

ARRANGEMENT OF CLAUSES

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2. Amendment of section 2 of principal Act
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4. Amendment of section 60 of principal Act
5. Amendment of section 78 of principal Act
6. Insertion of new sections 78A to 78F to principal Act
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GRENADA

ACT NO. 14 OF 2021**I assent,**

CÉCILE E. F. LA GRENADE

*Governor-General.**30th December, 2021.*

AN ACT to amend the Public Health Act CAP. 263.

[31st December, 2021].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives and by the authority of the same as follows—

1.—(1) This Act may be cited as the—

Short title.

PUBLIC HEALTH (AMENDMENT) ACT, 2021,

and shall be read as one with the Public Health Act, Chapter 263, hereinafter referred to as the “principal Act”.

2. Section 2 of the principal Act is amended by inserting in the appropriate alphabetical order the following new definition—

Amendment
of section 2 of
principal Act.

““environmental health warden” means an environmental health warden appointed under section 4 (3);”

Amendment of section 4 of principal Act.

3. Section 4 of the principal Act is amended by inserting after subsection (2) the following new subsection—

“(3) Without prejudice to the generality of subsection (1), the Minister may appoint environmental health wardens, which shall be regulated by the Sanitary Authority, subject to the approval of the Minister, and shall have such other powers as specified under this Act or regulations made thereunder.”.

Amendment of section 60 of principal Act.

4. Section 60 of the principal Act is amended as follows—

- (a) by numbering the subsection as subsection (1);
- (b) by inserting after the new subsection (1) the following new subsections—

“(2) Regulations made under this section may provide for the creation of offences and the imposition by a court of summary jurisdiction of a fine not exceeding ten thousand dollars or imprisonment not exceeding 12 months or both, upon conviction of an offence under the regulations.

(3) Regulations made under this section may—

- (a) designate offences under this Act or regulations made thereunder as fixed penalty offences for the

purposes of sections 78A to 78F;
and

(b) prescribe fixed penalties for fixed penalty offences.”.

5. Section 78 of the principal Act is amended as follows—

Amendment of section 78 of principal Act.

(a) by repealing paragraph (c) and substituting therefor the following new paragraph—

“(c) contravenes a regulation made under this Act for which no penalty is specifically provided;”;

(b) in the end section by deleting the words “five hundred dollars” and substituting therefor the words “not exceeding ten thousand dollars or to imprisonment for a term not exceeding 12 months or to both,”.

6. The principal Act is amended by inserting after section 78 the following new sections—

Insertion of new sections 78A to 78F to principal Act.

“Penalty.

78A. A person who commits an offence designated as a fixed penalty offence is liable on service of a fixed penalty notice by a police officer or environmental health warden, if the person so chooses, to the fixed penalty designated for the offence under this Act or regulations made thereunder.

Fixed penalty notice.

78B.—(1) Where a police officer or environmental health warden has reason to believe that a person has committed a fixed penalty offence, the police officer or

environmental health warden may direct the person to state his or her true name and place of residence and serve upon the person a fixed penalty.

(2) A person who refuses to comply with subsection (1) commits an offence.

(3) Where a police officer or environmental health warden has served a fixed penalty notice upon a person, the police officer or environmental health warden shall—

- (a) charge the person with the commission of an offence; and
- (b) notify the person that, if he or she does not wish to be prosecuted for the alleged offence in court, he or she may pay to the clerk of the Magistrate's Court in the district in which the offence was committed the fixed penalty prescribed for the offence in the fixed penalty notice within the time specified.

(4) A person upon whom a fixed penalty notice is served may decline to be dealt with under sections 78B to 78F and where he or she fails to pay the fixed penalty within the time specified in the fixed penalty notice, or within such further time as may be allowed in a particular case, his or her conduct constitutes a declination to be dealt with under sections 78B to 78F.

(5) A police officer or environmental health warden shall serve a fixed penalty notice personally upon a person alleged to have committed a fixed penalty offence and shall send a duplicate of the fixed penalty notice to the Magistrate's Court of the district in which the offence is alleged to have been committed.

