

SANITATION AND CEMETERIES BOARD ACT, 1969-36

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SCHEDULE.

BARBADOS

I assent,
A. WINSTON SCOTT,
Governor-General.
31st July, 1969.

1969-36

An Act to make provision for the establishment of a Sanitation and Cemeteries Board to perform some of the functions previously performed by the Interim Commissioner.

1st September, 1969. S. 1. 138
(By Proclamation) Commencement.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Assembly of Barbados, and by the authority of the same as follows:-

1. This Act may be cited as the Sanitation and Cemeteries Board Act, 1969. Short title.

2. For the purposes of this Act -

"appointed day" means ^{such date as the} ~~the first day of July,~~
~~1969. Governor-General may appoint by~~
~~proclamation.~~ 1969-45

Interpretation.

SANITATION AND CEMETERIES BOARD ACT, 1969-36

“Board” means the Sanitation and Cemeteries Board;

“Interim Commissioner” means the person for the time being designated by the Cabinet to the office of Interim Commissioner for Local Government established under section 5 of the Local Government Councils (Dissolution and Interim Commissioner) Act, 1967;

“the Minister” means the Minister for the time being responsible for Health.

PART I

Establishment of the Sanitation and Cemeteries Board

3.(1) For the purposes of this Act there shall be established a Board to be known as the Sanitation and Cemeteries Board.

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

4.(1) The functions of the Board shall be –

(a) to remove house rubbish and other rubbish from any premises;

(b) to sweep, cleanse and water streets;

(c) to provide and maintain in a sanitary condition suitable places, buildings and appliances for the deposit or destruction of refuse and rubbish;

(d) to provide and maintain public baths and public sanitary conveniences;

(e) to provide and maintain cemeteries, burial grounds and crematoria.

(2) In the exercise of its functions under subsection (1), the Board shall act in accordance with the provisions of the Health Services Act, 1969, and any regulations made thereunder.

(3) The Board may, subject to the approval of the Minister, make bye-laws for the conduct and management of its services.

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Regulations.

5. The Minister may make regulations prescribing—
(a) the fees chargeable by the Board;

(b) the terms and conditions on which such fees
shall be paid.

Fees.

6. The Board may, in accordance with regula-
tions made under section 5, charge fees for the per-
formance of any of its functions under this Act.

Accounts and
Audit.

7(1) The Board shall keep proper accounts and
adequate financial and other records in relation there-
to and shall prepare a statement of accounts in re-
spect of each financial year.

(2) The Board shall, within three months after
the end of each financial year, submit its accounts to
the Auditor-General for audit and at the same time
send a copy thereof to the Minister.

(3) The Auditor-General shall, as soon as may-
be after the receipt of the accounts of the Board, audit
the accounts and submit a report thereon to the Min-
ister and to the Board.

Expenses.

8. The expenses of the Board and of the carry-
ing out of this Act shall be defrayed out of moneys
voted for the purpose by Parliament.

Reports.

9. Not later than the 30th June in each year after
the first year following the commencement of this Act,
the Board shall submit to the Minister a report on its
activities in the last preceding financial year.

PART II

Miscellaneous

10. The Minister may give directions to the Board or any Committee appointed by the Board as to the exercise and performance of any of its functions under this Act and the Board or Committee shall give effect to any such directions.

Minister may give directions to Board or Committee.

11. In the exercise of its functions under this Act, the Board or any Committee appointed by the Board shall invite the Chief Medical Officer or his nominee to attend every meeting thereof which is concerned with any matter relating to its functions and the Chief Medical Officer or his nominee may attend any such meeting.

Chief Medical Officer may attend meetings of Board.

12.(1) All property (including rights) vested immediately before the appointed day in the Interim Commissioner in respect of functions presently discharged by him under the Local Government Act, 1958-55, the Public Health Act, 1954-52, and the Public Assistance Act, 1954-53 and other enactments relating thereto and which by this Act are to be discharged by the Board shall, on the appointed day, vest in the Crown.

Transfer to Crown of assets and liabilities of Interim Commissioner.

(2) All liabilities incurred by or on behalf of the Interim Commissioner in respect of functions presently discharged by him under the Local Government Act, 1958-55, the Public Health Act, 1954-52 and the Public Assistance Act, 1954-53 and other enactments relating thereto and which by this Act are to be discharged by the Board and subsisting immediately before the appointed day shall, as from

that day, have effect as if they had been incurred by or on behalf of the Crown.

