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REMOTE EMPLOYMENT (AMENDMENT) ACT, 2021-11

Arrangement of Sections

- 1.** Short title
- 2.** Amendment of Act 2020-23
- 3.** Amendment of section 3 of Act 2020–23
- 4.** Insertion of new section 7A into Act 2020-23
- 5.** Amendment of section 9 of Act 2020-23
- 6.** Amendment of Act 2020-23

SCHEDULE

**APPLICATION AND RENEWAL FORM FOR BARBADOS WELCOME
STAMP**

BARBADOS

I assent
S. MASON
Governor-General
22nd July, 2021.

2021-11

An Act to amend the *Remote Employment Act* (Act 2020-23) to provide for the Barbados Welcome Stamp to be renewed and the fees to be paid for the renewal of the Stamp and for related matters.

[Commencement: 23rd July, 2021]

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Remote Employment (Amendment) Act, 2021*.

Amendment of Act 2020-23

2. *The Remote Employment Act (Act 2020-23) in this Act referred to as the principal Act is amended by deleting section 2 and substituting the following:*

“Definitions

2. For the purposes of this Act,
“Barbados Welcome Stamp” or “Stamp” means a visa granted by the Chief Immigration Officer with the approval of the Minister to a person to whom this Act applies;
“Minister” means the Minister responsible for Immigration;
“non-national” means a person who is not a citizen of Barbados.”.

Amendment of section 3 of Act 2020–23

3. *Section 3 of the principal Act is amended by deleting the words “responsible for Immigration” appearing immediately after the word “Minister”.*

Insertion of new section 7A into Act 2020-23

4. *The principal Act is amended by inserting the following new section immediately after section 7:*

“Renewal of Barbados Welcome Stamp

7A.(1) Notwithstanding section 5, an individual to whom a Barbados Welcome Stamp has been granted, may renew that Stamp by submitting an application to the Minister in the Form set out in the *Schedule*.

(2) The Minister may approve the renewal of the Stamp if the individual to whom the Stamp was granted satisfies the conditions specified in section 3.

(3) Where the Minister approves the renewal of the Stamp, the fee for the Stamp shall be

(a) \$3 000 in the case of an individual; and

(b) \$4 500 where the individual is accompanied by his family.

(4) Where the Minister approves the renewal of the stamp under subsection (3), the Stamp shall be valid for a period of 12 months.”.

Amendment of section 9 of Act 2020-23

5. *Section 9 of the principal Act is amended by deleting the words “responsible for Immigration” appearing immediately after the word “Minister”.*

Amendment of Act 2020-23

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

"SCHEDULE*(Sections 3 and 7A)*

Remote Employment Act, 2020
(Act 2020-23)

APPLICATION AND RENEWAL FORM FOR BARBADOS WELCOME STAMP

Applicants wishing to apply for or renew the Barbados Welcome Stamp are required to complete and submit the following documents electronically:

- Bio data page of passport (self/spouse/partner/children/dependant)
- Birth certificate (self/spouse/partner/children/dependant)
- Proof of relationship of dependants (birth certificate, marriage certificate, adoption documents)
- Entry visa (where applicable)

On approval the following non-refundable fees are applicable:

For first time issue of Stamp

- Individual Fee - BDS \$4,000.00
- Family Fee - BDS \$6,000.00

For renewal of Stamp

- Individual Fee - BDS \$3,000.00
- Family Fee - BDS \$4,500.00

Schedule - (Cont'd)

1. Personal Information

Name (Mr.*/Mrs.*/Miss*): _____
First Name Middle Name Last Name

Sex: ☐ Male ☐ Female

Marital Status: ☐ Single ☐ Married ☐ Divorced ☐ Widowed

Date of Birth: _____ Country of Birth: _____
Month/Day/Year Country

Country of citizenship: _____
Name of Country

Former nationality (if applicable): _____
Nationality

Email address: _____
Email address

Name of Employer: _____
Employer's Name

Brief description of type of work/nature of business in which applicant will be engaged:

