

[L.S.]

I Assent,

James B. Carlisle,
Governor General.

9th November, 1995.

ANTIGUA AND BARBUDA

No. 10 of 1995

AN ACT to establish the National Solid Waste Management Authority with responsibility for solid waste, storage, collection, treatment and disposal; and for matters incidental and connected therewith.

[*16th November, 1995*]

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. This Act may be cited as the National Solid Waste Management Authority Act 1995. **Short title.**

2. In this **Act**,

Interpretation.

"Authority" means the National Solid Waste Management Authority established under section 3;

"Chairman" means the Chairman of the Authority and includes any person for the time being performing the functions of Chairman;

"Central Board of Health" has the meaning assigned to it under the Public Health Act; **Cap. 353.**

"Minister" means the Minister responsible for the subject of solid waste;

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"solid waste" means residential, industrial, commercial, institutional, ship-generated and special waste;

"special waste" means waste which require special handling.

Establishment of the Authority.

3. (1) There is established a body corporate to be called the National Solid Waste Management Authority.

Schedule.

(2) The provisions of the Schedule have effect with respect to the constitution, members, committees, procedure and meetings of the Authority and otherwise in relation thereto.

Power of the Authority to delegate.

4. Subject to the provisions of this Act, the Authority may delegate to any member or committee of the Authority the power to carry out on its behalf such functions as the Authority may **determine**, subject to the approval of the Minister.

Functions of the Authority.

5. The duties of the Authority are —

- (a) to provide storage **facilities** for solid waste;
- (b) to procure equipment for the collection, transportation and disposal of solid waste;
- (c) to provide collection and storage facilities at ports, harbours and anchorages for the reception of **ship-generated wastes**;
- (d) to procure the equipment necessary to transport the ship-generated waste to the final disposal site;
- (e) to convert existing dumps into sanitary landfill sites;
- (f) to develop and manage new sanitary landfill sites and other disposal methods;
- (g) to provide facilities for the treatment and disposal of medical and hazardous wastes;
- (h) to introduce measures to encourage recovery of recyclable items from solid waste;
- (i) to introduce cost **recovery** methods for services provided by the Authority;

- (j) to prepare plans and programmes to address the problems of solid waste management in Antigua and Barbuda,
- (k) to manage and direct the implementation of the OECS Management Waste Project and any other regional and international project activities.

6. (1) The Minister may after consultation with the Chairman give to the Authority such directions in writing as to policy to be followed by the Authority in the performance of its functions as appear to the Minister to be necessary in the public interest.

Directions as to Policy.

(2) The Authority shall give effect to any direction given by the Minister under sub-section (1).

7. In the performance of its functions the Authority shall comply with the provisions of the Public Health Act and any other Act relating to public health and the environment.

Application of Public Health Act, Cap. 353.

8. The funds and resources of the Authority shall consist of —

Funds and resources of the Authority.

- (a) such sums as may be provided by the Government for the purpose;
- (b) any loan or grant made to the Authority by the Government or, with the approval of the Minister, by a person, body or international organization;
- (c) such sums as may from time to time accrue to the Authority on account of payments, fees, charges, rent and interest for services provided;
- (d) all other monies and other property which may in any manner become payable to, or vested in the Authority in respect of any matter incidental to its functions;
- (e) monies borrowed by the Authority pursuant to section 9 for the purpose of meeting any of its obligations or performing any of its functions.

9. (1) Subject to the provisions of subsection (2), the authority may borrow monies required by it for meeting any of its obligations or performing any of its functions.

Borrowing powers.

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(2) The power of the Authority to borrow under section 8 (e) shall be exercisable only with the prior approval of the Minister responsible for **finance**.

Accounts and
audit.

10. (1) The Authority shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by such persons as the Authority, with the approval of the Minister, may appoint.

(2) **Nothing** in subsection (1) shall prevent the Director of Audit from exercising the powers conferred upon him under section 9 (2) (b) of the Constitution or any other law.

Annual report.