(3) All books, records, furniture, equipment and other things relating to the services to be transferred to the Board in the possession of the Interim Commissioner immediately before the appointed day shall forthwith be delivered to the Board.

(4) Any contract made by or on behalf of the Interim Commissioner in respect of services to be transferred to the Board before the appointed day shall, as from that day, be construed with such modifications and adaptations as may be necessary to give effect to the foregoing provisions of this section.

(5) Without prejudice to the generality of the foregoing provisions of this section the Crown shall have the like rights, powers, and remedies (including in particular rights and powers as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing any rights or liabilities vested or attaching to the Crown by virtue of this section as if they had at all times been rights or liabilities of the Crown.

(6) All civil proceedings commenced before the appointed day in any court in Barbados by or against the Interim Commissioner in respect of services to be transferred to the Board may be continued by or against the Crown, and any such proceedings may be amended accordingly.

13. Any person who immediately before the appointed day is employed as an officer or servant of the Interim Commissioner in respect of the services to be transferred to the Board shall on that day be transferred to the service of the Board and shall be

Employed by the Board on such terms and conditions
as the Minister may approve.

14. (1) If any difficulty arises in connection with the operation of any of the provisions of this Act, the Minister may make such order for removing the difficulty as he may judge necessary for that purpose and any such order may modify the provisions of this Act so far as may appear to the Minister to be necessary or expedient for removing the difficulty:

Provided that the Minister shall not exercise the powers conferred by this section after the expiration of a period of one year from the appointed day.

(2) An order made under sub-section (1) shall be subject to negative resolution.

15. This Act shall come into operation on ~~such~~ ^{the} Commencement day as the Governor-General may by proclamation appoint. ~~such day~~ 1969-75

Read three times and passed the House of Assembly this fifteenth day of July, one thousand nine hundred and sixty-nine.

THEODORE BRANCKER
Speaker.

Read three times and passed the Senate this twenty-fourth day of July one thousand nine hundred and sixty-nine.

C. ASQUITH PHILLIPS
Acting President.

SCHEDULE

Section 3

CONSTITUTION, PROCEDURE, OFFICERS AND SERVANTS OF THE BOARD

1. The Board shall consist of a chairman and not less than seven and not more than eleven other members, all of whom shall be appointed by the Minister by instrument in writing.
2. Members of the Board shall appoint one from among themselves to be deputy chairman.
3. Members of the Board shall, subject to paragraphs 4 and 6, hold office for three years but shall be eligible for re-appointment.
4. A member may at any time resign his office by instrument in writing addressed to the chairman, who shall forthwith cause the same to be forwarded to the Minister, and upon the date of the receipt by the chairman of such instrument such member shall cease to be a member of the Board.
5. (1) The chairman may at any time resign his office as such by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.
(2) If the chairman ceases to be chairman, he shall also cease to be a member.
6. The Minister may by instrument in writing at any time revoke the appointment of the chairman or any member if he thinks it expedient so to do.
7. Any member who is absent from Barbados without leave of the Minister or fails without reasonable excuse to attend three consecutive meetings of the Board shall cease to be a member thereof.
8. Whenever there is a vacancy in the membership of the Board the Minister may fill the vacancy.
9. The Board shall meet at least once a month for the transaction of business and such meetings shall be held at such places and times and on such days as the Board may determine.

10. The chairman, or in the event of his being absent from Barbados or for any reason whatsoever unable to act, the deputy chairman, may at any time call a special meeting and shall call a special meeting within seven days of a requisition for that purpose addressed to him in writing by three or more members of the Board.

11. The chairman, or in his absence the deputy chairman, shall preside at all meetings of the Board.

12. Four members of the Board shall form a quorum, one of whom shall be the chairman or the deputy chairman.

13. The decisions of the Board shall be by a majority of votes and, in addition to an original vote, in any case in which the voting is equal the chairman or deputy chairman presiding at the meeting shall have a second or casting vote.

14. The appointment, removal, death or resignation of the chairman or any member shall be notified in the *Official Gazette*.

15. The Board may appoint a Committee for any of the purposes of the Board which in its opinion would be better regulated or managed by means of a Committee and may delegate any of its powers to a Committee, as it thinks fit.

16. The Board may appoint and employ such officers and servants as the Board deems necessary for carrying out the purposes of this Act, subject to the approval of the Statutory Boards Service Commission.

17. The terms and conditions of employment of all officers and servants of the Board shall be subject to the approval of the Minister.

18. Members of the Board shall be eligible for such remuneration as the Minister may determine.