



LAWS OF
ST. VINCENT AND THE GRENADINES

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CHAPTER 285
ENVIRONMENTAL HEALTH SERVICES ACT

•Act•Subsidiary•Legislation•

Act No. 14 of 1991
Amended by
Act No. 34 of 1996

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CHAPTER 285
ENVIRONMENTAL HEALTH SERVICES ACT

An Act to make provision for the conservation and maintenance of the environment in the interest of health generally and in particular in relation to places frequented by the public.

Be it enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines, and by the authority of the same, as follows.

[Act No. 14 of 1991 amended by Act No. 34 of 1996.]

[Date of commencement: 16th July, 1991.]

PART I
Preliminary

1. SHORT TITLE

This Act may be cited as the Environmental Health Services Act, 1991.

2. INTERPRETATION

(1) In this Act—

“**air**” means the unconfined portion of the atmosphere excluding that within any structure or underground space;

“**animal**” includes any ruminant, swine, rabbit, poultry, horse, dog, cat or wild game and the carcass or any part of such animal;

“**authorised officer**” means any health officer, port officer or other person authorised by the Minister to perform any function for the purposes of this Act;

“**Board**” means the Environmental Health Board established by section 5;

“**building**” includes the curtilage of a building;

“**Chief Environmental Health Officer**” means the person appointed under section 8 to the office of Chief Environmental Health Officer;

“**Chief Medical Officer**” means the person appointed to the office of Senior Medical Officer under section 9 of the Public Health Act, 1977;

[Chapter 300(O).]

“**contaminant or pollutant**” means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from the activities of man which may—

- (a) impair the quality of the natural environment for any use that can be made of it;
- (b) cause injury or damage to property or animal life;
- (c) cause harm or material discomfort to any person;
- (d) adversely affect the health or impair the safety of any person; or
- (e) render any property, plant or animal life unfit for use by man;

“**contamination**” means the state resulting from the presence of a contaminant;

“**Department**” means the Public Health Department established by section 10 of the Public Health Act, 1977;

[Chapter 300(O).]

“**discharge**” includes any spilling, leaking, pumping, pounding, emitting, emptying or dumping of any effluent into the air, water or on land;

“**Division**” means the Environmental Health Division of the Public Health Department;

“**emission**” means the act of passing into the air, water or on land a contaminant or gas stream, visible or invisible;

“**environment**” means the natural man-made or altered environment of air, land or water including the coastal waters of the sea;

“**environmental health officer**” means the Chief Medical Officer, the Medical Officer of Health, a health inspector, a health nurse, the Chief Environmental Health Officer and any other public officer who is appointed as an environmental health officer or who is authorised to carry out any duties under or for the purposes of this Act;

“**factory**” means any premises wherein any storage, manufacturing, processing, or packing operation or any combination thereof is undertaken;

“**food**” includes any article of food or drink or any article or substance used as an ingredient or cooking medium in the manufacture or preparation of food;

“**functions**” includes powers and duties;

“health officer” means an environmental health officer and any other person who is required or authorised by the Minister, to perform the function of a health officer under this Act;

“house” includes any dwelling place and the curtilage thereof and any building, vessel, tent, van, shed or similar structure used or intended for human habitation;

“land” means surface land, land covered by water and all sub-soil, or any combination or part thereof;

“liquid waste” includes—

- (a) sewerage and human body wastes and other organic wastes and waste water from toilets and other receptacles intended to receive body wastes;
- (b) drainage from hospitals, sick bays, dispensaries and other medical premises via baths, wash basins and similar fixtures;
- (c) drainage from places where animals are held, reared, or slaughtered;
- (d) drainage and waste water from domestic, industrial, commercial and agricultural operations and operations including the manufacture and storage of chemicals; and
- (e) any other waste waters;

“Local Government” means a body established in accordance with or under the Local Government Act, 1951;
[Chapter 340.]

“Medical Officer of Health” means a person appointed to the office of Medical Officer of Health under section 9 of the Public Health

Act, 1977;

[Chapter 300(O).]

“**Minister**” means the Minister responsible for matters relating to health;

“**Ministry**” means the Ministry of Health;

“**occupier**” means—

- (a) in the case of any premises or part thereof, a person in occupation of or having the charge, management or control of such premises or part thereof;
- (b) in the case of a vessel or aircraft, the master or other person in charge;

“**owner**”, in relation to any premises, means the person entitled to receive the rent of the premises, whether on his own account or as an agent or trustee or who would be so entitled if such premises were let;

“**pesticide**” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects, rodents, nematodes, fungi, weeds or other forms of plant or animal life which are considered pests;

“**pollution**” means the state resulting from the presence of a pollutant;

“**port officer**” includes an officer of Customs, an immigration officer and any other officer who is employed in any capacity at a port in Saint Vincent and the Grenadines;

