



# The Official Gazette

PUBLISHED  
BY  
AUTHORITY

VOL. CLV No. 43

Part A

BRIDGETOWN, BARBADOS, 27TH APRIL, 2020

## Contents

Resolution No. 14/2020 that the House of Assembly approve  
the extension of the Proclamation declaring that a public  
health emergency exists .....2

-----

Bill re Planning and Development (Amendment) Act, 2020.  
Bill re Criminal Justice (Miscellaneous Provisions) Act, 2020.  
Bill re Control of Disposable Plastics Act, 2020.

Resolution No. 14/2020

M.P. No.: 176/7/2

HOUSE OF ASSEMBLY

WHEREAS by virtue of section 28A(1) of the *Emergency Management Act*, Cap. 160A the Governor-General is satisfied that an emergency has arisen as a result of a person or an animal having a communicable or a notifiable disease, the Governor-General may by Proclamation, on the advice of the Prime Minister after the Prime Minister has consulted, or has been advised by, the Chief Medical Officer, declare that a public health emergency exists;

AND WHEREAS by section 28A(2) of the said Act a Proclamation is issued under section 28(1) and shall, unless previously revoked, remain in force for one month or for such longer period, not exceeding 6 months, as the House of Assembly may determine by a resolution supported by the votes of a majority of all the members of that House;

AND WHEREAS a Proclamation was issued on the 28th day of March, 2020;

AND WHEREAS the said Proclamation has not been revoked and is due to expire on the 27th day of April, 2020;

AND WHEREAS the House of Assembly has by a vote of the majority of all the members thereof, determined by resolution to extend the said Proclamation;

BE IT RESOLVED that the Proclamation aforesaid is hereby extended until the 30th day of June, 2020.

APPROVED by the House of Assembly this 24th day of April, Two thousand and twenty.

A. HOLDER  
Speaker.

## PLANNING AND DEVELOPMENT (AMENDMENT) ACT, 2020

### **OBJECTS AND REASONS**

This Bill would amend the *Planning and Development Act, 2019* (Act 2019-5).



PLANNING AND DEVELOPMENT (AMENDMENT) ACT, 2020

*Arrangement of Sections*

1. Short title
2. Amendment of section 2 of Act 2019-5
3. Amendment of Act 2019-5
4. Amendment of section 6 of Act 2019-5
5. Amendment of section 7 of Act 2019-5
6. Amendment of section 8 of Act 2019-5
7. Amendment of section 10 of Act 2019-5
8. Amendment of section 14 of Act 2019-5
9. Amendment of section 30 of Act 2019-5
10. Amendment of section 34 of Act 2019-5
11. Repeal and replacement of section 44 of Act 2019-5
12. Insertion of new sections 44A to 44I into Act 2019-5
13. Amendment of section 87 of Act 2019-5
14. Amendment of section 93 of Act 2019-5

- 15.** Amendment of section 94 of Act 2019-5
- 16.** Amendment of section 95 of Act 2019-5
- 17.** Amendment of section 98 of Act 2019-5
- 18.** Amendment of section 104 of Act 2019-5
- 19.** Amendment to section 105 of Act 2019-5
- 20.** Amendment to section 106 of Act 2019-5
- 21.** Amendment of section 107 of Act 2019-5
- 22.** Amendment of section 108 of Act 2019-5
- 23.** Insertion of new Schedules into the Act 2019-5

#### SCHEDULE

## **BARBADOS**

A Bill entitled

An Act to amend the *Planning and Development Act, 2019* (Act 2019-5)

ENACTED by the Parliament of Barbados as follows:

### **Short title**

- 1.** This Act may be cited as the *Planning and Development (Amendment) Act, 2020*.

**Amendment of section 2 of Act 2019–5**

**2. Section 2 of the Planning and Development Act, 2019 (Act 2019-5), in this Act referred to as “the principal Act”, is amended**

- (a) by deleting the definitions of “building operations, Chief Town Planner, registered professional architect, registered professional engineer”;**
- (b) by inserting the following definitions in the appropriate alphabetical order**

“ “Building Code” means the Code of engineering, design and public health standards applicable to the construction of buildings provided for by the building regulations;

“building operations” includes demolition operations, rebuilding operations, structural alterations of or additions to buildings and other operations normally undertaken by a person carrying on business as a builder;

“building permit” means a permit for the purpose of carrying out building works granted under section 44A;

“building regulations” means regulations made under section 44H;

“Director” means the Director of Planning and Development referred to in section 8;

“occupancy certificate” means a certificate granted under section 44E in relation to the occupation of a building after the completion of building works;

“professional governing body” means the body established by an Act listed in the *First Schedule* for the purpose of regulating the practice of the profession governed by that legislation;

“registered professional” includes a professional architect, engineer, land surveyor or planner registered by the professional governing body for that profession;”.

**Amendment of Act 2019–5**

**3.        *The principal Act is amended by deleting the words “Chief Town Planner” wherever they appear and substituting the word “Director”.***

**Amendment of section 6 of Act 2019-5**

**4.        *Section 6 of the Act is amended***

**(a) *by deleting subsection (10) and substituting the following new subsection:***

“(10) The Board shall appoint

(a) a “Design and Engineering Committee”;

(b) an “Environmental Impact Assessment Committee”; and

(c) such other *ad hoc* committees or working groups as it thinks fit to assist in the performance of its functions.”; and

**(b) *by inserting immediately after subsection (10) the following new subsection:***

“(10A)The constitution, functions and procedures of the Design and Engineering Committee and the Environmental Impact Assessment Committee are set out in the *Second Schedule* and *Third Schedule* respectively.”.

**Amendment of section 7 of Act 2019-5**

**5. Section 7 of the principal Act is amended in subsection (2) by deleting the words “First Schedule” and substituting the words “Fourth Schedule”.**

**Amendment of section 8 of Act 2019-5**

**6. Section 8 of the principal Act is amended**

**(a) by deleting subsection (1) and substituting the following:**

“(1) There shall be a department of Government to be known as the Planning and Development Department

(a) headed by a Director of Planning and Development, who shall be a public officer; and

(b) such number of planning officers, building officers, enforcement officers and other staff as may be appointed to assist the Minister and Board in the administration and enforcement of this Act.”;

**(b) in subsection (2), by**

(i) **deleting the words “The Chief Town Planner, planning officers and staff” appearing at the beginning of the subsection and substituting the words “The Director and staff”;**

(ii) **renumbering paragraphs (e), (f) and (g) as paragraph (f), (g) and (h) respectively;**

(iii) **inserting the following new paragraph immediately after paragraph (d):**

“(e) make recommendations to the Board with respect to the issuance of building permits and occupancy certificates pursuant to Part V;”; and

(iv) ***deleting paragraph (f) and substituting the following:***

“(f) carry out inspections for the purpose of detecting and initiating enforcement action with respect to breaches of planning and building control;”.

**Amendment of section 10 of Act 2019-5**

**7.        *Section 10 of the principal Act is amended by deleting subsection (3) and substituting the following:***

“(3) Subject to the prior approval of the Board, any functions assigned to the Director by or under this Act, may be performed either generally or specifically by any planning officer, building officer or enforcement officer so authorised in writing by the Director.”.

