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Resolution No. 23/2021

Ref. No.: M.P.: 0301/963 Vol. I

PARLIAMENT

RESOLVED that Parliament in accordance with section 5 of the *Land Acquisition Act*, Cap. 228 approve the compulsory acquisition by the Crown of the parcel of land situate at Workman's in the parish of Saint George in this Island, more particularly described in the *Schedule*, for the purpose of constructing recreational facilities for public use.

APPROVED by the House of Assembly this 5th day of October, Two thousand and twenty-one.

A. HOLDER
Speaker.

APPROVED by the Senate this 8th day of December, Two thousand and twenty-one.

R. FARLEY
President.

I assent
S. MASON
President of Barbados
2021-12-15.

SCHEDULE

ALL THAT land the property of Nathaniel Gill situate at Workman's in the parish of Saint George in this Island containing by admeasurement 1992.9 square metres or thereabouts, abutting and bounding on lands now or formerly of the Christian Mission Church, on lands now or late of James Hoyte, on lands now or late of Randall Hewitt, on lands now or formerly of the Barbados Government and on a public road leading to Free Hill in one direction and to Taitt Hill in the other direction or however else the same may abut and bound as delineated and shown on a plan certified on the 26th day of October, 2018 by Anderson R. Alleyne, Land Surveyor and recorded in the Lands and Surveys Department on the 1st day of November, 2018 as Plan No. 1319/2018.

Resolution No. 24/2021

Ref. No.: M.P.: 0301/964 Vol. I

PARLIAMENT

RESOLVED that Parliament in accordance with section 5 of the *Land Acquisition Act*, Cap. 228 approve the compulsory acquisition by the Crown of the parcels of land situate at Sargeants Village in the parish of Christ Church in this Island and more particularly described in the *Schedules* for a public purpose, namely housing development.

APPROVED by the House of Assembly this 23rd day of November, Two thousand and twenty-one.

A. HOLDER
Speaker.

APPROVED by the Senate this 8th day of December, Two thousand and twenty-one.

R. FARLEY
President.

I assent
S. MASON
President of Barbados
2021-12-15.

FIRST SCHEDULE

ALL THAT land the property of Marjorie Payne situate at Sargeants Village in the parish of Christ Church in this Island containing by admeasurement 1222.2 square metres or thereabouts (inclusive of 144.0 square metres in road reserve) abutting and bounding on lands now or late of Olric Harewood (Lot 7) on lands now or late of Germaine Atkins on other lands now or late of the said Marjorie Payne on lands now or late of Peter Foster (Lot 2) and on a public road which leads to Highway 6 or however else the same may abut and bound as shown and delineated on a plan certified on the 26th day of August, 2021 by Samuel N. Taylor, Land Surveyor and recorded in the Lands and Surveys Department on the 1st day of September, 2021 as Plan No. 1080/2021.

SECOND SCHEDULE

ALL THAT land the property of Germaine Atkins situate at Sargeants Village in the parish of Christ Church in this Island containing by admeasurement 5798.8 square metres or thereabouts (inclusive of 149.1 square metres in right-of-way) abutting and bounding on lands now or late of Randolph Sealy (Lot 2) on lands now or late of Marjorie Payne on lands now or late of Olric Harewood (Lot 7) on lands now or late of Kenrick Cox (Lot 6) on lands now or late of Dale Husbands (Lot 5) on lands now or late of Floretta Taylor (Lot 4) on lands now or late of Shawn Hoyte (Lot 3) on lands formerly of Cecil Howard deceased (Lot 2) on lands now or late of Shahida Griffith et al (Lot 1) on lands now or late of June Moe (Lots 2 and 3) on lands now or late of Maureen Atkins on lands now or late of George Atkins on lands now or late of James Phillips on lands now or late of Veta Payne and on a cart road which leads to No. 1 Browne's Gap or however else the same may abut and bound as shown and delineated on a plan certified on the 26th day of August, 2021 by Samuel N. Taylor, Land Surveyor and recorded in the Lands and Surveys Department on the 1st day of September, 2021 as Plan No. 1080/2021.

BARBADOS WATER AUTHORITY (AMENDMENT) ACT, 2021

OBJECTS AND REASONS

This Bill would amend the *Barbados Water Authority Act*, Cap. 274A

- (a) to make provision for water protection zones;
- (b) to provide for institutional strengthening of the authority; and
- (c) to provide for related matters.

BARBADOS WATER AUTHORITY (AMENDMENT) ACT, 2021

Arrangement of Sections

1. Short title
2. Amendment of section 2 of Cap. 274A
3. Amendment of section 5 of Cap. 274A
4. Repeal and replacement of section 9 of Cap. 274A
5. Repeal and replacement of section 13 of Cap. 274A
6. Repeal and replacement of section 14 of Cap. 274A
7. Insertion of Part IVA into Cap. 274A
8. Repeal and replacement of section 27 of Cap. 274A
9. Amendment of section 28 of Cap. 274A
10. Amendment of section 29 of Cap. 274A
11. Deletion of section 31 of Cap. 274A
12. Insertion of section 33 into Cap. 274A
13. Amendment of Schedules to Cap. 274A
14. Consequential amendments

FIRST SCHEDULE

SECOND SCHEDULE

BARBADOS

A Bill entitled

An Act to amend the *Barbados Water Authority Act*.

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Barbados Water Authority (Amendment) Act, 2021*.

Amendment of section 2 of Cap. 274A

2. Section 2 of the Barbados Water Authority Act, Cap. 274A, in this Act referred to as the principal Act, is amended by inserting the following definitions in alphabetical order:

““adit” means an excavation on a horizontal or inclined plane extending from a well, bore-hole or shaft;

“aquifer” means an underground layer of water-bearing permeable rock or unconsolidated materials such as gravel, sand, or silt from which groundwater can be extracted;

“bore hole” means a shaft or bore-hole of any diameter constructed solely by a recognised method of boring;

“ground water” or “underground water” means the natural water that flows within the aquifers or which saturates geological formations of rock or soil beneath the surface of the earth which occur in sufficient quantities to be of beneficial use;

“territorial waters” has the meaning assigned to it by section 2 of the *Barbados Territorial Waters Act*, Cap. 386;

“water resources” means the springs, rivers, surface water in water zones, underground water, coastal waters and the territorial waters of Barbados;

“well” includes any bore-hole, adit, shaft or excavation.”.

Amendment of section 5 of Cap. 274A

3. Section 5 of the principal Act, is amended by deleting subsection (1) and substituting the following:

“(1) The functions of the Authority are

- (a) to obtain and analyse information and maintain records of the total water resources of Barbados;
- (b) to manage, allocate and monitor the surface and ground water resources of Barbados with a view to ensuring development, conservation and protection of the ground water resources in the public interest;
- (c) after consultation with such persons as the Minister may direct or otherwise, to prepare and submit to the Minister from time to time, proposals for the establishment of efficient, co-ordinated and economical water supply and sewerage systems capable of meeting the need for water and sewerage services throughout Barbados;
- (d) to prepare details of schemes for the development and protection of surface and ground water resources and for the supply of water and sewerage services, and to construct, maintain and operate such schemes;
- (e) to regulate and keep under constant review, the quality, reliability and availability of water supply and sewerage services in accordance with the requirements and standards issued to the Authority by the Environmental Protection Department in writing;
- (f) to keep under review the rates to be charged for those services;
- (g) to control and regulate the collection, production, treatment, storage, transmission, distribution and use of water for public purposes;
- (h) to design, construct, acquire, provide, operate and maintain water works for the purposes of treating or supplying water for public purposes;

- (i) to design, construct, acquire, provide, operate and maintain sewerage works for the purpose of receiving, treating and disposing of sewage;
- (j) to control and regulate the disposal of sewage through sewerage plants or waste treatment plants that are not part of the Authority's systems;
- (k) to conduct research programmes and prepare statistics for its purposes;
- (l) to disseminate information and advice with respect to the management, collection, production, transmission, treatment, storage, supply and distribution of water and where applicable, sewage;
- (m) to provide such facilities as may be necessary for training and educating its employees and to facilitate research by employees;
- (n) to advise the Minister on the matters referred to in paragraph (e) and on such other matters relating to water supply and sewerage services as the Minister refers to the Authority;
- (o) to monitor and ensure compliance with this Act and to ensure the conservation and protection of water resources in the public interest; and
- (p) to perform such other functions as the Minister assigns or as the Authority considers necessary or expedient for its purposes.”.

Repeal and replacement of section 9 of Cap. 274A

4. *The principal Act is amended by deleting section 9 and substituting the following:*

“Appointment of Chief Executive Officer

9.(1) The Board may, with the approval of the Minister, appoint a person to be the Chief Executive Officer of the Authority, who shall be an employee of the Authority.

(2) The Chief Executive Officer is subject to the directions of the Board and is responsible to the Board for the execution and management of the affairs of the Authority.”.

Repeal and replacement of section 13 of Cap. 274A

5. *The principal Act is amended by deleting section 13 and substituting the following:*

“Inspection of premises

13.(1) The Authority, its employees and agents may for the purposes of the Authority, at any time that is reasonable in the circumstances, enter into any premises or into any road and

- (a) perform or carry out surveys;
- (b) perform or carry out examinations;
- (c) perform or carry out tests on water, soils, rock, plant or any other related material;
- (d) collect samples of water, soil, rock, plant or any related material;
- (e) perform investigations of premises and wells;
- (f) perform inspections of premises and wells; or

- (g) make any arrangements as it considers necessary for the Authority to effectively discharge its functions under paragraphs (a) to (f).
- (2) Subject to section 14(3), the Authority is liable for any damage occasioned in the performance of its functions under subsection (1).".

Repeal and replacement of section 14 of Cap. 274A

6. *The principal Act is amended by deleting section 14 and substituting the following:*

“Powers of Authority

14.(1) The Authority, its employees and agents may for any of the purposes of the Authority

- (a) enter upon premises for the purpose of laying pipes or for using the water of any stream, spring or pond thereon;
- (b) divert or impound the water from any stream, spring, aquifer, well or pond;
- (c) open and break up the surface soil of any road;
- (d) open and break up any sewer, drain or tunnel in or over any road;
- (e) perform or carry out surveys;
- (f) perform or carry out examinations;
- (g) perform or carry out tests on water, well, groundwater, soils, rock, plant or any other related material;
- (h) collect samples of water, groundwater, soil, rock, plant or any related material;
- (i) perform investigations pursuant to this Act;

- (j) perform inspections pursuant to this Act; or
 - (k) do such other things as it considers necessary for its purposes.
- (2) The Authority is liable to make reasonable compensation to the owner or occupier of premises or the road authority, as the case may be, for the use of the water of any stream, spring, well or pond or for any damage occasioned in the performance of its functions under this section.
- (3) Compensation payable under this section and section 12 may be in such amount as is agreed upon between the owner or occupier and the Authority or as is assessed in accordance with the *Land Acquisition Act*, Cap. 228.”.

Insertion of Part IVA into Cap. 274A

7. *The principal Act is amended by inserting immediately after Part IV the following:*

“PART IVA

WATER REVIEW MANAGEMENT COMMITTEE, WELLS AND
RELATED MATTERS

Water Review Management Committee

18A.(1) There is hereby established a Water Review Management Committee.

(2) The provisions of the *Second Schedule* shall have effect in relation to the constitution of the Committee and to matters related thereto.

Protection from personal liability

18B. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board, Committee or employee of the Authority in respect of any act done *bona fide* in pursuance of their duties, functions or instructions given pursuant to this Act.

Application to use a well

18C.(1) No person shall

- (a) sink any well for agricultural, commercial or any other purpose;
- (b) deepen an existing well for the purpose of tapping, intercepting or abstracting ground water therefrom;
- (c) convert or substantially alter a well into a well for the tapping, interception or abstraction of ground water;
- (d) abstract ground water from any well;
- (e) carry out any substantial alteration to a well or change the use of a well

unless he first obtains a licence from the Committee so to do.

(2) Any alteration which increases or is designed to increase or is capable of increasing the horizontal area or the depth of a well or the power utilised to raise water from a well or the discharge of water so raised shall be deemed to be a substantial alteration within the meaning of paragraph (d) of subsection (1).

(3) A person shall make an application in writing for a licence in such form as the Committee requires and the Committee shall notify the person of its determination with respect to the application in writing.

- (4) An employee of the Authority shall have the power
 - (a) to inspect the land, premises or well prior to granting a licence under subsection (3); and
 - (b) to inspect any well which is subject to a licence under this Act.
- (5) Where an employee of the Authority acts under subsection (4) he shall submit a report to the Committee.
- (6) Where the Committee determines to grant a licence, that licence shall be subject to such terms and conditions as the Committee sees fit, and shall be valid for the period stated therein unless it is revoked or cancelled under subsection (8).
- (7) The Chairman of the Committee shall issue the licence on behalf of the Committee.
- (8) The Committee may revoke or suspend a licence and accordingly the use of the well attached to the licence where
 - (a) the person issued the licence contravenes any term or condition contained in the licence; or
 - (b) the existence or use of that well negatively affects the water supply, water resources, underground water or the marine environment in Barbados.
- (9) For the purposes of this section,
“inspect” means
 - (a) investigating and checking the structure of the wellhead protection to ensure that a proper wellhead protection is provided to stop surface water and foreign objects falling into the well;
 - (b) performing soil tests, water quality tests or such other required tests on the land or premises with the well;

- (c) taking water or soil samples for testing;
- (d) taking copies of documents, taking photographs and taking videos or voice recordings; or
- (e) anything related to or necessary to effect the requirement of paragraphs (a) to (d).

Power of general suspension

18D.(1) The Committee may

- (a) by order, suspend the extraction of water from wells in respect of which a licence is issued under this Act or saved under section 18H, where there is a drought or where natural changes cause a shortage of water for any purpose, which in the opinion of the Committee makes it necessary to suspend the extraction of water for the period stated in the order;
- (b) by an instrument in writing, revise or alter the quantity of water which a person who has been granted a licence under section 18C is authorised to abstract from a well, in such manner as appears to the Committee to be equitable and appropriate in light of the environmental conditions which are impacting the water supply; or
- (c) by an instrument in writing, revise or alter the quantity of water which a person to whom section 18H applies is authorised to abstract from a well, in such manner as it appears to the Committee to be equitable and appropriate taking into consideration the environmental conditions which are impacting the water supply.

(2) Where an order made under subsection (1)(a) creates an offence, the order may provide for such offences to be tried summarily or on indictment and the order may prescribe the following penalties:

- (a) in the case of an offence triable summarily, a fine not exceeding \$10 000 or imprisonment for a term of 5 years or to both; or
- (b) in the case of an offence triable on indictment, a fine not exceeding \$25 000 or imprisonment for a term of 10 years or to both.

Misuse of a well

18E.(1) The Committee may where any well

- (a) is used or caused or permitted to be used in contravention of any of the provisions of this Act; or
- (b) though not situate in any prohibited area or zone as defined pursuant to section 27, is used or caused or permitted to be used for the disposal of sewage water or other waste, in a manner which in the opinion of the Committee constitutes or may constitute a danger to health or leads or may lead to the contamination of any source of water whatever

by notice in writing served on the owner of the land on which the well is situate, require the owner to plug or fill the well, or to cause such well to be plugged or filled, and to provide, or caused to be provided, such other means as the Committee may approve.

(2) Where the owner of the land fails to comply with any requirement of subsection (1), the Committee may require an employee of the Authority to enter on the land and plug or fill the well and do such other works as may be required to provide some other satisfactory method of disposing of the sewage water or other waste.

(3) The expenses of the Authority reasonably incurred in the exercise of the powers conferred by subsection (2) shall be a debt due by the owner of the land in question to the State and, without prejudice to any other lawful means of recovery, may be recovered on complaint before a magistrate by the Authority.

Offence

18F. A person who knowingly makes an application under this Part that is false in any material particular, is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for 12 months or to both.

Savings

18G.(1) A licence issued to a person to construct or use a well under the *Underground Water Control Act*, Cap. 283 shall remain valid for a period of 12 months from the commencement of the *Barbados Water Authority (Amendment) Act, 2021*, and thereafter that licence shall be deemed to be expired.

(2) A person to whom subsection (1) refers shall apply to the Committee for a licence in accordance with this part on or before the expiration of the period specified in subsection (1).”.

Repeal and replacement of section 27 of Cap. 274A

8. *The principal Act is amended by deleting section 27 and substituting the following:*

“Defining of Areas of public water supply

27.(1) The Board may by order

- (a) define, zone, **restrict** or prohibit the use of areas across Barbados which contribute to the water resource of Barbados and which contribute to the public water supply in Barbados; and
- (b) define and regulate the permissible uses of the areas referred to in paragraph (a).

(2) Any person who

- (a) swims or bathes in a source of public water supply defined, zoned, regulated or prohibited under subsection (1);
- (b) swims or bathes in a source of public water supply;
- (c) places, deposits, discharges or allows to remain therein any material of any kind that is likely to impair the quality of water in a source of public water supply defined, zoned, regulated or prohibited under subsection (1);
- (d) places, deposits, discharges or allows to remain therein any material of any kind that is likely to impair the quality of water in a source of public water supply; or
- (e) does any act or takes water so that the amount of water in a source of public water supply unduly diminished,

is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or imprisonment for 12 months or both and to a further fine of \$100 for each day or part thereof during which the offence continues after a conviction is obtained.

