

CHAPTER 131A
GRENADA SOLID WASTE MANAGEMENT AUTHORITY ACT

• Act • Subsidiary Legislation •

ACT

Act No. 11 of 1995

Amended by

Act No. 30 of 1995

Act No. 8 of 2008

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CHAPTER 131A
GRENADA SOLID WASTE MANAGEMENT AUTHORITY ACT

An Act to establish a Solid Waste Management Authority charged with the duty of developing the solid waste management facilities and improving the coverage and effectiveness of solid waste storage, collection and disposal facilities of Grenada.

[Act No. 11 of 1995 amended by Act No. 30 of 1995, Act No. 8 of 2008.]

[5th April, 1995.]

1. Short title

This Act may be cited as the Grenada Solid Waste Management Authority Act.

2. Interpretation

In this Act—

“Authority” means the Solid Waste Management Authority established under section 3 of this Act;

“business plan”, for a financial year, means—

(a) the business plan approved under section 21A; and

(b) all amendments to the business plan approved under that section,

for the financial year;

“Chairperson” means any person appointed under section 4 of this Act;

“financial year” means the financial year referred to in section 21;

“Manager” means the person appointed by the Minister to direct the day-to-day operations of solid waste management;

“Minister” means the Minister of Government responsible for the environment.

3. Establishment and composition of Authority

(1) There is hereby established for the purpose of this Act a body to be called the Grenada Solid Waste Management Authority.

(2) The Authority shall consist of no fewer than five nor more than nine members appointed by the Minister.

4. Chairperson and Deputy Chairperson

(1) The Minister shall appoint one of the members of the Authority to be Chairperson of the Authority for a period not exceeding three years.

(2) The Chairperson of the Authority shall hold office as such until the appointment of his or her successor; but he or she shall cease to be Chairperson if he or she ceases to be a member of the Authority.

(3) A retiring Chairperson shall be eligible for re-appointment.

(4) The Minister shall appoint one of the members of the Authority to be Deputy Chairperson.

5. Tenure of office of members

A member of the Authority shall, subject to this Act, hold office for such period not exceeding three years as may be fixed by the Minister, but a member shall be eligible for re-appointment.

6. Resignation of members of Authority

(1) Any member of the Authority, other than the Chairperson, may at any time resign his or her office by instrument in writing addressed to the Minister and transmitted through the Chairperson, and the resignation shall take effect as from the date of the receipt of the instrument by the Minister.

(2) The Chairperson may at any time resign as a member of the Authority by instrument in writing addressed to the Minister and the resignation shall take effect as from the date of the receipt of the instrument by the Minister.

7. Publication of membership of Authority

The names of all members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.

8. Incorporation

(1) The Authority shall be a body corporate under the name of the Grenada Solid Waste Management Authority with power, subject to the prior approval of the Minister, to purchase, lease, or otherwise acquire and hold and dispose land of and other property of whatever kind and shall have a common seal, and may sue and be sued in its corporate name.

(2) The seal of the Authority shall be authenticated by the signatures of the Chairperson and another member of the Authority authorised by the Authority to act in that behalf, or in the absence of the Chairperson by two other members of the Authority authorised by the Authority to act in that behalf and the seal shall be officially and judicially noticed.

(3) All documents other than those required by law to be under seal made by the Authority, decisions of the Authority, may be signified under the hand of the Chairperson, or any member authorised by the Authority to act in that behalf, or the Manager.

9. Vesting Government Property in Authority

(1) The Governor-General may at any time by order vest any State land or moveable property of the Government in the Authority where it appears desirable to do so to enable the Authority to carry out its duties and responsibilities.

(2) Property vested in the Authority under this section may be so vested absolutely or subject to such terms and conditions as the Governor-General may think fit to impose.

(3) Where any land is vested in the Authority under this section, a delivery of the order concerned to the Registrar of the Supreme Court shall be sufficient authority for him or her to register the order in accordance with the provisions of the Deeds and Land Registry Act, Chapter 79.