**Amendment of section 14 of Act 2019-5**

**8.        *Section 14 of the principal Act is amended in subsection (2) by deleting paragraph (c) and substituting the following:***

“(c) prescribe for any of the matters set out in the *Fifth Schedule*.”.

**Amendment of section 30 of Act 2019-5**

**9.        *Section 30 of the principal Act is amended by deleting subsection (2) and substituting the following:***

“(2) Unless the Minister directs otherwise, the Director shall require an environmental impact assessment in respect of an application for a development of any kind mentioned in the *Sixth Schedule*.”.

**Amendment of section 34 of Act 2019-5**

**10.        *Section 34 of the principal Act is amended in subsection (1) by deleting paragraph (b) and substituting the following:***

“(b) in the case of an application classified in the *Fourth Schedule* as a complex application, other than an application for which an environmental impact assessment has been submitted, within a period of 10 weeks, from the date of submission of the application;”.

**Repeal and replacement of section 44 of Act 2019-5**

**11.        *Section 44 of the principal Act is deleted and the following is substituted:***

**“Building permit**

**44.(1)**     A person shall not carry out any building operations unless

- (a) a building permit in respect of the building works is in force; and
- (b) the building works are being carried out in accordance with the building permit.

(2)     Where planning permission has been granted for the carrying out of building operations, the applicant shall submit to the Board detailed building plans, together with

- (a) the form specified by the Board;

- (b) any documents, designs, calculations and like materials related thereto; and
  - (c) proof of payment of the prescribed building permit fee.
- (3) Detailed building plans submitted pursuant to subsection (1) shall be drawn to the scale specified by the Board and shall include, but not be limited to
  - (a) floor plans;
  - (b) elevations and sections;
  - (c) foundation details;
  - (d) structural details, including roof design details;
  - (e) electrical layout;
  - (f) mechanical, air-conditioning and ventilation layout; and
  - (g) plumbing layout.
- (4) Except for simple building applications, all building plans submitted to the Board shall be
  - (a) prepared and submitted by a competent registered professional;
  - (b) stamped with the name and address of the registered professional; and
  - (c) signed by that registered professional.
- (5) All documents, designs, calculations and like material submitted pursuant to subsection (2) for a building permit shall be stamped with the name and address of the competent registered professional responsible for preparing the material and signed by that registered professional.

(6) The building plans and specifications submitted to the Board shall be accompanied by a design certificate in the form set out in the *Seventh Schedule*.

(7) In this section, “simple building application” means an application to construct

- (a) a dwelling house or duplex dwelling of not more than two storeys, the gross floor area of which does not exceed 232.5 square metres;
- (b) a building of not more than two storeys in height containing more than two dwelling units, the gross floor area of which does not exceed 465 square metres; or
- (c) a commercial building of not more than two storeys in height, the gross floor area of which does not exceed 465 square metres.

(8) In accordance with the provisions of the *Engineers (Registration) Act*, Cap. 368B, a certificate signed by a competent registered engineer is required with respect to the structural, mechanical and electrical aspects of any building

- (a) consisting of or designed for more than two storeys;
- (b) constructed or used for the purposes of carrying on a business; or
- (c) being a place to which the public have or may have access.”.

**Insertion of new sections 44A to 44I into Act 2019-5**

**12.        *The principal Act is amended by inserting the following new sections immediately after section 44:***

**“Issuance of building permits**

**44A.(1)** On the submission of building plans and all the documents, designs, calculations and like material required in support of a submission for a building permit, the Board shall issue a building permit, except where

- (a) the building plans are not in accordance with the terms and conditions subject to which planning permission was granted for the building operations under Part IV;
- (b) when the building operations constitute permitted development under a Development Order, the building plans are not in accordance with the conditions subject to which such development is permitted by the Order;
- (c) the building plans contravene the Building Code or building regulations or any other written law; or
- (d) any fees due are unpaid.

(2) Where the building plans, specifications and other documents submitted are signed and stamped by a competent registered professional pursuant to section 44(4) and (5), the Board shall issue, no later than 7 calendar days after the date of submission, a building permit showing that it is issued in reliance on the design certificate of the registered professional, without prejudice to its right to cause any such building plans, specifications and other documents to be reviewed thereafter and to revoke the building permit pursuant to section 44F(1) (a).

(3) Where the building plans, specifications and other documents submitted to the Board are not signed and stamped by a registered professional, the Director shall cause the building plans, specifications and other documents submitted to be reviewed, and the Board shall

issue or refuse to issue a building permit within 28 working days after receiving the submission.

(4) Where the Board refuses to issue a building permit, the notice of refusal shall give reasons for the refusal.

(5) The Crown is exempt from any liability in negligence arising from the grant of planning permission for building operations and issuance of a building permit, whether or not the plans submitted in application for planning permission or a building permit were prepared by a competent registered professional or any other person.

### **Building Inspections**

**44B.(1)** The holder of a building permit shall give to the Director notice in writing of the date on which building works will commence, at least 14 days prior to the commencement of building operations.

(2) During the carrying out of such works, the following building inspections shall be conducted

- (a) setting out;
- (b) footings and slabs before concreting;
- (c) structural frame and roof;
- (d) ring beams, casting and reinforcement;
- (e) plumbing and drains;
- (f) electrical work (in association with the electrical inspector);
- (g) all mechanical installations;
- (h) such other inspections as the Board may reasonably require;  
and
- (i) final inspection for an occupancy certificate.

(3) Building works at an inspection stage shall not be covered up prior to being inspected and further building works shall not proceed unless the works completed up to that stage have been inspected and approved.

(4) Subject to subsection (5), all such inspections shall be conducted by an independent consultant engaged by the holder of the building permit to conduct such inspections.

(5) Notwithstanding subsection (4), where a building permit is issued in relation to a simple building application, the required building inspections maybe carried out by a building officer from the Department, at the request of the holder of the building permit, on payment of the prescribed fee for such inspections.

(6) Where inspections are to be carried out by a building officer, the builder may cover up uninspected building works where an inspection is not carried out by a building officer within a period of 4 complete working days after notice in writing has been given to the Director that the uncovered building work will be ready for inspection in 3 working days.

(7) Where the holder of a building permit appoints an independent consultant to conduct the required inspections, notice of such appointment shall be included in the notice of intention to commence works given to the Director pursuant to subsection (1).

(8) Where building inspections are conducted by an independent consultant, the cost of the services of independent consultant engaged by the holder of the building permit shall be borne by the holder of the building permit, and the holder of the building permit shall submit reports on the building inspections to the Board in a format to be determined by the Director.

(9) Where, at any stage in the course of a building inspection, the independent consultant or building officer identifies defects in the

works being inspected, the defects shall be pointed out immediately to the person charged with carrying out the building works and notice in writing of the defects shall be given to holder of the building permit within 24 hours thereafter.

(10) Where, in the opinion of the Director, based on the inspection reports, the building works do not comply with the Building Code or the approved plans and specifications, the Board may by notice in writing direct the person charged with carrying out the building works to take such steps as are necessary to bring the building works into compliance, within the time specified in the notice.

(11) Where the person charged with carrying out the building works refuses or fails to take such steps as are necessary to bring the building works into compliance within the time specified in the notice, the Board may revoke the building permit pursuant to section 44F(1).

