



SAINT LUCIA

CHAPTER 6.10

SAINT LUCIA SOLID WASTE MANAGEMENT AUTHORITY ACT

Revised Edition

Showing the law as at 31 December 2008

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

SAINT LUCIA SOLID WASTE MANAGEMENT AUTHORITY ACT

Act 20 of 1996.. in force 25 October 1996 (S.I.61/1996)

Amended by Act 2 of 1997 in force 25 October 1996

TIPPING FEE ORDER – Section 29

Statutory Instrument 69/1996 in force 1 December 1997

ENVIRONMENTAL LEVY ORDER – Section 26

Statutory Instrument 68/1996 in force 1 December 1997

CHAPTER 6.10

SAINT LUCIA SOLID WASTE MANAGEMENT AUTHORITY ACT

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CHAPTER 6.10

SAINT LUCIA SOLID WASTE MANAGEMENT AUTHORITY ACT

(Act 20 of 1996 and 2 of 1997)

AN ACT to establish an Authority to be known as the Saint Lucia Solid Waste Management Authority to provide coordinated and integrated systems for the collection, treatment and recycling and disposal of solid waste, including hazardous waste; undertake the management of sanitary landfills, and to which shall be transferred and vested such assets, liabilities and functions of the Castries Corporation, as these relate to solid waste collection and disposal, and for other related matters.

Commencement [25 October 1996]

PART 1 PRELIMINARY

1. SHORT TITLE

This Act may be cited as the Saint Lucia Solid Waste Management Act.

2. INTERPRETATION

In this Act—

“**Authority**” means the Saint Lucia Solid Waste Management Authority established by section 3;

“**Board**” means the Board of the Authority established by section 6;

“**Castries Corporation**” means the Castries Corporation established by the Castries Corporation Act;

“**chairperson**” means the chairperson of the Board;

“derelict vehicle” means a vehicle, appliance or part thereof which by reason of its condition appears to have been abandoned;

“financial year” means such period of 12 months as the Authority with the approval of the Minister of Finance, determines to be its financial year; but the first financial year of the Authority shall commence after this Act comes into force and shall end on such day as shall be determined by the Authority;

“General Manager” means the General Manager of the Authority appointed under section 12, and includes any person performing the functions of the General Manager;

“hazardous waste” means any solid or liquid materials 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 responsible for the Saint Lucia Solid Waste Management Authority;

“sanitary landfill” means an area of land approved by the Authority as an area for the treatment and disposal of solid waste;

“solid waste” means any solid or liquid materials or products including but not limited to bottles, tins, logs, sawdust, derelict vehicles, cartons, packages, packaging materials, paper, glass, food, animal remains, garbage, debris, sand, gravel, stone, dirt, waste (including human waste), any other refuse, rubbish or waste material or any other waste product;

“street” includes any highway, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.

PART 2

ESTABLISHMENT, CONSTITUTION, MANAGEMENT AND STAFF OF AUTHORITY

3. ESTABLISHMENT OF THE AUTHORITY

- (1) There is hereby established for the purposes of this Act the Saint Lucia Solid Waste Management Authority.
- (2) The Authority shall be a body corporate to which, subject to this Act, section 19 of the Interpretation Act applies.

4. POWERS AND DUTIES OF AUTHORITY

- (1) The Authority shall for the purposes of this Act, provide coordinated and integrated systems for the collection, treatment, recycling and disposal of solid waste, including hazardous waste, and establish and manage sanitary landfills throughout Saint Lucia, as appropriate.
- (2) Without prejudice to the generality of subsection (1), the Authority shall—
 - (a) manage, regulate, control and treat waste either alone or in conjunction with private companies or organizations;
 - (b) establish, maintain, improve and regulate the use of sanitary landfills and facilities, in accordance with established scientific principles and practices;
 - (c) establish and manage facilities for the collection and treatment of hazardous waste;
 - (d) establish and maintain transfer stations;
 - (e) establish and promote a resource recovery system;
 - (f) oversee scheduling, safety and maintenance issues associated with solid waste management;
 - (g) promote and oversee public education related to solid waste management in collaboration with the relevant Ministries;
 - (h) develop a network to receive, monitor and respond to public complaints.
- (3) Before the Authority establishes a sanitary landfill it shall consult the Water and Sewerage Corporation and shall give

effect to any reasonable objection of a technical or scientific nature raised by the Corporation.

- (4) Without prejudice to anything contained in subsections (1) and (2) the Authority shall perform such other duties as the Minister directs or as contained in any other enactment.
- (5) In this section “Water and Sewerage Authority” means the Water and Sewerage Corporation established by Water and Sewerage Authority Act.