(3) The Board shall receive reports with respect to a breach of subsection (2) from any Minister, Authority, company, Agency, person

or public officer required to ensure or monitor compliance with *Barbados Water Authority (Water Zones) Order, 2021*.

(4) Where an order made under subsection (1) creates an offence, the order may provide for such offences to be tried summarily or on indictment and the order may prescribe the following penalties:

- (a) in the case of an offence triable summarily, a fine not exceeding \$10 000 or imprisonment for a term of 5 years or to both; or
- (b) in the case of an offence triable on indictment, a fine not exceeding \$25 000 or imprisonment for a term of 10 years or to both.

(5) The Minister may amend or revoke an order made under subsection (1).”.

Amendment of section 28 of Cap. 274A

9. Section 28 of the principal Act is amended by

(a) ***deleting paragraphs (n) and (o) of subsection (2) and substituting the following:***

- “(n) prescribing matters related to water zones and ground water and prescribing standards and matters for the protection of water zones and ground water;
- (o) prescribing matters related to the construction of a well and the use of a well;
- (p) prescribing the security to be furnished by persons applying for the supply of water or sewerage services; and
- (q) prescribing the conditions for discontinuing the supply of water or sewerage services.”;

(b) *deleting subsection (4) and substituting the following:*

“(4) Where regulations made under subsection (2) creates an offence, those regulations may provide for such offences to be tried summarily or on indictment and the regulations may prescribe the following penalties

- (a) in the case of an offence triable summarily, a fine not exceeding \$10 000 or imprisonment for a term of 5 years or to both; or
- (b) in the case of an offence triable on indictment, a fine not exceeding \$25 000 or imprisonment for a term of 10 years or to both.”;

(c) *deleting subsection (5).*

Amendment of section 29 of Cap. 274A

10. *The principal Act is amended by deleting section 29 and substituting the following:*

“Directions of Minister

29.(1) The Minister may, after consultation with the Chairman of the Board appointed under paragraph (2) of the *First Schedule*, give to the Board directions of a general or specific nature relating to the policy to be followed by the Board in the performance of the functions of the Authority; and the Board shall give effect to the directions.

(2) The Minister may give directions of a general or specific nature relating to the policy to be followed with respect to matters relating to the functions of the Committee or Garbage and Sewage Contribution Relief Board, and the Committee or Garbage and Sewage Contribution Relief Board shall give effect to the directions.”.

Deletion of section 31 of Cap. 274A

- 11. *Section 31 of the principal Act is deleted.***

Insertion of section 33 into Cap. 274A

- 12. *The principal Act is amended by inserting immediately after section 32 the following section:***

“Application to the Town and Country Planning Act

33. The Minister and the Chief Town Planner shall have regard to an order made under section 27 and any regulations made under section 28 in the application of the provisions of the *Town and Country Planning Act*, Cap. 240.”.

Amendment of Schedules to Cap. 274A

- 13.** The principal Act is amended
- (a) in paragraph 8 of the *First Schedule* by deleting the words “General Manager” wherever they appear and substituting the words “Chief Executive Officer”;
 - (b) by numbering the *Second Schedule* to the Act as the *Third Schedule* to that Act; and
 - (b) by inserting the *Second Schedule* set out in the *First Schedule* to this Act as the *Second Schedule* to the principal Act.

Consequential amendments

- 14. *The enactments specified in the first column of the Second Schedule are amended in the manner specified in the second column.***

FIRST SCHEDULE

(Section 13)

“SECOND SCHEDULE

(Section 18A)

Water Review Management Committee

Constitution

1. The Water Review Management Committee shall consist of
 - (a) the Permanent Secretary, Ministry of Transport, Works and Water Resources *ex officio* or his nominee;
 - (b) the Chief Executive Officer of the Barbados Water Authority or his nominee;
 - (c) the Director of the Environmental Protection Department, *ex officio* or his nominee;
 - (d) the Permanent Secretary, Ministry of Agriculture, *ex officio* or his nominee;
 - (e) the Chief Medical Officer, *ex officio* or his nominee;
 - (f) the Permanent Secretary, Ministry of Environment and National Beautification, *ex officio* or his nominee; and
 - (g) Chief Executive Officer of the Barbados Agriculture Development Marketing Corporation or his nominee.

Chairman

2. The Minister shall by an instrument in writing appoint a member to be Chairman and member to be Deputy Chairman.

Resignation

3.(1) The member appointed as chairman or deputy chairman may resign the post of chairman or deputy chairman by instrument in writing addressed to the Minister.

(2) A resignation takes effect from the date on which the Minister receives the instrument.

Temporary leave of absence

4. The Minister may, in writing, grant a leave of absence to a member.

Temporary appointment

5. Where a member is, or is likely to be, unable to perform the functions of his office for more than 30 days, whether as a result of absence from Barbados, illness or other cause or reason, the Minister may appoint a person to act in the place of the member.

Committees

6.(1) The Committee may appoint committees of its members or other persons to assist it with the proper discharge of its functions.

(2) Where a person who is not a member of the Committee is appointed to a committee, the Committee may, with the approval of the Minister, determine the remuneration and allowances to be paid to the person.

Meetings

7.(1) The Committee shall meet as often as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Committee may determine.

- (2) The Chairman, or in the event of his absence from Barbados or inability to act as such, the person acting as Chairman, may at any time call a special meeting of the Committee and shall call such a meeting within 7 days of the receipt by him of a request for the purpose addressed to him in writing and signed by not less than 3 members.
- (3) The Chairman, or in his absence, the person acting as Chairman, shall preside at all meetings of the Committee.
- (4) Where the Chairman is absent from a meeting, the members present shall elect a member from among their number to preside at the meeting.
- (5) Five members shall constitute a quorum.
- (6) The decisions of the Committee shall be by a majority of votes and in a case where the voting is equal, the Chairman or other person presiding at the meeting shall, in addition to an original vote, have a casting vote.
- (7) Minutes of each meeting shall be kept by the person performing the functions of secretary to the Committee or by such other officer as the Committee appoints for the purpose and shall be confirmed by the Committee and signed by the Chairman at the next meeting of the Committee.

Attendance of non-members at meetings

- 8. The Committee may invite any person to attend any of its meetings to assist or advise it with respect to any matter under its consideration, but a person so invited does not have a right to vote.

Committee may regulate proceedings

- 9. Subject to the provisions of this *Schedule*, the Committee may regulate its own proceedings.”.

SECOND SCHEDULE

(Section 14)

Enactment	Amendments
<i>Health Services (Building) Regulations, 1969</i> (S.I. 1969 No. 233)	Regulation 4 is deleted and the following is substituted: “4.(1) The Minister may, in respect of an application made under these Regulations (a) refuse the application and where he refuses the application he shall, within forty-two days after receipt of such application, give to the applicant notice of his refusal; or (b) grant an application and where he determines it is required, attach such conditions to the grant of the application as he thinks fit; or (c) grant conditional approval and any notice of the latter shall specify the conditions which need to be satisfied before approval may be granted. (2) Where the Minister grants an application under paragraph (1)(b) and attaches conditions thereto he shall require compliance with the provisions of the <i>Barbados Water Authority (Water Zones) Order, 2021</i> as a condition of the grant.”.
<i>Health Services (Hotels) Regulations, 1969</i> (S.I. 1969 No. 231)	Regulation 4 is amended by inserting the following new paragraph immediately after paragraph (3): “(4) Where an application is granted under paragraph (3) it shall be a condition of that approval that the person complies with the provisions of the <i>Barbados Water Authority (Water Zones) Order, 2021</i>.”.

Health Services (Lodging House and Barracks) Regulations, 1970
(S.I. 1970 No. 74)

Regulation 4 is amended in paragraph (2) by deleting sub-paragraph (e) and substituting the following:

“(e) the maximum number of persons that may be accommodated at any one time in each room of the lodging house or barrack; and

“(f) that the person shall as a condition of the grant, comply with the provisions of the *Barbados Water Authority (Water Zones) Order, 2021.*”.

Health Services (Private Hospitals, Nursing Homes, Senior Citizen' Homes and Maternity Homes) Regulations, 2005
(S.I. 2005 No. 58)

1. Regulation 5 is amended by inserting the following new paragraph immediately after paragraph (2):

“(3) Where the Minister approves an application under paragraph (2), he shall notify the person that the person shall comply with the provisions of the *Barbados Water Authority (Water Zones) Order, 2021.*”.

2. Regulation 6 is amended in paragraph (2) by deleting sub-paragraphs (c) and (d) and substituting the following:

“(c) state the number of persons that may be accommodated on the premises; and

(d) require compliance with the provisions of the *Barbados Water Authority (Water Zones) Order, 2021*; and

(e) be kept affixed to some conspicuous place in the premises to which it relates.”.

Health Services (Restaurants) Regulations, 1969 (S.I. 1969 No. 234)

Regulation 5 is deleted and following is substituted:

“5.(1) Restaurants shall, to the satisfaction of the Medical Officer of Health, be provided with

(a) adequate toilet facilities which shall be conveniently located, accessible, sanitary

and in good repair;

(b) adequate hand washing facilities which shall include

(i) wash basins;

(ii) running water;

(iii) a constant supply of soap in a suitable container or dispenser;

(iv) individual towels or other hand-drying equipment; and

(v) a suitable receptacle for used towels and waste material;

(c) an adequate supply of potable water; and

(d) compliance with the provisions of the *Barbados Water Authority (Water Zones) Order, 2021*.”.

Marine Pollution Control Act, Cap. 392A

1. Section 5 is amended by inserting the following new subsection after immediately subsection (2):

“ (3) A marine pollution control inspector discharging the functions set out in this Act, shall also monitor compliance with the provisions of the *Barbados Water Authority (Water Zones) Order, 2021* and report any breaches thereof to the Barbados Water Authority or to the police, as the case may be.”.

2. Section 7 is amended in subsection (2) by deleting paragraphs (a) and (b) and substituting the following:

“ (a) prohibiting, wholly or partly the release of the pollutant;

(b) requiring the diminution or cessation of the release of the pollutant; or

(c) monitoring compliance with the provisions of the *Barbados Water Authority (Water Zones) Order, 2016*.”.

Town and Country Planning Act, Cap. 240

1. Section 5 of the Act is amended by inserting the following new subsection after subsection (2):

“(3) The Chief Town Planner shall have regard to the *Barbados Water Authority (Water Zones) Order, 2021* and any other order or regulations made under the *Barbados Water Authority Act, Cap. 274A* which affects the distribution and use of land in Barbados in the preparation of the Development Plan.”.

2. Section 23 of the Act is amended by inserting the following new subsection after subsection (2):

“(3) The Chief Town Planner shall have regard to the *Barbados Water Authority (Water Zones) Order, 2021* and any other order or regulations made under the *Barbados Water Authority Act, Cap. 274A* in the application of the provisions of this Act to

(a) the grant of permission to develop land or to sub-divide land for agricultural, housing, or commercial development; or

(b) the grant of permission to improve, alter, change demolish an existing structure.”.

Town and Country Planning Development Order, 1972 (S.I. 1972 No. 75)

Part I of the *Second Schedule* is amended by:

- (a) deleting paragraph (3), in the second column headed “CONDITIONS”, under the heading “Class I - Development for housing purposes” and substituting the following:

“(3) Where the circumstances so require, comply with the provisions of the *Barbados Water Authority (Water Zones) Order, 2021*.

- (4) All standard conditions.”;

- (b) deleting paragraph (5), in the second column headed “CONDITIONS”, under the heading “Class II - Development for commercial purposes” and substituting the following:

“(5) Where the circumstances so require, comply with the provisions of the *Barbados Water Authority (Water Zones) Order, 2021*.

- (6) All standard conditions.”;

- (c) deleting paragraph (5), in the second column headed “CONDITIONS”, under the heading “Class III - Development for Industrial purposes” and substituting the following:

“(5) Where the circumstances so require, comply with the provisions of the *Barbados Water Authority (Water Zones) Order, 2021*.

- (6) All standard conditions.”;

- (d) deleting paragraphs (4) and (5), in the second column headed “CONDITIONS”, under the heading “Class IV - Development for agricultural purposes” and substituting the following:

“(4) This permission shall not extend to any Agricultural class I area in any area designated

by the *Barbados Water Authority (Water Zones) Order, 2021* as being in a Zone 1, Exclusion Zone area.

(5) Standard conditions 1, 2, 4, 5, 6 and 9.”; and

(e) deleting paragraph (4) , in the second column headed “CONDITIONS” , under the heading “Class V - Development for agricultural purposes” and substituting the following:

“(4) Where the circumstances so require, comply with the provisions of the *Barbados Water Authority (Water Zones) Order, 2021*.

(5) All standard conditions.”.

Underground Water Control Act, Cap. 283 This Act is repealed.

Read three times and passed the House of Assembly this
day of , 2021.

Speaker

Read three times and passed the Senate this day of
, 2021.

President

PARLIAMENT

**SECOND SESSION OF
2018-2023**

BILL

cited as the Barbados Water
Authority (Amendment) Act, 2021

Government Printing Department

WATER REUSE ACT, 2021

OBJECTS AND REASONS

This Bill would provide for the capture, collection, treatment and reuse of wastewater to be used for various purposes.

WATER REUSE ACT, 2021

Arrangement of Sections

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FIRST SCHEDULE

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BARBADOS

A Bill entitled

An Act to provide for the capture, collection, treatment and reuse of wastewater to be used for various purposes.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Water Reuse Act, 2021*.

Interpretation

2. In this Act,

“agricultural wastewater” means

- (a) the excess water that runs off the field or other areas during surface irrigation or watering areas containing salts, nutrients, pesticides, herbicides and other agricultural chemicals from the fields;
- (b) the water effluent high in organic matter from crops, processing plants and businesses preparing processed food, operated by and for farmers, usually in centralized facilities; or
- (c) the wastewater produced from caring for and slaughtering farm animals;

“black water” means wastewater including human faeces or excrement with paper and urine;

“brown water” means wastewater and paper mixed with human faeces or excrement;

“Committee” means the Water Reuse Committee established under section 4;

“Director” means the public office established under the *Public Service Act*, Cap. 29 for the purpose of managing the Environmental Protection Department;

“domestic wastewater” means yellow water, brown water, black water and grey water generated as wastewater from the kitchen, shower, wash basin, toilet and laundry in a household or other similar building;

“edible crops” means crops for human consumption;

“effluent” means any liquid, other than storm water or uncontaminated water, solid or gas containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension;

“Environmental Health Officer I” means the public office established under the *Public Service Act*, Cap. 29;

“Environmental Health Officer II” means the public office established under the *Public Service Act*, Cap. 29;

“Environmental Inspector I” means the public office established under the *Public Service Act*, Cap. 29;

“Environmental Inspector II” means the public office established under the *Public Service Act*, Cap. 29;

“Environmental Protection Department” means the department established under the *Public Service (General) Order, 2020* (S.I. 2020 No. 41);

“grey water” means wastewater used in the kitchen, bathroom sinks, shower, and laundry in a household or other similar building;

“industrial wastewater” means wastewater containing toxic or non-toxic chemical compounds or biological matter

- (a) generated in the manufacturing process or industrial processes as means of cooling during the manufacturing process or industrial process;
- (b) generated in the production process which is later separated; or
- (c) generated in office buildings, stores, shops and commercial centres;

“inspector” means

- (a) the Director;
- (b) the Senior Environmental Inspector;
- (c) an Environmental Inspector I;
- (d) an Environmental Inspector II;
- (e) an Environmental Health Officer I;
- (f) an Environmental Health Officer II; or
- (g) an Environmental Protection Officer;

“Minister” means the Minister with responsibility for the environment;

“non-potable” means water made from reclaimed water which is not treated to a standard to be used as potable water;

“potable water” means water which is of a standard of treatment or quality which makes it suitable for domestic use or human consumption;

“public officer” has the meaning assigned to it under section 2 of the *Public Service Act*, Cap. 29;

“reclaimed water” means water collected from agriculture wastewater, industrial water, domestic waste water or surface run-off which is treated or processed for the use of the public or for use in a manner which may affect or impact the public;

“Senior Environmental Inspector” means the public office established under the *Public Service Act*, Cap. 29;

“surface run-off” means water from precipitation running over the landscape;

“night soil” has the meaning assigned to it by regulation 2 of the *Health Services (Disposal of Offensive Matter) Regulations, 1969* (S.I. 1969 No. 160);

“yellow water” means wastewater mixed with human urine;

“wastewater” means

- (a) agricultural wastewater;
- (b) domestic wastewater;
- (c) industrial wastewater;
- (d) effluent; and
- (e) surface run-off.

“wastewater treatment permit” means the permit granted under section 11 for a person to operate a wastewater treatment plant and to use that plant for the discharge of wastewater as well as for the treatment of such wastewater or reclaimed water to produce non-potable water for sale to person pursuant to this Act.