(12) In this section “independent consultant” means a registered professional other than the registered professional who certified the plans and specifications submitted to the Board and who is not an employee of the holder of the building permit.

### **Variations in building works**

**44C.(1)** Where any material alteration or modification to the design of a building occurs in course of carrying out building works, revised plans showing the variations from the original plans, including the addition, omission or substitution of any works, shall be submitted to the Board as soon as may be practicable after the variation has occurred.

(2) The Board may amend the building permit to authorise any variations to the original plans and the retention of the building as built before the date of submission of the revised plans.

(3) Where variations have occurred, no occupancy certificate shall be issued for the building pursuant to section 44E until after the revised plans have been submitted and the building permit has been amended.

(4) Where revised plans are duly submitted to the Board, the Director shall issue the amended building permit within 28 calendar days from the date of submission of the revised plans.

(5) The provisions of this section do not apply to the retention of building works carried out without the grant of planning permission, for which an application to regularise unauthorised development shall be made pursuant to section 31.

### **Clarification of technical requirements**

**44D.(1)** Where any question arises as to whether technical requirements of the Building Code or any regulations are satisfied, a registered professional shall consult with the Board and the views of the Director shall be considered in all circumstances.

(2) Where there is a dispute, between the Director and a registered professional, with respect to the technical requirements of the Building Code or any regulations, or as to whether there has been substantial compliance with such requirements, any party to dispute may apply to the Tribunal for a determination of the matter.

(3) The Tribunal may determine any dispute brought under subsection (2) on the basis of written submissions alone, but shall provide an opportunity for the parties to make oral representations on a request in writing by either party.

(4) The Tribunal may appoint an independent expert to advise it on analysing the submissions made by the parties to any dispute, orally or in writing, and in determining the question.

### **Occupancy Certificates**

**44E.(1)** No person shall

(a) occupy

(i) a new or renovated building; or

- (ii) a new extension to a building; or
- (b) permit any such new, renovated or extended building, to be occupied

until an occupancy certificate has been issued with respect to the building.

(2) The Board shall within 7 days issue an occupancy certificate upon the completion of any building works in substantial compliance with the terms of a building permit, and upon payment of the prescribed fee.

(3) An application for an occupancy certificate shall be made to the Board in such form as is specified by the Board, accompanied by proof of payment of the prescribed fee, and shall be submitted to the Director by the owner of the building or by an agent for the owner, after the completion of the building works.

(4) The Board shall not grant an occupancy certificate unless the application is accompanied by a final inspection certificate duly signed by an independent consultant or a building officer stating that the building work to which it relates has been carried out in accordance with the building permit, this Act and the building regulations, and is fit for occupation.

(5) An owner of a building or an agent for the owner may apply for a temporary certificate of occupancy for part of a building which may be safely occupied prior to completion of the rest of the building.

(6) A temporary certificate of occupancy shall be granted subject to such terms and conditions as the Director sees fit and remain valid for such period from the date of issue as is specified therein.

(7) In subsection (2), “substantial compliance” means a level of compliance in which any deficiencies in the building works pose no threat to the safety, health and welfare of persons within or in the

vicinity of the building greater than the potential for causing minimal harm.

### **Enforcement of building control**

**44F.(1)** The Board may by notice in writing revoke a building permit where

- (a) after a building permit is issued in reliance of the design certificate of a registered professional, the building plans are found to contravene the Building Code or building regulations;
- (b) the permit was issued based upon the submission of materially false or misleading information;
- (c) the building works authorized by the building permit have not, in the opinion of the Director, substantially commenced before the lapse of the planning permission; or
- (d) the building works are being carried out in breach of the building permit.

(2) The Board shall not revoke a building permit under subsection (1) on the grounds of any such default unless the Board has

- (a) by notice served on the holder of the permit, given not less than 14 days notice of its intention to revoke the permit on the grounds specified therein;
- (b) in the notice referred to in paragraph (a) specified a reasonable date before which the holder of the permit may submit any written representations to the Board; and
- (c) taken into account
  - (i) any action taken by the holder of the permit to remedy such default, if it can be remedied, and to prevent the reoccurrence of similar defaults; and

(ii) any representations submitted to the Board pursuant to paragraph (b).

(3) Where any building or other structure is commenced or completed without a building permit, or after a building permit has been revoked, the Board may serve the owner of the premises or the builder, or both of them, with a notice in writing specifying the contravention and requiring the person served, on or before a day specified in the notice, to show cause why such building or structure should not be removed, altered or demolished.

(4) Where an owner or builder upon whom a notice has been served pursuant to subsection (3) fails to show sufficient cause why the building or other structure should not be removed, altered or demolished, the Board may cause such building or structure to be removed, altered or pulled down.

(5) Notice in writing of the Board's decision with respect to the removal, alteration or demolition of the building or structure, shall be given to the owner of the premises at least 28 days before any such action is undertaken.

(6) All expenses incurred by the Board in removing, altering or pulling down a building or structure under this section shall be a civil debt due to the Crown, recoverable in a court of competent jurisdiction, and a charge upon the premises.

(7) A person who is aggrieved by a notice served upon them under subsection (1) or subsection (5) may appeal to the Tribunal within 14 days of the date of service of a notice.

(8) Nothing in this section shall be construed to prevent any enforcement proceedings for a breach of planning control being taken against any person under Part VIII of this Act, provided that no one shall be punished twice for the same offence.

### **Engineering Operations**

**44G.** The provisions of this Part with respect to

- (a) the submission of detailed plans and supporting documents;
- (b) the issuance of building permits before works are commenced;
- (c) the inspection works at appropriate stages of construction;
- (d) the certification of completion of works;
- (e) the submission of revised plans showing any variations; and
- (f) the enforcement of building control,

apply *mutatis mutandis* to the carrying out of engineering operations.

### **Building Regulations**

**44H.(1)** The Minister may make regulations providing for a Building Code

- (a) consisting of engineering, design and public health standards applicable to the construction of buildings as appear to be desirable for the structural and fire safety of buildings; and
- (b) for the safety, health and general welfare of persons within or in the vicinity of buildings.

(2) Regulations made under this section may adopt, by reference with necessary changes, any code, standard, or practice set by an appropriate institution, association or other body.

(3) Except as provided for in subsection (4), the building regulations shall govern any new construction of buildings and new additions to existing buildings, but shall not be applied to existing buildings or parts of buildings at the time of renovations or alterations to such buildings, except where any such renovation or alteration results

in an existing building being further out of compliance with the building standards than was the case before the renovation or alteration was undertaken.

- (4) The Minister may make regulations
  - (a) providing for retrofitting standards designed to bring any prescribed class or classes of existing buildings up to acceptable levels of sanitation and safety from fire or natural hazards;
  - (b) requiring renovations or alterations to be made to the buildings referred to in paragraph (a) in order to achieve compliance to be undertaken; and
  - (c) prescribing periods within which buildings of any class are required to be retrofitted to conform with the standards.
- (5) Regulations made under this section may provide for different building standards governing
  - (a) the construction or retrofitting of buildings to be used as hurricane shelters; or
  - (b) the carrying out of building works in, on, over or under cultural heritage buildings, monuments and sites.
- (6) Regulations made under this section may provide for the certification, of building products, construction methods or design components or systems by the Barbados National Standards Institution or any accredited independent person or institution.
- (7) For the purpose of this section “Barbados National Standards Institution” means the institution referred to in the *Standards Act*, Cap. 326A.