Schedule - (Cont'd)

2. Contact Information

Permanent Address: _____

Street Address: _____

City: _____ State/Province/Region: _____

Zip/Postal Code: _____ Country: _____

Email address: _____

Telephone No.: _____
(Area code)-(Telephone number)

Emergency Contact: _____
Full Name

3. Passport Details

Passport Number: _____

Date of Issue: _____ *Month/Day/Year* Date of Expiry: _____ *Month/Day/Year*

Place of Issue: _____
Country

Proposed date of entry into Barbados: _____
Month/Day/Year

Schedule - (Cont'd)

4. Spouse/Partner Information (if applicable)

Name of Spouse/Partner (Mr.*/Mrs.*/Miss*): _____
First Name Middle Name Last Name

Sex: ☐ Male ☐ Female

Date of Birth: _____ Country of Birth: _____
Month/Day/Year Country

Country of citizenship: _____
Name of Country

Former nationality (if applicable): _____
Nationality

Passport Number: _____

5. Dependants information (if applicable)

Is there any person(s) in the family group that would be defined as a dependant?

☐ Yes ☐ No

(see definition in General Information – Definition of Terms)

Name	Date of Birth <i>(Month/Day/Year)</i>	Passport Number	Country of Citizenship

Schedule - (Cont'd)

Will dependants be attending school in Barbados? ☐ Yes ☐ No

If "Yes" choose

☐ Public school (link to student visa application)

☐ Private school (link to student visa application)

☐ Home school

Have you ever been convicted of a serious criminal offence? ☐ Yes ☐ No

6. Declaration

I hereby declare that I, my spouse, partner or dependants will not accept any employment from or offer any services to a citizen, permanent resident, immigrant, work permit holder or any person or entity carrying on business in Barbados.

I certify that I expect to earn an income of \$100 000 or more over the next 12 months and that I have the means to support myself, my spouse, partner and dependants accompanying me, during my stay in Barbados.

I hereby certify that the information given by me in this application is true and correct to the best of my knowledge. I understand and agree that any false information, misrepresentation, or omission of facts in this application and the application process, may be justification for refusal of the grant of a Barbados Welcome Stamp.

Signature: _____ Date of Submission: _____
Signature *Month/Day/Year*

Schedule - (Concl'd)

INSTRUCTIONS

DEFINITION OF TERMS

Applicant: Individual who will be engaging in remote work in Barbados.

Family: Applicant, spouse, partner and dependant(s).

Dependant: (a) a child or step-child under the age of 26 years;
(b) any other relative who is, by reason of age or any infirmity of body or mind, wholly dependent on that person for his/her subsistence.

Duration of Stay: Maximum 12 months from date of approval."



GRANTLEY ADAMS INTERNATIONAL AIRPORT (TRANSFER OF
MANAGEMENT AND VESTING OF ASSETS) (AMENDMENT) ACT,
2021-12

Arrangement of Sections

1. Short title
2. Amendment to section 2 of Cap. 286
3. Amendment of section 8 of Cap. 286
4. Insertion of sections 8A and 8B into Cap. 286

GRANTLEY ADAMS INTERNATIONAL AIRPORT (TRANSFER
OF MANAGEMENT AND VESTING OF ASSETS) (AMENDMENT)
ACT, 2021-12

3

BARBADOS

I assent
S. MASON
Governor-General
22nd July, 2021.

2021-12

An Act to amend the *Grantley Adams International Airport (Transfer of Management and Vesting of Assets) Act*, Cap. 286 to provide for the Grantley Adams International Airport Inc. to contract with licensed operators in relation to the management and maintenance of the airport and to provide for related matters.

[Commencement: 23rd July, 2021]

ENACTED by the Parliament of Barbados as follows:

GRANTLEY ADAMS INTERNATIONAL AIRPORT (TRANSFER
OF MANAGEMENT AND VESTING OF ASSETS) (AMENDMENT)
ACT, 2021-12

4

Short title

1. This Act may be cited as the *Grantley Adams International Airport (Transfer of Management and Vesting of Assets)(Amendment) Act, 2021*.