Environmental Protection Department

3.(1) The Director of the Environmental Protection Department and the staff thereof shall generally administer this Act.

(2) The Director and the staff of the Environmental Protection Department shall

- (a) do all such things as appear to be necessary or expedient for the purpose of the efficient administration of this Act;
- (b) monitor persons granted permits and otherwise to determine whether an infringement of the Act has occurred; and
- (c) ensure compliance with the provisions of this Act.

PART II

WATER REUSE COMMITTEE AND RELATED MATTERS

Establishment of the Committee

4.(1) There is hereby established a Committee to be known as the Water Reuse Committee.

(2) The provisions of the *First Schedule* shall have effect with respect to the constitution and management of the Water Reuse Committee and otherwise in relation thereto.

Functions of the Committee

5. The functions of the Water Reuse Committee are to
- (a) consider and make determinations or decisions with respect to an application for a wastewater treatment permit;
 - (b) determine the suitability of certain premises and the structures thereon for a wastewater treatment permit;
 - (c) require the Director to issue a wastewater treatment permit;
 - (d) monitor a person granted a wastewater treatment permit to ensure compliance with the terms and conditions of wastewater treatment permit issued to that person; and
 - (e) inquire into complaints made against any person granted a wastewater treatment permit.

Powers of the Committee

6. The Water Reuse Committee may
- (a) require a person to appear before the Committee to answer questions, produce reports or produce documents in respect of an application for a wastewater treatment permit;

- (b) require the production of any report or document where it is reasonably believed to contain information relevant to the application for a wastewater treatment permit and take and keep copies thereof;
- (c) make inquiries of any person, whether orally or in writing with respect to an application for a wastewater treatment permit or in relation to premises subject to a wastewater treatment permit or with respect to any matter related to this Act; or
- (d) require any person to appear before the Committee to answer questions or produce documents in respect of a complaint made to the Committee.

Disclosure of interest

7.(1) A member of the Committee who directly or indirectly has an interest in any wastewater treatment permit or other matter whatsoever which falls to be considered by the Committee, shall disclose the nature of his interest to the other members of the Committee at a meeting of the Committee, and the disclosure shall be recorded in the minutes taken at that meeting of the Committee, and that member shall not take part in any deliberation or decision of the Committee relating to the licence or other matter.

(2) A disclosure made by a member of the Committee under subsection (1), to the effect that he is a director or shareholder, or has a significant economic relationship with a specific company, firm or other person or is to be regarded as interested in any contract which is made with the company, firm or other person shall, for the purposes of subsection (1), be a sufficient disclosure of his interest in relation to any contract so made.

(3) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Committee in respect of any act done *bona fide* in pursuance of their duties, functions or in execution of this Act.

Obligation to secrecy

8.(1) Every public officer or person having an official duty or being employed in the administration of this Act shall regard as confidential, any

information given to that person for the purposes of this Act, including any information contained in databases, registers, records or documents kept for the purposes of this Act and used by that person in the performance of his duties.

(2) Notwithstanding subsection (1), a public officer or person may disclose information in any of the following circumstances

- (a) pursuant to an order of the Court;
- (b) to any person or an employee of the Government of Barbados, where the public officer or person is authorised or required to do so in the performance of his duties;
- (c) where disclosure is permitted under any other enactment; or
- (d) where the person to whom the confidential information relates consents to the disclosure.

(3) A person who receives information pursuant to subsection (2) shall regard and deal with that information as confidential.

(4) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$3 500 or to imprisonment for a term of one year.

Directions of the Minister

9. The Minister may give directions of a general nature as to the policy to be followed by the Director and the Committee in the performance of their functions under this Act, as appear to the Minister to be necessary in the public interest, and the Director and the Committee shall comply with those directions.

Powers of an inspector

10.(1) An inspector may

- (a) enter and inspect any premises for the purposes of investigating or assessing an application for a wastewater treatment permit, where required to do so by the Director;

- (b) enter and search any premises subject to a wastewater treatment permit at anytime for the purposes of assessing compliance or any infringement with the provisions of this Act;
 - (c) take a sample from any system subject to a wastewater treatment permit;
 - (d) stop and search any vehicle on premises in respect of which a wastewater treatment permit has been granted;
 - (e) require the production of any report or any document which is reasonably believed to contain information relevant to wastewater treatment permit; or
 - (f) exercise any other power related to inspection or investigation granted under this Act.
- (2) An inspector may require a police officer to be present, where the inspector acts in accordance with paragraph (b) of subsection (1) and that police officer shall assist the inspector in the search of the premises.
- (3) An inspector exercising powers under this section shall identify himself by the production of the identification issued to him by the Minister.
- (4) For the purposes of this section,
 “search” includes taking a copy of any document, taking a photograph or taking a video or a voice recording or anything related thereto; or
 “vehicle” means a septic tank or any other similar motor vehicle which is used to transport wastewater, reclaimed water or non-potable water.

Inspections

- 11.(1)** The Director may on the advice of the Committee or otherwise require an inspection to assess an application or at anytime to ensure compliance with the Act.
- (2) An inspector may, for the purposes of assessing an application or compliance with the requirements of this Act, enter onto any premises or enter

into any private road connected therewith and make such examinations, investigations, inspections or other studies as he considers necessary.

(3) The Director may on the request of the Committee send a person possessing a particular expertise, who is not a public officer, to assess or inspect any premises in respect of an application, and that expert shall

- (a) be given an instrument in writing from the Minister identifying him;
- (b) only enter the premises with an inspector; and
- (c) submit a report to the Committee.

(4) An inspector shall submit a written report within 21 days of an inspection to the Director and that report shall

- (a) make a recommendation with respect to the application for a permit, where relevant;
- (b) state whether person granted the permit is in compliance with the law, or state specific the breaches of the Act or terms or conditions of a licence;
- (c) state what actions need to be taken to correct the breach, if any, and the date by which the required action must be completed;
- (d) state the date of the re-inspection to assess compliance; or
- (e) recommend the required action to be taken where a re-inspection reveals non-compliance;

(5) A person shall not hinder an inspector, an authorised officer or an expert appointed under this Act

- (a) in the performance of his duties;
- (b) by giving false information or misleading declarations;
- (c) by bribing the inspector, authorised officer or expert; or
- (d) by refusing to provide information, reports or documents, required under this Act.

- (6) A person who contravenes subsection (5) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for 5 years or to both.

PART III

PERMIT APPLICATION AND ADMINISTRATION

Wastewater treatment permit

12.(1) A person seeking to operate a waste water treatment plant to treat wastewater or reclaimed water may use

- (a) agricultural wastewater;
- (b) industrial wastewater;
- (c) domestic wastewater; or
- (d) surface runoff,

to provide a source of water which is to be sold for non-potable domestic or household use, commercial use, agricultural use or for industrial use and for uses related thereto.

(2) A person seeking to operate under subsection (1) shall obtain a wastewater treatment permit.

(3) The Director, with the approval of the Committee, shall issue guidelines for persons seeking to apply for a wastewater treatment permit, and those guidelines shall give information with respect to the application process, inclusive of the documents to be submitted with the application, and information on the process for issuing a waste water treatment permit.

(4) The Committee shall not consider an application where the person has not complied with the guidelines issued by the Director, and that person shall be notified of that fact in writing.

- (5) A person seeking a wastewater treatment permit shall apply in such form as the Committee requires, pay the application fee specified in the *Second Schedule* and submit such information with the application as the Committee may require.
- (6) An application under this section as well as the relevant documents may be submitted
 - (a) in an electronic format for the attention of the Director; or
 - (b) by delivering the application and the relevant documents to the office of the Environmental Protection Department for the attention of the Director.
- (7) Where the Director receives an application under subsection (5), that application and all of the required documents shall be sent to the Committee, and the Committee shall review the application and all required documentation and make a determination or decision on the application.
- (8) The Committee may decide to
 - (a) suspend the consideration of the application until the matters identified by the Committee as requiring rectification are addressed to the satisfaction of the Committee;
 - (b) approve the application and grant the permit; or
 - (c) deny the application.
- (9) Where the Committee suspends consideration of an application, it shall notify the person in writing of the matters which must be rectified for the applicant to qualify for a wastewater treatment permit.
- (10) The Committee shall notify an applicant in writing of a decision to deny or approve an application in writing, and where the decision is to grant the wastewater treatment permit, the notice shall state that the wastewater treatment permit will be issued on the payment of the fee specified in the *Second Schedule* and the waste water treatment permit shall be issued to that person in the form set out as Form 1 in the *Third Schedule*.

- (11) The Director shall, on behalf of the Committee, issue a wastewater treatment permit granted by the Committee.
- (12) A wastewater treatment permit issued in accordance with this section shall be subject to such terms or conditions as the Committee specifies in that permit.
- (13) A wastewater treatment permit granted under this section, is not transferable, and may be renewed on a further application made under this section, and that application may be made at least one month before the expiration of the permit.
- (14) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$ 200 000, or to imprisonment for a term of 10 years or to both
- (15) A person who sells or shares non-potable water produced from wastewater or reclaimed water without a wastewater treatment permit is guilty of an offence and is liable on summary conviction to a fine of \$ 200 000, or to imprisonment for a term of 10 years or to both.

Uses of non-potable water

- 13.(1)** A person may use non-potable water from a wastewater treatment plant for
- (a) domestic or household needs such as the flushing of water closets, for the watering or irrigation for ornamental plants or trees and household gardens and the cleaning of outdoor surfaces and for related uses;
 - (b) commercial uses such as the cleaning of outdoor surfaces, the flushing of water closets, the irrigation and watering of ornamental plants or trees and for related uses;
 - (c) agricultural uses such as the watering or irrigation of edible crops or ornamental plants or trees and cleaning of outdoor surfaces and animal pens, coops or holding areas and for related uses;

- (d) industrial uses such as the flushing and cooling of equipment or water closets, for use in the watering or irrigation of green spaces and ornamental plants or trees in industrial areas; or
 - (e) watering and irrigation of plants or trees in public areas as well for the recharging of the groundwater, for use in surface ponds or lakes.
- (2) Where a person acts under subsection (1), that person shall purchase or obtain the non-potable water from a person with a wastewater treatment permit.
- (3) Any person with a wastewater treatment permit who sells non-potable water shall create a register of any person who purchases reclaimed water.
- (4) The register to be kept under subsection (3) shall record the following information
 - (a) the name, address and contact number of a person who purchased the non-potable water;
 - (b) the intended use for the non-potable water and the volume of non-potable water sold to that person;
 - (c) the date of the purchase of the non-potable water;
 - (d) such other information as may be required by the Minister.
- (5) An inspector may inspect a register kept under subsection (4) at anytime and take copies of the information therein as may be required by the Director.
- (6) A person who contravenes subsection (3) is guilty of an offence and is liable on summary conviction to a fine of \$ 50 000, or to imprisonment for a term of 5 years or to both.

Registers

14.(1) The Director shall keep for the use of the Committee, a register to be known as the “Wastewater Register”, and that register shall contain the following particulars:

- (a) the name, address and contact number of a person granted a wastewater treatment permit;
- (b) the number of the wastewater treatment permit issued to that person;
- (c) the date the wastewater treatment permit was issued as well as the date of expiration;
- (d) the company name, company registration number, registered business address of the company and the name of the Directors of the company; and
- (e) specify the periods of suspension of the permit and the date of revocation of the permit.

(2) The Director shall publish in the *Official Gazette*, a list of the persons granted a wastewater treatment permit, as well as the registered business address of that person.

Warning or caution letters

15.(1) In circumstances where an inspection reveals an area of concern which was the subject of a prior request for redress or rectification, the Director may issue a written warning to the person issued the wastewater treatment permit requiring that the area of concern be addressed within a specified time period.

(2) The warning in writing issued under subsection (1) shall

- (a) state the area of concern;
- (b) give details of prior written requests for the redress of the area of concern;

- (c) indicate what needs to be rectified and the date by which compliance is required; and
 - (d) state the number of times written requests were sent to the permit holder requesting the redress of the area of concern; and
 - (e) state the result of noncompliance such as suspension or cancellation.
- (3) A person issued a wastewater treatment permit who rectifies the areas of concern before the period stated in subsection (2)(c) may request a re-inspection and pay the re-inspection fee specified in the *Second Schedule*, and that inspection shall be done in accordance with this Act.
- (4) Where the Director issues more than one warning under subsection (1), he may revoke or suspend the wastewater treatment permit .

Revocation and Suspension of licence

16.(1) The Director may with immediate effect, suspend or revoke a wastewater treatment permit where

- (a) the person granted the wastewater treatment permit fails or refuses to comply with this Act or with any request or direction given by notice in writing under this Act;
- (b) the person granted the wastewater treatment permit is convicted of an offence under this Act;
- (c) there is a direct or indirect danger to the health or safety of persons using the non-potable water from a wastewater treatment plant, and the relevant authorities have given the necessary notifications under the *Health Services Act*, Cap. 44, *Safety and Health at Work Act*, Cap. 356 or under any other relevant enactment;
- (d) the person granted the wastewater treatment permit has altered operations in such a manner that it no longer complies with the wastewater treatment permit issued to that person; or

- (e) the person granted the wastewater treatment permit, his agent or his employee refuses to permit an inspection in accordance with the Act.
- (2) Where the Director determines that it is necessary to suspend or revoke a wastewater treatment permit, he shall issue notice of that fact in writing to the person granted the permit, and that notice shall state
- (a) the reason for the suspension or revocation, and where the issue can be rectified, a time period by which the matter should be rectified or the suspension or revocation take effect; or
 - (b) that the person has 10 days from the date of the notice of the suspension or revocation to submit reasons to the Director why the permit should not be suspended or revoked.
- (3) Where a suitable explanation has not been received from the person granted the wastewater treatment permit, at the end of the time period mentioned in subsection (2), the permit may be revoked or suspended, and the person shall be notified in writing.
- (4) Where the Minister revokes or suspends a wastewater treatment permit, the Minister shall publish a notice of the suspension or revocation in the *Official Gazette*, and where the publication relates to a suspension, it shall state the period of the suspension.
- (5) Where a wastewater treatment permit is revoked or suspended under this section, no person shall perform any of the actions or activities authorised by the permit.
- (6) A person who contravenes subsection (5) is guilty of an offence and is liable on summary conviction to a fine of \$250 000 or to imprisonment for 10 years or to both.

Amendment of Permit

- 17.(1)** The Director may amend a wastewater treatment permit to
- (a) change the particulars in a permit where the person granted the permit has changed the address of the business, changed the company name or changed the registered business name;
 - (b) change the particulars in a permit where the person granted the permit has changed their name or changed their residential address; or
 - (c) amend the terms or conditions under which the permit is granted.
- (2) The Director may require information or documents to confirm the information under subsection (1).
- (3) Where the Director acts under subsection (1)(c), he shall not amend a wastewater treatment permit without giving the person written notice of the intended action and the reason for it, and an opportunity to make representations in relation thereto.

Display of Permit

- 18.(1)** A person granted a wastewater treatment permit may display a copy of that permit in a conspicuous place on the premises where he operates his business, and shall where the permit is not displayed, ensure that the permit is available to be inspected on request.
- (2) The Director shall publish in the *Official Gazette* by the 31st of January each year a list of persons issued a permit under this Act.

Duty due to suspension or revocation

- 19.(1)** In circumstances where the Director suspends or revokes a wastewater treatment permit the person granted that permit shall discontinue the activity to which the permit relates.

- (2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$ 250 000 or to imprisonment for 10 years or to both.

PART IV

MISCELLANEOUS

Amendment of Schedule

20. The Minister may by an order amend the *Schedules*.

General Offences

- 21.(1) Any person who
- (a) distributes, produces, treats or sells non-potable water without a wastewater treatment permit;
 - (b) fails to register a person who purchases non-potable water;
 - (c) allows water to be available for domestic use or human consumption which is not suitable for domestic use or human consumption;
 - (d) uses non-potable water as potable water in a manner that may endanger members of the public;
 - (e) fails to comply with the terms and conditions of a wastewater treatment permit; or
 - (f) uses night soil, yellow water, black water or brown water to water, irrigate or treat edible crops which are to be sold or which are sold or given to any person for use or consumption by that person or another person
- is guilty of an offence.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$500 000 or to imprisonment for 5 years or to both.

Offence continuing after conviction

22. Where a person is convicted under this Act, and the contravention continues after conviction, then, unless he has a reasonable excuse for the continued contravention, he is guilty of a further offence under this Act and may, on conviction, be penalized in accordance with section 21(2).