**Registered professionals**

**44I.(1)** A professional governing body shall

- (a) establish, in relation to the profession that it regulates, minimum levels of professional competence required for the preparation of such categories of building plans as may be appropriate, so as to assure that detailed building plans submitted to the Board meet the standards prescribed in the building regulations;
- (b) issue a certificate of competence stating whether the person to whom it is issued is competent to certify that building plans submitted with respect to any development satisfy the standards prescribed in the building regulations.

(2) The Board shall accept a design certificate as conclusive of the facts to which it relates, provided that the registered professional certifying the design certificate is the holder of a certificate of competence issued by the professional governing body pursuant to subsection (1)(b).

(3) The Board shall maintain a comprehensive register of all certified registered professionals, showing the nature and category of applications for which each person was granted a certificate of competence as well as the limitations or restrictions to which such certificate is subject, including the period for which the certificate is valid.

(4) The Board shall, after consulting with any relevant professional governing body, by Order prescribe the minimum amount of professional liability insurance coverage required to be provided in respect of professional certification of building plans by registered professionals for all the categories of applications, except simple building applications.

(5) A registered professional shall file and maintain with the Board proof of financial responsibility as evidenced by professional liability insurance coverage in an amount sufficient to satisfy their obligations under this Act.

(6) Where the Board finds that any building plans or specifications are not in accordance with the requirements of the building regulations and the Building Code as certified, or have not been prepared by the registered professional who signed the design certificate, the Board shall

- (a) report the registered professional who signed the design certificate to the relevant professional governing body for professional misconduct;
- (b) suspend the acceptance of building plans bearing a design certificate signed by the registered professional referred to in paragraph (a) until notified by the relevant professional governing body of its decision with respect to the misconduct of the registered professional; and
- (c) where the registered professional is found guilty of professional misconduct, take such action as is necessary on its part to implement any sanctions imposed on the registered professional by the relevant governing body.”.

**Amendment of section 87 of Act 2019-5**

**13. Section 87 of the principal Act is amended in subsection (2) by**

- (a) deleting the word “and” appearing at the end of paragraph (c);**
- (b) renumbering paragraph (d) as paragraph (e); and**
- (c) inserting immediately after paragraph (c) the following paragraph as paragraph (d):**

“(d) any decision with respect to the issue or to the withholding of a building permit or an occupancy certificate; and”.

**Amendment of section 93 of Act 2019-5**

**14.        *Section 93 of the principal Act is amended in subsection (2) by deleting the word “14” and substituting the word “28”.***

**Amendment of section 94 of Act 2019-5**

**15.        *Section 94 of the principal Act is amended***

- (a) in the shoulder note by deleting the words “High Court” and substituting the words “Court of Appeal”;*
- (b) in subsection (2), by deleting the words “Judge in chambers” and substituting the words “Court of Appeal”; and*
- (c) in subsection (3), by deleting the words “High Court” and substituting the words “Registration Office”.*

**Amendment of section 95 of Act 2019-5**

**16.        *Section 95 of the principal Act is amended in subsection (1) by***

- (a) renumbering paragraphs (d) and (e) as paragraphs (e) and (f); and*
- (b) inserting the following paragraph immediately after paragraph (c) as paragraph (d):*

“(d) to carry out any building inspection in accordance with the provisions of section 44B;”.

**Amendment of section 98 of Act 2019-5**

**17.        *Section 98 of the principal Act is amended in subsection (1) by***

- (a) renumbering paragraphs (e) and (h) as (g) to (j); and*

**(b) inserting the following paragraphs immediately after paragraph (d):**

- “(e) every building permit issued under section 44A;
- (f) every occupancy certificate issued under section 44E;”.

**Amendment of section 104 of Act 2019-5**

**18. Section 104 of the principal Act is amended**

**(a) in subsection (1) by**

**(i) deleting paragraph (c) and substituting the following:**

“(c) the qualifications required of persons signing forms, plans and drawings on behalf of any applicant for planning permission or a building permit;”;

**(ii) renumbering paragraphs (d) to (h) as paragraphs (e) to (i); and**

**(iii) inserting immediately after paragraph (c) the following as paragraph (d):**

“(d) the procedures with respect to entering into agreements for planning obligations under section 36;” and

**(b) by inserting immediately after subsection (1) the following new subsection:**

“(1A) Regulations made under this Act are subject to negative resolution.”.

**Amendment to section 105 of Act 2019-5**

**19. The principal Act is amended by deleting section 105 and substituting the following:**

**“105.(1)** The Minister may by order amend the *Schedules* to this Act except the *Eighth Schedule*.

(2) The Order referred to in subsection (1) is subject to negative resolution.

(3) The enactments specified in the first column of the *Eighth Schedule* are amended in the respects set out in the second column thereto.”.

**Amendment to section 106 of Act 2019-5**

**20.** *Section 106 of the principal Act is amended by inserting the following new subsection immediately after subsection (2)*

“(3) All references in other enactments to the Chief Town Planner shall be construed *mutatis mutandis* as references to the Board or the Director as the context allows.”.

**Amendment to section 107 of Act 2019-5**

**21.** *Section 107 of the principal Act is amended by*

- (a) *renumbering subsection (3) as subsection (5); and*
- (b) *inserting the following new subsections immediately after subsection (2):*

“(3) The *Health Services (Building) Regulations, 1969* (S.I. 1969 No. 233), are deemed to be made under this Act and continue in force until repealed and replaced by building regulations made under section 44H.

(4) The *Barbados National Building Code* (2013 Edition) issued as Standard BNS SPI: Parts 1-18:2013, and declared as a voluntary

standard by the Barbados National Standards Institution on 5th September 2013, pursuant to the *Standards Act*, Cap. 326A, is deemed to be adopted under this Act and continued in force until repealed and replaced by a Building Code made or adopted under section 44H.”.

**Amendment of section 108 of Act 2019-5**

**22.**        *Section 108 of the principal Act is amended at subsection (1) by deleting the words “is to” and substituting the words “may, at the option of the applicant,”.*

**Insertion of new Schedules into the Act 2019-5**

**23.**        *The principal Act is amended*

- (a) by renumbering the First, Second, Third and Fourth Schedules as the Fourth, Fifth, Sixth and Eighth Schedules; and*
- (b) by inserting the First, Second, Third and Seventh Schedules as set out in the Schedule to this Act.*

**SCHEDULE**

*(Section 24)*

**“FIRST SCHEDULE**

*(Section 2)*

LEGISLATION GOVERNING REGISTERED PROFESSIONALS

1. The *Architects Registration Act*, Cap. 366.
2. The *Engineers (Registration) Act*, Cap. 368B.
3. The *Land Surveyors Act*, Cap. 370.

## **SECOND SCHEDULE**

*(Section 6(10))*

### **DESIGN AND ENGINEERING COMMITTEE**

**1.** The Design and Engineering Committee shall include, but not be limited to, persons with expertise and experience in

- (a)* Architectural design;
- (b)* Urban design;
- (c)* Landscape design;
- (d)* Physical planning;
- (e)* Heritage conservation;
- (f)* Accessibility and disability issues;
- (g)* Structural engineering;
- (h)* Civil engineering;
- (i)* Transportation engineering;
- (j)* Coastal engineering;
- (k)* Mechanical and electrical engineering;
- (l)* Fire safety;
- (m)* Disaster management; and
- (n)* Public health.