Amendment to section 2 of Cap. 286

2. *Section 2 of the Grantley Adams International Airport (Transfer of Management and Vesting of Assets) Act, Cap. 286, in this Act referred to as the principal Act, is amended by inserting in their appropriate alphabetical order the following new definitions:*

“ “licensed operator” means a person who is an aerodrome operator who holds an aerodrome certificate or temporary aerodrome certificate under the *Civil Aviation (Aerodrome Certificate) Regulations, 2016* (S.I. 2016 No. 50);

“transferred operations” means the transfer of any part of the management, maintenance or operations of the airport, or any part of the provision of aeronautical and related non-aeronautical ancillary services;”.

Amendment of section 8 of Cap. 286

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

“Business plan

8. The Company shall, no later than 6 months after the end of each financial year, submit to the Minister a business plan in respect of the ensuing financial year and for each of the subsequent 4 financial years.”.

Insertion of sections 8A and 8B into Cap. 286

4. *The principal Act is amended by inserting immediately after section 8 the following new sections:*

“Transfer to licensed operator

8A.(1) The Company may, with the written approval of the Minister, enter into an agreement for the transfer, lease, sub-lease, assignment or licence, or the grant of any other interest or right whether in whole or part of the property, assets or rights of the Company to a licensed operator in order to transfer the operations.

(2) Where the Minister is satisfied that the licensed operator is able

 (a) to discharge all of its obligations under the agreement entered into with the Company; and

 (b) to undertake the transferred operations,

the Minister may by order give permission for the transfer of the operations.

(3) Where the agreement between the Company and the licensed operator provides that on termination

 (a) there is a right of reversion of the transferred operations to the Company; or

 (b) there is a termination of the rights of the licensed operator to carry on the transferred operations and the right of the Company to step-in and continue the transferred operations

any transfer, lease, sub-lease, assignment, licence or any other grant of interests or rights in the whole or any part of the property or any assets or rights of the Company to a licensed operator shall be void and the right or interest referred to in subsection (1) shall revert to the Company.

- (4) No transfer of an interest or right referred to in subsection (1) shall
- (a) operate as a breach of covenant or condition against alienation;
 - (b) give rise to forfeiture; or
 - (c) invalidate or discharge a contract or security.
- (5) Subject to subsection (1), where the operations are transferred
- (a) every contract to which the Company is a party shall, from the date of the transfer, be construed as if
 - (i) the licensed operator had been a party thereto instead of the Company;
 - (ii) for a reference to the Company, there had been substituted, in respect of anything falling to be done on or after the date of the transfer, a reference to the licensed operator; and
 - (iii) for a reference to any director, officer, servant or agent of the Company, there had been substituted in respect of anything falling to be done on or after the date of the transfer, a reference to the directors of the licensed operator or, as the case may be, to such director, officer, servant or agent of the licensed operator as the licensed operator may appoint, or, in default of appointment, to the director, officer, clerk or servant of the licensed operator corresponding, as nearly as may be, to any director, officer, servant or agent of the Company; and
 - (b) any debts or other claims between the Company and a third party shall be construed as debts or other claims of the licensed operator;

- (c) any negotiable instrument or order for payment of money that is expressed to be
 - (i) drawn on;
 - (ii) given to;
 - (iii) accepted; or
 - (iv) endorsed by

the Company, shall have effect as if the action taken in subparagraphs (i) to (iv) had been taken by the licensed operator;