10. Procedure and meetings

(1) The Authority shall meet at least once in every three month period, and the meetings shall be held at such places and times and on such days as the Authority may determine.

(2) The Chairperson may at any time call a special meeting of the Authority and shall on receipt by him or her of a written request for the purpose addressed to him or her by any three members of the Authority call a special meeting of the Authority to be held not later than seven days after the receipt by him or her of the request.

(3) A quorum of the Authority shall consist of three members.

(4) The Manager or his or her nominee shall attend all meetings of the Authority unless he or she has obtained leave of absence from the Chairperson, but he or she shall not have the right to vote.

(5) The Authority may co-opt any one or more persons to attend any particular meeting of the Authority, for the purpose of assisting or advising the Authority, but no such co-opted person shall have the right to vote.

(6) Where any person is co-opted by the authority under subsection (5) of this section, the Authority may by resolution declare the remuneration and allowances of such persons and such sums shall properly be payable out of the funds and resources of the Authority.

11. Duties and functions of Authority

The duties and functions of the Authority shall, within the limits of their resources, be—

- (a) to develop all aspects of solid waste management in Grenada with due diligence and efficiency and in conformity with appropriate administrative, technical, managerial and engineering practices and with due regard to ecological and environmental factors, and shall provide or cause to be provided, promptly as needed, facilities, services and other resources required for solid waste management;
- (b) to undertake such research, experiment and operations as may appear to them to be necessary for the improvement of the Solid Waste Management Authority and to control or eliminate any undesirable factors that may affect it;
- (c) to make all such enquiries of and to collect all such information as they may think necessary for the purpose of carrying out their duties and functions under this section;
- (d) generally to take all such other lawful measures as they may consider likely to assist them in carrying out most effectually the purposes of this Act.

12. General powers of Authority

Subject to this act, the Authority shall have power for the execution of their duties and the discharge of their functions under section 11—

- (a) to carry on all activities the carrying on whereof appears to them to be requisite, advantageous or convenient for, or in connection with, the carrying out of their said duties and functions;
- (b) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing, granting of loans or investment of money or the acquisition of any property or rights) which in their opinion is calculated to facilitate the proper carrying out of their duties and functions or is incidental or conducive thereto.

13. Appointment of officers, agents and servants

(1) The Authority may, with the prior approval of the Minister, appoint and employ at such remuneration and on such terms and conditions as they think fit, an accountant, a secretary and such other officers, agents and servants as it considers necessary for the proper carrying out of the provisions of this Act.

(2) Except in cases in which the Minister otherwise directs, the persons who immediately before the commencement of the Act were employed in the Solid Waste Unit of the Sanitary Authority established by the Public Health Act, Chapter 263, shall be transferred to and become an officer or servant of the Authority on the same terms and conditions of employment as those that existed under the Sanitary Authority.

14. Authority may delegate powers

The Authority may delegate in writing to any of its members or employees the power and authority to carry out on its behalf such functions and to exercise such powers as the Authority may determine.

15. Regulations

(1) The Authority may, with the approval of the Minister, make regulations generally for the carrying out of the purposes of this Act and, in particular, but without prejudice to the generality of the foregoing, may make regulations providing for—

- (a) the measures and methods to be adopted for the improvement of the solid waste management in Grenada and for controlling or eliminating undesirable factors that may affect it;
- (b) the imposition of fees or charges in such cases as may be determined by the authority, their servants or agents, in carrying out the provisions of this Act.

(2) Regulations made under this section may—

- (a) empower any person, whether the person is a member or officer or servant of the Authority or not, to issue such directions to persons engaged in the solid waste business as may be necessary for securing compliance with or carrying out the purposes of this Act or of any regulations made thereunder;
- (b) prescribe in respect of any contravention thereof or failure to comply therewith or with any direction issued thereunder a penalty not exceeding one thousand dollars on summary conviction.

(3) Regulations made under this section shall be subject to affirmative resolution of the House of Representatives.