**2.** The function of the Committee is to advise the Board and the Minister with respect to

- (a)* the design of major or sensitive development;
- (b)* design standards;

- (c) access standards;
- (d) construction and structural standards;
- (e) the consideration of building permit applications;
- (f) the adoption and regular review of the Building Code;
- (g) the registration of Certified Registered Professionals for the purposes of this Act.

3. A member of the Committee shall serve for a term of 3 years but is eligible for re-appointment.

4. The Board shall designate one of the members of the Committee to act as Chairperson.

5. The Director shall assign an officer from the Planning and Development Department to serve as Secretary to the Committee.

6. The Committee may appoint from amongst its members such working groups as are necessary or expedient to carry out specific tasks.

7. Minutes in proper form of each meeting of the Committee and of any working group shall be kept by the Secretary and confirmed by the Committee at its next meeting and the Chairman shall sign the minutes once confirmed.

8. The approved Minutes of each meeting of the Committee and of any working group shall be submitted to the Board at its next meeting.

9. The approved Minutes of the Committee and of any working group are public documents and shall be made available for perusal by

any member of the public in documentary form at the office of the Department and in electronic form on the internet.

**10.** The provisions of subsections (9) and (12) of section 6 and of section 103 of the Act apply *mutatis mutandis* to the Committee and any working group and members thereof as they apply to the Board.

**11.** The Committee shall regulate its own proceedings.

### **THIRD SCHEDULE**

*(Section 6(10))*

#### **ENVIRONMENTAL IMPACT ASSESSMENT COMMITTEE**

**1.** The Environmental Impact Assessment Committee shall include persons with expertise in

- (a)* Ecology;
- (b)* Geology, hydrology and soil conservation;
- (c)* Environmental, coastal and civil engineering;
- (d)* Marine science;
- (e)* Disaster risk mitigation and management;
- (f)* Public health;
- (g)* Economics;
- (h)* Sociology; and
- (i)* Physical planning.

**2.** The function of the Committee is to advise the Board and the Minister, with respect to EIA studies and for this purpose to

- (a)* screen applications for planning permission to determine whether an EIA is required in any case;
- (b)* where an EIA is required, scope the development proposal to specify the TOR for the EIA;
- (c)* review the EIS submitted by the applicant and public comments on the EIS; and
- (d)* make recommendations to the Board with respect to the environmental impacts of proposed development projects,

including the imposition of conditions on the grant of planning permission for the purposes of avoiding, mitigating or offsetting adverse environmental impacts.

3. A member of the Committee serves for a term of 3 years but is eligible for re-appointment as often as the Board sees fit.
4. The Board shall designate one of the members of the Committee to act as Chairperson.
5. The Director assign an officer from the Planning and Development Department to serve as Secretary to the Committee.
6. The Committee may appoint from amongst its member such working groups as are necessary or expedient to carry out specific tasks.
7. Minutes in proper form of each meeting of the Committee and of any working group shall be kept by the Secretary and confirmed by the Committee at its next meeting; and the Chairman shall sign the minutes once confirmed.
8. The provisions of subsections (9) and (12) of section 6 and of section 103 of the Act apply *mutatis mutandis* to the Committee and members thereof as they apply to the Board.
9. Subject to the foregoing provisions of this *Schedule*, the Committee has the power to regulate its own proceedings.

**SEVENTH SCHEDULE**

*(Section 44(6))*



Planning and Development Act  
(Act 2019-5)

FORM

**DESIGN CERTIFICATE**

I \_\_\_\_\_ hereby declare that the plans and  
*Name of Registered Professional*  
specifications for the building works have been properly prepared by me in accordance with the  
requirements of the *Building Regulations, 2020* (S.I. 2020 No.     ) and the Building Code.

\_\_\_\_\_  
*Signature of Registered Professional*

\_\_\_\_\_  
*Day/Month/Year*

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2020.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020.

**President**

# **PARLIAMENT**

---

## **BILL**

cited as the Planning and  
Development (Amendment) Act,  
2020

---

Government Printing Department

## CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT, 2020

### OBJECTS AND REASONS

This Bill would provide for a *Criminal Justice (Miscellaneous Provisions) Act, 2020* to amend

- (a) the *Criminal Procedure Act*, Cap. 127 in order to delete sections 6A and 7A of the Act;
- (b) the *Evidence Act*, Cap. 121 in order to abolish the right of the accused to make an unsworn statement on trial by indictment;
- (c) the *Juries Act*, Cap. 115B in order to provide for majority verdicts in certain cases of murder;
- (d) the *Mental Health Act*, Cap. 45 in order to provide for detention in a mental hospital;
- (e) the *Offences Against the Person Act*, Cap. 141 in order to provide for the punishment for murder and for diminished responsibility; and
- (f) the *Treason Act*, Cap. 155A in order to provide for the punishment for high treason.



CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT, 2020

*Arrangement of Sections*

1. Short title
2. Amendment to enactments set out in the *Schedule*

SCHEDULE



## **BARBADOS**

A Bill entitled

An Act to amend certain enactments relating to criminal law and criminal procedure.

ENACTED by the Parliament of Barbados as follows:

**Short title**

1. This Act may be cited as the *Criminal Justice (Miscellaneous Provisions) Act, 2020*.

**Amendment to enactments set out in the Schedule**

2. *The enactments set out in column 1 of the Schedule are amended to the extent set out opposite thereto in column 2.*

## SCHEDULE

(Section 2)

### CONSEQUENTIAL AMENDMENTS

| Column 1                                       | Column 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Enactments</i>                              | <i>Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 1. <i>Criminal Procedure Act</i> ,<br>Cap. 127 | Delete sections 6A and 7A.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2. <i>Evidence Act</i> , Cap. 121              | Delete sections 22 and 23.<br><br>Delete section 24(2) and insert the following:<br><br><div style="padding-left: 40px;"> <p>"(2) In criminal proceedings, before an accused gives evidence, the court shall inform the accused, if there is a jury, in the presence of the jury, that he has a choice of swearing an oath or making an affirmation before giving evidence."</p> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 3. <i>Juries Act</i> , Cap. 115B               | Delete section 38 and substitute the following:<br><br><div style="padding-left: 40px;"> <p><b>"Unanimous verdict for high treason and murder</b></p> <p><b>38.</b> (1) In a trial on indictment for high treason, the verdict of the jury, whether of conviction or of acquittal in respect of that offence, shall be unanimous.</p> <p>(2) In a trial on indictment for murder to which any paragraph of section 2(2) of the <i>Offences Against the Person Act</i>, Cap. 141 applies, the verdict of the jury, whether of conviction or of acquittal in respect of that offence, shall be unanimous.</p> <p>(3) In a trial on indictment for murder to which no paragraph of section 2(2) of the <i>Offences Against the Person Act</i>, Cap. 141 applies, the verdict of the jury, whether of conviction or of acquittal, need not be unanimous, if not less than 9 of the jury are agreed thereon.</p> </div> |

