder motivated by hatred for or prejudice against a group of people to which the offender believed the victim belonged (eg people of a particular religion, race, or ethnic origin, language, or sexual orientation or age or having a particular disability);
- k. a murder involving the actual or threatened use of explosives or chemical or biological agent;
- l. a deliberate killing for payment or gain (eg a contract killing, or for inheritance, or insurance payout);
- m. where the offender is assessed as likely to commit further offences of serious violence and is therefore a substantial danger to the community;
- n. a murder by an offender previously convicted of murder; or
- o. a murder by an offender who has a record for multiple previous convictions for serious offences of violence.

Determinate sentence

- 6 (1) In cases not falling in paragraph 3 or 4; or
- (2) Where a case falls within paragraph 4,
- a. but the court considers that the offence (or the combination of the offence and one or more offences associated with it), does not warrant a whole life sentence, and
 - b. the offender was an adult when he committed the offence;

the appropriate starting point is a determinate sentence of 40 years, within a range of 30-50 years.

7 Cases that could fall within paragraph 6 include:

- a. where the offender has pleaded guilty and would otherwise face a whole life term⁵;
- b. a murder involving the use of a firearm;
- c. a murder arising unplanned in the course of a felony (eg in a robbery or burglary);
- d. a murder intended to obstruct or interfere with the course of justice;
- e. a murder involving a lesser degree of sexual or sadistic conduct than referred to above; or
- f. a murder in the context of a significant history of domestic violence.

8 If:

- a. the offender was an adult at the time of the offence;
- b. the case does not fall within paragraph 4 or 6; and
- c. the offence falls within paragraph 9 below;

the offence is normally to be regarded as sufficiently serious for the appropriate starting point to be a determinate sentence of 30 years, within a range of 20-40 years.

9 Cases that would normally fall within paragraph 8 are where the offender took a bladed weapon or blunt instrument to the scene intending to:

- a. commit any offence; or
- b. have it available to use as a weapon; and
- c. used that weapon in committing the murder.

10 If the offender was an adult when he committed the offence and the case does not fall within paragraph 4, 6 or 8, the appropriate starting point is a determinate sentence of 25 years, within a range of 15-35 years.

⁵ In such a circumstance, there would usually be no further discount on account of the guilty plea.

Aggravating and mitigating factors

- 11 Having chosen a starting point, the court should take into account any further aggravating or mitigating factors pertaining to the offence, and then as a second step to the offender, to the extent that it has not allowed for them in its choice of starting point. Care must be taken not to double-count.
- 12 Aggravating factors pertaining to the offence (separate from those mentioned in paragraphs 5, 7, and 9) that may be relevant include:
- a. a significant degree of planning or premeditation;
 - b. the victim was vulnerable because young or elderly or had a disability or because geographically isolated;
 - c. mental or physical suffering inflicted on the victim before death;
 - d. abuse of a position of trust or authority over the victim;
 - e. where the offence involved a great risk of death to another person or persons;
 - f. where the offence was an organized criminal activity;
 - g. where the offence occurred at the home of the victim or any other person;
 - h. where the offence was committed to conceal another offence;
 - i. the use of duress or threats against another person to facilitate the commission of the offence;
 - j. where the victim was providing a public service or performing a public duty;
 - k. where the offence is committed in the presence of children;
 - l. where the offence is committed at or near a religious or educational institution;
 - m. where the offence is committed in view of the public;
 - n. where the offence is unprovoked; or
 - o. concealment, disposal, desecration, destruction or dismemberment of the body.
- 13 Mitigating factors pertaining to the offence that may be relevant include:
- a. an intention to cause serious bodily harm rather than to kill;
 - b. where the offender was acting under duress;

- c. where the offender offered assistance to the authorities;
- d. where the offender was provoked;
- e. where the victim was the aggressor; or
- f. a belief by the offender that the murder was an act of mercy.

14 Aggravating factors pertaining to the offender that may be relevant include:

- a. Previous convictions for violence offences;
- b. Relevant convictions for other offences; or
- c. Offence committed whilst on bail.