5. POLICY DIRECTIONS BY AND RETURNS TO MINISTER

- (1) The Minister may, after consultation with the Board, give to the Authority directions of a general character as to the policy to be followed in the performance of its duties in relation to matters appearing to the Minister to concern the public interest.
- (2) The Authority shall furnish the Minister with such returns, accounts and other information as he or she may require with respect to the property and activities of the Authority, and shall afford him or her facilities for verifying such information in such manner and at such times as he or she may require.

6. ADMINISTRATION OF AUTHORITY

- (1) The Authority shall be administered by a Board which shall be constituted as follows—
 - (a) the Permanent Secretary, Ministry of Planning, Development and the Environment who shall be the chairperson;
 - (b) the Permanent Secretary – Ministry of Health who shall be the deputy chairperson;
 - (c) the Director of Finance or his or her nominee;
 - (d) the Permanent Secretary, Ministry of Community Development;
 - (e) the Attorney General or his or her nominee;
 - (f) the Clerk, Castries City Council;
 - (g) a representative of the Saint Lucia Chamber of Commerce;

- (h) a representative of the Association of Professional Engineers;
 - (i) a representative of the Saint Lucia Hotel and Tourism Association; and
 - (j) 3 persons appointed by the Minister who in his or her opinion represent any interests connected with or related to, the collection, disposal or re-cycling of solid waste.
- (2) The persons appointed by the Minister shall hold office for a period not exceeding 3 years and shall be eligible for re-appointment.
- (3) A member of the Board who cannot attend a meeting of the Board on account of illness or other temporary cause or who will be temporarily absent from the state shall inform the chairperson.
- (4) A member appointed by the Minister who absents himself or herself without the leave of the chairperson from 3 consecutive meetings of the Board shall cease to be a member.
- (5) Where a member is absent on account of illness or other temporary cause from the State, the Minister may appoint another person to be a temporary member for the period of such illness or absence continues.
- (6) The Board may regulate its own procedure.

7. MEETINGS AND PROCEDURE OF BOARD

- (1) The chairperson shall preside over all meetings of the Board and in the absence of the chairperson, the deputy shall preside.
- (2) The Board shall meet at all such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Board determines.
- (3) Six members shall form a quorum at any meeting of the Board, but where any member is disqualified from taking part in any deliberation or decision of the Board with respect to any matter, he or she shall be disregarded for the purpose of constituting a quorum for deliberation on or deciding that matter.
- (4) The chairperson may at any time call a special meeting of the Board and shall call a special meeting of the Board within 7

days of a requisition for that purpose addressed to him or her by any 3 members to consider the matters contained in such requisition.

- (5) The chairperson shall call a special meeting of the Board if directed to do so by the Minister.
- (6) A decision of the Board with regard to any question shall be determined by a majority vote of all the members present at the meeting of the Board, and in any case where the votes of the members present in regard to any question are equally divided, the chairperson presiding at the meeting shall have a casting vote in addition to his or her own vote.
- (7) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.
- (8) Minutes of the proceedings of each meeting of the Board shall be kept in such manner as the Board determines and must be confirmed by the chairperson as soon as practicable thereafter at a subsequent meeting.

8. SECRETARY TO THE BOARD

- (1) The chairperson shall designate an employee of the Board to be the Secretary to the Board.
- (2) The Secretary shall perform such duties, in relation to meetings of the Board, as the chairperson determines.

9. COMMITTEES

- (1) The Board may appoint committees of the Board to examine and report to it on any matter arising out of or connected with any of its duties under this Act.
- (2) Any such committee shall consist of at least one member of the Board together with such other persons, whether members of the Board or not, whose assistance or service the Board requires.
- (3) The Board may by resolution reject or adopt a report of a committee—

- (a) either in whole or in part; or
- (b) with such modifications, additions or adaptations as the Board considers appropriate.

10. PROTECTION OF MEMBERS

Personal liability shall not attach to any member of the Board with respect to anything done or caused to be done in good faith under this Act and any damages, compensation or costs, that are ordered to be paid by a court of competent jurisdiction by any such member shall be paid out of the funds of the Authority.

PART 3 OFFICERS AND STAFF OF THE AUTHORITY

11. APPOINTMENT OF GENERAL MANAGER

- (1) The Board shall, with the approval of the Minister, appoint a suitably qualified person to be the General Manager of the Authority on such terms and conditions as the Board determines.
- (2) The General Manager shall exercise all such powers and duties that are vested in him or her by this Act and regulations made thereunder and shall be present at all meetings of the Board unless he or she is instructed by the chairperson to withdraw from any meeting or he or she has obtained leave of absence from the chairperson or is incapacitated by illness or other cause from attending any meeting.
- (3) Where the General Manager is absent from office due to illness or otherwise, the Board may, with the approval of the Minister, appoint a suitably qualified person to act as General Manager on such terms and conditions as the Board determines.