16. Liability of members of Authority

No member of the Authority shall be personally liable for any act or default of the Authority done or omitted to be done in good faith in the course of the operation of the Authority.

17. Minister may give directions to Authority

The Minister may give to the Authority directions of a general character as to the policy to be followed under this Act, or written direction of a special character, in relation to matters appearing to him or her to concern the public interest and the Authority shall give effect to such directions.

18. Funds of the Authority

The funds of the Authority shall consist of such sums of money—

- (a) as the Authority may, with the consent of the Minister, borrow for the purpose of this Act;
- (b) as may be put at the disposal of the Authority by the Government of Grenada from time to time;
- (c) as may accrue to the Authority from its operation under this Act; and
- (d) as may be received by the Authority from any other source.

19. Application of funds of the Authority

The funds of the Authority shall be applied towards—

- (a) the cost of acquisition by the Authority of lands or buildings;
- (b) expenses authorised by this Act, including expenses of the Authority incurred in the exercise of a power conferred upon it by this Act;
- (c) salaries, fees, remunerations and allowances of persons employed by the Authority;

- (d) interest to be paid by the Authority at the prescribed rate on sums borrowed by the Authority, and the repayment by the Authority of such sums;
- (e) interest to be paid by the Authority at the prescribed rate on sums placed at the disposal of the Authority and the repayment by the Authority of such sums;
- (f) meeting outgoings, insurance premiums, and the expenses of maintenance, and in connection with the conveyance of lands or buildings vested in the Authority;
- (g) the creation of a reserve fund; and
- (h) all other expenses authorised by, or incidental to the operation of this Act, and other sums the payment of which approved by the Minister.

20. Sums payable to and by the Authority

(1) Every sum payable to the Authority shall be collected and received for and on account of the Authority. Receipt for sums paid to the Authority shall be signed by an officer of the Authority authorised by the Manager.

(2) Payment out of the funds of the Authority shall be made by officers of the Authority authorised by resolution of the Authority generally or specially in that behalf, upon vouchers signed by the Manager.

(3) *Repealed*

(4) The funds of the Authority shall be paid into a bank or banks approved by resolution of the Authority and shall, as far as is practicable, be so paid from day to day, except that officers of the Authority generally or specially authorised in that behalf by resolution of the Authority may retain in their hands sums sufficient to meet petty disbursements, or for immediate payments, in accordance with the terms of the resolution.

(5) Cheques on a bank account of the Authority shall be signed by an officer of the Authority generally or specially authorised in that behalf by resolution of the Authority and shall be countersigned by the Chairperson or some other member or senior officer of the Authority authorised by him or her to do so.

(6) The Authority may, from time to time, arrange for the interim investment of any portion of its funds in such securities as may be approved by the Minister responsible for finance.

(7) Subject to the provisions of this Act and regulations thereunder, the Authority shall have power to provide for all matters of its administration and procedure.

21. Financial year

The financial year of the Authority is the twelve months period beginning on the first day of January and ending on the thirty-first day of December.

21A. Annual business plan

(1) The Board shall, no later than four months before commencement of each financial year and in such form as the Minister requires, prepare in respect of the financial year, and submit to the Minister, a proposal for a business plan for the financial year that must contain—

- (a) a statement of the Authority's objectives and priorities in carrying out responsibilities for the financial year and the following two financial years;
- (b) a comprehensive business plan that—

- (i) shows how resources, including but not limited to financial resources, will be allocated to meeting the objectives and priorities of the Authority for the financial year, and
- (ii) includes *pro forma* financial statements as required by the Minister;
- (c) a comparison of the *pro forma* financial statements with the actual financial statements for the previous financial year;
- (d) a statement as to how the Board proposes to measure its performance in carrying out its responsibilities in the financial year; and
- (e) any other information required by the Minister by written notice to the Board.

(2) The Minister may, on request of the Board, extend the time for submitting a proposal for a business plan.