15 Mitigating factors pertaining to the offender that may be relevant include:

- a. Good character;
- b. Genuine remorse;
- c. Physical or mental disability or ill-health;
- d. Youth and/or lack of maturity where it explains offending; or
- e. Good prospects for rehabilitation.

Credit for plea

- 16 Where the offender has pleaded guilty at the first practicable opportunity, he may receive a discount of up to one-third of any determinate sentence (excepting where appropriate per para 7a).

Time on remand

- 17 Credit must be given for time spent on remand, to be calculated with precision⁶.

Parole

- 18 Where appropriate, the court should declare the minimum term to be served before consideration for parole.

⁶ See the requirements for assessing time on remand in **Gomes v The State** 2015 UKPC 8, see para 12; **Shonovia Thomas v The Queen** Appeal No.6 of 2010; and **Romeo Da Costa Hall v The Queen** 2011 CCJ 6.

CAUSING DEATH BY DANGEROUS DRIVING – section 2

In the nine member states and territories of the ECSC causing death by dangerous driving, sometimes said to be reckless driving⁷, attracts different maximum sentences.

CONSTRUCTING THE SENTENCE

STEP 1

The first step in constructing a sentence is to establish the starting point for the offence.

A case of causing death by dangerous driving requires an assessment of the seriousness of the offence, including the culpability of the offender, and its consequences, by reference to the harm caused.

To establish the starting point for the offence within the relevant range, there are four stages within Step 1.

FIRST STAGE

The first stage is to determine the offence category based on consequence.

The consequence of dangerous driving is always the death of the victim.

SECOND STAGE

The second stage is to consider seriousness by assessing the culpability of the offender.

The 'danger' created by the driving is of serious injury or death and/or of serious damage to property.

SERIOUSNESS – Level A - High

Driving that involved a deliberate decision to ignore, or a flagrant disregard for, the rules of the road so as to cause a high risk of danger, which can be evidenced by:

- A prolonged, persistent and deliberate course of very bad driving
- Racing or competitive driving against another driver
- Gross avoidable distraction such as reading or composing text messages over a period of time
- Consumption of substantial amounts of alcohol or drugs leading to gross impairment
- A group of determinants of seriousness which in isolation or smaller number would place the offence in level 2

SERIOUSNESS – Level B - Medium

Driving that created a substantial risk of danger, which can be evidenced by:

- Greatly excessive speed for a shorter duration
- Avoidable distraction such as reading or composing a text message
- Driving whilst ability to drive is impaired as a result of consumption of alcohol or drugs, or as a result of a known medical condition, or by deliberately failing to take prescribed medication
- Ignoring warning not to drive under medication known to cause drowsiness
- Aggressive driving such as driving too close to the vehicle in front, persistent inappropriate attempts to overtake, or cutting in after overtaking
- A group of determinants of seriousness which in isolation or smaller number would place the offence in level C

SERIOUSNESS – Level C - Lesser

Driving that created a significant risk of danger, which can be evidenced by:

- Driving above the speed limit/at a speed that is inappropriate for the prevailing conditions
- Driving when knowingly deprived of adequate sleep or rest or knowing that the vehicle has a dangerous defect or is poorly maintained or is dangerously loaded
- A brief but obvious danger arising from a seriously dangerous manoeuvre
- Driving whilst avoidably distracted
- Failing to have proper regard to vulnerable road users

THIRD STAGE

Having determined the consequence and level of seriousness find the starting point by consulting the grid below⁸.

Maximum sentence is 'x'.

Percentages are approximations and may not divide neatly, so that some adjustment is permissible.

	Seriousness - Level A	Seriousness - Level B	Seriousness - Level C
Consequence – death of the victim	Starting point 75% x Range 60%-90% x	Starting point 55% x Range 40%-70% x	Starting point 35% x Range non-custodial-50% x

FOURTH STAGE

Having determined the starting point, consider the following non-exhaustive list of aggravating and mitigating factors of the offence and adjust upwards or downwards if required, taking care not to double-count factors considered in stages 1 and 2.

