

JAMAICA

No. 02— 2025

I assent,

[L.S.]

Sgd. P.L. Allen
Governor-General.

12th day of March 2025

**AN ACT to Amend the Natural Resources Conservation
Authority Act.**

[13th day of March 2025]

BE IT ENACTED by the Parliament of Jamaica, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Natural Resources Conservation Authority (Amendment) Act, 2025, and shall be read and construed as one with the Natural Resources Conservation Authority Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title
and
construction.

Amendment
of section 9
of principal
Act.

2. Section 9 of the principal Act is amended—

- (a) in subsection (6), by deleting the word “licence” and substituting therefor the word “permit”; and
- (b) by deleting subsection (7) and substituting therefor the following as subsection (7)—

“ (7) A person who contravenes subsection (2) commits an offence.”.

Amendment
of section 10
of principal
Act.

3. Section 10 of the principal Act is amended by deleting subsection (4) and substituting therefor the following as subsection (4)—

“ (4) A person who, not being an applicant for a permit, refuses or fails to submit an environmental impact assessment as required by the Authority commits an offence.”.

Amendment
of section 12
of principal
Act.

4. Section 12 of the principal Act is amended by deleting subsection (3) and substituting therefor the following as subsection (3)—

“ (3) A person who contravenes any provision of subsection (1) commits an offence.”.

Amendment
of section 13
of principal
Act.

5. Section 13 of the principal Act is amended—

- (a) in subsection (1)(a), by deleting the word “or”; and
- (b) by deleting subsection (3) and inserting therefor the following subsections—

“ (3) Where authorized by the Minister acting pursuant to subsection (2), a member of the Jamaica Constabulary Force may use such force as may be necessary for the purpose of ensuring compliance with an order referred to in that subsection.

(4) A person who hinders or obstructs a member of the Jamaica Constabulary Force acting in accordance with subsection (3) commits an offence.”.

Amendment
of section 14
of principal
Act.

6. Section 14(1)(a) of the principal Act is amended by deleting the word “and”.

7. Section 15 of the principal Act is amended by deleting subsection (2) and substituting therefor the following as subsection (2)—

Amendment
of section 15
of principal
Act.

“ (2) A person who refuses or fails to comply with a notice served under subsection (1) commits an offence.”.

8. Section 16 of the principal Act is amended by deleting subsection (4) and substituting therefor the following as subsection (4)—

Amendment
of section 16
of principal
Act.

“ (4) A person who wilfully obstructs the Authority or any person authorized in that behalf in the exercise of the powers under this section commits an offence.”.

9. Section 17 of the principal Act is amended by deleting subsection (2) and substituting therefor the following as subsection (2)—

Amendment
of section 17
of principal
Act.

“ (2) A person who refuses or fails to comply with the requirements of a notice under subsection (1) commits an offence.”.

10. Section 18 of the principal Act is amended—

Amendment
of section 18
of principal
Act.

(a) by deleting subsection (4) and substituting therefor the following as subsection (4)—

“ (4) The person referred to in subsection (1) who continues or authorizes the continuation of the offending activity while an enforcement notice is in effect or after the dismissal of an appeal under section 34 relating to that notice commits an offence.”; and

(b) by deleting subsection (6) and substituting therefor the following subsections—

“ (6) Where authorized by the Minister acting pursuant to subsection (5), a member of the Jamaica Constabulary Force may use such force as may be necessary for the purpose of ensuring compliance with a notice referred to in that subsection.

(7) A person who hinders or obstructs a member of the Jamaica Constabulary Force acting in accordance with subsection (6) commits an offence.”.

Amendment
of section 20
of principal
Act.

11. Section 20 of the principal Act is amended by deleting subsection (2) and substituting therefor the following as subsection (2)—

“ (2) A person who assaults or obstructs a duly authorized person acting in the execution of his duty under subsection (1) commits an offence.”.

Amendment
of section 32
of principal
Act.

12. Section 32 of the principal Act is amended—

(a) by deleting subsection (4) and substituting therefor the following as subsection (4)—

“ (4) A person who obstructs a person who is taking any measures authorized by an order under subsection (1) commits an offence.”; and

(b) by deleting subsection (5) and substituting therefor the following as subsection (5)—

“ (5) A person who contravenes any provision of an order made under subsection (1) commits an offence.”.