“**premises**” includes land whether open or closed, whether built on or not, whether public or private and any house, aircraft, ship,

vessel, boat, bulk, barge, tent, caravan, shed or similar structure;

“**public place**” includes any building, park, cemetery, public beach, market or market place and any street, highway, road, bridge, wharf, pier, jetty, lane, footway, square, court, alley or passage whether thoroughfare or not or any place to which the public is entitled or permitted to have access whether on payment or otherwise;

“**Regulations**” means Regulations made pursuant to this Act;

“**sell**” includes to offer or expose for sale or have in possession for sale;

“**solid waste**” includes ashes, garbage, refuse, litter and other discarded solid material resulting from domestic, industrial, commercial and agricultural operations and from community activities but does not include sewerage;

“**vehicle**” means any car, truck, tractor, motorcycle, bicycle, cart or other machine or apparatus on wheels however propelled;

“**water**” includes surface water and underground water wherever located and natural and artificial drainage courses.

(2) In determining for the purposes of this Act and any proceedings thereunder whether anything is a contaminant or pollutant as defined in subsection (1), regard shall be had not only to the probable effect of that thing itself but also to the probable cumulative effect of things of substantially the same composition.

PART II *Administration*

3. RESPONSIBILITIES OF THE MINISTER

(1) The Minister is charged with the responsibility of promoting and protecting the public health by providing for and ensuring the conservation and maintenance of the environment.

(2) In particular, it is the responsibility of the Minister to regulate, monitor and control the actual and likely contamination or pollution of the environment from any source, ensure compliance in all matters and activities relating thereto and establish minimum standards required for a clean and healthy environment.

4. DELEGATION BY MINISTER

(1) The Minister may, in writing, delegate to a local authority or other public body, power to exercise, carry out and perform within the geographical area of the local authority or within any designated area in which such other public body is required to operate such of his functions under this Act as he thinks advisable, and on such terms and conditions as he may prescribe, but not a function under section 31 to make regulations.

[Subsection (1) amended by Act No. 34 of 1996.]

(2) A local authority or other public body to which functions have been delegated by the Minister under this section shall, subject to such terms and conditions as are specified in such delegation, do all things necessary for the carrying out of those duties, powers and functions.

[Subsection (2) amended by Act No. 34 of 1996.]

5. ESTABLISHMENT OF ENVIRONMENTAL HEALTH BOARD AND COMMITTEES

(1) There shall be an Environmental Health Board which shall be responsible for advising the Minister as to any matter relating to environmental health.

(2) The provisions of the Schedule shall have effect with respect to the constitution and procedure of the Board and otherwise in relation thereto.

[Schedule.]

(3) Notwithstanding anything contained in this section, the Minister may appoint committees for the purpose of advising him on any specialised area of environmental health.

(4) A person may be appointed a member of any such committee for a period not exceeding three years, but any member so appointed shall be eligible for re-appointment.

6. ESTABLISHMENT OF ENVIRONMENTAL HEALTH DIVISION OF THE PUBLIC HEALTH DEPARTMENT

(1) Without prejudice to anything contained in the Public Health Act, 1977, with respect to the Public Health Department, there shall be established an Environmental Health Division of the Department which shall be under the control of the Chief Environmental Health Officer and which division shall perform such functions as are prescribed by this Act.

[Chapter 300(O).]

(2) The Chief Environmental Health Officer shall be the

principal technical adviser to the Minister in matters relating to environmental health and subject to the general and specific directions of the Minister, shall be responsible for the administration and enforce of the provisions of this Act.

(3) In pursuance of his responsibilities and functions under this Act, the Chief Environmental Health Officer shall maintain constant consultations with the other Departments of the Ministry and with other Government Ministries. Departments and Agencies which are responsible for matters related to environmental health.

(4) The officers of the Environmental Health Division shall discharge functions under this Act as authorised and directed by the Chief Environmental Health Officer.

(5) In the execution of their functions under this Act, the Chief Environmental Health Officer and the officers of the Division may call upon any police officer to lend such assistance as may be required and such police officer shall assist accordingly.

(6) The Minister may, by writing under his hand, delegate to the Chief Medical Officer or the Chief Environmental Health Officer any of his functions under this Act other than a function under section 31 to make Regulations.

(7) Any delegation while in force shall not prevent the discharge by the Minister of any functions thereby delegated and may be made subject to such conditions, qualifications and exceptions as may be specified.