12. APPOINTMENT OF OFFICERS AND STAFF

- (1) The Authority shall have such officers and staff as are appointed by the Board on such terms and conditions as it determines and as it deems necessary for the proper carrying out of the functions of the Authority.

- (2) The persons appointed under subsection (1) shall perform such duties as may be assigned to them by the General Manager.

13. ESTABLISHMENT AND MAINTENANCE OF PENSION SCHEME

- (1) Subject to the National Insurance Act, the Authority may with the approval of, and subject to general policy directions by the Minister provide for the establishment and maintenance of a pension scheme for the benefit of its officers and staff.
- (2) Without prejudice to the generality of subsection (1), the pension scheme may empower the Authority to—
 - (a) grant gratuities, pensions or superannuation allowances to the widows, families or dependents of its officers and staff;
 - (b) establish contributory and superannuation funds for the benefit of its officers and staff; and
 - (c) enter into and carry into effect agreements with any general insurance company or other institution for the purpose of effecting the pension scheme.

PART 4

FUNDS OF THE AUTHORITY

14. FUNDS OF THE AUTHORITY AND USE THEREOF

- (1) The funds of the Authority shall consist of—
 - (a) sums vested in or granted to, the Authority by the Government or international body or governmental agency;
 - (b) sums collected by the Authority in respect of the levy and fees imposed by this Act;
 - (c) sums borrowed by the Authority pursuant to this Act;
 - (d) sums, becoming payable to or vested in the Authority in respect of any matter that is incidental to its powers under this Act; and
 - (e) sums received by the Authority from any short-term investment of the funds of the Authority.

- (2) The funds of the Authority, in any financial year, shall be applied with respect to the payment of the following—
 - (a) interest, principal and other charges in connection with the repayment of any loan obtained by the Authority;
 - (b) remuneration, fees and allowances payable under this Act;
 - (c) compensation, damages and fees ordered by a court of competent jurisdiction to be paid by any employee of the Authority; and
 - (d) salaries, remuneration, allowances, pensions, gratuities, provident fund and other superannuation benefits, of the officers and staff, employed in or in connection with the activities carried on by the Authority.

15. SHORT-TERM INVESTMENT OF FUNDS

- (1) The Authority may secure short term investment of its funds that are not required for the purposes of meeting its obligations or discharging its functions, under this Act.
- (2) The income derived from any investment under subsection (1) shall be paid to the credit of the Authority in accordance with this Act.
- (3) Any investment under this section shall be subject to the approval of the Minister.

16. POWER TO BORROW

- (1) Subject to this Act, the Authority may borrow money—
 - (a) from the Government; or
 - (b) with the approval of the Minister, from any other source.
- (2) Subject to this section, the power to borrow money under this section may be exercised—
 - (a) by the creation of debentures or other security over the assets of the Authority;
 - (b) by the creation and issue of debentures;
 - (c) by way of re-financing;

- (d) by conversion, whether by arrangement with the holders of the existing debentures or debenture stock or other security out of moneys raised by the sale of the debentures or debenture stock or other security or partly in one way or partly in another; or
 - (e) by way of a guarantee provided by the Government.
- (3) The power to borrow under this section shall not be exercised unless a written proposal is first submitted to and approved by the Minister showing—
- (a) the amount and particulars of the proposed loan;
 - (b) the rate of interest payable on the loan;
 - (c) the source from which the loan is to be obtained;
 - (d) the purposes to which the loan is to be applied; and
 - (e) the manner in which the loan is to be repaid.

17. GUARANTEE BY GOVERNMENT

- (1) The Minister, may, with the approval of Parliament, guarantee in such manner and on such conditions as he or she considers appropriate, the repayment of the principal, interest and other charges with respect to any authorised borrowing by the Authority.
- (2) Where the Minister is satisfied that there has been default in the repayment of any such principal, interest or other charges guaranteed under this section, he or she shall give written directions that such payments be made out of the Consolidated Fund of the amount in respect of which there is a default.
- (3) Subject to subsection (4), the Authority shall make payments to the Accountant General, at such times and in such manner as the Minister may direct, of such amounts as may be so directed in or towards the repayment of any sums paid in fulfilment of any guarantee given under this section, and payment of interest on what is outstanding in respect of any sums so issued at such rate as the Minister directs.
- (4) The Minister may for the purposes of subsection (3), direct that different rates of interest shall be payable with respect to different sums and for different periods.

18. RESERVE FUND

- (1) The Authority shall establish and maintain a reserve fund which shall be dealt with and applied as the Authority determines.
- (2) The reserve fund shall be derived from the surplus of the Authority and shall be such percentage thereof as the Minister directs in writing.

19. APPLICATION OF SURPLUS

Any balance remaining at the end of the financial year which results from the exercise of the powers and duties of the Authority shall, after the deduction of an amount for the purposes of section 18, be paid into the Consolidated Fund.