Amendment
of section 38
of principal
Act.

13. Section 38(3) of the principal Act is amended by deleting the words “fifty thousand dollars and imprisonment for two years” and substituting therefor the words “five million dollars and in default of payment of such fine to imprisonment for a term not exceeding five years.”.

Insertion of
new section
38A in
principal Act.

14. The principal Act is amended by inserting, next after section 38, the following as section 38A—

“Penalties.
Third
Schedule.

38A.—(1) An person who commits an offence under a provision specified in Column 1 of the Third Schedule and described in Column 2 of that Schedule, is liable, on summary conviction in a Parish Court, to—

(a) a fine not exceeding the amount specified in Column 3 of that Schedule; or

(b) imprisonment for a term not exceeding the term specified in Column 4 of that Schedule.

(2) A body corporate who commits an offence under this Act shall be liable on indictment and conviction in a Circuit Court to a fine.

(3) The Minister may by Order subject to affirmative resolution, amend any fine imposed under this Act.”.

15. The principal Act is amended by inserting next after the Second Schedule the following as the Third Schedule—

Insertion of new Third Schedule in principal Act.

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THIRD SCHEDULE

(Sections 38A)

Offences and Penalties

Column 1	Column 2	Column 3	Column 4
Section	Description of Office	Maximum Fine	Maximum Term of Imprisonment
9(7)	Undertaking, in a prescribed area any enterprise, construction or development of a prescribed description or category other than under and in accordance with a permit issued by the Authority.	\$5 million	5 years
10(4)	Any person who, not being an applicant for a permit, refusing or failing to submit an environmental impact assessment as required by the Authority.	\$1 million	

Offences and Penalties

Column 1 —	Column 2 —	Column 3 —	Column 4 —
Section —	Description of Offence —	Maximum Fine —	Maximum Term of Imprisonment —
12(3)	Discharging on or causing or permitting the entry into waters, on the ground or into the ground, of any sewage or trade effluent or any poisonous, noxious or polluting matter other than under and in accordance with a licence for the purpose granted by the Authority under this Act.	\$5 million	5 years
12(3)	Constructing, reconstructing or altering any works for the discharge of any sewage or trade effluent or any poisonous, noxious or polluting matter, other than under and in accordance with a licence for the purpose granted by the Authority under this Act.	\$5 million	5 years
13(4)	Hindering or obstructing a member of the Jamaica Constabulary Force acting in accordance with section 13(3).	\$1 million	6 months (in default of payment)
15(2)	Refusing or failing to comply with a notice served under section 15(1).	\$3 million	2 years
16(4)	Wilfully obstructing the Authority or any person authorized in that behalf in the exercise of its powers under section 16.	\$3 million	3 years

Offences and Penalties

Column 1 —	Column 2 —	Column 3 —	Column 4 —
Section —	Description of Offence —	Maximum Fine —	Maximum Term of Imprisonment —
17(2)	Refusing or failing to comply with the requirements of a notice under section 17(1).	\$3 million	2 years
18(4)	The person referred to in subsection 18(1) who continues to or authorizes the continuation of the offending activity while an enforcement notice is in effect or after the dismissal of an appeal under section 34 relating to that notice.	\$3 million	3 years
18(7)	Hindering or obstructing a member of the Jamaica Constabulary Force acting in accordance with section 18(6).	\$1 million	6 months (in default of payment)
20(2)	Assaulting or obstructing a duly authorized person acting in the execution of his duty under section 20(1).	\$2 million	2 years
32(4)	Obstructing a person who is taking any measures authorized by any order under section 32(1).	\$3 million	2 years
32(5)	Contravening any provision of an order made under section 32(1).	\$3 million	2 years

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Passed in the House of Representatives this 14th day of January, 2025.

JULIET HOLNESS

Speaker.

Passed in the Honourable Senate this 24th day of January, 2025.

THOMAS TAVARES-FINSON, CD, QC, JP
President.

*This printed impression has been carefully
compared by me with the authenticated impression
of the foregoing Act, and has been found by me to
be a true and correct printed copy of the said Act.*

Sgd. Christopher Cowan
Deputy Clerk to the Houses of Parliament.