7. FUNCTIONS OF ENVIRONMENTAL DIVISION

(1) The Division shall arrange and carry out all functions which are required for the proper discharge of the responsibilities and functions of the Minister under this Act, and without prejudice to the generality of the foregoing, the Division shall—

- (a) investigate problems and institute preventive and remedial measures in respect of environmental pollution, the management and disposal of solid, liquid and gaseous wastes, food and drinks management, nuisance, rodents, insect pests and general sanitation;
- (b) conduct research, studies and monitoring programmes related to the matters in paragraph (a);
- (c) gather, collate, analyse, publish and disseminate information relevant to paragraph (a);
- (d) promote the planning, approval, funding and implementation of measures designed to ensure the wise and safe use of the environment;
- (e) provide ways and means for the training of persons involved in environmental health services;
- (f) undertake and carry out all related surveys, monitoring and investigations and prepare the necessary reports, plans and programmes;
- (g) maintain and operate the necessary laboratory analytical and inspection facilities;
- (h) provide advice in the field of environmental health and other supportive services to the Ministry and other Government Agencies in Saint Vincent and the Grenadines;
- (i) implement and administer approved programmes;
- (j) keep abreast of technological and other advances in the field of environmental health and initiate

- the updating of legislation, standards and procedures in this connection;
- (k) advise on, plan, organise and actively pursue the training of all personnel required for the proper administration of this Act; and
 - (l) cause to be submitted to the Minister by the end of March in every year, in such form as the Minister may require, a report of its activities during the twelve months ending on the 31st day of December in the preceding year, and when requested, such other reports as the Minister may require concerning its operations.

8. APPOINTMENT OF CHIEF ENVIRONMENTAL HEALTH OFFICER AND OTHER EMPLOYEES

(1) There shall be appointed, in the manner authorised by law, for the purposes of this Act a Chief Environmental Health Officer and such number of environmental health officers as may, from time to time, be required for the administration of this Act and the Regulations made thereunder.

(2) Notwithstanding anything contained in any other enactment, no person shall be appointed to the office of Chief Environmental Health Officer or any other office under subsection (1) unless he holds such qualifications as may be prescribed by rules made under this section.

9. EXEMPTION FROM LIABILITY

Nothing done by the Minister, or any environmental health officer

or any person acting under the authority of the Minister or the Chief Environmental Health Officer shall, if such thing were done bona fide for the purpose of executing any of the provisions of this Act or any Regulations made thereunder, subject such officer or person to any action, liability claim or demand.

PART III

Environmental Health Matters

10. CERTIFICATE OF APPROVAL FOR CERTAIN MATTERS

(1) No person shall—

- (a) construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or thing that may emit or discharge, or from which may be emitted or discharged a contaminant or pollutant into any part of the environment; or
- (b) carry on or alter a process or rate of production with the result that a contaminant or pollutant may be emitted or discharged into any part of the environment; or
- (c) carry on or alter a process or rate of production with the result that the rate, or manner of emission or discharge of a contaminant or pollutant into any part of the environment may be altered, unless he has first obtained a certificate of approval issued in accordance with this section by the Chief Environmental Health Officer approving the method or device or both, to be employed to control or prevent the emission or discharge of any contaminant or pollutant into any part of the

environment.

(2) The Chief Environmental Health Officer may require an applicant for a certificate of approval under subsection (1) to submit such plans, specifications and other information as may be prescribed and to carry out and report on any tests or experiments relating to the plant, structure, equipment, apparatus, mechanism or thing or to the process, rate of production, methods and devices to be employed to control or prevent the emission or discharge of any contaminant or pollutant into any part of the environment.

(3) The Chief Environmental Health Officer shall, upon being satisfied that the method or device or both, to be used to control or prevent the emission or discharge of any contaminant or pollutant into any part of the environment is adequate to prevent or control such emission or discharges, grant a certificate of approval or if not so satisfied, shall refuse to grant the certificate.

(4) A certificate of approval shall be subject to such conditions as the Chief Environmental Health Officer may impose.

(5) The Chief Environmental Health Officer may, from time to time, vary in such manner as he thinks fit, the conditions contained in a certificate of approval.

(6) Where it appears to the Chief Environmental Health Officer that the holder of a certificate of approval has failed to comply with the conditions subject to which the certificate was granted, he may, after giving that person a hearing, revoke the certificate.

(7) A person who is dissatisfied with—

- (a) the refusal of the Chief Environmental Health Officer to issue a certificate of approval; or

- (b) the terms and conditions attached to a certificate or approval; or
- (c) the variation of any terms and conditions contained in a certificate of approval; or
- (d) the revocation of a certificate of approval, may appeal to the Minister within fourteen days of being notified of such decision.

11. PROHIBITIONS AND OBLIGATIONS IN THE INTEREST OF THE ENVIRONMENT

(1) No person shall create or allow to exist on or emanate from premises which he owns or occupies, conditions which are insanitary or constitute a nuisance or are conducive to the breeding or harbouring of rodents, insect pests, termites or other vermin.

(2) No person shall dump on, or otherwise deposit or leave any refuse in any public place or open space.

(3) Every owner or occupier of premises shall keep in a clean condition any open space to the front of his premises which abuts onto a public road.