20. BUDGET OF AUTHORITY

- (1) The Authority shall cause a budget to be prepared with respect to the ensuing financial year.
- (2) The budget so prepared shall be submitted to the Board for approval.
- (3) A copy of the budget approved by the Board shall be submitted to the Minister by the Board within 7 days after such approval.

21. ACCOUNTS

- (1) The Authority shall keep proper books of account in which shall be recorded all its transactions to the satisfaction of the Board and shall prepare and retain financial statements in respect of each financial year.
- (2) The financial statement shall represent the true and fair financial position of the Authority and of the results of the operations of the Authority.

22. AUDIT

- (1) The accounts of the Authority shall be audited in each financial year by an independent, qualified and experienced accountant or firm of accountants appointed by the Board.

- (2) The Board, and the officers and staff of the Authority shall make available to the accountant all books, ledgers, deeds, contracts, accounts, vouchers and other documents which are required for the purposes of subsection (1); and the accountant may require any person holding or accountable for any such document to appear before him or her and give a signed statement or information in relation to any such document.

23. ACCOUNTANT'S REPORT

The accountant shall as soon as practicable, but not later than 3 months after the end of each financial year, send copies of the audited financial statement and report thereon to the Authority.

24. REPORT TO MINISTER

- (1) The Authority shall as soon as practicable but not later than one month after the receipt of the audited financial statement and report under section 23, submit a separate report to the Minister containing—
- (a) the audited financial statement and the report thereon received from the accountant; and
 - (b) a review of the activities of the Authority during the preceding financial year in such form as the Minister directs or approves.
- (2) The Minister shall cause a copy of the audited financial statement and report thereon together with the review to be laid in both Houses of Parliament within one month of the receipt thereof.

25. INTERPRETATION FOR PART 4

In this Part “Minister” means the Minister of finance.

PART 5

IMPOSITION OF LEVY AND FEES

26. LEVY AND RATE THEREOF

- (1) An environmental levy is hereby imposed on all visitors at such rate as the Minister by order prescribes, with respect to each visit to Saint Lucia.
- (2) The environmental levy shall be collected by the Saint Lucia Air and Seaports Authority or by such agent of the Authority and paid over to the Authority at such time and in such manner as the Minister directs.
- (3) For the purpose of this section “visitor” means a person who arrives in Saint Lucia, whether by air or by sea, for the purpose of business or vacation and is so admitted to remain in Saint Lucia whether for a day, or part thereof, or longer.
- (4) Where a person’s status as a visitor is being considered for the purposes of subsection (3), the person shall not be deemed to be a visitor if on that occasion his or her stay in Saint Lucia exceeds 6 months. (*Inserted by Act 2 of 1997*)
- (5) The Minister shall cause a notice of the appointment of any person or entity, as an agent of the Authority, to be notified in the Gazette.

27. PAYING OVER OF PROCEEDS OF LEVY

- (1) Where the proceeds of the levy in respect of any month are collected under section 26, they shall be paid over by the Saint Lucia Air and Seaports Authority to the Authority on or before the 21st day of the month following which such proceeds were collected.
- (2) The Saint Lucia Air and Seaports Authority shall at the time of such paying over under sub-section (1) submit to the Authority such records or other documentation concerning the collection of the levy for the period to which the proceeds of the levy relates.

28. HAULAGE FEES

- (1) There shall be a fee to be known as a “haulage fee” which shall be paid by a person who requests the Authority to haul or transport solid waste to a sanitary landfill or elsewhere.
- (2) The haulage fee shall be charged on the basis of the weight of the solid waste at such rate as the Minister prescribes by order.
- (3) The haulage fee payable under this section shall be paid to the Authority on or before the 21st day of the month following which the service was rendered; and any unpaid haulage fee that remains so unpaid for a period of 30 days from the due date becomes an unpaid debt to which section 31 applies.

29. TIPPING FEES

- (1) There shall be a fee to be known as a “tipping fee” which shall be paid by a person who requests the Authority to unload any container containing solid waste by mechanical means.
- (2) The tipping fee shall be charged on the basis of the weight of the contents of the container that contains the solid waste and shall be at such rate as the Minister prescribes by order.
- (3) The tipping fee payable under this section shall be paid to the Authority on or before the 21st day of the month following which the service was rendered by the Authority; and any tipping fee that remains unpaid for a period of 30 days from the due date becomes an unpaid debt to which section 31 applies.

PART 6 LEGAL PROCEEDINGS

30. SERVICE OF NOTICE

- (1) Service of any notice, order, or other document required or authorized under this Act or any regulation to be served on any person by the Authority may be effected by—
 - (a) delivering it to that person;
 - (b) leaving it at the usual or last known place of abode of that person; or

- (c) sending it by registered post addressed to the person at his or her usual or last known address.
- (2) Service of any notice, order, writ or other document required or authorized under this Act or any regulation to be served on the Authority may be effected by—
 - (a) delivering it to the General Manager;
 - (b) leaving it at the office of the General Manager; or
 - (c) sending it by registered post addressed to the General Manager at the office of the Authority.