Regulations

23.(1) The Minister may make regulations prescribing

- (a) the standards of treatment to be applied to obtain non-potable water from wastewater or reclaimed water;
- (b) standards for the treatment of wastewater or reclaimed water to be used by a wastewater treatment plant;
- (c) the standards to be used to construct retaining walls, storage tanks, buildings and other relevant structures to be used with respect to storage, treatment of wastewater or reclaimed water;
- (d) the standards to be applied in plumbing works, such as colour coding or labelling and other related matters for the use of reclaimed water;
- (e) mechanisms and standards to be applied to wastewater discharge as well as the manner of wastewater or reclaimed water discharge;
- (f) tests to be used internally by a person granted a wastewater treatment permit and the form and procedure for submission of the testing information to the Water Reuse Committee or the Director;
- (g) the safe operating procedures for persons granted a wastewater treatment permit under the Act;

- (h) the forms and types training and certification which a person issued wastewater treatment permit must ensure among employees;
 - (i) such fees and forms as may be required; or
 - (j) administrative penalties to assist with ensuring compliance with the Act; or
 - (k) generally, for giving effect to this Act.
- (2) Where the regulations made under this Act create an offence, the regulations may provide for such offences to be tried summarily or on indictment and the regulations may prescribe the following penalties:
- (a) in the case of an offence triable summarily, a fine of \$500 000 or imprisonment for a term of 5 years or to both; or
 - (b) in the case of an offence triable on indictment, a fine of \$1 000 000 or imprisonment for a term of 8 years or to both.

Act binds the State

24. This Act binds the State.

Commencement

25. This Act shall come into force on a day to be fixed by proclamation.

FIRST SCHEDULE

(Section 3)

Constitution of the Water Reuse Committee

1. The Water Reuse Committee shall comprise 7 persons and be composed in the manner specified in paragraph 2.
2. The Water Reuse Committee shall consist of the following:
 - (a) Chief Medical Officer, *ex officio* or his nominee;
 - (b) Director, *ex officio* or his nominee;
 - (c) Solicitor General, *ex officio* or his nominee;
 - (d) Director, Coastal Zone Management Unit *ex officio* or his nominee;
 - (e) Chief Agricultural Officer, *ex officio* or his nominee;
 - (f) Director, Government Analytical Services *ex officio* or his nominee; and
 - (h) Chief Town Planner *ex officio* or his nominee.
3. The Director shall be the Chairman and the Chairman may at any time summon a meeting of the Committee.
4. The Chief Medical Officer shall be the Deputy Chairman for the purposes of the Committee and shall in the absence of the Chairman function as the chairman of the Committee.
5. The Minister shall assign a public officer from the Ministry with responsibility for water reuse, as secretary to the Committee to assist the Committee with such clerical and secretarial duties as may be required.
6. Five members of the Committee shall form a quorum, and, subject to this Act, the Committee may regulate its own procedure and proceedings.

7. (1) Subject paragraph 3, the Committee shall meet at such times as may be necessary or expedient for the transaction of its business.
- (2) Subject paragraph 8, the Committee shall meet at such places as may be necessary or expedient for the transaction of its business.
- (3) The public officer assigned under paragraph 5 shall ensure that proper minutes are kept for each meeting and that these minutes are confirmed and approved verbally or in writing at each subsequent meeting or confirmed prior to such a meeting by an electronic means that the Committee permits by agreement.
- (4) The decisions of the Committee shall be by a majority of votes and, in addition to an original vote, the person presiding as chairman at a meeting shall have a casting vote in any case in which the voting is equal.
- (5) The validity of the proceedings of the Committee shall not be affected by any vacancy amongst the members of the Committee.
- 8.** The Committee shall be subject to such directions of a general character in respect of the policy and practice to be followed in the exercise of its functions under the Act as the Minister may give.

SECOND SCHEDULE*(Sections 10, 11 and 15)*

<i>Application Fees and Permit Fees</i>	
Application fee for a Wastewater Treatment Permit	\$50.00
Grant of a Wastewater Treatment Permit	\$200.00
Re-inspection fee	\$150.00

THIRD SCHEDULE

(Section 11)



Water Reuse Act, 2021

FORM 1

WASTEWATER TREATMENT PERMIT

Permit Number:_____

[company incorporated (insert company number) / registered business (insert certificate number)]
with a business [address of business or individual].

IS HEREBY AUTHORISED by the Water Reuse Committee to operate [type of business] in
accordance with section 10 of the *Water Reuse Act, 2021*.

This wastewater treatment permit is valid for one year commencing on the [date] day of [month]
[year].

TERMS AND CONDITIONS OF THE PERMIT

This wastewater treatment permit is subject to the following terms and conditions:

This licence expires on the _____day of _____,20

Dated the _____day of _____,20

Director

Chairman

Water Reuse Committee

Read three times and passed the House of Assembly this
day of _____, 2021.

Speaker

Read three times and passed the Senate this _____ day of
, 2021.

President

PARLIAMENT

**SECOND SESSION OF
2013-2018**

BILL

cited as the Water Reuse Act, 2021

Government Printing Department

INCOME TAX (COUNTRY-BY-COUNTRY REPORTING) ACT, 2021

OBJECTS AND REASONS

This Bill would make provision for the annual filing of country-by-country reports by multinational enterprises in respect of each tax jurisdiction in which they conduct business and with respect to the amount of revenue, the profit before income tax and the income tax paid and accrued in each tax jurisdiction.

INCOME TAX (COUNTRY-BY-COUNTRY REPORTING) ACT, 2021

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

REPORTING PROCEDURES

3. Barbados Competent Authority
4. Filing of country-by-country reports
5. Notifications to the Competent Authority
6. Time to file reports
7. Content of reports and method of filing reports
8. Verification of enterprises

PART III

RECORDS AND USE OF COUNTRY-BY-COUNTRY REPORTS

9. Maintenance of records

- 10.** Appointment of agents
- 11.** Confidentiality and use of information
- 12.** Provision of information to Competent Authority
- 13.** Requests from the Competent Authority

PART IV

OFFENCES, PENALTIES AND APPEALS

- 14.** False reports
- 15.** Tampering with reports
- 16.** Obstruction of the Competent Authority
- 17.** Pecuniary penalties
- 18.** Appeals
- 19.** Recovery of pecuniary penalties

PART V

MISCELLANEOUS

- 20.** Avoidance of obligations
- 21.** Guidelines
- 22.** Commencement

BARBADOS

A Bill entitled

An Act to make provision for the annual filing of country-by-country reports
by multinational enterprises.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Income Tax (Country-by-Country Reporting) Act, 2021*.

Interpretation

2.(1) In this Act,

“Commissioner” has the same meaning assigned to it in section 2 of the *Barbados Revenue Authority Act, 2014* (Act 2014-1);

“Competent Authority” means the Barbados Competent Authority referred to in section 3;

“consolidated financial statement” means a financial statement of an MNE Group in which the assets, liabilities, income, expenses and cash flows of an ultimate parent entity and a constituent entity are presented as a single economic entity;

“constituent entity” means any

- (a) separate business unit of an MNE Group
 - (i) that is included in a consolidated financial statement of that MNE Group for the purposes of financial reporting; or
 - (ii) which would be included in the consolidated financial statement if equity interest in the business unit of the MNE Group were traded on a public securities exchange;
- (b) business unit which is excluded from the consolidated financial statement of the MNE Group solely on the size or gross income of the

business unit or any other grounds of materiality in respect of the business unit; and

- (c) permanent establishment of any separate business unit of the MNE Group included in paragraph (a) or (b), provided that the business unit prepares a separate financial statement for that permanent establishment for the purposes of financial reporting, regulatory tax reporting or internal management control;

“country-by-country report” means a report on an MNE Group which contains

- (a) aggregate information which relates to the amount of revenue, profit loss before income tax, income tax paid, income tax accrued, stated capital, accumulated earnings, number of employees and tangible assets other than cash or cash equivalents with regard to each jurisdiction in which the MNE Group operates;
- (b) an identification of each constituent entity of the MNE Group;
- (c) the jurisdiction of tax residence of each constituent entity and the jurisdiction under which each constituent entity is organized; and
- (d) the nature of the main business activity of each constituent entity;

“enterprise” includes an incorporated or unincorporated body, a society, a partnership and an association;

“excluded MNE Group” means, with respect to any fiscal year of a Group, a Group which has a total consolidated group revenue of less than USD\$850, 000, 000 during the fiscal year immediately preceding the reporting fiscal year as reflected in its consolidated financial statements for that preceding fiscal year;

“fiscal year” means an annual accounting period with respect to which an ultimate parent entity of an MNE Group prepares its financial statements;

“Group” means a collection of enterprises which are related through ownership or control such that it is either required to prepare a consolidated financial statement for financial reporting purposes in accordance with relevant

international accounting principles or it would be so required if equity interests in any of the enterprises were traded on a public securities exchange;

“international accounting principles” include the Generally Accepted Accounting Principles and the International Financial Reporting Standards;

“international agreement” means

- (a) the *Multilateral Convention for Mutual Administrative Assistance in Tax Matters* as amended by Protocol in 2010; or
- (b) any bilateral or multilateral tax convention or any tax information exchange agreement which provides legal authority for the exchange of tax information between jurisdictions, including the automatic exchange of such information;

“MNE Group” means any Group that

- (a) includes
 - (i) 2 or more enterprises for which the tax residences of the enterprises are in different jurisdictions; or
 - (ii) an enterprise that is resident for tax purposes in one jurisdiction and is subject to tax with respect to the business carried out through a permanent establishment in another jurisdiction; and
- (b) is not an excluded MNE Group;

“qualifying competent authority agreement” means an agreement that is between jurisdictions which are parties to an international agreement and that requires the automatic exchange of country-by-country reports between the parties to the agreement;

“Registrar” has the meaning assigned to in section 2(1) of the *Companies Act*, Cap. 308;

“reporting entity” means an enterprise which files a country-by-country report pursuant to section 4;

“reporting fiscal year” means the fiscal year of the financial and operational results of an MNE Group which are reflected in a country-by-country report;

“Tribunal” means the Barbados Revenue Appeals Tribunal established by section 24 of the *Barbados Revenue Authority Act, 2014* (Act 2014-1);

“USD” means the United States Dollar, the official currency of the United States of America.

(2) For the purposes of this Act, reference to the term “surrogate parent entity” means a constituent entity of an MNE Group which the MNE Group appoints as a sole substitute for its ultimate parent entity for the purposes of filing, in the jurisdiction of tax residence of that constituent entity, a country-by-country report on behalf of the MNE Group when one or more conditions set out in section 4(3) applies.

(3) For the purposes of this Act, reference to the term “ultimate parent entity” means a constituent entity of an MNE Group that meets the following criteria:

- (a) it owns, directly or indirectly, a sufficient interest in one or more other constituent entities of the MNE Group such that it is required to prepare a consolidated financial statement in accordance with accounting principles applied in its jurisdiction of tax residence or would be so required if its equity interests are traded on a public securities exchange in its jurisdiction of tax residence; and
- (b) there is no other constituent entity of such MNE Group that owns directly or indirectly an interest described in paragraph (a) in the first mentioned constituent entity.

PART II

REPORTING PROCEDURES

Barbados Competent Authority

3.(1) For the purposes of this Act, the Minister responsible for Finance is the Barbados Competent Authority.

(2) Notwithstanding subsection (1), the Minister may, in writing, delegate any of his powers and functions under this Act as the Barbados Competent Authority to the Commissioner.

Filing of country-by-country reports

4.(1) Each ultimate parent entity of an MNE Group which is resident for tax purposes in Barbados shall file a country-by-country report in accordance with sections 6 and 7.

(2) Notwithstanding subsection (1), a constituent entity which is

- (a) not an ultimate parent entity of an MNE Group; and
- (b) resident for tax purposes in Barbados,

shall file a country-by-country report in accordance with sections 6 and 7 where one of the conditions referred to in subsection (3) applies to the ultimate parent entity.

(3) The conditions referred to in subsection (2) are as follows:

- (a) the ultimate parent entity of the MNE Group is not obligated to file a country-by-country report in its jurisdiction of tax residence;
- (b) the jurisdiction in which the ultimate parent entity is resident for tax purposes has an international agreement to which Barbados is a party, but does not have a qualifying competent authority agreement in effect to which Barbados is a party by the period specified in section 6 for

the filing of a country-by-country report in respect of a reporting fiscal year; or

- (c) the Competent Authority has notified the constituent entity that there is a systematic failure of the jurisdiction of tax residence of the ultimate parent entity.

(4) Notwithstanding subsections (1) and (2), where

- (a) there is more than one constituent entity of the same MNE Group that are resident for tax purposes in Barbados; and
- (b) one or more conditions set out in subsection (3) apply to the ultimate parent entity,

the MNE Group may designate one of the constituent entities as a surrogate parent entity which shall file the country-by-country report in accordance with sections 6 and 7.

(5) Subject to subsection (4), the surrogate parent entity shall, in writing, notify the Competent Authority that any country-by-country report that it files in accordance with this Act is to be treated as a country-by-country report that is filed on behalf of all of the constituent entities of the MNE Group which are resident in Barbados for tax purposes.

(6) Any notice forwarded pursuant to subsection (5) shall be forwarded on or before the period specified in section 6.

(7) Notwithstanding subsection (2), a constituent entity shall not be required to file a country-by-country report under this Act for a reporting fiscal year where the

- (a) MNE Group, through a surrogate parent entity, files a country-by-country report with the tax authority of its jurisdiction of tax residence with respect to the reporting fiscal year on or before the period specified in section 6; and
- (b) conditions outlined in subsection (8) are satisfied.

- (8) The conditions referred to in subsection (7) are as follows:
- (a) the jurisdiction of tax residence of the surrogate entity requires the filing of country-by-country reports in accordance with procedures outlined in section 7;
 - (b) the jurisdiction of tax residence of the surrogate entity has a qualifying competent agreement in effect, to which Barbados is party, by the period specified in section 6 for filing a country-by-country report for the reporting fiscal year;
 - (c) the jurisdiction of tax residence of the surrogate entity has not notified the Competent Authority of a systematic failure;
 - (d) the surrogate parent entity has notified the jurisdiction of its tax residence that it is the surrogate parent entity of the MNE Group; and
 - (e) a notification has been provided to the Competent Authority in accordance with section 5.
- (9) For the purposes of this section, reference to the term “systematic failure” with respect to a jurisdiction means that the jurisdiction has a qualifying competent authority agreement with Barbados, but has
- (a) suspended the automatic exchange of country-by-country reports with Barbados for reasons other than those stated in the agreement; or
 - (b) otherwise persistently failed to automatically provide Barbados with country-by-country reports in its possession of the MNE Group which has constituent entities in Barbados.

Notifications to the Competent Authority

5.(1) Any constituent entity of an MNE Group that is resident for tax purposes in Barbados shall, where applicable, notify the Competent Authority whether it is the ultimate parent entity or the surrogate parent entity of the MNE Group no later than the last day of the reporting fiscal year of the MNE Group.

(2) Where a constituent entity of an MNE Group that is resident for tax purposes in Barbados is not the ultimate parent entity nor the surrogate parent entity, it shall notify the Competent Authority of the identity and tax residence of the reporting entity no later than the last day of the reporting fiscal year of the MNE Group.

Time to file reports

6.(1) Subject to section 4, a country-by-country report shall be filed with the Competent Authority no later than 12 months after the last day of the reporting fiscal year of the MNE Group.

(2) The first reporting fiscal year for the purposes of section 4 is any fiscal year beginning on or after 1st January, 2021.

Content of reports and method of filing reports

7.(1) The Commissioner shall give written directions or specifications in respect of the

- (a) content and format of a country-by-country report; and
- (b) method for filing a country-by-country report.

(2) Where the Commissioner makes provision for an electronic method of filing a country-by-country report, the Commissioner shall cause an electronic validation process to be established.

(3) Where the Commissioner specifies an electronic method for filing a country-by-country report, unless the contrary is proved, the

- (a) use of an electronic method is presumed to have resulted in the filing of the country-by-country report only if it has been successfully recorded by the electronic validation process;
- (b) time of filing the country-by-country report is presumed to be the time as recorded by the electronic validation process; and

- (c) person who forwards the country-by-country report is presumed to be the person identified as such by any relevant feature of the electronic system.
- (4) A country-by-country report which is not filed in accordance with the directions or specifications of the Commissioner shall be treated as not having being filed or invalidly filed.

Verification of enterprises

- 8.(1) The Registrar shall forward to the Commissioner, at least once every 6 months,
 - (a) a list of enterprises registered under the
 - (i) *Companies Act*, Cap. 308;
 - (ii) *Registration of Business Names Act*, Cap. 317;
 - (iii) *Societies With Restricted Liability Act*, Cap. 318B; and
 - (b) any other information which the Commissioner may require for the purposes of this Act.
- (2) Subject to subsection (1), the Commissioner shall utilize the list and information to verify whether enterprises specified in the list or information received are constituent entities resident in Barbados for tax purposes.

PART III

RECORDS AND USE OF COUNTRY-BY-COUNTRY REPORTS

Maintenance of records

- 9.(1) Each reporting entity shall establish and keep a record of
 - (a) the steps undertaken for the performance of its obligations under section 4;

- (b) any evidence relied upon for the performance of its obligations under section 4; and
 - (c) the information submitted to the Competent Authority for the purposes of section 4.
- (2) The reporting entity shall, before the disposal of records made pursuant to subsection (1), ensure that the records are kept for a period of up to 5 years.
- (3) For the purposes of this section, the period referred to in subsection (2) shall commence after the end of the reporting fiscal year to which the records pertain.