*Schedule - (Cont'd)*CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

| Column 1                                        | Column 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Enactments</i>                               | <i>Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 3. <i>Juries Act</i> , Cap. 115B -<br>(Concl'd) | In section 39,<br><br>(a) delete the word "9" appearing in paragraph (a) and substitute the word "8"; and<br><br>(b) delete the word "treason" appearing in paragraph (b) and substituting the words "high treason".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 4. <i>Mental Health Act</i> ,<br>Cap. 45        | Delete section 13 and substitute the following:<br><br><b>"Detention in mental Hospital</b><br><b>13.</b> (1) Notwithstanding section 7(1), where a person on trial before the High Court<br><br>(a) is found unfit to plead;<br><br>(b) is found not guilty by reason of insanity; or<br><br>(c) is found guilty but is suffering from diminished responsibility,<br><br>that Court shall order him to be detained in a mental hospital during the Court's pleasure and thereupon the Court may give such directions for the safe keeping of the appellant during the detention as the Court thinks fit.<br><br>(2) Where the Court has ordered a person to be detained pursuant to subsection (1) and the period of detention served by that person as a result of the Order is in excess of 4 years, the Court<br><br>(a) shall as soon as possible after 4 years of the period of detention has been served, review that sentence and issue further directions; and |

*Schedule - (Cont'd)*CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

| Column 1                                             | Column 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Enactments</i>                                    | <i>Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4. <i>Mental Health Act</i> ,<br>Cap. 45 - (Concl'd) | <p>(b) where the period of detention is ordered by the Court to continue under paragraph (a), shall review the sentence every 4 years thereafter.</p> <p>(3) The Court may by warrant either absolutely or conditionally discharge any person detained under subsection (1)."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 5. <i>Offences Against the Person Act</i> , Cap. 141 | <p>Delete section 2(1) and substitute the following:</p> <p>"(1) Any person convicted of murder may be sentenced to, and may suffer, death where</p> <p>(a) the murder was committed with a high level of brutality, cruelty, depravity, or callousness;</p> <p>(b) the murder involved calculated or lengthy planning;</p> <p>(c) the deceased was a Judge, a Magistrate, the Director of Public Prosecutions or a legal officer in the Department of Public Prosecutions and the office of the deceased was a factor in the commission of the offence;</p> <p>(d) the deceased was a member of the Royal Barbados Police Force, a member of the Barbados Defence Force, a member of the Special Constabulary or a prison officer and the office of the deceased was a factor in the commission of the offence;</p> <p>(e) the deceased was a member of a group of persons who have a common characteristic such as race, nationality, ethnicity or religion and this was a factor in the commission of the offence;</p> |

*Schedule - (Cont'd)*

CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

| Column 1                                                           | Column 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Enactments</i>                                                  | <i>Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5. <i>Offences Against the Person Act</i> , Cap. 141 -<br>(Cont'd) | <p>(f) the deceased was a witness or a juror in a pending or concluded trial and this was a factor in the commission of the offence;</p> <p>(g) the deceased was particularly vulnerable because of his age, health or disability or because of any other factor;</p> <p>(h) the person convicted was convicted of 2 or more offences of murder, whether or not arising from the same circumstances; or</p> <p>(i) in the opinion of the Court, there are any other exceptional circumstances which must be taken into account and which justify the imposition of a sentence of death.</p> <p>(2) Any person convicted of murder, otherwise than as provided in subsection (1), may be sentenced to imprisonment for life."</p> |

Delete section 4 and substitute the following:

**"Diminished responsibility**

4. (1) Where a person kills or is party to the killing of another, he shall not be convicted of murder if he was suffering from such abnormality of mind, whether arising from a condition of arrested or retarded development of mind or any inherent cause or induced by disease or injury, as substantially impaired his mental responsibility for his acts and omissions in doing or being a party to the killing.

(2) On a charge of murder, it shall be for the defence to prove that the person is by virtue of this section not liable to be convicted of murder.

*Schedule - (Cont'd)*CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

| Column 1                                                           | Column 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Enactments</i>                                                  | <i>Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 5. <i>Offences Against the Person Act</i> , Cap. 141 -<br>(Cont'd) | <p>(3) A person who but for this section would be liable, whether as principal or as accessory, to be convicted of murder shall be liable instead to be convicted of manslaughter.</p> <p>(4) The fact that one party to a killing is by virtue of this section not liable to be convicted of murder shall not affect the question whether the killing amounted to murder in the case of any other party to it.</p> <p>(5) Where on a trial for murder the accused contends</p> <p>(a) that at the time of the alleged offence he was insane so as not to be responsible according to law for his actions; or</p> <p>(b) that at the time he was suffering from such abnormality of mind as is specified in subsection (1),</p> <p>the court shall allow the prosecution to adduce or elicit evidence tending to prove the other of those contentions and may give directions as to the stage of the proceedings at which the prosecution may adduce such evidence.</p> <p>(6) Where on a trial for murder</p> <p>(a) evidence is given that the accused was at the time of the alleged offence suffering from such abnormality of mind as is specified in subsection (1); and</p> |

*Schedule - (Concl'd)*

CONSEQUENTIAL AMENDMENTS - *(Concl'd)*

| Column 1                                                         | Column 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Enactments</i>                                                | <i>Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 5. <i>Offences Against the Person Act</i> , Cap. 141 - (Concl'd) | <p>(b) the accused is convicted of manslaughter, the court shall require the jury to declare whether the accused was so convicted by them on the ground of such abnormality of mind, and, if the jury declare that the conviction was on that ground, the court may instead of passing such sentence as is provided by law for that offence, order the person so convicted to be detained in custody, in such place as the court appoints, until the Court's pleasure is known, and thereupon the court may give such order for the safe custody of the person during the Court's pleasure as the court thinks fit.</p> <p>(7) The court acting in his discretion may by instrument in writing order the discharge, either absolutely or on such conditions as to the duration of the discharge or otherwise as he thinks fit, of a person ordered to be detained under subsection (6)."</p> |
| 6. <i>Treason Act</i> , Cap. 155A                                | <p>Delete section 7 and substitute the following:</p> <p><b>"Punishment for high treason</b></p> <p>7. Everyone who commits high treason is guilty of an offence triable on indictment and on conviction may be sentenced to, and may suffer, death."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2020.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020.

**President**

# **PARLIAMENT**

---

## **BILL**

cited as the Criminal Justice  
(Miscellaneous Provisions) Act,  
2020

---

Government Printing Department

## CONTROL OF DISPOSABLE PLASTICS ACT, 2020

### **OBJECTS AND REASONS**

This Bill would revise the law relating to the prohibition of the manufacture, importation, distribution and sale of certain single-use plastic items, authorise the sale and use of certain types of disposable plastic materials and would provide for related matters.