AGGRAVATING FACTORS of the offence

- More than one person killed as a result of the offence
- Knowingly putting more than one person at risk of death or serious injury
- Serious injury to one or more victims, in addition to the death(s)
- Disregard of warnings
- Other offences committed at the same time, such as driving other than in accordance with the terms of a valid licence; driving while disqualified; driving without insurance; taking a vehicle without consent; driving a stolen vehicle; driving while a learner without supervision
- The offender's irresponsible behaviour such as failing to stop, falsely claiming that one of the victims was responsible for the collision, or trying to throw the victim off the car by swerving in order to escape
- Driving off in an attempt to avoid detection or apprehension
- Being intoxicated through voluntary consumption of drink or drugs
- Using a handheld mobile phone at the time of the offence
- Driving a poorly maintained or dangerously loaded vehicle being used for commercial gain

MITIGATING FACTORS of the offence

- Alcohol or drugs consumed unwittingly (including unwitting effect of lawful medication)
- Offender was seriously injured in the collision
- The victim was a close friend or relative
- Actions of the victim or a third party contributed significantly to the likelihood of a collision occurring and/or death resulting
- The offender's lack of driving experience contributed to the commission of the offence
- The driving was in response to a proven and genuine emergency falling short of a defence

STEP 2

Adjust the figure within the range for the aggravating and mitigating factors affecting the offender.

AGGRAVATING FACTORS of offender

- Previous convictions for driving offences
- Relevant convictions for other offences
- Offence committed whilst on bail

MITIGATING FACTORS of offender

- Good character
- Good driving record
- Genuine remorse
- Physical or mental disability or ill-health
- Steps taken to address offending behavior
- Youth and/or lack of maturity where it explains offending
- Assistance given to the authorities

STEP 3

Credit should be given for a guilty plea as appropriate. A reduction of one-third should be given for a guilty plea entered at the earliest practicable opportunity. Credit will usually reduce significantly the later the plea.

STEP 4

Adjust the figure on assessing totality if sentencing for more than one offence. If appropriate, dangerousness should also be considered.

STEP 5

Credit must be given for time spent on remand for the relevant offence, to be calculated with precision⁹.

STEP 6

Finally, consider ancillary and restraining orders, confiscation, compensation, etc, if applicable.

Pass the Sentence

The court must give reasons, explaining the construction of the sentence in a way that can be readily understood by the defendant, in particular justifying any departure from the guideline.

EFFECTIVE DATE

This Sentencing Guideline will come into effect on the 12th day of April, 2021.

Made this 6th day of April, 2021.

Sgd.

Dame Janice M. Pereira, DBE
Chief Justice

Sgd.

Mde Gertel Thom
Justice of Appeal

Sgd.

Mr. Iain Morley
High Court Judge

**EASTERN CARIBBEAN SUPREME COURT
(SENTENCING GUIDELINES) RULES 2019**

**PRACTICE DIRECTION 8E
NO. 1 OF 2021**

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RE-ISSUE
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- h. Which are compared with other murder cases and not with ordinary civilized behavior; and
- i. Where the object of punishment cannot be achieved by any means other than sentence of death.

Whole life sentence

4 If:

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 - e. a murder involving a lesser degree of sexual or sadistic conduct than referred to above; or
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 - g. where the offence occurred at the home of the victim or any other person;
 - h. where the offence was committed to conceal another offence;
 - i. the use of duress or threats against another person to facilitate the commission of the offence;
 - j. where the victim was providing a public service or performing a public duty;
 - k. where the offence is committed in the presence of children;
 - l. where the offence is committed at or near a religious or educational institution;
 - m. where the offence is committed in view of the public;
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- 16 Where the offender has pleaded guilty at the first practicable opportunity, he may receive a discount of up to one-third of any determinate sentence (excepting where appropriate per para 7a).

Time on remand

- 17 Credit must be given for time spent on remand, to be calculated with precision³.

Parole

- 18 Where appropriate, the court should declare the minimum term to be served before consideration for parole.

Effective Date

- 19 This Practice Direction will come into effect on the 12th day of April, 2021.

Made this 6th day of April, 2021.

Sgd.

Dame Janice M. Pereira, DBE

Chief Justice