31. UNPAID DEBT CERTIFICATE

- (1) Where for a period of 30 days any debt, by way of levy, fees or otherwise, is owed to the Authority, such a debt may be certified in relation to that person by the General Manager or other officer of the Authority in a certificate, called an unpaid debt certificate in the form prescribed in Schedule 1.
- (2) An unpaid debt certificate for the purposes of this section shall be of no effect unless it is sworn to before the Registrar of the High Court and bears the stamp or seal of that office duly affixed.
- (3) An unpaid debt certificate shall be filed in triplicate, in the Land Registry or in the Registry of Deeds and Mortgages by the Authority and when so filed shall be deemed to be a judgement and shall take effect upon such registration in favour of the Authority against the person named in the certificate for the amount specified plus—
 - (a) interest on such amount at the rate of 5% per annum or such other rate as may be prescribed for such purpose, whichever is the lesser; and
 - (b) reasonable costs and disbursements attendant upon the registration of the certificate.
- (4) Where an unpaid debt certificate is filed in accordance with this section, the person filing such certificate shall deliver a copy of the certificate, bearing the stamp of the Land Registry or the Registry of Deeds and Mortgages, as the case may be, in which it is filed, to the person named in the certificate; but if a copy of the certificate is not delivered within 14 days of such filing, then

subsection (2) shall cease to have effect with respect to the unpaid debt certificate.

- (5) Where an unpaid certificate has been satisfied, the General Manager or other officer of the Authority shall cause a certificate of payment in the form prescribed in Schedule 2, to be registered in the Land Registry or the Registry of Deeds and Mortgages; but such a certificate shall be of no effect unless it is sworn before the Registrar of the High Court and bears the stamp or seal of that office.
- (6) A certificate of payment registered in accordance with subsection (4) shall have the effect of discharging a judgement under this section.

32. EXECUTION

Despite anything contained in any enactment to the contrary, where a judgement exists by virtue of section 31 against any person in respect of any levy or fees, the Authority may proceed to execute and enforce that judgement in accordance with the relevant rules of court.

PART 7

MISCELLANEOUS

33. VESTING OF LAND IN AUTHORITY

- (1) The Cabinet may by order vest any parcel of Crown lands in the Authority in order to enable the Authority to give effect to its duties under this Act.
- (2) Any land vested in the Authority shall be free from encumbrances.
- (3) An order under this section shall be subject to an affirmative resolution of Parliament.

34. OFFENCES

- (1) A person—
 - (a) who removes any solid waste from a sanitary landfill or from a place under the control of the Authority commits an offence;

- (b) who interferes or tampers with the operation of any sanitary landfill or any place where solid waste is stored or kept by the Authority commits an offence;
 - (c) to whom a request to produce a document or to enter an appearance and make and sign a statement or furnish information who fails without reasonable excuse to comply with such requisition commits an offence;
 - (d) who knowingly supplies any false or misleading information with respect to any levy or fee payable under this Act commits an offence.
- (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 of \$5,000 or imprisonment for a term of 6 months;
 - (b) in the case of an agent or employee of a company to a fine of \$10,000 or imprisonment for a term of one year.

35. REGULATIONS

- (1) The Board may, with the approval of the Minister, make regulations respecting—
 - (a) the collection, treatment, recycling and disposal of solid waste;
 - (b) the management of sanitary landfills;
 - (c) the collection and treatment of hazardous waste;
 - (d) the collection and disposal of derelict vehicles; and
 - (e) the reduction, re-use and recycling of solid waste.
- (2) Without prejudice to the specificity of subsection (1) the Board may, with the approval of the Minister, make regulations generally to give effect to the provisions of this Act and for the better performance of the duties of the Authority under this Act.

36. TRANSITIONAL

All liabilities incurred by the Castries Corporation in connection with the collection and disposal of solid waste shall be dealt with in such manner as the Minister of finance determines.

SCHEDULE 1

(Section 31(1))

UNPAID PREMIUM CERTIFICATE

Saint Lucia Solid Waste Management Authority Act

I, _____ of, _____ holding the post of _____ at the Saint Lucia Solid Waste Management Authority (the Authority) hereby certify that the sum of _____ is owed to the Authority with respect to _____ as set out in the attached statement of claim.

I further certify that the above-mentioned sum is owed to the Authority for a period of more than 30 days.