- (d) any security transferred to the licensed operator that immediately before the date of the transfer was held by the Company as security for the payment or discharge of any debt, liability or obligation, whether present or future, actual or contingent, shall be held by and shall be available to the licensed operator as security for the payment or discharge of such debt, liability or obligation;
- (e) any security transferred to the licensed operator that immediately before the date of the transfer was held by the Company as security for the payment or discharge of any debt, liability or obligation, whether present or future, actual or contingent, that extends to future advances or liabilities shall, from the date of the transfer, be held by and shall be available to the licensed operator as security for future advances by, and future liabilities to the licensed operator in the same manner and in all respects as future advances by or liabilities to the Company secured thereby immediately before the date of the transfer;
- (f) any judgment or award obtained by, or against, the Company and not fully satisfied before the date of the transfer shall be enforceable by or against the licensed operator; and

- (g) unless an agreement by the parties to the transfer provides to the contrary, any officer, or person employed by the Company immediately before the date of the transfer, shall be an officer or employee, as the case may be, of the licensed operator on terms and conditions no less favourable than those on which he was so employed immediately before the date of the transfer, and such employment with the Company and licensed operator respectively shall be deemed, for all purposes, to be a single continuous period of employment, but no director, secretary or auditor of the Company shall by virtue only of a vesting order be a director, secretary or auditor, as the case may be, of the licensed operator.
- (6) Paragraphs (a)(ii) and (iii) of subsection (5) apply to
 - (a) any statutory provision;
 - (b) any provision of any contract to which the Company was not a party; and
 - (c) any provision of any other document, not being a contract,as they apply in relation to a contract to which paragraph (a) of subsection (5) applies.
- (7) Any property or rights transferred to the licensed operator that immediately before the date of the transfer were held by the Company, whether severally or jointly, with any other person
 - (a) as trustee or custodian trustee of any trust, deed, settlement, covenant, agreement, whether originally appointed or not, or whether appointed under hand or seal by order of a court; or
 - (b) in any other representative or fiduciary capacity,shall, from the date of the transfer, be held by the licensed operator, whether severally or jointly, with that other person, in the same capacity

upon the trust and with, and subject to, the powers, provisions, liabilities and obligations, applicable thereto, as the case may be.

Exemption from duties and taxes

8B.(1) The Company shall be exempt from

(a) the payment of property transfer tax under the *Property Transfer Tax Act*, Cap. 84A; and

(b) the payment of stamp duty under the *Stamp Duty Act*, Cap. 91 payable on the execution of any instrument executed to transfer the transferred operations from the Company to the licensed operator.

(2) A licensed operator shall be exempt from

(a) the payment of property transfer tax under the *Property Transfer Tax Act*, Cap. 84A; and

(b) the payment of stamp duty under the *Stamp Duty Act*, Cap. 91 payable on the execution of any instrument executed to transfer the transferred operations from the licensed operator to the Company.”.

CONTROL OF INEFFICIENT LIGHTING ACT, 2021-13

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

ADMINISTRATION

3. Standards and procedures
4. Inspectors
5. Testing of samples
6. Imported lamps with certificate of compliance
7. Request for electrical lamps
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PART III

ELECTRICAL LAMPS

9. Invoices, labels and packages

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FIRST SCHEDULE

APPLIANCES

SECOND SCHEDULE

LICENCE FEES

BARBADOS

I assent
S. MASON
Governor-General
22nd July, 2021.

2021-13

An Act to provide for the phased elimination of the use and sale of inefficient electrical lamps in Barbados.

[Commencement: 23rd July, 2021]

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Control of Inefficient Lighting Act, 2021*.

Interpretation

2. In this Act,

“appliance” means an item listed in the *First Schedule*;

“Barbados National Standards Institution” has the meaning assigned to it by section 2 of the *Standards Act*, Cap. 326A;

“compliance certificate” means a certificate which a recognized authority issues that verifies that an electrical lamp meets standards which the recognized authority approves in respect of the electrical lamp;

“Director” means the person who holds the post of Director of Commerce and Consumer Affairs which is established by the *Public Service (General) Order, 2020* (S.I. 2020 No. 41);

“domestic minimum energy performance standard” means a standard established by the Barbados National Standards Institution which specifies the minimum efficiency performance level for an electrical lamp which is for