Appointment of agents

- 10.(1)** A reporting entity may appoint an agent to carry out its obligations under this Act.
- (2) Notwithstanding subsection(1), where a reporting entity appoints an agent, the reporting entity shall
- (a) remain responsible for its obligations under this Act;
 - (b) be responsible for any acts undertaken by the agent or failures of the agent in respect of its obligations under the Act;
 - (c) ensure it has access to all records described in section 9; and
 - (d) where requested in accordance with this Act, produce the records described in section 9 or any part thereof.

Confidentiality and use of information

- 11.(1)** The Competent Authority shall use the country-by-country reports and any other relevant information obtained pursuant to this Act for the purposes outlined in section 5 of the *Multilateral Competent Authority Agreement on the Exchange of Country-by-Country Reports, 2016*.
- (2) Where the Competent Authority receives a country-by-country report, it shall preserve the confidentiality of the information in the country-by-country

report to the extent as if the report was provided to it in accordance with the *Multilateral Convention on Mutual Administrative Assistance in Tax Matters* as amended by Protocol in 2010.

Provision of information to Competent Authority

12.(1) The Competent Authority may, in writing and within such time as it may require, request a constituent entity to provide or make available to the Competent Authority information including

- (a) copies of relevant books, records or other documents; or
- (b) electronically stored information,

in its possession or control as the Competent Authority may reasonably require to determine whether the constituent entity is compliant with this Act.

(2) Where any information which is required to be provided to the Competent Authority is located outside of Barbados, the constituent entity shall take all necessary steps to bring the information to Barbados within the time specified by the Competent Authority.

Requests from the Competent Authority

13. Where the Competent Authority discovers an error in a country-by-country report, the Competent Authority shall, in writing,

- (a) notify the relevant reporting entity of the error;
- (b) require the reporting entity to correct the error and submit a corrected report within 14 days after the date of service of the notice; and
- (c) state that failure to comply with the requirements of the notice amounts to a breach of the Act and such breach may render the reporting entity liable to a pecuniary penalty under the Act.

PART IV

OFFENCES, PENALTIES AND APPEALS

False reports

14. Where a person knowingly makes or submits a false country-by-country report, whether in its entirety or in any part thereof, that person is guilty of an offence and is liable on indictment to a fine of \$50 000 or to imprisonment for a term of 10 years or to both.

Tampering with reports

15. Where a person, without written authorization from the Competent Authority,

(a) alters, destroys, mutilates, obliterates, hides or removes a country-by-country report which is submitted to the Competent Authority pursuant to this Act; or

(b) causes another person to do anything referred to in paragraph (a),

that person is guilty of an offence is liable on summary conviction to a fine of \$10, 000 or to imprisonment for one year or to both.

Obstruction of the Competent Authority

16. Any person who hinders or obstructs the Competent Authority from performing a function under this Act is guilty of an offence and liable on summary conviction to a fine of \$10, 000 or to imprisonment for one year or to both.

Pecuniary penalties

17.(1) Notwithstanding section 14, the Commissioner shall impose a pecuniary penalty of \$10, 000 on a relevant enterprise which fails to comply with

(a) sections 4, 5, 6 or 9;

- (b) a request made by the Competent Authority pursuant to section 12; or
 - (c) a notice issued by the Competent Authority pursuant to section 13.
- (2) A pecuniary penalty imposed under subsection (1) is due and payable within the time specified in a notice issued pursuant to subsection (3), and where the enterprise does not remedy the breach under the Act, the enterprise is liable to a further pecuniary penalty of \$5, 000 for each day or part thereof for which the failure continues after the date on which the original pecuniary penalty became due and payable.
- (3) Where an enterprise incurs a pecuniary penalty pursuant to subsection (1), the Commissioner shall, in writing, notify, the enterprise
- (a) of its breach under the Act;
 - (b) that it has incurred a pecuniary penalty of \$10, 000 pursuant to subsection (1);
 - (c) that the pecuniary penalty is to be paid within 30 days of the date of service of the notice;
 - (d) that failure to pay the pecuniary penalty within the period specified in the notice incurs a further pecuniary penalty of \$5, 000 for each day or part thereof for which the failure continues after the date on which the original pecuniary penalty became due and payable; and
 - (e) of its right under section 18 to appeal to the Tribunal against the imposition of the pecuniary penalty.

Appeals

- 18.(1)** An enterprise may, within 14 days after the date of service of the imposition of a pecuniary penalty under section 17, appeal to the Tribunal against the pecuniary penalty on the ground that liability to a pecuniary penalty under the Act does not arise.
- (2) Notice of appeal shall be given in writing to the Tribunal in accordance with the procedures of the Tribunal.

- (3) On hearing the appeal, the Tribunal may confirm or cancel the pecuniary penalty.
- (4) Where the Tribunal arrives at a decision, it shall serve the enterprise with a copy of the decision within 30 days of making the decision.
- (5) An enterprise which is aggrieved by the decision of the Tribunal may appeal to a Judge in Chambers against the decision within 30 days after the copy of the decision is served on it.

Recovery of pecuniary penalties

19. Subject to sections 17 and 18, where the Competent Authority imposes a pecuniary penalty on an enterprise pursuant to this Act and that enterprise fails to pay the pecuniary penalty, it may commence proceedings in the High Court to recover the pecuniary penalty.

PART V

MISCELLANEOUS

Avoidance of obligations

20. Where a person enters into an agreement or engages in a practice, for which the main purpose or one of the main purposes of the person entering into the agreement or engaging in the practice is to avoid any obligation under the Act, the person is subject to the obligation as if the person had not entered into the agreement or engaged in the practice.

Guidelines

21.(1) The Competent Authority may issue guidelines in such form as it considers appropriate for the purpose of aiding compliance with this Act.

(2) All guidelines and amendments to the guidelines shall be published in the *Official Gazette*.

Commencement

22. This Act shall come into operation on the 31st day of December, 2021.

Read three times and passed the House of Assembly this
day of , 2021.

Speaker

Read three times and passed the Senate this day of
, 2021.

President

PARLIAMENT

**SECOND SESSION OF
2018-2023**

BILL

cited as the Income Tax (Country-
by-Country Reporting) Act, 2021

Government Printing Department



BARBADOS

NATIONAL VENDING ACT, 2021–26

Arrangement of Sections

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3. Vending

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5. Application for the grant of a licence
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- 10. Occasional vending that is not on a beach, an esplanade or in a garden or a park
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- 14. Designation of a vending zone
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- 17. Rights of vendors
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- 19. Relocation or eviction of vendors
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- 21. Establishment of National Vending Committee
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- 23. Appeal
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- 28. Administrative penalties
- 29. Administrative penalty notice
- 30. Procedure for challenging an alleged administrative contravention
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MISCELLANEOUS

- 32. Fees
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FIRST SCHEDULE

Application Form and Vending Licence

SECOND SCHEDULE

Application Forms and Permits for Occasional Vending and Itinerant Vending

THIRD SCHEDULE

Fees

FOURTH SCHEDULE

Lists and Descriptions

FIFTH SCHEDULE

Notices

SIXTH SCHEDULE

National Vending Committee

SEVENTH SCHEDULE

Administrative Penalties

EIGHTH SCHEDULE

Consequential Amendments

BARBADOS

I assent
S. MASON
President
15th December, 2021.

2021–26

An Act to provide for the regulation of vending in Barbados, the protection of the rights of vendors and matters related thereto.

[Commencement: by Proclamation]

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *National Vending Act, 2021*.

Interpretation

2. In this Act,

“bakery” has the meaning assigned to it by the *Health Services (Bakeries) Regulations* (S.I. 1970 No. 111);

“beach” has the meaning assigned to it by the *National Conservation Commission Act*, Cap. 393;

“Committee” means National Vending Committee established in accordance with section 21;

“Commission” means the National Conservation Commission established under the *National Conservation Commission Act*, Cap. 393;

“esplanade” means an esplanade listed in Part I of the *Fourth Schedule*;

“fish landing site” means a site listed in Part III of the *Fourth Schedule*;

“fish market” has the meaning assigned to it by the *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73);

“food” has the meaning assigned to it by the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232);

“fresh meat” has the meaning assigned to it by the *Markets and Slaughter-Houses Act*, Cap. 265;

“garden” means a garden listed in Part I of the *Fourth Schedule*;

“itinerant vending” means the offering for sale of merchandise or the rendering of services

- (a) from a vehicle
 - (i) parked in a vending zone; or
 - (ii) being driven from one customer’s premises to another; or
- (b) in a vending zone or other site for a period of less than 12 hours;

“Manager of Markets” means the manager responsible for the management and operation of public markets under the *Markets and Slaughter-Houses Act*, Cap. 265;

“Manager of Vending Zones” means

- (a) the Manager of Markets for the purposes of vending zones that are
 - (i) public markets that are not fish markets;
 - (ii) the areas more particularly described in the Part II of the *Fourth Schedule*;
 - (iii) a zone designated by the Minister on consultation with the National Vending Committee;
- (b) the National Conservation Commission for the purposes of vending zones that are beaches, esplanades, gardens and parks; or
- (c) the Senior Manager of Markets for the purposes of vending zones that are fish markets;
- (d) the Chief Fisheries Officer for the purposes of vending zones that are fish landing sites;

“merchandise” means fruit, vegetables, ground provisions, poultry, eggs, fresh meat, fish, food, crafts, pieces of clothing or any other small items;

“Minister” means the Minister responsible for Commerce;

“National Conservation Commission” means the Commission established under the *National Conservation Commission Act*, Cap. 393;

“National Vending Policy” means the policy developed by the Ministry responsible for Commerce to facilitate the enabling environment that would allow vendors to operate while ensuring their compliance with the Laws of Barbados;

“occasional vending” means

(a) offering for sale of merchandise; or

(b) rendering of services

for the duration of a fair, festival, carnival or a cultural, entrepreneurial, religious or recreational event only;

“park” means a garden listed in Part I of the *Fourth Schedule*;

“Policy” means the National Vending Policy;

“public market” has the meaning assigned to it by the *Markets and Slaughter-Houses Act*, Cap. 265;

“retailer” includes a supermarket, shop or other entity that offers for sale or disposal merchandise to the public;

“restaurant” has the meaning assigned to it by the *Health Services (Restaurants) Regulations, 1969* (S.I. 1969 No. 234);

“Senior Manager of Markets” means the manager responsible for the management and operation of fish markets;

“Tribunal” means the National Vending Appeals Tribunal established by section 24;

“vehicle” has the meaning assigned to it by *Road Traffic Act*, Cap. 295;

“vending” has the meaning assigned to it by section 3;

“vending zone” has the meaning assigned to it by section 13; and

“vendor” means a person who is engaged in vending and is

- (a) licensed to do so pursuant to sections 4 and 5; or
- (b) granted a permit to do so pursuant to sections 4, 10, 11 and 12.

PART II

VENDING

Vending

3.(1) For the purposes of this Act, vending refers to the offering for sale of merchandise or the rendering of services

- (a) in a vending zone;
- (b) for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only; or
- (c) from
 - (i) a vehicle parked in a vending zone or being driven from one customer’s premises to another; or
 - (ii) vending zone or other site for a period of less than 12 hours.

(2) The following activities are not to be construed as vending for the purposes of this Act:

- (a) the sale of goods and chattels sold pursuant to the *District Auctioneers Act*, Cap. 114;
- (b) the sale of merchandise by a retailer;
- (c) the sale of food or drink in
 - (i) a bakery;
 - (ii) a canteen operating in a club, a hospital, an institution or a school;

- (iii) a club;
- (iv) a hospital;
- (v) an institution; or
- (vi) a restaurant which is not operating on a beach, esplanade, or in a garden or a park;
- (vii) a hotel which is not operating on a beach, esplanade or in a garden or a park;

whether carried on for profit or not;

- (d) the sale of merchandise where the profits thereof are used solely for a charitable purpose;
 - (e) the sale of merchandise or the rendering of services by a person within the curtilage of that person's residence; or
 - (f) the sale of fish by a fisherman to a vendor.
- (3) The Minister may by order amend subsection (2).

PART III

REGULATION OF VENDING ACTIVITIES

Licensing and permit requirements

- 4.(1)** No person shall operate as a vendor unless he has attained the age of 18 years and obtained a licence or a permit to do so under this Act.
- (2) A person who has attained the age of 16 years may be permitted to operate as a vendor in accordance with regulations made by the Minister.
- (3) A person who contravenes subsection (1) shall be subject to the payment of an administrative penalty imposed under section 28.

Application for the grant of a licence

5.(1) A person who seeks to operate as a vendor in a vending zone that is not a beach, an esplanade, a garden or a park pursuant to section 3(1)(a) shall apply to the Minister for a licence to do so by

- (a) submitting
 - (i) an application for the purpose set out in Part I of the *First Schedule*;
 - (ii) proof of identification;
 - (iii) proof of address;
 - (iv) in the case of an applicant who seeks to operate as a food vendor,
 - (A) a certificate of good health issued by a registered medical practitioner; and
 - (B) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232);
 - (v) in the case of an applicant who seeks to operate as a meat vendor in a shop or premises outside of a public market evidence that the location of the meat shop or premises has
 - (A) walls and floors that are impervious;
 - (B) proper provision for drainage and is properly ventilated; and
 - (C) a water supply that is adequate for operation as a meat shop; and
- (b) paying the relevant fee set out in the *Third Schedule*.

(2) The Minister may, on consultation with the Minister responsible for public markets and the Minister responsible for fisheries, grant a licence to an applicant referred to in subsection (1) within 7 days of the receipt of an application.

(3) A person who seeks to operate as a vendor in a vending zone that is a beach, esplanade, garden or park pursuant to section 3(1)(a) shall apply to the National Conservation Commission for a licence to do so by

(a) submitting

- (i) an application for the purpose set out in Part III of the *First Schedule*;
- (ii) proof of identification;
- (iii) proof of address;
- (iv) in the case of an applicant who seeks to operate as a food vendor,
 - (A) a certificate of good health issued by a registered medical practitioner; and
 - (B) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and

(b) paying the relevant fee set out in the *Third Schedule*.

(4) The National Conservation Commission may grant a licence to an applicant referred to in subsection (3) within 7 days of the receipt of an application.

(5) A person who provides false or misleading information in an application referred to in subsection (1) or subsection (3) or documentation pursuant to subsection (1) or subsection (3) shall be subject to the payment of an administrative penalty imposed under section 28.

(6) Subsections (3) and (4) shall apply to a person carrying on any hotel, restaurant or other business in respect of which there is in existence a valid licence granted under the *Liquor Licences Act*, Cap. 182.

Vending Licence

- 6.(1) A licence granted pursuant to section 5(2) shall
- (a) be in the form set out in Part II of the *First Schedule* and shall specify
 - (i) the name of the licensee;
 - (ii) the sex of the licensee;
 - (iii) the date of birth of the licensee;
 - (iv) the national identification number of the licensee;
 - (v) the vending licence number assigned by the Minister;
 - (vi) a photo of the licensee;
 - (vii) the type of vending to be engaged in by the vendor;
 - (viii) the type of service to be rendered by the vendor;
 - (ix) the type of merchandise being sold by the vendor;
 - (x) the vending zone;
 - (xi) the date upon which the licence
 - (A) is granted;
 - (B) comes into force;
 - (C) is set to expire;
 - (xii) any terms or conditions attached to the licence;
 - (b) be valid for one year and may be renewed on the expiration of that licence upon the payment of the relevant fee set out in the *Third Schedule*; and
 - (c) not be transferable.

- (2) A licence granted pursuant to section 5(4) shall
- (a) be in the form set out in Part IV of the *First Schedule* and shall specify
 - (i) the name of the licensee;
 - (ii) the sex of the licensee;
 - (iii) the date of birth of the licensee;
 - (iv) the national identification number of the licensee;
 - (v) the vending licence number assigned by the National Conservation Commission;
 - (vi) a photo of the licensee;
 - (vii) the type of vending to be engaged in by the vendor;
 - (viii) the type of service to be rendered by the vendor;
 - (ix) the type of merchandise being sold by the vendor;
 - (x) the vending zone;
 - (xi) the date upon which the licence
 - (A) is granted;
 - (B) comes into force;
 - (C) is set to expire;
 - (xii) any terms or conditions attached to the licence;
 - (b) be valid for one year and may be renewed on the expiration of that licence upon the payment of the relevant fee set out in the *Third Schedule*; and
 - (c) not be transferable.
- (3) Notwithstanding sections 10 and 11, a person granted a licence under section 5(2) or section 5(4) may operate at a fair, festival, carnival or a cultural,

entrepreneurial, religious or recreational event without obtaining a permit required pursuant to sections 10 and 11.

