



ST. CHRISTOPHER AND NEVIS

CHAPTER 6.08 (N)

NEVIS COASTAL PROTECTION LEVY ORDINANCE

Revised Edition

showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

NEVIS COASTAL PROTECTION LEVY ORDINANCE

Ordinance 3 of 2002 ... in force

Page

3

CHAPTER 6.08 (N)

NEVIS COASTAL PROTECTION LEVY ORDINANCE

ARRANGEMENT OF SECTIONS

1. Short title
 2. Interpretation
 3. Advisory Committee
 4. Functions of Advisory Committee
 5. Power to enter land and buildings
 6. Imposition of improvement tax
 7. Use of Improvement tax
 8. Regulations
 9. Provisions of this Ordinance to apply notwithstanding other laws
- SCHEDULE: Appointment

CHAPTER 6.08 (N)

NEVIS COASTAL PROTECTION LEVY ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE PRESERVATION AND PROTECTION OF THE COASTAL AREAS OF NEVIS AND FOR THE IMPOSITION OF AN IMPROVEMENT LEVY AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Short title.

1. This Ordinance may be cited as the Nevis Coastal Protection Levy Ordinance.

Interpretation.

2. In this Ordinance—

“Administration” means the Nevis Island Administration;

“Coastal Areas” means all those areas, bordered by the sea;

“Hotel” includes inns, condominiums, villas and apartments offering rooms for rent;

“Minister” means the Member of the Administration having responsibility for Environment.

Advisory Committee.

3. (1) The Minister shall appoint an Advisory committee to advise him on the matters specified in section 4.

(2) The provisions of the Schedule herein shall have effect with regard to the constitution, practice and procedure of the Advisory Committee and the said Schedule may, from time to time, be amended by the Minister by Order published in the *Gazette*.

Functions of Advisory Committee.

4. The Advisory Committee shall advise the Minister on—

- (a) the appropriate measures for the protection of Coastal Areas against the ravages of hurricanes and any other natural or man-made disasters;
- (b) the protection and preservation of the marine environment of the Coastal Areas;
- (c) the causes, nature, extent and prevention of damage to the Coastal Area.

Power to enter land and buildings.

5. (1) Subject to the provisions of this Ordinance, it shall be lawful for members of the Advisory Committee, in carrying out their duties, to have the right to enter at all reasonable times any land or building adjacent to the Coastal Areas and to require the person(s) in charge to provide them with all relevant information and to assist them in their duties under this Ordinance.

(2) A member of the Advisory Committee shall not enter a dwelling house except—

- (a) with the consent of the occupant of the house; or
- (b) under the authority of a warrant issued by a Magistrate.

Imposition of improvement tax.

6. (1) A tax herein called the improvement tax at a rate to be determine by the Minister after consulting with the Advisory Committee for each night or part of a night shall be paid by every hotel guest who occupies a room or suite of a hotel that is located adjacent to the Coastal Areas and which is named by the Minister by Notice in the *Gazette*.

Use of Improvement tax.

7. The tax shall be used exclusively by the Administration for the care, upkeep and protection of the Coastal Areas.

Regulations.

8. (1) The Minister may make regulations for the better carrying out of the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing, the Minister may make regulations for all or any of the following—

- (a) protecting the coastal and marine resources of the Coastal Areas;
- (b) controlling and minimising damage to the Coastal Areas;
- (c) the preservation or protection of any natural reef;
- (d) the construction, preservation or protection of any artificial reef;
- (e) to provide that a breach of any of the regulations shall be a criminal offence, and for the imposition of a penalty therefor (not exceeding twenty thousand dollars) for any such offence.

Provisions of this Ordinance to apply notwithstanding other laws.

9. The provisions of this Ordinance shall have effect notwithstanding anything to the contrary in any other law, rule or regulation.

SCHEDULE**APPOINTMENT OF MEMBERS AND PROCEEDINGS
OF THE ADVISORY COMMITTEE****Constitution of Advisory Committee.**

1. The Advisory Committee shall consist of five members who shall be appointed by the Minister.
2. The Minister shall appoint one Member as Chairman of the Advisory Committee.

Terms of appointment of Members.

3. A Member shall hold and vacate office in accordance with the terms of his appointment.
4. A Member shall be appointed by instrument in writing for a period not exceeding two years and upon expiry of such period shall be eligible for re-appointment.
5. A Member may at any time resign his office by giving not less than one month's notice in writing to the Chairman except that in the case of the Chairman he shall tender his resignation in writing to the Minister.
6. If the Minister is satisfied that a Member—
 - (a) has been absent from six consecutive meetings of the Advisory Committee without the permission of the Committee;
 - (b) has become bankrupt;
 - (c) is incapacitated by physical or mental illness; or
 - (d) is unable or unfit to discharge the functions of a Member,

he may terminate his appointment.

Procedure at meetings.

7. At a meeting of the Advisory Committee—
 - (a) a simple majority of the Members shall form a quorum;
 - (b) the Chairman shall preside at all meetings and in his absence the quorum of Members present shall elect one of their number to perform the duties of Chairman;
 - (c) each Member shall have one vote on each matter for deliberation; and
 - (d) in the event of an equality in the votes the Chairman of the meeting shall have a casting vote.

Transaction of business without meeting.

8. A resolution is a valid resolution of the Advisory Committee, even though it was not passed at a meeting of the Committee, if—
 - (a) it is signed or assented to by a majority of Members; and
 - (b) proper notice of the proposed resolution was given to all Members.

Minutes of Meetings.

9. The Advisory Committee shall keep proper minutes of its proceedings including minutes of any business transacted in accordance with paragraph 7.