(a) distribution, sale or use in Barbados; or

(b) importation into Barbados;

“electrical lamp” includes a halogen lamp, compact fluorescent lamp, mercury vapour lamp, sodium vapour lamp and LED lamp;

“exempted electrical lamp” means an electrical lamp which does not meet the domestic minimum energy performance standard and is operated or used in an appliance;

“LED” means light emitting diode;

“minimum energy performance standard” means a standard which specifies the minimum efficiency performance level of an electrical lamp which effectively limits the maximum amount of energy that may be consumed by an electrical lamp in performing a specific task;

“recognized authority” means an agency, an entity or a laboratory which the Barbados National Standards Institution approves as an accredited authority in respect of its testing, determination or approval of energy performance standards of electrical lamps;

“trading standards inspector” has the meaning assigned to it by section 2 of the *Standards Act*, Cap. 326A.

PART II

ADMINISTRATION

Standards and procedures

3.(1) The Barbados National Standards Institution shall, with the approval of the Minister,

- (a) establish domestic minimum energy performance standards for imported electrical lamps and electrical lamps for local distribution, sale or use;
- (b) establish energy efficient labelling standards for packages which contain electrical lamps or for labels of electrical lamps; and
- (c) approve and establish energy performance test procedures for electrical lamps.

(2) Where the Barbados National Standards Institution establishes a domestic minimum energy performance standard or an energy efficient labelling standard in accordance with subsection (1), the Barbados National Standards Institution shall cause to be published in the *Official Gazette* and in a daily newspaper published in Barbados a notice of the standard.

(3) A domestic minimum energy performance standard or an energy efficient labelling standard may, with the approval of the Minister, be amended or revoked by the Barbados National Standards Institution and a notice to that effect shall be published in the manner specified in subsection (2).

Inspectors

4.(1) A trading standards inspector shall investigate any complaint or conduct concerning any allegation of contravention of this Act or regulations made pursuant to this Act.

(2) A trading standards inspector shall, at a reasonable time, enter premises which the trading standards inspector reasonably believes to have electrical lamps which are for sale or distribution to

- (a) open and examine any package or receptacle which is found on the premises which the trading standards inspector reasonably believes contains electrical lamps;
- (b) inspect or examine any electrical lamps which are found on the premises and take samples, free of any charge;
- (c) examine labels on packages containing electrical lamps or labels of electrical lamps which are found on the premises;
- (d) conduct tests on any electrical lamps which are found on the premises to determine or verify the energy performance characteristics of the electrical lamps; or
- (e) examine records and documents which relate to the acquisition, importation, exportation, manufacture, sale or distribution of electrical lamps.

(3) Subject to subsection (2) and section 8, a trading standards inspector shall, upon entering premises, produce his certificate of appointment which verifies that he is a trading standards inspector.

(4) Any person who

(a) wilfully obstructs, hinders, assaults or otherwise interferes with a trading standards inspector engaged in the performance of any duty or exercise of any power conferred on him under this Act or regulations made pursuant to this Act; or

(b) knowingly gives false information to a trading standards inspector,

is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of one year or to both.

Testing of samples

5. Where a trading standards inspector obtains samples of electrical lamps pursuant to paragraph (b) of section 4(2), the Barbados National Standards Institution shall cause tests to be conducted or shall submit the electrical lamps to a recognized authority for tests to be conducted to

(a) determine the energy performance characteristics; or

(b) verify the energy performance standards,

of the electrical lamps within 21 days of obtaining the samples or within any such longer period as the Minister determines.

Imported lamps with certificate of compliance

6. Where a person imports an electrical lamp which has a compliance certificate, the electrical lamp shall be tested in accordance with the provisions of this Act or regulations made pursuant to this Act, notwithstanding the compliance certificate.