(4) No person shall keep or otherwise shelter any domestic or other animal otherwise than as prescribed.

(5) Food and drink shall be handled in such manner as may be prescribed by Regulations.

(6) No person shall transport, treat or otherwise dispose of solid and liquid wastes on or from any premises otherwise than in accordance with the Act or with Regulations made thereunder.

12. NOTIFICATION OF EMISSION OR DISCHARGE, ETC., OF CONTAMINANT OR POLLUTANT

Every person who—

- (a) deposits in, adds to, emits or discharges into the environment any contaminant or pollutant; or
- (b) is responsible for a source of contaminant or pollutant that is deposited in, added to, emitted or discharged into the environment, in an amount, concentration or level in excess of that prescribed shall forthwith notify the Chief Environmental Health Officer of the deposit, addition, emission or discharge.

13. POWER TO UNLOAD OR DESTROY CARGO

(1) Any port officer or health officer who discovers or is notified of putrid, decayed or offensive matter or substance or any contaminant or pollutant on board a vessel in any port shall forthwith notify the Chief Environmental Health Officer of such discovery.

(2) In the interest and protection of health the Chief Environmental Health Officer may—

- (a) order the unloading of the cargo of any vessel, and direct and regulate the manner in which, and place where the cargo shall be loaded or stored; or
- (b) order the destruction of any cargo or portion thereof, which he may consider to be in a putrescent state or which is likely to promote the spread of disease or to be otherwise injurious to health.

PART IV
Special Powers

14. CHIEF ENVIRONMENTAL HEALTH OFFICER MAY ISSUE ORDER

(1) When the Chief Environmental Health Officer is of the opinion that a source of contaminant or pollutant is adding to, emitting or discharging into the environment any contaminant or pollutant that constitutes, or the amount, concentration or level of which constitutes, an immediate danger to life or the health of any person or to property, he may issue an order directed to the person responsible for the source of the contaminant or pollutant to abate the public nuisance.

(2) When, in the opinion of the Chief Environmental Health Officer it is necessary or advisable to do so, he may, by an order directed to any person, require that person to have on hand and available at all times such equipment and material as the order specifies to alleviate the effect of any contamination or pollution on the environment.

(3) A person to whom an order is directed under this section shall comply with that order.

15. POWER OF ENTRY

(1) The Chief Medical Officer, the Chief Environmental Health Officer or any person authorised in writing by him or by the Minister, may at any reasonable time enter any premises for the purpose of—

- (a) ascertaining whether there is or has been on or in

- connection with the premises, any contravention of the provisions of this Act or any Regulations made thereunder and to examine the premises and take away samples of anything by means of or in relation to which he believes any provision of this Act has been contravened;
- (b) ascertaining whether or not circumstances exist which would authorise or require the Chief Medical Officer or the Chief Environmental Health Officer to take any action or execute any work under this Act or any Regulations made thereunder;
 - (c) taking any action or executing anything authorised or required to be done under this Act or any Regulations made thereunder;
 - (d) performing any function conferred on the Minister or the Chief Medical Officer or the Chief Environmental Health Officer under this Act or any Regulations made thereunder; or
 - (e) generally examining and inspecting the premises.

(2) Any person claiming a right to enter any premises shall produce the document authorising him in that behalf.

(3) A document purporting to have been signed by the Minister, or the Chief Medical Officer or Chief Environmental Health Officer, shall be deemed until the contrary is proved, to have been signed by that person.

(4) Any officer or person who enters any premises pursuant to this section, shall leave the premises as effectually secured against trespassers as he found them.

16. POWER TO COMPEL AND EXECUTE CERTAIN WORKS AND RECOVER COSTS

(1) Where it appears to the Minister that for the protection of or in the interest of, the public health any works in or on any premises are necessary, the Minister may serve on the owner or occupier of the premises, a notice in writing signed by the Minister or by any person authorised by the Minister in that behalf requiring the owner or occupier to execute such works as the Minister considers necessary.

(2) A notice under subsection (1) shall indicate the nature of the works to be executed and specify a period of time after the expiration of which the Minister may cause the work to be carried out if it has not previously been executed.

PART V

Procedure Regarding Appeals and Related Matters

17. APPEAL UNDER SECTION 16

(1) A person served with a notice under section 16(1) or any person having an estate or interest in the premises to which the notice relates may at any time before the expiration of the period of time specified in the notice pursuant to the provisions of subsection

(2) of that section and in accordance with rules of court, appeal to a Judge in Chambers against the notice on the ground—

- (a) that the notice or requirement is not justified for the protection of or in the interest of the public health; or
- (b) that there is some informality, defect or error in or

- in connection with the notice; or
- (c) that the Minister has refused unreasonably to approve the execution of alternative works; or
 - (d) that works required by the notice to be executed are unreasonable in character or extent or are unnecessary; or
 - (e) that the time within which the works are required by the notice to be executed is not reasonably sufficient for the purpose; or
 - (f) that the notice might lawfully have been served on the occupier of the premises to which it relates instead of the owner, or on the owner instead of the occupier, and it should have been so served; or
 - (g) where the work is for the common benefit of the premises to which the notice relates and other premises, that the owner or occupier of the other premises to be benefited, ought to contribute towards the expenses of executing any works required.