Sworn to at _____ this _____ day of _____, 20____

BEFORE ME : _____
Registrar of the High Court

FILED in the _____ Land Registry/Registry of Deeds and Mortgages
this _____ day of _____, 20____

.....
*Registrar of Lands/Registrar of
Deeds and Mortgages*

STATEMENT OF CLAIM

SCHEDULE 2

(Section 31 (5))

CERTIFICATE OF PAYMENT

Saint Lucia Solid Waste Management Authority Act

I, of holding
the post of at the Saint Lucia Solid Waste
Management Authority (the Authority) hereby certify that the unpaid Debt
Certificate filed on against of was
fully discharged on the day of , 20 .

Sworn to at this day of , 20 .

Saint Lucia Solid Waste Management Authority

BEFORE ME : _____

Registrar of the High Court

FILED in the Land Registry/Registry of Deeds and Mortgages this day
of , 20 .

*Registrar of Lands/Registrar of
Deeds and Mortgages*

SCHEDULE 3

(*Inserted by Act 2 of 1997*)

REGIONAL AGREEMENT

(*Solid and Ship-Generated Waste Management Projects*)

Among

ANTIGUA AND BARBUDA

COMMONWEALTH OF DOMINICA

GRENADA

ST. KITTS AND NEVIS

SAINT LUCIA

SAINT VINCENT AND THE GRENADINES

DATED May 11, 1995

REGIONAL AGREEMENT

Agreement, dated May 11, 1995, among ANTIGUA AND BARBUDA, COMMONWEALTH OF DOMINICA, GRENADA, ST. KITTS AND NEVIS, SAINT LUCIA, and ST. VINCENT AND THE GRENADINES (the Recipients) and ORGANISATION OF THE EASTERN CARIBBEAN STATES (OECS).

WHEREAS (A) by a GET Grant Agreement of even date herewith (the Regional GET Grant Agreement) among the Recipients and the International Bank for Reconstruction and Development (the Bank) acting as Trustee of grant funds provided by Participants of the Global Environment Facility into the Global Environment Trust Fund (GET) (the Trustee), the Trustee has agreed to make available to the Recipients the amount of SDR 3,900,000 (the Regional GET Grant), on the terms and conditions set forth in the Regional GET Grant Agreement, but only on condition that OECS agree to assist the Recipients as set forth in this Agreement;

WHEREAS (B) by a GET Grant Agreement of even date herewith between each of the Recipients and the Trustee (collectively the Country GET Grant Agreements), the Trustee

has agreed to make available to each of the Recipients funds (collectively the Country GET Grants), on the terms and conditions set forth in each of the GET Grant Agreements, but only on condition that OECS agree to assist the Recipients as set forth in this Agreement;

WHEREAS (C) the proceeds of the Regional GET Grant will be made available to OECS pursuant to the Regional GET Grant Agreement, in special the provisions of Section 2.04 of the Regional GET Grant Agreement; and

WHEREAS OECS, in consideration of the Recipients' entering into the Regional GET Grant Agreement and the Countries GET Grant Agreements with the Trustee, has agreed to undertake the obligations set forth in this Agreement;

Now Therefore the parties hereto hereby agree as follows:

ARTICLE 1 DEFINITIONS

Section 1.01. Unless the context otherwise requires, the several terms defined in the Regional GET Grant Agreement, the Countries GET Grant Agreements, the Preamble to this Agreement and the General Conditions (as so defined in the Regional GET Grant Agreement) have the respective meanings therein set forth and the following additional terms have the following meaning:

- (a) “PMU” means the Project management unit referred to in Section 2.09 of this Agreement;
- (b) “Project” means the project described in Schedule 2 to the Regional GET Grant Agreement (the Regional Project) or the projects described in Schedule 2 to the Countries GET Grant Agreements (the Country Projects); and Projects means all of them; and
- (c) “Special Account” has the meaning defined in the Regional GET Grant Account.

ARTICLE II EXECUTION OF THE PROJECT

Section 2.01. OECS declares its commitment to the objectives of the Projects as set forth in Schedule 2 to the Regional GET

Grant Agreement and in Schedule 2 to the Countries GET Grant Agreements, and, to this end, shall, through the PMU, assist in the carrying out of the Projects with due diligence and efficiency and in conformity with appropriate administrative, technical, managerial and engineering practices and with due regard to ecological and environmental factors, and shall provide, or cause to be provided, promptly as needed, facilities, services and other resources required for the Projects.

Section 2.02. Except as the Trustee shall otherwise agree, procurement of goods, works and services required for the Projects and to be financed out of the proceeds of the Regional GET Grant or of the Countries GET Grants shall be governed by the provisions of Schedules 3 to the Regional GET Grant Agreement or to the Country GET Grant Agreement, as the case may be.

Section 2.03. OECS shall carry out the obligations set forth in Sections 9.04, 9.05, 9.06, 9.07, 9.08 and 9.09 of the General Conditions (relating to insurance, use of goods and services, plans and schedules, records and reports, and maintenance, respectively) in respect of the Regional Project.