Request for electrical lamps

7.(1) Notwithstanding section 4, the Director may, in writing, request a person who

- (a) imports;
- (b) sells or offers for sale;
- (c) distributes; or
- (d) manufactures,

electrical lamps to produce, within 30 days of the request, a specified number of electrical lamps to verify that there is compliance with the provisions of this Act or regulations made pursuant to this Act.

(2) The Director, on the recommendation of the Barbados National Standards Institution, shall release any electrical lamps obtained pursuant to subsection (1) where

- (a) there is satisfactory proof that there is compliance with the provisions of this Act or regulations made pursuant to this Act; or
- (b) a period of 30 days has expired and the results of any tests to be undertaken in respect of the electrical lamps have not been received.

(3) Notwithstanding paragraph (b) of subsection (2), the Director may, with the approval of the Minister, extend the period of detention for a further 15 days where the results of tests being undertaken have not been completed within the period specified in paragraph (b) of subsection (2).

(4) Subject to subsection (1), where the Director determines that the electrical lamps, the packages of the electrical lamps or the labels of the electrical lamps do not comply with the provisions of this Act or regulations made pursuant to this Act,

- (a) the Director shall detain the electrical lamps and commence proceedings within 30 days of the detention; and

- (b) the electrical lamps shall be detained until the conclusion of the proceedings.
- (5) Subject to subsection (4), where the Director fails to commence proceedings within 30 days of the detention, the electrical lamps shall be returned to the owner.
- (6) A person who fails to comply with a request made by the Director pursuant to subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of one year or to both.
- (7) For the purposes of this section “satisfactory proof” includes a test certificate or test report from a recognized authority in respect of the electrical lamps.

Seizures and warrants

- 8.(1)** Where a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act or regulations made pursuant to this Act has been committed or is about to be committed, the magistrate may issue a search warrant authorising the trading standards inspector named in the warrant, with or without a member of the Police Force, to
- (a) enter and search premises specified in the information; and
 - (b) examine, test or seize any electrical lamp or other item or to examine and seize any document.
 - (2) Any electrical lamp, document or other item seized pursuant to a search warrant issued under subsection (1) shall
 - (a) where proceedings are not commenced within a period of 30 days from the date of seizure, be returned to the owner; or
 - (b) where legal proceedings are commenced before the expiry of the 30 days, be kept until the conclusion of those proceedings.

(3) Where a trading inspector seizes an electrical lamp pursuant to subsection (1), the Barbados National Standards Institution shall, within 7 days of the seizure, cause tests to be conducted or shall submit the electrical lamps to a recognized authority for tests to be conducted to

- (a) determine the energy performance characteristics; or
- (b) verify the energy performance standards,

of the electrical lamps.

(4) A trading standards inspector shall not be personally liable for any loss or damage arising from the execution of a search warrant under this section.

PART III

ELECTRICAL LAMPS

Invoices, labels and packages

9.(1) Subject to section 11, a person shall not import, distribute, sell or offer for sale an electrical lamp unless

- (a) the package of the electrical lamp or the label of the electrical lamp clearly states
 - (i) the country of origin;
 - (ii) the name and brand;
 - (iii) the name and address of the manufacturer;
 - (iv) the lot or batch number;
 - (v) the lumens per watt;
 - (vi) the light colour;
 - (vii) the colour temperature;

- (viii) the rated voltage;
- (ix) the frequency;
- (x) the cap type;
- (xi) the colour rendering index;
- (xii) the model number;
- (xiii) where applicable, the unique identifier; and
- (xiv) the minimum energy performance standard,

of the electrical lamp;

- (b) the energy performance characteristics information on the package or label of the electrical lamp corresponds with the energy performance characteristics of the electrical lamp; and
- (c) the information on the package or the label of the electrical lamp complies with the energy efficient labelling standards established by the Barbados National Standards Institution.

(2) A person shall not

- (a) import an electrical lamp; or
- (b) distribute, sell or offer for sale an electrical lamp which is for local use,

unless the energy performance characteristics of the electrical lamp complies with the domestic minimum energy performance standard.