(4) Where an appeal under subsection (3) is based on the ground specified in paragraph (b), the Judge shall dismiss the appeal if he is satisfied that the informality, defect or error is not a material one.

(5) Where the grounds upon which an appeal is brought under subsection (3) include a ground specified in paragraph (f) or (g) of that subsection, the appellant shall serve a copy of his notice of appeal on each other person referred to therein and may serve a copy thereof on any person having an estate or interest in the premises to which the notice under subsection (1) relates.

(6) On the hearing of an appeal under subsection (3), the Judge

may make such order as he thinks fit in respect of the person by whom any work is required to be executed and the contribution to be made by any other person towards the cost of the work or as to the proportion in which any expenses which may become recoverable by the Minister under subsection (11) are to be borne by the appellant and the other persons.

(7) In exercising his powers under subsection (6) the Judge shall have regard—

- (a) as between an owner and an occupier to the terms and conditions, whether contractual or statutory of the tenancy and to the nature of the work required; and
- (b) in any case, to the degree of benefit to be derived by the different persons concerned.

(8) Where an appeal is brought under subsection (3) the Judge shall give directions for giving effect to his decision including, where appropriate, directions for questioning the notice to which the appeal relates or for varying the terms of the notice in favour of the appellant.

(9) Where the notice to which the appeal relates is varied, or the appeal is dismissed, the Judge may direct that the notice shall not come into force until such date (not being more than twenty-eight days from the determination of the appeal) as he thinks fit.

(10) The determination of an appeal under subsection (3) by a Judge in Chambers shall be final.

(11) If at the expiration of the period specified in the notice under subsection (1) or directed by a Judge in the determination of an appeal under subsection (3), the work specified in the notice or as

varied by a Judge has not been executed, the Minister may cause the work to be carried out and on completion thereof may recover the reasonable costs as a debt due to the Crown in civil proceedings before a Magistrate for the district in which the premises are situated notwithstanding the provision in any enactment of a financial limit to the jurisdiction of a Magistrate.

(12) In any proceedings under subsection (11) the validity of the notice to which the proceedings relate shall not be questioned on any ground specified in subsection (3).

18. APPEALS TO MAGISTRATE COURTS

(1) Subject to section 17, a person aggrieved by a decision of any functionary who is authorised to act under this Act or any Regulations made thereunder may appeal, by way of a complaint, against that decision to the magistrate who has jurisdiction in the district in which the aggrieved person resides.

(2) An appeal mentioned in subsection (1) may be brought within twenty-one days from the date on which notice of the decision concerned was given to the person desiring to appeal and for the purposes of this subsection, the application for the complaint shall be deemed to be the bringing of the appeal.

(3) In any case where an appeal under this section lies, the document notifying the person concerned of the decision of the functionary in the matter shall state the right of appeal to a Magistrate's Court and the time within which the appeal may be brought.

(4) The appellant shall within the time specified in subsection (2),

serve a notice in writing signed by the appellant or his counsel or attorney on the person whose decision is being appealed of his intention to appeal and of the general grounds of appeal.

(5) Any person aggrieved by any such decision may, upon notice to that person, apply to the Magistrate for leave to extend the time within which the notice may be served and the Magistrate upon the hearing of the application may extend the time prescribed by this section.

(6) The person whose decision is being appealed shall upon receiving the notice of appeal, transmit to the Magistrate a copy of the decision and all papers relating to the appeal.

(7) At the hearing of the appeal the appellant shall, before going into the case, state all grounds of appeal on which he intends to rely and shall not, unless by leave of the Magistrate, go into any matters not raised by the statement.

19. EFFECT OF COURT DECISION

Where, in an appeal mentioned in section 18, a court varies or reverses the decision of an authority, it shall be the duty of the authority to give effect to the order of the court, and, in particular, to grant any necessary licence and to make any necessary entry in any register.

20. RIGHT TO CARRY ON BUSINESS PENDING HEARING OF APPEAL

(1) Where a decision of an authority is appealable under this Act or

the Regulations and the decision makes it unlawful for a person—

(a) to carry on any business which he, or his immediate predecessor in the business was lawfully carrying on at the date when the decision was given; or

(b) to use any premises for any purpose for which he, or such predecessor, was lawfully using them at that date, he may carry on that business and use those premises for that purpose until the time for appealing has expired and, if an appeal is brought, until the appeal is disposed of or struck out for want of prosecution.