Register of Vendors

7.(1) The Minister shall cause to be kept and maintained a register to be known as the Register of Vendors which shall contain the following particulars in respect of a licensed vendor or an itinerant vendor:

- (a) name;
 - (b) sex;
 - (c) the date of birth;
 - (d) the national identification number;
 - (e) the vending licence number or itinerant vending permit number where applicable;
 - (f) the type of vending engaged in;
 - (g) the type of service rendered;
 - (h) the type of merchandise being sold;
 - (i) the vending zone;
 - (j) the date upon which the licence or permit
 - (i) was granted;
 - (ii) came into force;
 - (iii) is set to expire;
 - (k) any terms or conditions attached to the licence or permit;
 - (l) any other particulars required by the Minister.
- (2) The Register of Vendors shall be in electronic and physical form.
- (3) The electronic form of the Register of Vendors shall be made available to the public on a website established by the Ministry responsible for Commerce.

(4) The physical form of the Register of Vendors may be inspected by any person during the office hours of the Ministry responsible for Commerce.

(5) Any information collated by the National Conservation Commission collected pursuant to section 5(3) and section 6(2) shall be shared with the Minister for the purpose of assisting the Minister in keeping and maintaining the Register of Vendors pursuant to subsection (1).

Revocation, suspension or varying of a licence

8.(1) The Minister may, in writing, revoke, suspend or vary a licence granted pursuant to section 5(2) where the Minister is satisfied that the licensee

- (a) has provided false or misleading information in an application for a licence or submitted false or misleading documentation; or
- (b) has failed to comply with any condition of the licence or any provision of this Act or any regulations made thereunder.

(2) The National Conservation Commission may, in writing, revoke, suspend or vary a licence granted pursuant to section 5(4) where the Commission is satisfied that the licensee

- (a) has provided false or misleading information in an application for a licence or submitted false or misleading documentation; or
- (b) has failed to comply with any condition of the licence or any provision of this Act or any regulations made thereunder.

(3) A person who seeks to vary a licence granted pursuant to section 5(2) shall submit a request to do so to the Minister in writing and the Minister shall respond in writing within 7 days and

- (a) where the request is granted make changes necessary to the licence and Register; or
- (b) where the request is refused give reasons for the refusal.

(4) A person who seeks to vary a licence granted pursuant to section 5(4) shall submit a request to do so to the National Conservation Commission in writing and the National Conservation Commission shall respond in writing within 7 days and

(a) where the request is granted make changes necessary to the licence and communicate the changes to the Minister pursuant to the objectives set out in section 7(5); or

(b) where the request is refused give reasons for the refusal.

(5) A person who vends with a licence that has been revoked or suspended pursuant to subsection (1) or subsection (2) shall be subject to the payment of an administrative penalty imposed under section 28.

(6) Where a person vends in contravention to the conditions of a licence varied pursuant to subsection (1) or subsection (2), that person shall be subject to the payment of an administrative penalty imposed under section 28.

Notice of intention to revoke, suspend or vary a licence

9.(1) The Minister shall, before revoking, suspending or varying a licence under section 8(1)

(a) give the licensee notice in writing of the grounds on which he intends so to do;

(b) afford the licensee an opportunity to object in writing within the period of 14 days after the date of issue of the notice;

(c) take into consideration the objection of the licensee made pursuant to paragraph (b).

(2) The National Conservation Commission shall, before revoking, suspending or varying a licence under section 8(2)

(a) give the licensee notice in writing of the grounds on which he intends so to do;

- (b) afford the licensee an opportunity to object in writing within the period of 14 days after the date of issue of the notice;
- (c) take into consideration the objection of the licensee made pursuant to paragraph (b).

Occasional vending that is not on a beach, an esplanade or in a garden or a park

10.(1) A person who seeks to engage in occasional vending in a place that is not a beach, an esplanade, or in a garden or a park pursuant to section 3(1)(b) shall apply to the Minister for a permit to do so and shall

- (a) submit an application for the purpose set out in Part I of the *Second Schedule*;
 - (b) in the case of an applicant who seeks to operate as a food vendor,
 - (i) a certificate of good health issued by a registered medical practitioner; and
 - (ii) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and
 - (c) pay the relevant fee set out in the *Third Schedule*.
- (2) The Minister may grant a permit to the applicant referred to in subsection (1) and the permit shall be in the form set out in Part II of the *Second Schedule*.
- (3) The permit referred to in subsection (2)
- (a) shall be valid for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only; and
 - (b) is not transferable.
- (4) The Minister may refuse to grant, revoke, suspend or vary a permit and shall give notice of that decision in writing.

(5) A person who is aggrieved by a decision of the Minister under this section shall appeal to a Judge in Chambers upon receipt of notice referred to in subsection (4).

(6) A person who engages in occasional vending without a permit shall be subject to the payment of an administrative penalty imposed under section 28.

Occasional vending on a beach, an esplanade or in a garden or a park

11.(1) A person who seeks to engage in occasional vending on a beach, an esplanade or in a garden or a park pursuant to section 3(1)(b) shall apply to the National Conservation Commission for a permit to do so and shall

- (a) submit an application for the purpose set out in Part III of the *Second Schedule*;
- (b) in the case of an applicant who seeks to operate as a food vendor,
 - (i) a certificate of good health issued by a registered medical practitioner; and
 - (ii) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and
- (c) pay the relevant fee set out in the *Third Schedule*.

(2) The National Conservation Commission may grant a permit to the applicant referred to in subsection (1) and the permit shall be in the form set out in Part IV of the *Second Schedule*.

(3) The permit referred to in subsection (2)

- (a) shall be valid for the duration of a fair, farmers market, festival, carnival or a cultural, entrepreneurial, religious or recreational event only; and
- (b) is not transferable.

(4) The National Conservation Commission may refuse to grant, revoke, suspend or vary a permit and shall give notice of that decision in writing.

(5) A person who is aggrieved by a decision of the National Conservation Commission under this section shall appeal to a Judge in Chambers upon receipt of notice referred to in subsection (4).

(6) A person who engages in occasional vending without a permit shall be subject to the payment of an administrative penalty imposed under section 28.

Itinerant vending

12.(1) A person who seeks to engage in itinerant vending pursuant to section 3(1)(c) shall apply to the Minister for a permit to do so and shall

- (a) submit an application for the purpose set out in Part V of the *Second Schedule*;
- (b) in the case of an applicant who seeks to operate as a food vendor,
 - (i) a certificate of good health issued by a registered medical practitioner; and
 - (ii) a licence to carry on a food business granted pursuant to the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232); and
- (c) pay the relevant fee set out in the *Third Schedule*.

(2) The Minister may grant a permit to the applicant referred to in subsection (1) and the permit shall be in the form set out in Part VI of the *Second Schedule*.

(3) The permit referred to in subsection (2)

- (a) be valid for one year and may be renewed on the expiration of that permit upon the payment of the relevant fee set out in the *Third Schedule*; and
- (b) is not transferable.

(4) The Minister may refuse to grant, revoke, suspend or vary a permit and shall give notice of that decision in writing.

- (5) A person who is aggrieved by a decision of the Minister under this section shall appeal to a Judge in Chambers upon receipt of notice referred to in subsection (4).
- (6) A person who engages in occasional vending without a permit shall be subject to the payment of an administrative penalty imposed under section 28.
- (7) Notwithstanding sections 10 and 11, a person granted permit under subsection (2) may operate at a fair, festival, carnival or a cultural, entrepreneurial, religious or recreational event without obtaining a permit required pursuant to sections 10 and 11.

PART IV

VENDING ZONES

Vending zones

13. For the purposes of this Act, a vending zone refers to
- (a) a beach;
 - (b) an esplanade;
 - (c) a fish landing site;
 - (d) a garden;
 - (e) a park;
 - (f) a public market;
 - (g) the areas more particularly described in Part II of the *Fourth Schedule*;
 - (h) a zone designated by the Minister on consultation with the National Vending Committee.

Designation of a vending zone

14. The Minister, on consultation with the National Vending Committee, may by order designate a vending zone for the purposes of this Act.

Beaches, esplanades, gardens and parks

15.(1) The National Conservation Commission shall be responsible for the management and operation of a vending zone that is

- (a) a beach;
- (b) an esplanade;
- (c) a garden; or
- (d) a park.

(2) Where a vendor seeks to operate on a beach, an esplanade or in a garden or a park he shall do so in compliance with the *National Conservation Commission Act*, Cap. 393.

Public Markets and fish landing sites

16.(1) The Manager of Markets shall be responsible for the management and operation of

- (a) a public market that is not a fish market;
- (b) an area more particularly described in Part II of the *Fourth Schedule*;
- (c) the areas where a person is engaged in itinerant vending;
- (d) a zone designated by the Minister on consultation with the National Vending Committee.

(2) The Senior Manager of Markets shall be responsible for the management and operation of a public market that is a fish market.

(3) The Chief Fisheries Officer shall be responsible for the management and operation of a fish landing site.

(4) Where a vendor seeks to operate in a public market, he shall do so in compliance with the *Markets and Slaughter-Houses Act*, Cap. 265 and the *Markets and Slaughter-Houses Regulations*, 1958 (L.N. 1958 No. 73).

PART V

RIGHTS AND OBLIGATIONS OF VENDORS

Rights of vendors

- 17.(1) A vendor has the right to carry on the business of vending
- (a) in accordance with the terms and conditions of the licence or the permit granted under this Act;
 - (b) subject to the provisions of this Act or statutory instruments made thereunder or any relevant enactment pertaining to the vendors,
- without fear of harassment or unreasonable impediments.
- (2) A vendor who is operating pursuant to section 3(1)(a) is entitled to 30 days' notice before the imposition of an eviction notice subject to section 19(3).
- (3) Where a vendor who is operating pursuant to section 3(1)(a) is subject to a relocation notice pursuant to section 19(2) he is entitled to
- (a) 30 days' notice before the imposition of a relocation notice;
 - (b) be consulted in respect of any assignment to a new site or location in relation to the carrying out of his vending business;
 - (c) be assigned to a new site or location which is conducive to the carrying out of his vending business;
 - (d) reclaim any merchandise which is seized pursuant to the eviction or relocation notice;
 - (e) make a claim for compensation in writing to the Manager of Vending Zones for any loss, damage or destruction of merchandise pursuant to

a relocation notice issued under section 19 or a seizure notice issued under section 20 subject to paragraph (f);

- (f) compensation for any loss, damage or destruction of merchandise seized pursuant to a relocation notice subject to section 20(5).

(4) For the purposes of subsection (3)(b), “consulted” shall entail that the Manager of Vending Zones shall within the 30 day notice period write to the vendor stating the reasons for the assignment of the new site or location of his vending business and the vendor shall respond to the Manager of Vending Zones in writing within the 30 day notice period stating his objections to the assignment.

(5) The statement of reasons by the Manager of Vending Zones referred to in subsection (4) shall take into account discussions on the subject of relocation of a vendor with the

- (a) organisations that represent the interests of vendors generally; and
- (b) organisation that represents the interest of the vendor who is the subject of the relocation in particular if applicable

and the written record of the result of those discussions shall accompany the statement of reasons.

General obligations of vendors

18.(1) A vendor shall

- (a) produce his licence or permit for inspection where requested to do so by a customer, the Manager of Vending Zones or a person authorised by the Manager to conduct such inspections;
- (b) remove his merchandise and any equipment, materials, wares or goods used in conducting his vending business at the expiration of time allotted to him for conducting his business by
 - (i) condition of his licence or permit;

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- (ii) enactment; or
 - (iii) contract;
 - (c) maintain the cleanliness of a vending zone;
 - (d) keep amenities and any other public property, equipment or tools in a vending zone in good condition;
 - (e) not, while vending,
 - (i) use threatening, abusive or insulting words or behaviour;
 - (ii) intimidate or harass any person;
 - (iii) consume or be under the influence of alcohol or drugs;
 - (iv) sell, serve or distribute alcohol without an appropriate liquor licence; and
 - (f) where he sells, offers or exposes for sale food he and his employees shall comply with the *Health Services (Food Hygiene) Regulations, 1969* (S.I. 1969 No. 232).
- (2) Where a dispute arises between vendors operating pursuant to section 3(1) (a), the parties to the dispute may seek the assistance of the Manager of Vending Zones to resolve the dispute within 14 days after the dispute has been reported and where a party is aggrieved by a decision of the Manager in relation to the resolution of the dispute he shall appeal to the National Vending Appeals Tribunal within 14 days of the receipt of the decision of the Manager which shall be communicated to the parties to the dispute in writing.
- (3) The Manager of Vending Zones in resolving any conflict pursuant to subsection (2) shall give such directions which facilitate the maintenance of order or regularity and are conducive with the conducting of business in the interests of vending generally and in the interests of the parties to the dispute in particular.
- (4) A person who contravenes subsection (1) shall be subject to the payment of an administrative penalty imposed under section 28.

PART VI

RELOCATION AND EVICTION OF VENDORS

Relocation or eviction of vendors

19.(1) Subject to subsection (3), no vendor shall be relocated or evicted by the Manager of Vending Zones from a vending zone specified in the vending licence unless he has been given 30 days' notice.

(2) The Manager of Vending Zones may issue an eviction or relocation notice pursuant to subsection (1) where

- (a) the vendor is in breach of
 - (i) a condition of his licence;
 - (ii) the provisions of this Act, any regulations made thereunder or any other relevant enactment;
- (b) the vendor's vending licence has been suspended or revoked pursuant to section 8;
- (c) there is an emergency within the meaning of section 2 of the *Emergency Management Act*, Cap. 160A;
- (d) there is danger to public safety, public order or public health.

(3) Notwithstanding subsection (1) where

- (a) there is an emergency within the meaning of section 2 of the *Emergency Management Act*, Cap. 160A; or
- (b) there is danger to public safety, public order or public health

the Manager of Vending may issue an emergency eviction or relocation notice without giving 30 days notice as required under subsection (1).

(4) A notice issued under this section shall be in the form set out in the *Fifth Schedule*.

(5) The Manager of Vending Zones shall inform a member of the Police Force of a notice issued under this section and shall seek the assistance of a member of the Police Force where necessary.

Seizing and reclaiming of goods

20.(1) Where a vendor fails to vacate a vending zone pursuant to section 19, the Manager of Vending Zones may seize the merchandise of the vendor.

(2) The Manager of Vending Zones shall

- (a) issue a seizure notice, in the form set out in the *Fifth Schedule*, to the vendor informing him of the seizure of his merchandise and shall include
 - (i) the time the merchandise was seized;
 - (ii) the location to which the merchandise has been transferred;
 - (iii) a list of the merchandise seized signed by the Manager of Vending Zones;
 - (iv) a description of the items seized including quantity, weight, size, condition of item and any other descriptor that the Manager of Vending Zones determines as relevant;
 - (v) the procedure for reclaiming the merchandise seized; and
- (b) inform a member of the Police Force of the notice of the seizure referred to in paragraph (a) and shall seek the assistance of a member of the Police Force where necessary.

(3) A vendor shall seek to reclaim the merchandise seized pursuant to subsection (1) within 24 hours of the receipt of the seizure notice referred to in subsection (1) and shall comply with the procedure for reclaiming merchandise set out in that seizure notice.

(4) Where the merchandise that is the subject of the seizure notice referred to in subsection (1) is

- (a) non-perishable the Manager of Vending Zones shall release the merchandise to the vendor within 2 working days of the claim of the vendor; and
- (b) perishable the Manager of Vending Zones shall release the merchandise immediately to the vendor on receipt of a claim from the vendor.

(5) The vendor shall be compensated for loss or damage to merchandise where the seizure was executed pursuant to the circumstances set out in paragraphs (c) and (d) of section 19(2) and the compensation shall not exceed the value of the merchandise seized.

(6) Where a person does not claim the merchandise seized pursuant to subsection (1), the Manager of Vending Zones shall sell the merchandise or if a sale cannot be conducted, dispose of it in an appropriate manner.

(7) The proceeds of a sale conducted pursuant to subsection (6) shall be paid into the Consolidated Fund.

PART VII

NATIONAL VENDING COMMITTEE

Establishment of National Vending Committee

21.(1) For the purposes of this Act there is established a body to be known as the National Vending Committee.

(2) The provisions of the *Sixth Schedule* have effect with respect to the constitution of the Committee and otherwise in relation thereto.

Functions of the Committee

22. The Committee shall advise
- (a) the Minister responsible for Commerce on matters relating to the National Vending Policy including
 - (i) overseeing the implementation of the Policy;
 - (ii) assessing the implementation risks of any one or more of the Policy recommendations;
 - (iii) monitoring and evaluating the achievement of the objectives of the Policy;
 - (iv) ensuring that all government related entities involved in the implementation of the Policy consider their responsibilities therein and design their work plans to suit;
 - (v) preparing annual briefings on the status of the implementation of the Policy; and
 - (b) the Minister responsible for Commerce, Minister responsible for public markets, the Minister responsible for beaches, esplanades, gardens and parks and the Minister responsible for fisheries on the following:
 - (i) monitoring and ensuring continued upgrade and maintenance of vending zones;
 - (ii) monitoring the compliance of vendors with the conditions applicable to the vending zone allocated to them and the conditions under which the zone has been allocated;
 - (iii) standards that should be adhered to by vendors relating to
 - (A) personal hygiene;
 - (B) the cleanliness and public hygiene in the vending zones;

- (iv) the amenities that should be made available in vending zones for vendors including access to
 - (A) waste disposal;
 - (B) public toilets to maintain cleanliness;
 - (C) drinking water;
 - (D) protective covers to protect against the weather;
 - (E) storage facilities including cold storage;
- (v) the aesthetic design of stalls.