(6) Where the fixed penalty is not paid within the time specified in accordance with section 78D (2), the duplicate sent to the Magistrate's Court under subsection (5) shall constitute a complaint laid before the Magistrate, in the name of the Chief of Police, to institute proceedings in accordance with the Criminal Procedure Code, Chapter 72B.

(7) A fixed penalty notice shall be signed by the police officer or environmental health warden and shall be in the manner specified under the Schedule, specifying the following—

- (a) the date, time and place of service of the fixed penalty notice;
- (b) the provision of this Act, or regulations made thereunder, creating the offence alleged, and such particulars of the offence as are required under the provision;
- (c) the amount of the fixed penalty;

- (d) the time within which the fixed penalty may be paid in accordance with section 78D (2); and
- (e) the clerk of the Magistrate’s Court to whom, and the address at or to which, the fixed penalty may be paid or remitted.

Payment of fixed penalty.

78C.—(1) Payment of the fixed penalty shall be made to the clerk of the Magistrate’s Court as stated in the fixed penalty notice, and shall be dealt with in the same manner as payment of a fine imposed for an offence under the Criminal Procedure Code, Chapter 72B.

(2) Payment of the fixed penalty shall be accompanied by the fixed penalty notice which shall be completed by the person in the manner prescribed.

Payment of fixed penalty precludes prosecution.

78D.—(1) A person upon whom a fixed penalty notice is served may pay the fixed penalty in accordance with the fixed penalty notice.

(2) The time within which a fixed penalty is payable is thirty-one days from the date of the fixed penalty notice.

(3) Where the fixed penalty is paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted for the offence for which the fixed penalty notice

was served and the complaint laid before the Magistrate shall be null and void.

Certificate of payment or non-payment of fixed penalty.

78E. In any proceedings for a fixed penalty offence, a certificate that payment of the fixed penalty was or was not made to the clerk of the Magistrate’s Court by the date specified in the certificate shall, if the certificate purports to be signed by such clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

Consequence of failure to pay.

78F. Where a fixed penalty is not paid within the time specified in accordance with section 78D (2), proceedings in respect of the offence specified in the fixed penalty notice shall thereafter proceed in the manner prescribed by the Criminal Procedure Code, Chapter 72B.”.

7. The principal Act is amended by inserting after Section 81 the following new schedule—

Insertion of new Schedule to principal Act.

“SCHEDULE

(section 78B (7))

Public Health Act, Chapter 263

Notice of Opportunity to Pay Fixed Penalty

Take Notice that, I,,
(Rank, number and Name of Police Officer/Environmental Health Warden)
have reason to believe that an offence, particulars of which are given overleaf, has
been committed. The fixed penalty for the offence is
.....
(penalty in words and figures)

If this amount is paid to the clerk of the Magistrate’s Court within thirty-one (31) days from the date of this notice, that is to say, not later than no proceedings will be taken and any liability to conviction of the offence will be discharged. The offence carries a maximum fine of \$

In paying the fixed penalty, the following conditions shall be observed–

- (1) The fixed penalty shall be accompanied by this notice.
- (2) Where payment of the fixed penalty is made otherwise than in conformity with the Public Health Act, the clerk shall as soon as practicable after payment return the amount paid to the sender, and thereafter proceedings in respect of the alleged offence shall begin.
- (3) Payment of the fixed penalty shall be made or remitted to–

“The clerk of the Magistrate’s Court” at the following address–
.....
.....
(State name and address of court)

This notice was given at
on, 20....., at a.m./p.m.
(state date) (state time)

PARTICULARS OF OFFENCE

At a.m./p.m. on the day of, 20 at
.....
you
.....
contrary to
(state specific regulation/section contravened)

of the
(state Regulations or SRO Number/Act)

.....
Signature of police officer/environmental health warden”.

Passed by the House of Representatives this 30th day of November, 2021.

ANDREW AUGUSTINE
Clerk to the House of Representatives.

Passed by the Senate this 15th day of December, 2021.

ANDREW AUGUSTINE
Clerk to the Senate.