(2) The rights given by subsection (1) shall apply also where the decision of a court, in any proceedings in respect of an offence under this Act or the Regulations, makes it unlawful for a person to carry on a business or use premises for any purpose for which he was lawfully carrying on business or so using premises immediately before the decision was given.

PART VI

Offences, Penalties and Proceedings

21. OFFENCES

(1) Any person who, otherwise than in accordance with this Act and the Regulations, deposits in, adds to, emits or discharges into the environment any contaminant or pollutant or who permits the deposit, emission or discharge into the environment of any contaminant or pollutant from any source commits an offence.

(2) Any person who—

(a) assaults, resists, obstructs or impedes any authorised

officer in the execution of his duties under this Act; or

- (b) knowingly makes any false or misleading statement to any authorised officer engaged in carrying out his duties under this Act, commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

22. GENERAL PENALTY

(1) Any person who fails to carry out or contravenes any of the provisions of this Act or any Regulations made thereunder commits an offence and where there is no specific penalty provided, is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, and in the case of a second or subsequent offence, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

(2) In the case of a continuing offence, the offender is liable to a further fine not exceeding five hundred dollars for each day that the offence continues after the day of conviction thereof, and in default of payment to imprisonment for a period not exceeding six months.

23. OFFENCES BY BODY CORPORATE

Where an offence under this Act or the Regulations is committed by a body corporate and is proved to have been with the consent

or connivance of, or to be attributable to any neglect or default on the part of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, such director, manager, secretary or other officer as well as the body corporate is guilty of that offence and is liable to the penalty prescribed by this Act for that offence.

24. INSTITUTING PROCEEDINGS, ETC.

(1) The Director of Public Prosecutions shall institute proceedings against any person for an offence committed and for the recovery of any fine under this Act or any Regulations made thereunder.

(2) A prosecution for an offence under this Act or the Regulations may be instituted, heard, tried or determined by the Magistrate in whose district the offence was committed or in any place in which the accused is apprehended or happens to be.

25. LIMITATION ON PROSECUTIONS

A prosecution under this Act or the Regulations may be instituted at any time within twelve months from the time the subject matter of the prosecution arose or the offence was committed, whichever is later.

26. LIABILITY OF EMPLOYER

In a prosecution under this Act or the Regulations, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused or by a person ostensibly in his

employment whether or not he is identified or has been prosecuted for the offence.

27. REFERENCES TO THE OWNER OR OCCUPIER OF PREMISES

Whenever in any notice or any proceedings under the provisions of this Act or the Regulations, it becomes necessary to mention or refer to the owner or occupier of any lands or premises, it shall be sufficient to designate him as the “owner” or “occupier” of the specified premises without further name or description.

28. SERVICE OF NOTICE AND DOCUMENTS

Any notice, order or other document made or given under this Act may be served by delivering the same or a true copy thereof either to the person to whom it is addressed or to his usual or last known place of abode or business or, when addressed to the owner or occupier, then to some adult on the premises, or if there is not such person, then by affixing one copy of the notice to some conspicuous part of the premises and in case of emergency, any such notice if verbally given to the person whom the Act or the Regulations require to be served or notified, shall be sufficiently given.

29. DOCUMENTARY EVIDENCE

In any proceedings under this Act or the Regulations, any document or writing purporting to be signed by the Minister or by an officer acting under this Act, is admissible in evidence in a prosecution for a violation of the Act or the Regulations and is prima facie proof of the statements contained therein; but no

such document or writing is receivable in evidence unless the party intending to produce it has before the trial, given to the party against whom it is intended to be produced, reasonable notice of such intention, together with a copy of the certificate or writing and the party against whom it is produced may require the attendance of the person signing the same for the purpose of cross-examination.

30. ONUS OF COMPLIANCE

Where any act or thing is by the Act or the Regulations prohibited or prescribed, the duty of seeing that such prohibition or prescription is complied with rests upon the person to whom the prohibition or prescription relates, whether owner, occupier, operator or other person, and in any prosecution under this Act or the Regulations the burden of proving that such prohibition or prescription was complied with, rests upon such person.