PART VIII

APPEALS

Appeal

- 23.(1)** A person who is aggrieved by
- (a) a decision of the Minister to
 - (i) refuse the grant of a licence pursuant to section 5(1);
 - (ii) refuse the renewal of a licence pursuant to section 6(1);
 - (iii) revoke, suspend or vary a licence pursuant to section 8(1) or refuse to vary a licence pursuant to section 8(3);
 - (b) a decision of the Commission to
 - (i) refuse the grant of a licence pursuant to section 5(4);
 - (ii) refuse the renewal of a licence pursuant to section 6(2);
 - (iii) revoke, suspend or vary a licence pursuant to section 8(2) or refuse to vary a licence pursuant to section 8(4);

- (c) a decision of the Manager of Vending Zones
 - (i) in relation to the resolution of disputes pursuant to section 18(2);
 - (ii) to issue a relocation or eviction notice pursuant to section 19;
 - (iii) in relation to the amount of compensation to be paid pursuant to section 17(3)(e) and (f) or section 20(4);
 - (iv) in relation to an administrative penalty imposed pursuant to section 28

may, within 14 days' of the receipt by him of a notice of the decision, appeal to the National Vending Appeals Tribunal.

- (2) Where a person not granted a licence within the 7 day period referred to in section 5(2) or (4) he may appeal to the National Vending Appeals Tribunal.

Establishment of National Vending Appeals Tribunal

24.(1) There is established an National Vending Appeals Tribunal which shall hear appeals on the grounds set out in section 23.

- (2) The Tribunal shall be comprised of
 - (a) an attorney-at-law of at least 10 years' standing;
 - (b) a vendor nominated by an organisation that represents the interests of vendors;
 - (c) a person with knowledge and experience in the business of vending and the operation of markets or areas designated for vending.
- (3) The members of the Tribunal shall be appointed by Minister responsible for judicial affairs by an instrument in writing for a period of 3 years and shall be eligible for re-appointment.
- (4) The members of the Tribunal shall receive such remuneration as the Minister responsible for finance determines.

Suspension of decisions pending appeal to Tribunal

25. The

- (a) Minister;
- (b) Commission; or
- (c) Manager of Vending Zones

shall, pending an appeal under section 23 on the application of the appellant, suspend the operation of their decision until the appeal is determined.

Power of Tribunal

26. The Tribunal may on hearing an appeal

- (a) in relation to a refusal to issue a licence, referred to in paragraph (a)(i) of section 23(1) and paragraph (b)(i) of section 23(1), dismiss the appeal or allow the appeal and direct the

- (i) Minister; or
- (ii) Commission

to issue a licence to the appellant;

- (b) based on the grounds set out in paragraph (a), subparagraphs (ii) and (iii), of section 23(1),

- (i) dismiss the appeal and confirm the decision of the Minister;
- (ii) allow the appeal and set aside the decision of the Minister;
- (iii) allow the appeal and direct that the matter in respect of which the decision of the Minister was made be further considered by that Minister;

- (c) based on the grounds set out in paragraph (b), subparagraphs (ii) and (iii), of section 23(1),

- (i) dismiss the appeal and confirm the decision of the Commission;

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- (ii) allow the appeal and set aside the decision of the Commission;
 - (iii) allow the appeal and direct that the matter in respect of which the decision of the Commission was made be further considered by that Commission;
 - (d) based on the grounds set out in paragraph (c)(i) of section 23(1),
 - (i) dismiss the appeal and confirm the decision of the Manager of Vending Zones;
 - (ii) allow the appeal and set aside the decision of the Manager of Vending Zones;
 - (iii) allow the appeal and direct that the matter in respect of which the decision of the Manager of Vending Zones was made be further considered by the Manager of Vending Zones; or
 - (d) based on the grounds set out in paragraph (c)(ii) of section 23(1),
 - (i) dismiss the appeal and confirm the decision of the Manager of Vending Zones;
 - (ii) allow the appeal and set aside the decision of the Manager of Vending Zones;
 - (iii) allow the appeal and direct that the matter in respect of which the decision of the Manager of Vending Zones was made be further considered by the Manager of Vending Zones; or
 - (e) based on the ground set out in paragraph (c)(iii) of section 23(1)
 - (i) dismiss the appeal and confirm the decision of the Manager of Vending Zones in respect of compensation;
 - (ii) allow the appeal and set aside the amount of compensation provided for by the Manager of Vending Zones and impose in substitution therefor such other amount of compensation pursuant to section 17(3)(e) and (f) and section 20(4) that the Tribunal thinks fit;

- (f) based on the ground set out in paragraph (c)(iv) of section 23(1)
 - (i) dismiss the appeal and confirm the decision of the Manager of Vending Zones in respect of the administrative penalty;
 - (ii) allow the appeal and set aside the administrative penalty imposed by the Manager of Vending Zones and impose in substitution therefor such other administrative penalty that the Tribunal thinks fit in accordance with the *Seventh Schedule*; or
- (g) based on the ground set out in section 23(2) dismiss the appeal or allow the appeal and direct the
 - (i) Minister; or
 - (ii) Commissionto issue a licence to the appellant.

Appeal to High Court

27. A party to an appeal to the Tribunal pursuant to section 23 may appeal from the decision of the Tribunal on a point of law to the High Court.

PART IX

ADMINISTRATIVE PENALTIES

Administrative penalties

28. A person who contravenes a provision set out in Part I of the *Seventh Schedule* is liable to pay to the Manager of Vending Zones an administrative penalty in the amount so specified in the *Seventh Schedule*.

Administrative penalty notice

29.(1) The Manager of Vending Zones shall issue an administrative penalty notice in the form set out in Part II of the *Seventh Schedule* to any person where

the Manager of Vending Zones is satisfied that, that person has contravened a provision set out in Part I of the *Seventh Schedule*.

(2) An administrative penalty notice shall specify the nature of the act constituting the contravention, the penalty to be paid and shall require the person to whom it is addressed to pay the penalty within 30 days of the date of the notice.

(3) A person who is in receipt of an administrative penalty notice issued pursuant to subsection (1) shall pay the amount of the penalty set out in the notice on or before the date specified in the notice.

(4) Notwithstanding subsection (3) where the Manager of Vending Zones is satisfied on grounds of undue hardship or for any other reason that it would be just and equitable to do so, he may arrange with the person who is the subject of the penalty notice to pay the penalty set out in the notice in instalments.

Procedure for challenging an alleged administrative contravention

30. Notwithstanding section 29(3), a person to whom an administrative penalty notice is addressed and who wishes to challenge the alleged contravention, may instead of paying the amount of the administrative penalty, apply to the Tribunal in accordance with section 23.

Administrative penalty to constitute a debt to the State

31. The amount of an outstanding administrative penalty constitutes a debt to the State and is recoverable in civil proceedings before a magistrate's court.

PART X

MISCELLANEOUS

Fees

32.(1) The fees collected by the Minister under this Act shall be paid into the Consolidated Fund.

(2) The fees collected by the Commission under this Act shall be retained to the Commission and shall constitute the funds of the Commission as set out in section 10 of the *National Conservation Commission Act*, Cap. 393.

Transitional

33.(1) Any licence or permit issued under the

(a) *National Conservation Commission Act*, Cap. 393; or

(b) *Markets and Slaughter-Houses Regulations, 1958* (L.N. 1958 No. 73)

prior to the commencement of this Act shall be valid for one year after the commencement of this Act.

(2) After the expiration of the period referred to in subsection (1) a person seeking to operate as a vendor shall apply for the requisite licence or permit to do so under this Act.

Regulations

34. The Minister may make regulations generally to give effect to this Act.

Amendment of Schedules

35. The Minister may by order amend the *First, Second, Third, Fourth, Fifth, Sixth and Seventh Schedules*.

Expungement

36. Notwithstanding the provisions of the *Criminal Records (Rehabilitation of Offenders) Act, Cap. 127A*, the record of any sentence of a person convicted of an offence of selling or offering or exposing for sale of goods, wares or merchandise in a public place, on a street, a lane, an alley, a road, a highway, a beach or within the curtilage of that person's residence without a licence, permit or any other similar document under any enactment shall be deemed to be expunged with effect from the commencement of this Act.

Consequential amendments

37. The enactments set out in Column 1 of the *Eighth Schedule* are amended in the manner specified in Column 2 of the *Eighth Schedule*.

Commencement

38. This Act shall come into operation on a date fixed by proclamation.

FIRST SCHEDULE*(Sections 5 and 6)***Part I****Application Form and Licence for Vendor's Licence**

National Vending Act, 2021
(Act 2021-)

**Application for Vendor's Licence for Vendors not
operating on a Beach or an Esplanade or in a Garden or Park**

1. Name of applicant: _____
2. Sex: _____
3. Date of birth: _____
4. National identification number: _____
5. Residential address: _____

6. Contact number: _____
7. Email address: _____

First Schedule - (Cont'd)

8. Type of vending to be engaged in:

(a) Car park vending ☐	(f) Vending outside of the premises of a school ☐
(b) Highway vending ☐	(g) Street vending ☐
(c) Itinerant vending ☐	(h) Vending of non-essential and quickly perishable products ☐
(d) Outdoor market vending ☐	(i) Vending unit ☐
(e) Public markets ☐	(j) Vending village ☐

9. Type of merchandise to be sold: _____

10. Type of service to be rendered: _____

(Signature of applicant)

(Date of application)
(DD/MM/YYYY)

*First Schedule - (Cont'd)***FOR OFFICIAL PURPOSES ONLY**Application: Approved ☐Not Approved ☐

*(Signature of Minister responsible for
Commerce)*

*(Date of approval of application)
(DD/MM/YYYY)*

*(Signature of Minister responsible for
Public Markets)*

*(Signature of Minister responsible for
Fisheries)*

First Schedule - (Cont'd)

(Section 6)

Part II

Vending Licence



National Vending Act, 2021
(Act 2021-)

Vending Licence for Vendors not operating
on a Beach or an Esplanade or in a Garden or Park



--	--	--	--	--	--	--	--	--	--

(Vending Licence No.)

Name: _____

Sex: _____

Date of birth: _____

National identification number: _____

Type of vending: _____

Vending zone: _____

First Schedule - (Cont'd)

Type of merchandise to be sold:

Type of service to be rendered:

(Date of issue)
(DD/MM/YYYY)

(Signature of vendor)

(Signature of the Minister responsible for Commerce)

(Signature of the Minister responsible for Public Markets)

(Signature of the Minister responsible for Fisheries)

First Schedule - (Cont'd)

(Section 5)

Part III

Application Form and Licence for Vendor's Licence



National Vending Act, 2021
(Act 2021-)

**Application for Vendor's Licence
for Vending on a Beach or an Esplanade or in a Garden or Park**

1. Name of applicant: _____
2. Sex: _____
3. Date of birth: _____
4. National identification number: _____
5. Residential address: _____

6. Contact number: _____
7. Email address: _____

First Schedule - (Cont'd)

8. Type of vending to be engaged in:

(a) Beach vending ☐

(b) Esplanade Vending ☐

(c) Garden vending ☐

(d) Park vending ☐

9. Type of merchandise to be sold: _____

10. Type of service to be rendered: _____

(Signature of applicant)

(Date of application)
(DD/MM/YYYY)

FOR OFFICIAL PURPOSES ONLY

Application: Approved ☐

Not Approved ☐

(Signature of Chairman of National
Conservation Commission)

(Date of approval of application)
(DD/MM/YYYY)

*First Schedule - (Cont'd)**(Section 6)***Part IV****Vending Licence**

National Vending Act, 2021
(Act 2021-)

Vending Licence for Vending on a Beach or an Esplanade or a Garden or Park

Photograph

--	--	--	--	--	--	--	--	--	--

(Vending Licence No.)

Name: _____

Sex: _____

Date of birth: _____

National identification number: _____

Type of vending: _____

Vending zone: _____

First Schedule - (Concl'd)

Type of merchandise to be sold:

Type of service to be rendered:

(Date of issue)
(DD/MM/YYYY)

(Signature of vendor)

(Signature of Chairman of the National Conservation Commission)

SECOND SCHEDULE

(Sections 10 and 11)

Part I

Application Form and Permit for Occasional Vending



National Vending Act, 2021
(Act 2021-)

**Application Form and Permit for Occasional Vending for Vendors
not operating on a Beach or an Esplanade or in a Garden or Park**

1. Name of applicant: _____
2. Sex: _____
3. Date of birth: _____
4. National identification number: _____
5. Residential address: _____

6. Contact number: _____
7. Email address: _____
8. Type of occasional vending event:

(a) Fair ☐	(b) Farmers market ☐	(c) Festival ☐
(d) Carnival ☐	(e) Cultural or recreational event ☐	(f) Religious event ☐

Second Schedule - (Cont'd)

9. Name of occasional vending event:_____
10. Date of occasional vending event:_____
11. Duration of occasional vending event:_____
12. Type of merchandise to be sold (Where applicable):_____
- _____
- _____
- _____
13. Type of service to be rendered (Where applicable):_____
- _____
- _____
- _____

(Signature of applicant)

(Date of application)
*(DD/MM/YYYY)***FOR OFFICIAL PURPOSES ONLY**Application: Approved ☐Not Approved ☐

*(Signature of Minister responsible for
Commerce)*

(Date of approval of application)
(DD/MM/YYYY)

Second Schedule - (Cont'd)

(Section 10)

Part II

Permit for Occasional Vending



National Vending Act, 2021
(Act 2021-)

**Permit for Occasional Vending for Vendors
not operating on a Beach or an Esplanade or in a Garden or Park**

1. Name of applicant: _____
2. Sex: _____
3. Date of birth: _____
4. National identification number: _____
5. Name of occasional vending event: _____
6. Date of occasional vending event: _____
7. Duration of occasional vending event: _____
8. Type of Merchandise to be sold (Where applicable):

Second Schedule - (Cont'd)

9. Type of service to be rendered (Where applicable):

(Signature of applicant)

(Date of application)
(DD/MM/YYYY)

(Signature of the Minister responsible for Commerce)

*Second Schedule - (Cont'd)**(Section 11)***Part III****Application Form and Permit for Occasional Vending**

National Vending Act, 2021
(Act 2021-)

**Application Form for Occasional Vending for Vending
on the Beach or an Esplanade or in a Garden or a Park**

1. Name of applicant: _____
2. Sex: _____
3. Date of birth: _____
4. National identification number: _____
5. Residential address: _____

6. Contact number: _____
7. Email address: _____
8. Type of occasional vending event:

(a) Fair ☐	(b) Farmers market ☐	(c) Festival ☐
(d) Carnival ☐	(e) Cultural or recreational event ☐	(f) Religious event ☐

Second Schedule - (Cont'd)

9. Name of occasional vending event:_____
10. Date of occasional vending event:_____
11. Duration of occasional vending event:_____
12. Type of merchandise to be sold (Where applicable):_____
- _____
- _____
- _____
13. Type of service to be rendered (Where applicable):_____
- _____
- _____
- _____

(Signature of applicant)

(Date of application)
(DD/MM/YYYY)

FOR OFFICIAL PURPOSES ONLY

Application: Approved ☐

Not Approved ☐

*(Signature of Chairman of National
 Conservation Commission)*

(Date of approval of application)
(DD/MM/YYYY)

Second Schedule - (Cont'd)

(Section 11)

Part IV

Permit for Occasional Vending



National Vending Act, 2021
(Act 2021-)

**Permit for Occasional Vending for Vending
on a Beach or an Esplanade or in a Garden or a Park**

1. Name of applicant: _____
2. Sex: _____
3. Date of birth: _____
4. National identification number: _____
5. Name of occasional vending event: _____
6. Date of occasional vending event: _____
7. Duration of occasional vending event: _____
8. Type of Merchandise to be sold (Where applicable):

Second Schedule - (Cont'd)

9. Type of service to be rendered (Where applicable):

(Signature of applicant)

(Date of application)
(DD/MM/YYYY)

(Signature of the National Conservation Commission)

Second Schedule - (Cont'd)

(Section 12)

Part V

Application Form for Itinerant Vending Permit



National Vending Act, 2021
(Act 2021-)

Application Form for Itinerant Vending Permit

1. Name of applicant:_____
2. Sex:_____
3. Date of birth:_____
4. National identification number:_____
5. Residential address:_____

6. Contact number:_____
7. Email address:_____
8. Type of merchandise to be sold (Where applicable):

Second Schedule - (Cont'd)

9. Type of service to be rendered (Where applicable):

(Signature of applicant)

(Date of application)
(DD/MM/YYYY)

FOR OFFICIAL PURPOSES ONLY

Application: Approved ☐

Not Approved ☐

*(Signature of Minister responsible
for Commerce)*

(Date of approval of application)
(DD/MM/YYYY)

Second Schedule - (Cont'd)

(Section 12)

Part VI

Itinerant Vending Permit



National Vending Act, 2021
(Act 2021-)

Itinerant Vending Permit

1. Name of applicant:_____
2. Sex:_____
3. Date of birth:_____
4. National identification number:_____
5. Itinerant vending permit number:

6. Type of merchandise to be sold (Where applicable):

Second Schedule - (Concl'd)

7. Type of service to be rendered (Where applicable):

(Signature of applicant)

(Date of application)
(DD/MM/YYYY)

(Signature of the Minister responsible for Commerce)

THIRD SCHEDULE*(Sections 5, 6, 10, 11 and 12)**Fees*

1. Vending Licence for vendors not operating on a beach or an esplanade or in a garden or park	\$ 50
2. Renewal of Vending Licence for vendors not operating on a beach or an esplanade or in a garden or park	\$ 50
3. Vending Licence for vendors operating on a beach or an esplanade or in a garden or park	\$ 150
4. Renewal of Vending Licence for vendors operating on a beach or an esplanade or in a garden or park	\$ 100
5. Itinerant Vending Permit	\$ 50
6. Renewal of Itinerant Vending Permit	\$ 50
7. Occasional Vending permit vendors operating on a beach or an esplanade or in a garden or park	\$ 50
8. Occasional Vending permit vendors not operating on a beach or an esplanade or in a garden or park	\$ 25

FOURTH SCHEDULE*(Sections 2 and 13)**Lists and Descriptions***Part I***List of Esplanades, Gardens and Parks*

1. King George V Memorial Park
2. Farley Hill National Park
3. Bay Street Esplanade
4. Fitts Village Esplanade
5. Hastings Esplanade
6. Speightstown Esplanade
7. Independence Square, Jubilee Gardens
8. Folkstone Marine Park
9. Queen's Park

Part II*Description of certain vending zones pursuant to section 13(g)*

1. The area in the vicinity of the Public Market situate at Fairchild Street, St. Michael, from and inclusive of the junction of Halls Road and Tweedside Road along the roads Halls Road, Martindales Road and Jemmotts Lane in a straight line to the sea, then along the sea coast to the Pier Head, thence along the south side of the Careenage to the Chamberlain Bridge, thence in a straight line to the junction of High Street and Broad Street, thence along and inclusive of the roads High Street, Roebuck Street and Tweedside Road to the junction of Tweedside Road and Halls Road.