Section 2.05. OECS shall, at the request of any of the Recipients or the Trustee, exchange views with the Recipients and/or the Trustee with regard to progress of the Projects, the performance of its obligations under this Agreement, and other matters relating to the purposes of the Regional GET Grant or the Country GET Grants.

(b) OECS shall promptly inform the Recipients and the Trustee of any condition which interferes or threatens to interfere with the progress of the Projects, the accomplishment of the purposes of the Regional GET Grant and the Country GET Grants, or the performance by OECS of its obligations under this Agreement.

Section 2.06. Without limitation to Section 9.07 of the General Conditions, OECS shall, not later than 12 months after the Effective Date and every 12 months thereafter until the completion of the Projects, furnish to the Trustee on behalf of the Recipients annual reports on the progress in the execution of the Projects during the previous 12 months and an annual plan, satisfactory to the Trustee, describing the Projects activities to be carried out during the next succeeding 12 months and

information on the relevant budgetary allocations, of such scope and in such detail as the Trustee shall reasonably request.

Section 2.07. OECS shall, not later than 3 months after the Effective Date, furnish to the Trustee on behalf of the Recipients an annual plan, satisfactory to the Trustee, describing the Projects activities to be carried out during the first 12 months of implementation of the Projects and the relevant budgetary allocations.

Section 2.08. Without limitation to the provisions of Section 9.01 of the General Conditions and Section 2.05 of this Agreement, OECS shall, not later than 30 months after the Effective Date, review with the Recipients and the Trustee (mid-term review) the progress in the execution of the Projects and in the achievement of their objectives, such review to be based on the reports referred to in Section 2.06 of this Agreement. If the Trustee shall so request, the OECS shall, not later than 30 days after the conclusion of the mid-term-review, furnish to the Trustee, on behalf of the Recipients, and thereafter carry out, on behalf of the Recipient, a plan, satisfactory to the Trustee, to take the actions necessary for the efficient execution of the Projects and the achievement of their objectives.

Section 2.09. Not later than 90 days after the date this Agreement shall have become effective pursuant to Section 5.01 of this Agreement, OECS shall establish, and thereafter maintain until the completion of the Project, a Projects management unit (the PMU), with functions, structure and budget satisfactory to the Recipients and the Trustee and with management and staff in adequate numbers and with adequate qualifications.

ARTICLE III **MANAGEMENT AND OPERATIONS OF OECS AND AGREEMENTS** **AMONG THE RECIPIENTS**

Section 3.01. OECS shall carry on its operations and conduct its affairs in accordance with sound administrative, financial, technical and environmental practices under the supervision of qualified and experienced management assisted by competent staff in adequate numbers.

Section 3.02.

- (a) The Recipients hereby agree that the charges set forth in Schedule 1 to this Agreement shall be adopted by each of the Recipients in such a manner as to begin imposing such charges by not later than July 30, 1996.
- (b) OECS shall, not later than 30 days after the Effective Date of the Regional GET Grant Agreement, inform the entities that may be affected by the charges referred to in paragraph (a) above, that all the Recipients have agreed to impose such charges pursuant to such paragraph.

ARTICLE IV FINANCIAL COVENANTS

Section 4.01.

- (a) OECS shall maintain records and separate accounts adequate to reflect in accordance with sound accounting practices the operations, resources and expenditures in respect of the Project or any part thereof.
- (b) The OECS shall—
 - (i) have the records and accounts referred to in paragraph (a) of this Section, including those for the Special Account for each fiscal year audited, in accordance with appropriate auditing principles consistently applied, by private independent auditors acceptable to the Recipients and the Trustee;
 - (ii) furnish to the Recipients and the Trustee as soon as available, but in any case not later than 3 months after the end of each such year the report of such audit by said auditors, of such scope and in such detail as the Recipients and the Trustee shall have reasonably requested; and
 - (iii) furnish to the Recipients and the Trustee such other information concerning such records, accounts and financial statements and the audit thereof as the recipients and the Trustee shall from time to time reasonably request.
- (c) For all expenditures under the Project with respect to which withdrawals from the GET Account were made on the basis of statements of expenditure, the OECS shall:

- (i) maintain in accordance with paragraph (a) of this Section, records and separate accounts reflecting such expenditures;
- (ii) retain, until at least one year after the Recipients and the Trustee have received the audit reports for the fiscal year in which the last withdrawal from the GET Grant Account was made, all records (contracts, orders, invoices, bills, receipts and other documents) evidencing such expenditures;
- (iii) enable the Trustee's representatives to examine such records; and
- (iv) ensure that such records and accounts are included in the annual audits referred to in paragraph (b) of this Section and that the reports of such audits contain a separate opinion by said auditors as to whether the statements of expenditure submitted during such fiscal year, together with the procedures and internal controls involved in their preparations, can be relied upon to support the related withdrawals.