(3) Where a person imports, distributes or sells an electrical lamp, the person shall ensure that the invoice for the electrical lamp clearly states the minimum energy performance standard of the electrical lamp.

(4) A person shall not

- (a) alter, deface, remove or obscure the label of an electrical lamp or the information referred to in paragraph (a) of subsection (1) on the package of an electrical lamp; or

- (b) knowingly display a label or a package of an electrical lamp which displays inaccurate, misleading or false information.

(5) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of one year or to both.

Manufacture of electrical lamps

10.(1) Subject to sections 9 and 11, where a person manufactures an electrical lamp, that person

(a) shall

- (i) conduct on the electrical lamp energy performance tests which the Barbados National Standards Institution approves or establishes; or
- (ii) ensure that energy performance tests are conducted by a recognized authority on the electrical lamp,

before the distribution or sale of the electrical lamp;

(b) shall ensure that

- (i) the package of the electrical lamp contains information; or
- (ii) the electrical lamp has a label,

which clearly states the minimum energy performance standard of the electrical lamp; and

(c) shall ensure that the information on the package or the label of the electrical lamp is in accordance with energy efficient labelling standards established by the Barbados National Standards Institution.

(2) Where a person manufactures electrical lamps for local use, the person shall ensure that the electrical lamps meet the domestic minimum energy performance standard.

(3) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of one year or to both.

Defences

11. Where a person is charged with an offence under section 9 or section 10, it shall be a defence to prove, as the case may be, that the person

- (a) reasonably relied on information or representations supplied by an overseas manufacturer or distributor of the electrical lamp;
- (b) reasonably relied on results from a person who conducted tests to determine the energy performance characteristics of the electrical lamp; or
- (c) exercised reasonable care to ascertain whether the energy performance characteristics of the electrical lamp complied with the domestic minimum efficiency performance standard.

PART IV

RESTRICTIONS AND LICENCES

Prohibition

12.(1) With effect from the 1st day of January, 2022, any electrical lamp which emits less than 15 lumens per watt is deemed to be a prohibited good within the meaning of the *Customs Act*, Cap. 66 which has been imported contrary to section 89 (1) of that Act.

(2) With effect from the 1st day of July, 2022, no person shall

- (a) manufacture, offer for sale or sell any electrical lamp which is for local use; or
- (b) distribute for local retail purposes any electrical lamp,

which emits less than 15 lumens per watt.

(3) With effect from the 1st day of July, 2022, any electrical lamp which emits less than 25 lumens per watt is deemed to be a prohibited good within the meaning of the *Customs Act*, Cap. 66 which has been imported contrary to section 89 (1) of that Act.

(4) With effect from the 1st day of January, 2023, no person shall

(a) manufacture, offer for sale or sell any electrical lamp which is for local use; or

(b) distribute for local retail purposes any electrical lamp,

which emits less than 25 lumens per watt.

(5) With effect from the 1st day of January, 2023, any electrical lamp which emits less than 40 lumens per watt is deemed to be a prohibited good within the meaning of the *Customs Act*, Cap. 66 which has been imported contrary to section 89 (1) of that Act.

(6) With effect from the 1st day of July, 2023, no person shall

(a) manufacture, offer for sale or sell any electrical lamp which is for local use; or

(b) distribute for local retail purposes any electrical lamp,

which emits less than 40 lumens per watt.

(7) With effect from the 1st day of July, 2023, any electrical lamp which emits less than 55 lumens per watt is deemed to be a prohibited good within the meaning of the *Customs Act*, Cap. 66 which has been imported contrary to section 89 (1) of that Act.

(8) With effect from the 1st day of January, 2024, no person shall

(a) manufacture, offer for sale or sell any electrical lamp which is for local use; or

(b) distribute for local retail purposes any electrical lamp,

which emits less than 55 lumens per watt.