11. (1) The Authority shall prepare and present an annual report to the Minister **within** four months after the expiration of its financial year.

(2) The annual report shall contain the activities of the Authority during its last financial year and must include a statement of its audited account in accordance with the provisions of section 10.

(3) The Minister shall as soon as possible after receiving any report in accordance with subsection (1), lay a copy thereof before the House.

(4) Copies of the Authority's annual report shall be published in the *Gazette*.

Disclosure of
interest.

12. A member of the Authority who is directly or indirectly interested in a contract made or proposed to be made by the **Authority** —

(a) shall disclose the nature of his interest at a meeting of the Authority, and

(b) shall absent himself from that part of the meeting of the Authority with respect to the contract.

Protection of
Members.

13. (1) 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.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this section the

Authority is liable to the extent that it would be if any member was a servant or agent of the Authority.

14. The Minister may after consultation with the Authority make Regulations for the proper carrying out of the provisions and purposes of this Act and without prejudice to the generality of the foregoing make Regulations — **Regulations.**

- (a) developing administrative procedures to govern the Authority;
- (b) prescribing haulage fees for maritime, industrial, institutional and commercial waste;
- (c) prescribing tipping fees at landfill sites;
- (d) designating the opening or closing of solid waste disposal sites;
- (e) concerning the frequency of solid waste collection and type of waste collected.

15. This Act comes into force on such date as the Minister may appoint by notice published in the *Gazette*. **Commencement.**

SCHEDULE

1. (1) The Authority consists of the following members — **Constitution of the Authority.**

- (a) a Chairman to be appointed by the Minister;
- (b) the Town and Country Planner, *ex officio*;
- (c) the Chief Health Inspector, *ex officio*;
- (d) a senior representative from the Ministry of Finance;
- (e) an environmental engineer;
- (f) two members, being persons not in the Public Service, appointed by the Minister.

(2) Every member of the Authority appointed by the Minister shall, subject to the provisions of this Schedule, hold office for

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such period not exceeding three years **as** the Minister may direct and shall be eligible for re-appointment.

(3) Every member of the Authority appointed by the Minister shall be appointed by instrument in writing and published in the *Gazette*.

Quorum.

2. (1) The Chairman and three other members shall form a quorum.

(2) In the case of an equality of votes on any question at a meeting the Chairman shall have a casting **as** well **as** a deliberative vote in respect of that question.

Revocation of appointments.

3. The Minister may at any time revoke the appointment of any member of the Authority if he thinks it is expedient to do so.

Regulate own proceedings.

4. Subject to the foregoing provisions of this Schedule the Authority shall have the power to regulate its own proceedings.

Appointment of officers, servants and agents.

5. (1) The Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit an executive director, a secretary and such other officers, servants and agents as it thinks necessary for the proper performance of its functions.

(2) Notwithstanding subsection (1) —

(a) no person shall be appointed executive director without the prior written approval of the Minister;

(b) no salary in excess of such sum **as** the Minister may determine and notify in writing to the Authority shall be assigned to any post without the prior approval of the Minister;

(c) no appointment to any post to which a salary, honorarium, or allowance is assigned shall be made without the prior approval of the Minister.

Transfer of public officers.

6. (1) The Governor-General or the Public Service Commission, as the case may be, may subject to such conditions **as** may be imposed, approve of the appointment of any public officer to any office with the Authority.

(2) Where any member of the public service is appointed to the Authority, that public officer so appointed shall, in relation to pension, gratuity or other allowances and rights as a public officer, be treated as continuing in the service of the Government of Antigua and Barbuda.

7. The Authority may appoint a sub-committee or co-opt any one or more persons to attend meetings of the Authority for the purpose of assisting or advising the Authority, but no such co-opted person shall have any right to vote.

Sub-committees of
the Authority.

Passed the House of Representatives this
26th day of October, 1995.

Passed the Senate this 31st day
of October, 1995.

B. Harris,
Speaker.

M. Percival,
President.

S. Walker,
Clerk to the House of Representatives.

S. Walker,
Clerk to the Senate.

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