ARTICLE V EFFECTIVE DATE; TERMINATION; CANCELLATION AND SUSPENSION

Section 5.01. This Agreement shall come into force and effect on the date upon which the Regional GET Grant Agreement has become effective.

Section 5.02. This Agreement and all obligations of the Recipients and of OECS thereunder shall terminate on the date on which the Regional GET Grant Agreement and the Country GET Grant Agreement shall terminate in accordance with their terms, and the Recipients shall promptly notify OECS thereof.

Section 5.03. All provisions of this Agreement shall continue in full force and effect notwithstanding any cancellation or suspension under the General Conditions.

ARTICLE VI MISCELLANEOUS PROVISIONS

Section 6.01. Any notice or request required or permitted to be given or made under this Agreement and any agreement between the parties contemplated by this Agreement shall be in writing. Such notice or request shall be deemed to have been duly given or made when it shall be delivered by hand or by mail, telegram, cable, telex or radiogram to the party to which it is required or permitted to be given or made at such party's address hereinafter specified or at such other address as such party shall have designated by notice to the party giving such notice or making such request. The addresses so specified are:

For the Recipients:

ANTIGUA AND BARBUDA

*Ministry of Finance
High Street
St. John's Antigua
Antigua and Barbuda, W.I.*

Telex: 306-2055

COMMONWEALTH OF DOMINICA

*Ministry of Finance
Government Headquarters
Roseau, Dominica, W.I.*

Telex: 304-8613

GRENAADA

*Ministry of Finance
Lagoon Road,
St. George's, Grenada, W.I.*

Telex: 320-3418

ST. KITTS AND NEVIS

*Ministry of Finance
Government Headquarters
Church Street
Basseterre, St. Kitts
St. Kitts and Nevis, W.I.,*

Telex: 6820-SKB

SAINT LUCIA

*Ministry of Finance
Government Building
Castries, Saint Lucia, W.I.*

SAINT VINCENT AND THE GRENADINES
*Ministry of Finance
Administrative Centre
Bay Street
Kingstown, St. Vincent, W.I.
Telex: 7531 Foreign V.Q.*

For OECS:

*OECS Secretariat
The Morne
Post Office Box 179
Castries Saint Lucia W.I.*

Fax: 453-1628

Section 6.02. Any action required or permitted to be taken, and any document required or permitted to be executed, under this Agreement on behalf of OECS, or by OECS on behalf of the Recipients under the Regional GET Grant Agreement, may be taken or executed by the Director General of OECS or such other person or persons as the Director General of OECS shall designate in writing, and OECS shall furnish to the Recipients and the Trustee sufficient evidence of the authority and the authenticated specimen signature of each such person.

Section 6.03. This Agreement may be executed in several counterparts, each of which shall be an original, and all collectively but one instrument.

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized representatives, have caused this Agreement to be signed in their respective names in Kingston, Jamaica, as of the day and year first above written.

ANTIGUA AND BARBUDA
By
Authorised Representative

COMMONWEALTH OF DOMINICA

By

Authorized Representative

GRENADA

By

Authorized Representative

ST. KITTS AND NEVIS

By

Authorised Representative

SAINT LUCIA

By

Authorized Representative

SAINT VINCENT AND THE GRENADINES

By

Authorized Representative

ORGANIZATION OF THE EASTERN CARIBBEAN STATES

By

Authorized Representative

SCHEDULE 1

AGREED CHARGES TO BE IMPOSED BY JULY 30, 1996

1. Environmental levy of \$1.50 per visitor, including cruise ship passengers.
2. Tipping fee at the landfill of \$40.00 per ton, excluding haulage, for maritime waste; and
3. Tipping fee at the landfill for industrial, commercial and institutional waste.

TIPPING FEE ORDER – SECTION 29

(Statutory Instrument 69/1996)

Commencement [1 December 1997]

1. SHORT TITLE

This Order may be cited as the Tipping Fee Order.

2. TIPPING FEE

- (1) There is hereby established a tipping fee of \$108.68 per tonne to be paid by any person who requests the Saint Lucia Solid Waste Management Authority to unload any container containing solid waste, by mechanical means.
- (2) The fee specified under subsection (1) does not include haulage fees.

ENVIRONMENTAL LEVY ORDER – SECTION 26

(Statutory Instrument 68/1996)

Commencement [1 December 1997]

1. SHORT TITLE

This Order may be cited as the Environmental Levy Order.

2. ENVIRONMENTAL LEVY

There is hereby established a charge of \$4.08 to be known as environmental levy, to be levied by the Saint Lucia Solid Waste Management Authority and to be paid by every visitor to Saint Lucia on each visit.