CONTROL OF DISPOSABLE PLASTICS ACT, 2020

*Arrangement of Sections*

1. Short title
2. Definitions
3. Application
4. Prohibition
5. Prohibition on importation or manufacture of single-use plastic bags
6. Licence for the importation
7. Exemption for certain single-use plastic items
8. Offence of misrepresentation
9. Unavailability of bio-based alternatives to plastics
10. Committee
11. Schedules
12. Regulations
13. Repeal of Act 2019-11

FIRST SCHEDULE

*PROHIBITED GOODS*

SECOND SCHEDULE

*GOODS PROHIBITED FROM IMPORTATION AND MANUFACTURE*

THIRD SCHEDULE

*EXEMPTED SINGLE-USE PLASTIC ITEMS*

FOURTH SCHEDULE

*LICENCE FEE*

FIFTH SCHEDULE

*CONSTITUTION AND PROCEDURE OF COMMITTEE*

## **BARBADOS**

A Bill entitled

An Act to revise the law relating to the prohibition on the importation, manufacture, distribution and sale of certain single-use plastic items, authorise the use of certain types of disposable plastic items and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

**Short title**

1. This Act may be cited as the *Control of Disposable Plastics Act, 2020*.

**Definitions**

2. For the purposes of this Act,
- “bio-based items” mean items made of plastic that contain materials wholly or partially of biogenic origin;
- “biogenic” means produced in natural processes by living organisms but not fossilized or derived from fossil resources;
- “environmentally sustainable” means a material that is made from a biological based resource and that is compostable in a facility or garden;
- “Minister” means the Minister responsible for Maritime Affairs;
- “petroleum-based material” means any material that wholly or partially consists of petroleum;
- “polyethylene” means a polymer prepared by the polymerization of ethylene as the sole monomer;
- “polypropylene” means a polymer prepared by the polymerization of propylene as the sole monomer;
- “polystyrene” means a polymer prepared by the polymerization of styrene as the sole monomer;
- “single-use plastic bag” means any bag made wholly or in part of polyethylene, polypropylene or any other petroleum-based material;
- “single-use plastic item” means
- (a) single-use plastic bags;
  - (b) packaging;

- (c) drinking straws manufactured for single-use;
- (d) cups, plates, forks, knives and spoons;
- (e) lids, caps, stoppers and other closures used as food service products made wholly or in part of polyethylene, polypropylene or any other petroleum-based material.

### **Application**

3. This Act shall not apply to any plastic beverage container referred to in the *Returnable Containers Act*, Cap. 395.

### **Prohibition**

4.(1) With effect from the 1<sup>st</sup> day of May, 2020 the goods set out in the *First Schedule* are prohibited goods within the meaning of section 89(1) of the *Customs Act*, Cap. 66 and shall not be imported into Barbados.

(2) With effect from the 1<sup>st</sup> day of May, 2020 no person shall distribute, offer for sale, sell or use any prohibited goods set out in the *First Schedule*.

(3) Subject to section 6, with effect from the 1<sup>st</sup> day of May, 2020 no person shall manufacture, distribute or offer for sale any single-use plastic bags.

(4) Subject to section 6, with effect from the 1<sup>st</sup> day of May, 2020 no person shall use single-use plastic bags.

(5) A person who contravenes subsections (1), (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of one year or to both and in the case of a continuing offence, to a further fine of \$1 000 for each day or part thereof, during which the offence continues after which a conviction was first obtained.

(6) An individual who contravenes subsection (4) is guilty of an offence and is liable on summary conviction to a fine of \$5 000.

**Prohibition on importation or manufacture of single-use plastic bags**

5. Subject to section 6, with effect from the 1<sup>st</sup> day of May, 2020 no person shall import or manufacture any single-use petroleum-based plastic bag set out in the *Second Schedule*.

**Licence for the importation**

6.(1) With effect from the 1<sup>st</sup> day of May, 2020 no person shall

- (a) import any single-use plastic item that is labelled or marketed as environmentally sustainable; or
- (b) import any item set out in the *Third Schedule*

unless that person has applied for and has obtained a licence issued by the Minister responsible for Commerce under section 10 of the *Miscellaneous Controls Act*, Cap. 329.

(2) An application for a licence made pursuant to subsection (1) shall be in such form as the Minister responsible for Commerce approves.

(3) The Minister responsible for Commerce may, on receipt of an application made pursuant to subsection (1) and on payment of the fee set out in the *Fourth Schedule*, grant a licence for the importation of any single-use plastic item referred to in that subsection.

(4) A licence granted pursuant to subsection (3) is valid for a period of 3 months from the date of issue and is not transferable.

(5) Any person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of one year or to both and, in the case of a continuing offence, to a further fine of \$1 000 for each day or part thereof during which the offence continues after a conviction is first obtained.

### **Exemption for certain single-use plastic items**

7. A person may
- (a) manufacture, distribute, offer for sale, sell or use; or
  - (b) subject to section 6(1)(b) and (2), import

any single-use plastic bag, plastic wrap or tray made of polystyrene which is required for a purpose specified in the *Third Schedule*.

### **Offence of misrepresentation**

8.(1) A person who makes a false or misleading claim or statement and represents that the single-use plastic items that are imported or offered for sale by him are environmentally sustainable is guilty of an offence.

(2) A manufacturer, wholesaler or retailer who makes a false or misleading claim or statement and represents that the single-use plastic items imported, offered for sale, manufactured or distributed by him are environmentally sustainable is guilty of an offence.

(3) A person who is guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of one year or to both, and in the case of a continuing offence to a further fine of \$1 000 for each day or part thereof during which the offence continues after which a conviction is first obtained.

### **Unavailability of bio-based alternatives to plastics**

9. Notwithstanding any provision of this Act, where there
- (a) is no suitable material for the manufacture of bio-based items; or
  - (b) are no bio-based items available for sale by a wholesaler or a retailer
- the Minister, may on application made to him in writing setting out the reasons for the unavailability of such materials or items grant to the applicant permission

to manufacture items from petroleum-based materials or to sell by wholesale or retail such items, as the case may be.

### **Committee**

**10.(1)** There is established a committee to be known as the Bio-Based Innovation Committee in this Act called the “Committee”.

(2) The purpose of the Committee is to

- (a) recommend, monitor and oversee the development of plastic pollution prevention programmes;
- (b) recommend, monitor and oversee the development of bio-based innovations, and promote the development of the bio-based economy; and
- (c) make recommendations and develop proposals for public education on plastics and bio-based alternatives to plastics.

(3) The *Fifth Schedule* has effect with respect to the constitution and procedure of the Committee and otherwise in relation thereto.

### **Schedules**

**11.** The Minister may, by order, amend, vary or revoke the *Schedules*.

### **Regulations**

**12.** The Minister may, after consultation with the Minister responsible for the Environment, make regulations

- (a) for the conservation, management and protection of the environment including the marine environment, from pollution by plastics;
- (b) for prescribing anything that is authorised or required by this Act to be prescribed; and
- (c) generally, for giving effect to the provisions of this Act.

