



ST. CHRISTOPHER AND NEVIS

CHAPTER 3.03 (N)

NEVIS SOLID WASTE MANAGEMENT AUTHORITY ORDINANCE

Revised Edition

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	Page
NEVIS SOLID WASTE MANAGEMENT AUTHORITY ORDINANCE	3
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CHAPTER 3.03 (N)

NEVIS SOLID WASTE MANAGEMENT AUTHORITY ORDINANCE

ARRANGEMENT OF SECTIONS

1. Short title
 2. Interpretation
 3. Establishment of Authority
 4. Seal
 5. Constitution and proceedings of the Authority
 6. Bank Account
 7. Power of the Authority to delegate
 8. Function of the Authority
 9. Directors as to policy
 10. Application of Public Health Act, Cap. 9.21
 11. Funds and resources of the Corporation
 12. Borrowing powers
 13. Accounts and audit
 14. Annual report
 15. Disclosure of interest
 16. Liability of members
 17. Environmental levy
 18. Haulage fee
 19. Tipping fee
 20. Offences and penalties
 21. Regulations
 22. Second Schedule
 23. Authority not regarded as agent of the Crown
 24. Transitional
- FIRST SCHEDULE
SECOND SCHEDULE

CHAPTER 3.03 (N)

NEVIS SOLID WASTE MANAGEMENT AUTHORITY ORDINANCE

AN ORDINANCE TO ESTABLISH THE NEVIS SOLID WASTE MANAGEMENT AUTHORITY WITH RESPONSIBILITY FOR SOLID WASTE, STORAGE, COLLECTION, TREATMENT AND DISPOSAL IN THE ISLAND OF NEVIS AND FOR MATTERS INCIDENTAL AND CONNECTED HEREWITH.

Short title.

1. This Ordinance may be cited as the Nevis Solid Waste Management Authority Ordinance.

Interpretation.

2. In this Ordinance—

“Authority” means the Nevis 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;

“hazardous waste” means any solid or liquid material or products or a combination of solid and liquid materials or products that contain highly persistent chemical elements and compounds that are likely to be hazardous to human health and the environment;

“Minister” means the Minister having responsibility for the subject of Health in the Nevis Island Administration;

“OECS” means Organization of Eastern Caribbean States;

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

“special waste” means waste which requires special handling.

Establishment of Authority.

3. There is hereby established a body which shall be known as the Nevis Solid Waste Management Authority and in this Ordinance referred to as “the Authority.”

Seal.

4. (1) The Authority shall be a body corporate with perpetual succession and a common seal.

(2) The Authority, in its corporate name, shall be capable of suing and being sued.

(3) The Authority shall be capable of holding, purchasing and otherwise acquiring and disposing of any property, movable or immovable for the purpose of carrying out its functions under this Ordinance.

(4) The Authority shall be organized as a corporation with no share capital and no part of the income or property of the Authority shall be paid or otherwise made

available for the personal benefit of any member of the Authority except as permitted in this Ordinance.

Constitution and proceedings of the Authority.

5. The provisions of the First Schedule to this Ordinance shall have effect with respect to the constitution and proceedings of the Authority.

Bank Account.

6. There shall be established, solely for the benefit of the Authority an account at any bank as may be determined by the Minister in the name of the Authority.

Power of the Authority to delegate.

7. Subject to the provisions of this Ordinance, 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.

Function of the Authority.

8. The Authority shall oversee the management of the solid waste collection and disposal systems in the island of Nevis and its functions 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 any existing dump into sanitary landfill site;
- (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 in the Second Schedule cost recover, methods for services provided by the Authority;
- (j) to prepare plans and programs to address the problems of solid waste management in Nevis;
- (k) to manage and direct the implementation of the OECS Waste Management Project and any other regional and international project activities.

Directors as to policy.

9. (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.

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

Application of Public Health Act, Cap. 9.21.

10. 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 and regulations relating to the collection and disposal of solid waste.

Funds and resources of the Corporation.

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

- (a) such sums which shall be increased each year to offset inflation as may be provided by the Nevis Island Administration for purposes of carrying out the function of the Authority;
- (b) any grant made to the Authority by the Nevis Island Administration or, with the approval of the Minister, by a person or body;
- (c) any grant made to the Authority by an international organisation with the approval of the Saint Christopher and Nevis Solid Waste Management Corporation;
- (d) such sums as may from time to time accrue to the Authority on account of payments, fees, charges, rent and interest for services provided;
- (e) 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;
- (f) monies borrowed by the Authority pursuant to section 12 for the purpose of meeting any of its obligations for performing any of its functions;
- (g) any cost recovery method approved by the Cabinet of the Nevis Island Administration.

Borrowing powers.

12. (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.

(2) The power of the Authority to borrow under subsection (1) of this section shall be exercisable only with the prior approval of the Minister responsible for Finance in the Nevis Island Administration.

Accounts and audit.

13. 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.

Annual report.

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

(2) The annual report shall contain the activities of the Authority during the last financial year and must include a statement of its audited account in accordance with the provisions of section 13.

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

Disclosure of interest.

15. 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 the part of the meeting of the Authority with respect to the contract.

Liability of members.

16. (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 course of the operation of the Authority.

(2) Where any member of the Authority is exempted 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.

Environmental levy.

