

I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

September 5, 2007.

SAINT LUCIA

No. 10 of 2007

AN ACT to amend the Waste Management Act 2004, No. 8.

[17th September, 2007]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same as follows:

Short title

1. This Act may be cited as the Waste Management (Amendment) Act 2007.

Interpretation

2. In this Act “principal Act” means the Waste Management Act 2004, No. 8.

Amendment of Arrangement of Sections

3. The arrangement of sections to the principal Act is amended by deleting the words “Efficient” where it appears after the words “Schedule 9 -” and by replacing it with the word “Effluent”.

Amendment of section 2

4. Section 2 of the principal Act is amended by inserting the words “or a person designated by him or her” after the word “Development” in the definition of Planning Authority.

Amendment of section 11

5. Section 11 of the principal Act is amended by deleting the words “in appraising and determining” and substituting the words “shall determine” in subsection (2).

Amendment of section 14

6. Section 14 of the principal Act is amended by deleting the words “not more than one hundred and twenty thousand dollars or imprisonment for a term of not more than two years” and by substituting “not exceeding twenty five thousand dollars and for a term of not exceeding two years.”.

Amendment of section 17

7. Section 17 of the principal Act is amended by deleting subsection (2) and substituting the following:

“(2) A person who contravenes this section, commits an offence and is liable on summary conviction —

- (a) in the case of an individual, to a fine not exceeding twenty thousand dollars or imprisonment for not more than two years;
- or

- (b) in the case of a corporation, to a fine not exceeding fifty thousand dollars.”.

Amendment of section 18

8. Section 18 of the principal Act is amended by deleting subsection (2) and substituting the following:

- “(2) A person who commits an offence under subsection (1) is liable on summary conviction —
- (a) in the case of an individual, to a fine not exceeding two thousand dollars or imprisonment for a term not exceeding six months; or
- (b) in the case of an agent or employee of a company, to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding one year.”.

Amendment of section 22

9. Section 22 of the principal Act is amended by deleting subsection (5) and by substituting the following:

- “(5) Subject to section 26 (7) and section 28, a holder who fails to comply with the conditions of a licence issued pursuant to this section commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or imprisonment for a term not exceeding three years.”.

Amendment of section 26

10. Section 26 of the principal Act is amended by deleting subsection (8) and substituting the following:

- “(8) A holder of a suspended or cancelled licence who fails to comply with directions of the Authority or to allow the collection of waste commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars or imprisonment for a term not exceeding two years or to both.”.

Amendment of section 30

11. Section 30 of the principal Act is amended by deleting the words “Marine Pollution Act 2003” and by substituting the words “law in force in Saint Lucia relating to marine pollution”.

Amendment of section 32

12. Section 32 (2) of the principal Act is amended by deleting the word “fifty” and by substituting the word “five”.

Substitution of section 33

13. The principal Act is amended by deleting section 33 and substituting the following:

“33. Industrial, commercial and institutional waste

(1) A person who conducts industrial, commercial or institutional operations in the course of which waste is generated, shall make his or her own arrangements for waste management, and shall ensure that any waste generated does not present a risk to human health, safety or the environment.

(2) A person who conducts industrial, commercial, institutional operations in the course of which waste is generated is prohibited from the use of waste storage containers provided for use by households and agencies approved by the Saint Lucia Solid Waste Management Authority.

(3) For the purpose of giving effect to the requirements of subsection (1), a person who conducts industrial, commercial or institutional operations in the course of which waste is generated may, in addition to or instead of contracting with holders of Waste Haulage Licences transport waste to a waste management facility themselves, subject to meeting the following requirements —

- (a) to maintain vehicles and all equipment utilized in waste haulage in suitable and satisfactory operation condition;
- (b) for the management of waste during transport, to ensure the coverage of waste in the vehicle at all times sufficient to ensure that waste cannot blow out, fall or otherwise leave the vehicle except when deliberately deposited at a waste management facility permitted to accept the waste;
- (c) to maintain appropriate vehicle insurance for the vehicles referred to in paragraph (a);
- (d) to maintain insurance sufficient to provide for the cleaning up of spills or other polluting accidents that might occur;
- (e) for minimum driver qualification; and

(f) any other requirements pursuant to any other applicable law in force in Saint Lucia.