PART VII

Miscellaneous

31. POWER TO MAKE REGULATIONS

(1) The Minister may make Rules and Regulations for the proper execution and carrying out of the provisions of this Act generally and in particular may make regulations respecting the following matters—

- (a) anything which may be prescribed;
- (b) the protection of water from infection and pollution

by—

- (i) the inspection and approval of sources of supply and the conditions, if any, on which such approval is granted,
 - (ii) the testing and analysis of water,
 - (iii) ensuring the proper construction, alteration, maintenance and the purification of water supplies and water distributing systems,
 - (iv) ensuring the non-pollution of any river, stream, spring or part thereof contributing to a public water supply,
 - (v) the regulation and prohibition of persons bathing, washing clothes, cleaning vehicles, utensils or animals at or in any river or stream or spring or part thereof contributing to a public water supply,
 - (vi) the disposal of waste water and effluents,
 - (vii) the setting of standards for the hygienic maintenance and use of public sanitary convenience, baths, washrooms, laundromats, laundries and dry-cleaning establishments,
 - (viii) the removal and disposal of derelict and abandoned vehicles;
- (c) the matters or conditions which shall be deemed to constitute a nuisance, the prevention, abatement or removal of nuisances and insanitary conditions on public or private property which are or may become injurious to the public health;
- (d) the regulation and control of the environmental health aspects of seaports, harbours, marinas

- and airports;
- (e) the control and prevention of radiation hazards and the disposal of radioactive or otherwise hazardous wastes;
 - (f) the prevention and control of pollution of the air, including control of emissions of smoke, gases, dust, particles, fumes or any combination of these, offensive odours or excessive noise from factories, vessels, vehicles or any other premises or thing;
 - (g) the prevention and control from contamination of land and the control of the use of land for the deposit of contaminants;
 - (h) subject to the Constitution, the use, regulation, and control of beaches and areas of the foreshore both above and below highwater mark, the removal of solid wastes therefrom, and the cleaning and keeping clean, of such beaches and areas and generally for the protection of the amenities of the same;
 - (i) the sanitary disposal of refuse and other waste matter, including—
 - (i) the fixing of times for collection and removal,
 - (ii) the method of removal and disposal,
 - (iii) the place of disposal,
 - (iv) the duties of owners and occupiers of premises in relation to the disposal of refuse and waste matter;
 - (j) the licensing of a person, place or institution for the carrying on of any business, occupation or undertaking that is or is made subject to the regulations, in respect of

the matters to which it is so subject, the fixing of the licence fee therefore, the period thereof, and the cancellation, revocation or suspension of any such licence;

- (k) pest and vector control including rodent proofing of buildings, preventive measures and use of pesticides; and
- (l) the forms to be used for the purposes of this Act.

(2) The regulations made under subsection (1) may—

- (a) establish procedures for the issue, variation, suspension or revocation of licences or permits in respect of any activity contemplated by this Act;
- (b) specify fees or charges or a system for fixing fees or charges to be paid for any licence, permit, examination certificate, service rendered or any other matter for which a fee is chargeable under this Act;
- (c) provide for the recovery of fees or charges payable under paragraph (b);
- (d) stipulate penalties for the contravention or failure to comply with any regulation made under this section;
- (e) provide appropriate exemptions and special defences in respect of any requirements and proceedings under this Act or any regulations made hereunder;
- (f) provide for appeals to a court against any act or decision of any person performed or made under regulations;
- (g) provide for the recovery of expenses incurred in carrying out any work done as a consequence of any default by any person in complying with this Act or the regulations;

- (h) provide for compensation for damage or destruction of any property in the exercise of any powers conferred by this Act; and
- (i) provide for their application throughout Saint Vincent and the Grenadines or such part thereof as may be prescribed by the Minister from time to time.

(3) Notwithstanding the provisions of section 25 of the Interpretation and General Provisions Act, regulations made under this section may impose a penalty of a fine not exceeding five thousand dollars or imprisonment for a term not exceeding twelve months and in the case of a continuing offence a further fine not exceeding one thousand dollars for each day that such offence continues.

[Chapter 14.]

32. BY-LAWS RESPECTING PUBLIC HEALTH

(1) A Local Authority if otherwise empowered by law to make by-laws respecting matters relating to public health within the geographical area of such municipality, or whenever so authorised by the Minister, may make such by-laws, not inconsistent with this Act or the Regulations as may be necessary for matters relating to environmental health in its municipality.

(2) By-laws made under subsection (1) shall have the effect of law when approved by the Cabinet and published in the Gazette.

33. BY-LAWS TO HAVE EFFECT WITH PUBLICATION IN SPECIAL CIRCUMSTANCES

(1) Notwithstanding anything contained in this Act or any other enactment, the publication or regulations or by-laws may be dispensed with if in the opinion of the person or authority empowered to make such by-laws the time required for the publication in the Gazette will be prejudicial to public health by reason of any epidemic outbreak of disease or emergency.

(2) By-laws made but not published in the circumstances referred to in subsection (1) shall have the immediate force of law, but shall be published in the Gazette as soon as practicable thereafter and is not published within two months after the making thereof, such by-laws shall then cease to have any force or effect.

34. PROTECTION OF TRADE SECRETS AND OTHER CONFIDENTIAL INFORMATION

(1) No person who has acquired information in any capacity under this Act or in performing any of his functions or duties under this Act shall, without the express consent of the person from whom that information has been received or acquired, disclose to any person any such information except—

- (a) to an authorised officer or employee of the Department for the purpose of the performance of his duties or the exercise of his functions under this Act; or
- (b) when he is lawfully required to make disclosure by a court of competent jurisdiction within Saint Vincent and the Grenadines.