**Repeal of Act 2019-11**

**13.** The *Control of Disposable Plastics Act, 2019*, Act 2019-11 is repealed.

**FIRST SCHEDULE***(Section 4(1) and (2))***PROHIBITED GOODS**

| Tariff Heading Number | Description of Goods                                                          |
|-----------------------|-------------------------------------------------------------------------------|
| ex 3923               | Egg boxes                                                                     |
| ex 3923               | Food service products<br>(namely, lids, caps, stoppers<br>and other closures) |
| ex 3923               | Cups                                                                          |
| ex 3924               | Drinking straws                                                               |
| ex 3924               | Forks                                                                         |
| ex 3924               | Knives                                                                        |
| ex 3924               | Plates                                                                        |
| ex 3924               | Spoons                                                                        |
| ex 3924               | Stirrers                                                                      |

**SECOND SCHEDULE***(Section 5)***GOODS PROHIBITED FROM IMPORTATION AND MANUFACTURE**

| Tariff Heading Number | Description of Goods                                      |
|-----------------------|-----------------------------------------------------------|
| ex 3923               | Sacks and bags of polymers of ethylene and other plastics |

### **THIRD SCHEDULE**

*(Sections 6(1)(b) and 7)*

#### **EXEMPTED SINGLE-USE PLASTIC ITEMS**

1. Single-use plastic items used to maintain public health and in compliance with food safety standards, including packaging used by wholesalers and retailers to distribute raw meat (fresh, chilled or frozen), raw fish (fresh, chilled or frozen), flour, sugar, rice or baked goods.
2. Single-use plastic items used for medical purposes, inclusive of equipment and protective gear.
3. Single-use plastic items used for veterinary purposes, inclusive of equipment and protective gear.
4. Single-use plastic bags designed, packaged and retailed specifically for the disposal of waste from households, public places, business places, offices or industrial plants.
5. Single-use plastic bags distributed by airport authorities for health, safety and security purposes and contained in the luggage of a person travelling into or out of Barbados.
6. Single-use plastic bags or plastic wrap designed for storage of agricultural products, fresh fruit and vegetables, bags containing samples used for analytical and scientific purposes.
7. Single-use plastic bags or wrap used for perishables or for the preservation of food.
8. Single-use plastic bags that are transparent, low density of 25-30 microns, including bags used by vendors in the sale and distribution of produce such as fruits (e.g. nuts, grapes, plums, coconut slices, golden apple slices, mango

slices, pineapple slices, watermelon slices, sugar cane, tamarinds, ackees, berries, cherries, dunks, 'fat pork', cashews).

9. Single-use plastic bags that are transparent, low density of 60-70 microns used to package fresh, chilled or frozen meat.
10. Trays made of polystyrene used for packaging fresh, chilled or frozen meat, fish or processed fruit and vegetables, whether fresh, chilled, frozen or processed.
11. Drinking straws to be used only by persons with disabilities.
12. Plastic bags manufactured for export.
13. Plastic straws attached to small tetra-pak boxes until 1<sup>st</sup> January 2023.
14. Coin and currency bags used by financial institutions.

**FOURTH SCHEDULE**

*(Section 6(3))*

**LICENCE FEE**

|                            |         |
|----------------------------|---------|
| Fee for the import licence | \$25.00 |
|----------------------------|---------|

## FIFTH SCHEDULE

(Section 10(3))

### CONSTITUTION AND PROCEDURE OF COMMITTEE

1. The Committee shall comprise
  - (a) the Permanent Secretary in the Ministry responsible for Maritime Affairs, *ex officio*, who shall be the chairman;
  - (b) the Permanent Secretary in the Ministry responsible for Commerce, *ex officio*, or his nominee;
  - (c) the Permanent Secretary in the Ministry responsible for the Environment, *ex officio*, or his nominee;
  - (d) the Comptroller of Customs, *ex officio*, or his nominee;
  - (e) the Director of the Barbados National Standards Institution, *ex officio*, or his nominee;
  - (f) the Director of the Coastal Zone Management Unit, *ex officio*, or his nominee;
  - (g) the Director of the Department of Commerce and Consumer Affairs, *ex officio* or his nominee;
  - (h) a representative of the Barbados Chamber of Commerce and Industry;
  - (i) a representative of the Barbados Manufacturer's Association;
  - (j) a representative of the Barbados Private Sector Association; and
  - (k) a representative from the Faculty of Science and Technology of the University of the West Indies, Cave Hill Campus.
  
2. Subject to the right to resign his office, a person appointed under sub-paragraph (h), (i), (j) and (k) of paragraph 1 shall hold office for a term of 3 years.

3. No remuneration shall be payable to the members of the Committee except with the approval of the Cabinet.
4. In the case of the absence of the chairman, or his inability to act as such, the senior Permanent Secretary shall exercise the functions of the chairman.
5. A public officer assigned by the Permanent Secretary in the Ministry responsible for Maritime Affairs shall be the Secretary of the Committee.
6. A member of the Committee may resign by letter in writing sent to the Minister.
7. Subject to this *Schedule*, the Committee shall regulate its own procedure.
8. The Committee shall meet at such times and places as may be necessary or expedient for the transaction of its business.
- 9.(1) The chairman may at any time call a special meeting of the Committee, and shall call such a meeting if required so to do by 5 members of the Committee.
  - (2) The chairman and 5 other members of the Committee shall form a quorum.
  - (3) In the case where the voting is equal, the chairman shall have a second or casting vote.

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2020.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020.

**President**

# **PARLIAMENT**

---

## **BILL**

cited as the Control of Disposable  
Plastics Act, 2020

---

Government Printing Department



# The Official Gazette

PUBLISHED  
BY  
AUTHORITY

VOL. CLV No. 43

---

Part B

BRIDGETOWN, BARBADOS, 27TH APRIL, 2020

---

## Content

Notice re IBM JF SRL .....1

---

NOTICE NO. 1

THE SOCIETIES WITH RESTRICTED LIABILITY  
ACT, CAP. 318B OF THE LAWS OF BARBADOS

**IBM JF SRL**  
(Society No. 1464)

In accordance with Section 31 of the Societies with Restricted Liability Act, Cap. 318B, of the Laws of Barbados notice is hereby given that IBM JF SRL ("the Society") intends to dissolve and the member of the Society has, by special resolution, authorized and directed that the Society be liquidated and dissolved voluntarily.

Dated the 27 day of April 2020.

MALCOLM ANDREW THOMAS  
Manager.



# The Official Gazette

PUBLISHED  
BY  
AUTHORITY

VOL. CLV No. 43

Part C

BRIDGETOWN, BARBADOS, 27TH APRIL, 2020

## Contents

|                                                                                                                    |   |
|--------------------------------------------------------------------------------------------------------------------|---|
| Appointments to the Board of Directors of the Barbados<br>Agricultural Development and Marketing Corporation ..... | 1 |
| Vacation Leave: The Hon. Madam Justice Michelle Weekes,<br>Judge of the High Court .....                           | 1 |

NOTICE NO. 1

## Government Notices

### Vacation Leave

The Hon. Madam Justice Michelle Weekes, Judge of the High Court, has been granted twenty-one (21) days' vacation leave as follows:

- (i) 1st to 10th July, 2020 – 10 days; and
- (ii) 1st to 11th December, 2020 – 11 days.

### Appointments to the Board of Directors

#### THE BARBADOS AGRICULTURAL DEVELOPMENT AND MARKETING CORPORATION ACT, CAP. 254

In exercise of the powers conferred on him by Section 5(2) of the Barbados Agricultural Development and Marketing Corporation Act, Cap. 254, the Minister of Agriculture and Food Security has appointed the following persons as Directors on the Board of Directors of the Barbados Agricultural Development and Marketing Corporation with effect from March 1, 2020 until June 30, 2021:

|                    |   |                 |
|--------------------|---|-----------------|
| Dr. Troy Lorde     | – | Deputy Chairman |
| Dr. Jeannine Comma | – | Director.       |