2. The area in the vicinity of the Public Market situate at Eagle Hall, St. Michael, which lies within the following boundaries:

- (a) on the north-west boundary, within a line along and inclusive of the roads Deacons Road and Fairfield Road from the junction of Deacons Road and Goodlands Road to the junction of Fairfield and Grazettes Road;
- (b) On the north-east boundary, within a line along and inclusive of the roads Grazettes Road, Kew Road, Dash Road, from the junction of Fairfield Road and Grazettes Road to the junction of Dash Road and Bank Hall Road;
- (c) On the south-east boundary within a line along and inclusive of the roads Bank Hall Road from the junction of Dash Road and Bank Hall Road to the junction of Bank Hall Road and Passage Road; and
- (d) On the south and south-west boundary, within a line along and inclusive of the roads Passage Road, Westbury Road, Goodlands Road from the junction of Bank Hall Road and Passage Road to the junction of Goodlands Road and Deacons Road.

3. All that area within a radius of one and one-half miles of the Public Market situate at Six Roads, St. Philip.

4. The area in the vicinity of the Public Market situate at Cheapside, Bridgetown, from and inclusive of the junction of Roebuck Street and Country Road, thence along and including Country Road and Passage Road to the junction of Passage Road and Baxters Road, thence along and including Baxters Road to its junction with Mason Hall Street, thence along and including Mason Hall Street to its junction with St. Mary's Row, thence along and including St. Mary's Row and Lakes Folly to the junction of Lakes Folly and Fontabelle Road, thence in a northerly direction along and including Fontabelle Road and Lands End Road, thence along the sea coast in a south easterly direction to the Pier Head, thence along the southern side of the Careenage to the Chamberlain Bridge, thence along the western boundary of the area defined in paragraph 1 of this *Schedule* to the junction of Roebuck Street and Country Road.

Part III

List of Fish Landing Sites

- 1. Bath Beach
- 2. Bay Street
- 3. Bay Street Esplanade Browne's Beach

4. Brandons
5. Bridgetown Complex (BFC)
6. Brighton Beach
7. Brooklyn
8. Burke's Beach
9. Careenage
10. Cholera Bay
11. Crane Beach
12. Dover
13. Fitts Village
14. Foul Bay
15. Half Moon Fort
16. Heron Bay or Colony Club
17. Holetown
18. Long Bay
19. Martin's Bay
20. Mount Standfast
21. Pile Bay
22. Prospect
23. Shallow Draught or Sand Pit
24. Silver Sands
25. Six Men's
26. Skeete's Bay
27. Stroud Bay
28. St. Lawrence
29. White Head Trees

30. Worthings or Sandy Beach

FIFTH SCHEDULE*(Section 19)***Part I****Relocation Notice**

National Vending Act, 2021
 (Act 2021-)

Relocation Notice

Due to _____,
(State reason)

the Manager of Vending Zones has determined that it is necessary to remove and relocate

_____, _____,
(Name of vendor) (Vending Licence No.)

engaged in _____ from _____,
(Type of vending) (Former vending zone)

to _____ for the period _____ day of _____,
(New vending zone)

20_____ to _____ day of _____, 20_____.

This Notice shall be effective at the end of the 30 day period after the date of service on the vendor.

(Date of service)
(DD/MM/YYYY)

(Signature of the Manager of Vending Zones)

Fifth Schedule - (Cont'd)

(Section 19)

Part II

Eviction Notice



National Vending Act, 2021

(Act 2021-)

Eviction Notice

Due to _____,
(State reason)

the Manager of Vending Zones has determined that it is necessary to evict you,

_____, _____,
(Name of vendor) (Vending Licence No.)

engaged in _____ from _____.
(Type of vending) (Vending zone)

This Notice shall be effective at the end of the 30 day period after the date of service on the vendor.

(Date of service)
(DD/MM/YYYY)

(Signature of the Manager of Vending Zones)

Fifth Schedule - (Cont'd)

(Section 19)

Part III

Emergency Relocation Notice



National Vending Act, 2021
(Act 2021-)

Emergency Relocation Notice

Due to _____,
(State reason)

the Manager of Vending Zones has determined that it is necessary to remove and relocate

_____,
(Name of vendor) , *(Vending Licence No.)*

engaged in _____ from _____,
(Type of vending) *(Former vending zone)*

to _____ for the period _____ day of _____,
(New vending zone)

20_____ to _____ day of _____, 20_____.

(Date of service)
(DD/MM/YYYY)

(Signature of the Manager of Vending Zones)

Fifth Schedule - (Cont'd)

(Section 19)

Part IV

Emergency Eviction Notice



National Vending Act, 2021
(Act 2021-)

Emergency Eviction Notice

Due to _____,
(State reason)

the Manager of Vending Zones has determined that it is necessary to evict you,

_____, _____,
(Name of vendor) (Vending Licence No.)

engaged in _____ from _____,
(Type of vending) (Vending zone)

This Notice shall be effective at the end of a 24 hour period after the date of service on the vendor.

(Date of service)
(DD/MM/YYYY)

(Signature of the Manager of Vending Zones)

Fifth Schedule - (Concl'd)

(Section 20)

Part V

Seizure Notice



National Vending Act, 2021
(Act 2021-)

Seizure Notice

To: _____,
(Name of vendor) *(Vending Licence No.)*

The Manager of Vending Zones served a _____
(Type of Notice)

to you on the _____ day of _____, 20_____.

The Manager of Vending Zones determined that it was necessary to seize the items listed below pursuant to the execution to the Notice.

The items seized and the descriptions thereof are listed as follows:

1. _____
2. _____
3. _____
4. _____
5. _____

The items can be reclaimed from the Manager of Vending Zones on the _____ day of _____, 20 _____ at the _____
(Location)

(Date of service)
(DD/MM/YYYY)

(Signature of the Manager of Vending Zones)

SIXTH SCHEDULE*(Section 21)**National Vending Committee***Constitution of the Committee**

- 1.(1)** The National Vending Committee shall comprise the following:
- (a)* a representative of the Barbados Chamber of Commerce;
 - (b)* a representative of the Barbados National Standards Institution;
 - (c)* a representative of the Barbados Association of Vendors, Retailers and Entrepreneurs;
 - (d)* a representative of the Barbados National Union of Fisherfolk Organizations;
 - (e)* a representative of the Association of Wayside Vendors;
 - (f)* a representative of the Small Business Association;
 - (g)* a representative of the Ministry responsible for Commerce;
 - (h)* the Registrar of Cooperatives;
 - (i)* the Manager of Markets;
 - (j)* the Senior Manager of Markets;
 - (k)* a representative of the Ministry responsible for vocational training;
 - (l)* a representative of the Rastafarian community;
 - (m)* a representative of the Ministry responsible for health;
 - (n)* a representative of the Ministry responsible for technology;
 - (o)* a representative of the Ministry responsible for education;
 - (p)* a representative of the Ministry responsible for fisheries;

- (q) a representative of the Ministry responsible for tourism;
 - (r) a representative of the Town and Country Planning Department; and
 - (s) a representative of the National Conservation Commission.
- (2) The Minister shall appoint a Chairman from among the members.

Tenure

- 2.(1) A member of the Committee shall be appointed for a period of 3 years by instrument of appointment and is eligible for re-appointment.
- (2) The Minister may at any time revoke the appointment of any member of the Committee.

Resignation

3. Any member of the Committee may at any time resign his office by instrument in writing addressed to the Minister and transmitted to him through the Chairman, and from the date of the receipt by the Minister of the instrument the member ceases to be a member of the Committee.

Publication of membership

4. The Committee as first constituted and every change in the membership thereof shall be published in the *Official Gazette*.

Procedure and meetings

- 5.(1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Committee determines, but the Committee shall meet not less than twice a year.
- (2) The Chairman may at any time call a special meeting of the Committee, and shall call a special meeting to be held within 7 days of a written request for the purpose addressed to him by any 2 members of the Committee.

- (3) The Chairman shall preside at all meetings of the Committee at which he is present, and in the case of his absence or inability to act at any meeting the members present at the meeting constituting a quorum shall elect one of the members to preside at that meeting.
- (4) At any meeting at which the voting is equal the Chairman or the person presiding has a second or casting vote.
- (5) The quorum of the Committee is a majority of the total membership thereof.
- (6) Subject to this *Schedule* the Committee may regulate its own proceedings.
- (7) The validity of the proceedings of the Committee is not affected by any vacancy in the membership thereof or by any defect in the appointment of a member thereof.

Remuneration of members

- 6. There may be paid to the Chairman and other members of the Committee such remuneration and such allowances as the Minister may determine.

SEVENTH SCHEDULE

(Section 28)

Part I

Administrative Penalties

Description of Contravention	Provision	Penalty
Vending without a licence contrary to section 4(2)	Section 4(2)	\$500
Vending with a licence that has been suspended or revoked	Section 8(3)	\$500
Vending in contravention of the varied conditions of a licence	Section 8(4)	\$500
Occasional Vending without a permit contrary to section 10(1)	Section 10(6)	\$500
Occasional Vending without a permit contrary to section 11(1)	Section 11(6)	\$500
Itinerant vending without a permit contrary 12(1)	Section 12(6)	\$500
Failing to comply with an obligation pursuant to section 18(1)	Section 18(4)	\$500
Contravention of regulations 4, 6, 7, 10, 18, 34 and 47 <i>Markets and Slaughterhouse Regulations, 1958</i> L. N. 1958/53)	Regulations 4, 6(2), 7(2), 10(3), 18(2), 34(2) and 47(2)	\$500

*(Section 29)***Part II****Ticket**

National Vending Act, 2021
 (Act 2021-)

Administrative Penalty Notice

On the _____ day of _____, 20_____, at _____
(Time)

_____, _____, _____
(Location) *(Name of vendor)* *(Vending Licence No.)*

was seen engaging in activity which gave me reasonable cause to believe that there was a contravention of the Act. The particulars of the contravention are set out as follows:

Signature of the Manager of Vending Zones: _____

Date: _____

EIGHTH SCHEDULE

(Section 37)

CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Markets and Slaughter-Houses Act, Cap. 265</i>	1. In section 2 insert in the appropriate alphabetical order the following: " "Manager of Markets" means the manager of any public market or any person acting with the authority of the Manager of Markets;" 2. Delete all references in the Act to the words "Chief Supervisor" and substitute the words "Manager of Markets". 3. Delete Part III. 4. Delete Part VII.
2. <i>Markets and Slaughter-Houses Regulations, 1958 (L.N. 1958/53)</i>	1. Delete all references in the Regulations to the words "Chief Supervisor" and substitute the words "Manager of Markets". 2. Delete regulation 4 and substitute the following: "Refusal to comply with directions of the Manager of Markets 4. If any person in any public market refuses or neglects to comply with any direction of the Manager of Markets for the maintenance of order or the regularity or for the carrying out of any of the provisions of these Regulations that person shall be subject to payment of an administrative penalty under section 28 of the <i>National Vending Act, 2021</i> (Act 2021-)."

Eighth Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Markets and Slaughter-Houses Regulations, 1958</i> (L.N. 1958/53) (Cont'd)	3. In regulation 6, delete paragraph (2) and substitute the following: "(2) If any authorised person is found in a public market during closed hours he shall be subject to the payment of an administrative penalty under section 28 of the <i>National Vending Act, 2021</i> (Act 2021-).". 4. In regulation 7 delete paragraph (2) and substitute the following: "(2) If any person contravenes paragraph (1) he shall be subject to the payment of an administrative penalty under section 28 of the <i>National Vending Act, 2021</i> (Act 2021-).". 5. In regulation 10 delete paragraph (3) and substitute the following: "(3) If any person contravenes paragraphs (1) or (2) he shall be subject to the payment of an administrative penalty under section 28 of the <i>National Vending Act, 2021</i> (Act 2021-).". 6. In regulation 18 delete paragraph (2) and substitute the following: "(2) If any person contravenes paragraphs (1) he shall be subject to the payment of an administrative penalty under section 28 of the <i>National Vending Act, 2021</i> (Act 2021-).". 7. Delete regulation 25 and substitute the following: "Manager of Markets may let market stalls 25. Subject to the provisions of These Regulations, the Manager of Markets may on the payment of the appropriate rent as set out in the <i>First Schedule</i> let to a person licensed as a vendor pursuant to the <i>National Vending Act, 2021</i> (Act 2021-) any market stall in any public market."

Eighth Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Markets and Slaughter-Houses Regulations, 1958 (L.N. 1958/53) - (Cont'd)</i>	8. Delete regulation 26 and substitute the following: "Tenant of market stall licensed to occupy and use it for period of tenancy 26. Where a tenant has been let a market stall pursuant to regulation 25, that tenant shall be considered to be licensed to occupy and use the market stall let to him for the period of the tenancy, provided that he complies with the provisions of the Act and these Regulations." 9. Delete regulations 31, 32 and 33. 10. In regulation 34, delete paragraph (2) and substitute the following: "(2) A person who contravenes paragraph (1) shall be subject to an administrative penalty imposed under section 28 of the <i>National Vending Act, 2021</i> (Act 2021-)." 11. Delete regulation 45. 12. Delete regulation 46. 13. In regulation 47 delete paragraph (2) and substitute the following: "(2) A person who evades or attempts to evade or assists in evading the payment of any toll under paragraph (1) shall be subject to the payment of an administrative penalty under section 28 of the <i>National Vending Act, 2021</i> (Act 2021-)." 14. Delete regulations 48, 61, 62, 63 and 64.

Eighth Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Markets and Slaughter-Houses Regulations, 1958 (L.N. 1958/53) - (Concl'd)</i>	15. In the <i>First Schedule</i> delete the item which refers to (a) Regulation 31 Fishseller's tickets; (b) Regulation 46 Permit fee; (c) Regulation 48 Fishseller's licence; (d) Regulation 61 Meat Shop licences; and (e) Regulation 64 Meat vendor's licences. 16. Delete the <i>Second Schedule</i>. 17. In the <i>Third Schedule</i> delete the item which refers to (a) Regulation 46 Permit to sell within Prohibited Areas; (b) Regulation 48 Fish Seller's Licence; (c) Regulation 61 Meat Shop Licenced; and (d) Regulation 64 Meat Vendor's Licence."
3. <i>National Conservation Commission Act, Cap. 393</i>	1. Delete Part IV. 2. Delete subsections (1) and (1A) of section 31.

*Eighth Schedule - (Concl'd)*CONSEQUENTIAL AMENDMENTS - *(Concl'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Conservation Commission Act, Cap. 393 - (Concl'd)</i>	3. Section 32(1) is deleted and the following is substituted: "(1) A person employed by the Commission as a ranger or warden may arrest without a warrant any person who commits an offence specified in paragraph (a) or (b) of subsection (2) of section 31."
4. <i>National Conservation Commission (Fees) Regulations, 2015 (S.I. 2015 No. 78)</i>	The <i>Schedule</i> is amended by deleting all references to Vendor's Licences and the fees connected thereto.