(3) The Minister shall, as soon as practicable, consider the proposal for a business plan and may—

- (a) approve the proposal as submitted;
- (b) with the approval of the Board, amend the proposal and approve it as amended; or
- (c) refer the proposal back to the Board with directions that the Board take any further action with respect to it that the Minister considers appropriate.

(4) Where the Minister refers the proposal for a business plan back to the Board under subsection (3)(c), he or she shall provide the Board with his or her reasons for not approving it.

(5) A proposal for a business plan that is referred back to the Board under subsection 3(c) shall be resubmitted to the Minister as directed by the Minister and, when it is resubmitted, subsections (3) and (4) apply.

(6) When a proposal in relation to a financial year is approved by the Minister, it becomes the business plan for that financial year.

(7) The Board—

- (a) may, of its own motion, submit to the Minister a proposal to amend an approved business plan; and
- (b) shall, on request of the Minister and within the time required by the Minister, submit to the Minister a proposal to amend an approved business plan.

(8) Subsections (3), (4), (5) and (6) apply to a proposal submitted to the Minister under subsection (7).

21B. Board obligated to implement business plan

The Board shall—

- (a) in each financial year implement the business plan for the financial year; and
- (b) establish a mechanism for monitoring the implementation of the business plan.

21C. Accounts

(1) The Board shall—

- (a) keep proper books of account of its income and other receipts and expenditures; and
- (b) ensure that—

- (i) all monies received are promptly brought to account,
- (ii) all payments out of its money are correctly made and properly authorised, and
- (iii) adequate control is maintained over its property and over the incurring of liabilities by the Authority.

(2) The books of account kept under subsection (1) shall—

- (a) be sufficient to record and explain the Authority's transactions;
- (b) enable the Authority's position to be determined with reasonable accuracy at any time; and
- (c) be sufficient to enable financial statements to be prepared and audited in accordance with this section.

(3) Within three months after the end of each financial year, the Board shall cause to be prepared—

- (a) the following financial statements together with proper and adequate explanatory notes—
 - (i) a statement of the assets and liabilities of the Authority at the end of the financial year,
 - (ii) a statement of the revenue and expenditure of the Authority during the financial year,
 - (iii) such other financial statements for the financial year as may be specified in writing by the Minister; and
- (b) an annual report of the Authority on the implementation of the business plan and such other matters as the Board considers advisable or the Minister directs.

(4) Without delay after the completion of the financial statements and the annual report, the Board shall furnish a copy of each to the Director of Audit.

21D. Audit by Director of Audit and report to the House of Representatives

(1) Not later than three months after receipt of the financial statements and annual report from the Board, the Director of Audit shall audit the financial statements in accordance with the Audit Act, Chapter 22A.

(2) Without delay after the completion of his or her audit of the Authority, the Director of Audit shall submit a copy of his or her report together with the financial statements and annual report to the Minister and the Board.

(3) The Minister shall, not later than seven days after the House of Representatives first meets, after he or she has received the report together with the financial statements and the annual report of the Authority, lay it before the House of Representatives.

(4) If the Minister fails to lay the report together with the financial statements and the annual report of the Authority before the House of Representatives in accordance with subsection (3), the Director of Audit shall transmit the report, the financial statements and the annual report to the Speaker who shall, as soon as practicable, present them to the House of Representatives.

(5) As soon as reasonably practicable after the report together with the financial statements and the annual report of the Authority have been laid before the House of Representatives, the Board shall cause the report, the financial statements and the annual report of the Authority to be published in the *Gazette*.

22. Exemptions from customs duty, tax, etc.

Notwithstanding anything contained in any written law passed before or after the commencement of this Act, the Authority shall not be liable to customs duty, tax or similar impost levied or charged on any article imported for the purpose of maintaining the system and service and for carrying into effect the objects of the Authority in pursuance of this Act.

CHAPTER 131A
GRENADA SOLID WASTE MANAGEMENT AUTHORITY ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