17. (1) An environmental levy is hereby, imposed on each visitor to the Island of Nevis as provided in the Second Schedule.

(2) The levy imposed by subsection (1) shall be collected by the Nevis Air and Sea Ports Authority or by, an agent thereof and paid to the Authority on or before the twenty-first day of the month following the month in which the collection was made.

(3) For the purpose of this section “visitor” means a person who arrives directly into the Island of Nevis, whether by air or by sea, for the purpose of business or vacation and is admitted to remain for a day or part thereof, or longer.

(4) The Minister shall cause a notice of the appointment of any person or entity as an agent under subsection (2) to be published in the *Gazette*.

Haulage fee.

18. (1) There shall be a haulage fee which shall be paid to the Authority by any person at whose request the Authority hauls or transports waste to a sanitary landfill or elsewhere.

(2) The haulage fee shall be charged and paid at the rate provided in the Second Schedule.

Tipping fee.

19. (1) There shall be a fee known as a tipping fee which shall be paid to the Authority by any person who unloads any container of solid waste onto the sanitary landfill site.

(2) The tipping fee shall be charged and paid at the rate provided in the Second Schedule.

Offences and penalties.

20. A person who—

- (a) removes any solid waste from a sanitary landfill site or from any place under the control of the Authority;
- (b) interferes or tampers with the operation of any sanitary landfill site or any place under the control of the Authority;
- (c) assaults, obstructs or otherwise interferes with any person in the execution of his or her functions or duties under this Ordinance;
- (d) knowingly supplies any false or misleading information with respect to any levy or fee payable under this Ordinance commits an offence and is liable, on summary conviction—
 - (i) in the case of an individual, to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding six months;
 - (ii) in the case of a company or an agent or employee of a company, to a fine not exceeding ten thousand dollars, or to imprisonment for a period not exceeding twelve months.

Regulations.

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

- (a) developing administrative procedures to govern the Authority;
- (b) designating the opening or closing of solid waste disposal sites;
- (c) concerning the frequency of solid waste collection and type of waste collected; and
- (d) concerning the control and management of sanitary landfill sites.

Second Schedule.

22. (1) The Minister may amend the Second Schedule as the occasion arises.

(2) Any amendment of the Second Schedule by the Minister shall be approved by Resolution of the Nevis Island Assembly.

Authority not regarded as agent of the Crown.

23. It is hereby declared that the Authority is not to be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown but shall be exempt from tax, duty rate, levy or other charge whatsoever and that its property is not to be regarded as property of, or property held on behalf of, the Crown.

Transitional.

24. All property real or personal which immediately before the commencement of this Ordinance was vested in or belonged to the Nevis Island Administration for purposes of the collection and disposal of refuse is hereby vested in the Authority without conveyance, transfer, or assignment and, subject to the provision of this Ordinance, shall be held by the Authority for the same purposes as it was held immediately before the commencement of this Ordinance.

FIRST SCHEDULE*(Section 3)***Constitution of the Authority.**

1. (1) The Authority shall consist of the following five members—
 - (a) the Permanent Secretary for the Ministry of Health who shall be Chairman;
 - (b) a member of the Chamber of Industry and Commerce nominated by the Chairman thereof;
 - (c) one member nominated by the Saint Christopher and Nevis Solid Waste Management Corporation;
 - (d) two other members appointed by the Minister.
- (2) Every member of the Authority shall be appointed by the Minister of Health and shall, subject to the provisions of this Schedule, hold office for such period not exceeding three years as the Minister may direct and shall be eligible for re-appointment.
- (3) Every member of the Authority shall be paid such remuneration and expenses as are fixed by the Minister of Health.
- (4) 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 two 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. (1) A member/chairman of the Authority may resign by giving notice of resignation to the Minister.
- (2) The Minister may remove a member/chairman appointed upon being satisfied that the member—
 - (a) is an undischarged bankrupt;

- (b) is, for whatever reason permanently incapable of performing the duties of a member/chairman;
- (c) has neglected the duties of a member/chairman or has engaged in misconduct;
- (d) has been absent without leave from three (3) consecutive meetings;
- (e) has been convicted of an indictable offence or an offence against this Ordinance; or
- (f) if it is in the public interest to remove the member/chairman.

Regulate own proceedings.

4. Subject to the foregoing provisions of the 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 such terms and conditions as it thinks fit a Solid Waste Manager, an accountant, 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 Solid Waste Manager without the prior written approval of the Minister of Health;
- (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 of Health; and
- (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 Officer.

6. (1) The Deputy 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 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 Saint Christopher and Nevis or the Nevis Island Administration respectively.

Sub-committee.

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.

SECOND SCHEDULE*(Sections 5, 14–16)*

1. Environmental Levy imposed on each visitor, US\$1.50 (or EC\$4.05)
 2. Haulage fee, US\$35.00 (or EC\$94.50) per ton
 3. Tipping fee—
 - (a) for disposal of ship or aircraft generated waste, US\$40.00 (or EC\$108.00) per ton; or less
 - (b) for industrial, commercial and institutional waste, except special waste such as waste generated by hospitals, clinics, doctors, laboratories (both public and private), US\$20.00 (or EC\$54.00) per centum.
 4. A ten dollars (\$10.00) fee per household attached to every electricity bill.
(Substituted by S.R.O. 8/2011)
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