(2) Where in any proceedings in any Court, the Court determines that the likelihood exists that information relating to or evidence of any trade secrets or secret process or other commercial or financial information concerning the establishing of or maintaining a competitive business position may be disclosed or given, the Court shall hear such information or evidence in camera and no record thereof shall be made public until the final determination of the proceedings, including any appeal whereupon any such record shall be destroyed in the presence of and to the satisfaction of the affected party.

(3) Every person who contravenes the provisions of subsection (1) of this section commits an offence against this Act and shall be liable on conviction to a fine not exceeding fifteen thousand dollars or to a term of imprisonment not exceeding two years, or to both such fine and imprisonment.

35. EXPENSES

Any expenses incurred in the administration of this Act shall be defrayed out of monies voted for the purpose by Parliament.

36. CROWN

This Act binds the Crown.

Schedule

[Section 5(2).]

1. *Constitutions of Board*

- (1) The Board shall consist of seven members of whom—
- (a) two members shall be—
 - (i) the Chief Medical Officer, and
 - (ii) the Chief Environmental Officer,
who shall be ex officio members;
 - (b) five members shall be appointed by instrument in writing by the Minister in his discretion.

(2) The Chief Environmental Officer shall be the chief executive officer of the Board but shall be subject to the directions of the Chief Medical Officer.

2. *Tenure of office*

The member of the Board appointed by the Minister shall, subject to the provisions of the Schedule, hold office for a period of one year and shall be eligible for re-appointment for a further term.

3. *Chairman*

The Chief Medical Officer shall be the Chairman of the Board.

4. *Vice-Chairman*

The Chief Environmental Officer shall be the Vice-Chairman of the Board.

5. *Acting Chairman*

If the Chairman or Vice-Chairman of the Board is prevented by illness or other cause from presiding at any meeting, the members shall choose a chairman to act on his behalf from among the members present.

6. *Revocation of appointment*

The Minister may at any time revoke the appointment of any member of the Board.

7. *Gazetting of appointment*

The names of the members first appointed and every subsequent appointment to the Board shall be notified in the Gazette.

8. *Quorum*

The quorum of the Board shall be four.

9. *Procedure at Meetings*

The Chairman or in the absence or inability to act of the chairman, the Vice-Chairman shall preside at the meetings of the Board and when so presiding, shall have an original and casting vote.

10. *Filling of vacancies*

The Minister shall as soon as possible, fill any vacancy arising on the Board, but the Board shall continue to exercise its powers as long as there remain on the Board at least four members.

11. Temporary Member

If any member of the Board is at any time prevented by absence or other cause from acting as a member, the Minister may appoint some other person in his place until he returns or is able to resume his functions.

12. Rules as to meetings

The Minister may make rules as to convening and holding of meetings of the Board, the procedure thereat and the circumstances in which any member shall vacate his membership.

CHAPTER 285
ENVIRONMENTAL HEALTH SERVICES ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Environmental Health Services (Waster Disposal Fees) Regulations
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Environmental Health Services (Waster Disposal Fees)
Regulations

SRO 13 of 1997

Amended by

SRO 39 of 1997

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Interpretation.
3. Fees.
4. Penalty.

Schedule Refuse Disposal Tipping Fees

ENVIRONMENTAL HEALTH SERVICES (WASTER DISPOSAL FEES) REGULATIONS

[SRO 13 of 1997 amended by SRO 39 of 1997.]

[Date of commencement: 1st December, 1997.]

1. CITATION

These Regulations may be cited as the Environmental Health Services (Waster Disposal Fees) Regulations, 1997, and shall come into operation on the 1st December, 1997.

2. INTERPRETATION

In these Regulations—

“appropriate authority” means the public officer or body designated by the Minister;

“waste” means solid waste as defined under section 2 of the Act.

3. FEES

All commercial and private enterprises in the State shall be required to pay to the appropriate authority a tipping fee as prescribed in the Schedule hereto for the disposal of waste on landfill sites.

4. PENALTY

A person who fails to comply with the provisions of these Regulations shall be liable to the penalty prescribed by section 31(3) of the Act.

Schedule

[Regulation 3. Schedule substituted by SRO 39 of 1997.]

Refuse Disposal Tipping Fees

1 ton	\$54.00
Less than 1 ton but not less than $\frac{3}{4}$ ton	\$40.50
Less than $\frac{3}{4}$ ton but not less than $\frac{1}{2}$ ton	\$27.00
Less than $\frac{1}{2}$ ton	\$13.50



THIS DOCUMENT WAS CONVERTED AND EDITED BY RAE-ANNE V. MC DOWALL