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

Exemptions

13.(1) Sections 9(2), 10(2) and 12 do not apply to exempted electrical lamps.

(2) Notwithstanding subsection (1), the Minister may by order exempt any electrical lamp from the provisions of this Act.

Exempted electrical lamp importation licence

14.(1) With effect from the 1st day of January, 2022, a person shall not import an exempted electrical lamp without an exempted electrical lamp importation licence.

(2) A person who desires to obtain an exempted electrical lamp importation licence shall apply to the Minister responsible for Commerce.

(3) An application for an exempted electrical lamp importation licence shall be in such form as the Minister responsible for Commerce approves.

(4) The Minister responsible for Commerce may, on receipt of an application made pursuant to subsection (2) and on payment of the fee set out in the *Second Schedule*, grant the applicant an exempted electrical lamp importation licence.

(5) Where the Minister responsible for Commerce does not approve an application, that Minister shall inform the applicant in writing the reasons for not approving the application.

(6) A licence granted pursuant to subsection (4) shall

- (a) be in such form as the Minister responsible for Commerce approves;
- (b) be valid for a period of one year from the date of issue;

- (c) state the terms and conditions of the licence; and
- (d) not be transferable.

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

(8) A person who is granted a licence pursuant to this section and who contravenes the terms or conditions of the licence is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of one year or to both.

Distribution licence

15.(1) With effect from the 30th day of June, 2022, a person shall not manufacture, distribute, sell or offer for sale an exempted electrical lamp which is for local use without a distribution licence.

(2) A person who desires to obtain a distribution licence shall apply to the Minister responsible for Commerce.

(3) An application for a distribution licence shall be in such form as the Minister responsible for Commerce approves.

(4) The Minister responsible for Commerce may, on receipt of an application made pursuant to subsection (2) and on payment of the fee set out in the *Second Schedule*, grant a distribution licence.

(5) Where the Minister responsible for Commerce does not approve an application, that Minister shall inform the applicant in writing the reasons for not approving the application.

(6) A licence granted pursuant to subsection (4) shall

- (a) be in such form as the Minister responsible for Commerce approves;

- (b) be valid for a period of one year from the date of issue;
- (c) state the terms and conditions of the licence; and
- (d) not be transferable.

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

(8) A person who is granted a licence pursuant to this section and who contravenes the terms or conditions of the licence is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of one year or to both.

Record of licences

16.(1) The Ministry responsible for Commerce shall

- (a) maintain a record of licences that the Minister responsible for Commerce issues pursuant to this Act; and
- (b) forward a copy of that record to the Barbados National Standards Institution.

(2) Subject to subsection (1), the Barbados National Standards Institution shall maintain a database which reflects the copy of the record that it receives from the Ministry responsible for Commerce.

Production of licence

17.(1) A person who holds a licence issued pursuant to this Act shall produce his licence for inspection when asked to do so by a trading standards inspector or a member of the Police Force.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of one year or to both.

PART V

MISCELLANEOUS

Immunity

18. Notwithstanding section 8(4), a person shall not be liable for anything done or omitted in the discharge or the purported discharge of his functions under this Act unless that act or omission was done in bad faith.

Schedules

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

Regulations

20. The Minister may make regulations

- (a) respecting the labelling or packaging of electrical lamps;
- (b) prescribing energy performance test procedures for electrical lamps;
- (c) prescribing anything that is authorised or required by this Act to be prescribed; and
- (d) giving effect to the provisions of this Act.

FIRST SCHEDULE*(Section 2)**APPLIANCES*

1. Airport runway lights
2. Automobile lights
3. Freezers
4. Heating equipment
5. Laboratory equipment
6. Lighting equipment
7. Medical equipment
8. Microwaves
9. Ovens
10. Refrigerators
11. Stoves
12. Stove hoods

SECOND SCHEDULE*(Sections 14(4) and 15(4))**LICENCE FEES*

Fee for exempted electrical lamp importation licence	\$100.00
Fee for distribution licence	\$200.00