(4) Any person who, contrary to this section dumps or causes to be dumped waste commits an offence and is liable on summary conviction to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or both.

(5) In the event that appropriate facilities are not available in Saint Lucia for managing any waste including hazardous waste, persons who conduct industrial, commercial or institutional operations in the course of which waste is generated shall be responsible for the safe management of the waste and for the export of the waste to a facility approved by the Planning Authority.”.

Amendment of section 34

14. Section 34 of the principal Act is amended by deleting subsections (5) and (6) and substituting the following:

“(5) A person engaged in vending in a public place shall provide receptacles or cause receptacles to be provided for litter and shall store litter generated, in or near the place of the vending, in the receptacles before disposal in accordance with this Act.

(6) Any person who contravenes this section commits an offence and is liable on summary conviction —

(a) in the case of a first offence, to a fine of one thousand dollars or imprisonment for a term not exceeding three months or to both;

(b) in the case of a subsequent offence, to a fine not exceeding two thousand dollars or imprisonment for a term not exceeding six months or to both.”.

Amendment of section 36

15. Section 36 of the principal Act is amended by deleting:

(a) subsection (1) and substituting the following :

“(1) A person who throws down, drops or otherwise deposits or causes to deposit any litter in or on any public place contrary to the provisions of this Act commits an

offence and is liable to a fine not exceeding two thousand five hundred dollars or in default of payment to imprisonment for a term not exceeding one month.”;

(b) subsection (2) and substituting the following:

“(2) A person who purposely aids, instigates or encourages another person to contravene this section commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or in default of payment to imprisonment for a term not exceeding one month.”;

(c) subsection (3) and substituting the following:

“(3) Notwithstanding subsections (1) and (2), a person who, having been convicted of an offence under this section, is again convicted of an offence under this section shall on each subsequent conviction be liable on summary conviction to a fine not exceeding three thousand dollars or in default of payment to imprisonment for two months.”;

(d) subsection (4) (d) and substituting the following:

“(4) (d) A person who fails to comply with the requirements of a notice pursuant to subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.”.

Amendment of section 37

16. Section 37 of the principal Act is amended by deleting subsection (2) and substituting the following:

“(2) A person who fails to comply with the provisions of subsection (1), commits an offence and is liable on summary conviction to a fine not exceeding fifteen thousand dollars plus the cost of cleaning up after the gathering, meeting or event reasonably incurred by the Authority or any other party who cleans up.”.

Amendment of section 38

17. Section 38 of the principal Act is amended by:

(a) inserting the words “white goods or any other scrap metal” between the words “vehicle” and “to” appearing in the last line of subsection (2), and

(b) deleting subsection (6) and substituting the following:

“(6) The owner of the derelict vehicle, white goods and other type of scrap metal, who fails to comply with a notice under subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.”.

Amendment of section 42

18. Section 42 of the principal Act is amended by deleting subsection (5) and substituting the following:

“(5) A person who —

- (a) willfully obstructs an authorized officer in the execution of his or her duties under this Act;
- (b) impersonates or falsely pretends to be an authorized officer;
- (c) unlawfully assaults an authorized officer;
- (d) makes use of any abusive, insulting, obscene, threatening or profane language to any authorized officer;
- (e) willfully, and unlawfully removes, destroys or damages any receptacle used for the purpose of this Act;

commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding one year or to both.”.

Amendment of section 44

19. Section 44 of the principal Act is amended by deleting subsection (1) and substituting the following:

“(1) A person who commits an offence under this Act or any Regulations made under it for which no penalty is specified, shall be liable on the first conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding one year, and for a second or a subsequent conviction to a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding two years.”.

Amendment of Schedule 3

20. Schedule 3 of the principal Act is amended by —

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- (a) renumbering the paragraphs of Schedule 3 in the correct numerical sequence; and
- (b) deleting sub-paragraphs (1) (c) and (1) (d) of paragraph 5 and by substituting the following:
 - “(c) the Permanent Secretary of the Ministry of Finance or his or her nominee; or
 - (d) the Permanent Secretary of the Ministry of Social Transformation or his or her nominee.”.

Passed in the House of Assembly this 31st day of July, 2007.

SARAH FLOOD-BEAUBRUN,
Speaker of the House.

Passed in the Senate this 24th day of August, 2007.

ROSEMARIE HUSBANDS-MATHURIN,
President of the Senate.