

CHAPTER 382

SANITATION SERVICE AUTHORITY

1974-46

This Act came into operation on 1st March, 1975 by Proclamation (S.I. 1975 No. 37).

Amended by:

1975-6

1984-32

1996-23

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1978

1987

1985

1997

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 382

SANITATION SERVICE AUTHORITY 1974-46

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BARBADOS

**SANITATION SERVICE AUTHORITY
1974-46**

An Act to establish a Sanitation Service Authority to perform the functions formerly performed by the Sanitation and Cemeteries Board and for related matters.

[Commencement: 1st March, 1975]

**PART I
PRELIMINARY**

Short title

1. This Act may be cited as the *Sanitation Service Authority Act*.

Interpretation

2. For the purposes of this Act
“appointed day” means the 1st March, 1975;
“Authority” means the Sanitation Service Authority established by section 3;

“Board” means the Sanitation and Cemeteries Board established by section 3 of the *Sanitation and Cemeteries Board Act**;

*[Now repealed and replaced by this Act.]

“Minister” means the Minister responsible for Health.

[1975/52]

PART II

ESTABLISHMENT, CONSTITUTION AND STATUS OF THE SANITATION SERVICE AUTHORITY

Establishment of the Sanitation Service Authority

3.(1) For the purposes of this Act, there is hereby established an authority to be known as the Sanitation Service Authority.

(2) The Authority shall be a body corporate and section 21 of the *Interpretation Act*, Cap. 1 shall apply thereto.

(3) The provisions of the *First Schedule* shall have effect with respect to the constitution of the Authority and otherwise in relation thereto.

Functions of Authority

4.(1) The functions of the Authority shall be

- (a) to remove refuse from any premises as authorised by the Minister;
- (b) to sweep, cleanse and water streets;
- (c) to provide and maintain in a sanitary condition suitable places, buildings and appliances for the deposit, disposal or destruction of refuse;
- (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 Authority shall act in accordance with the provisions of the *Health Services Act*, Cap. 44 and any regulations made thereunder.

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

Restriction of powers of Authority

5. Notwithstanding the powers conferred on the Authority by section 3, the Authority shall not without the prior approval of the Minister

- (a) assign any salary in excess of such sum as the Minister determines and notifies in writing to the Authority, to any post on the establishment of the Authority; or
- (b) appoint any person to a post on the establishment of the Authority to which a salary has been assigned by the Minister under paragraph (a).

Savings of pension etc.

5A. Where a public officer who has pensionable service is transferred to or becomes employed in the service of the Authority, his service with the Authority shall, whether or not there was a break in service, be aggregated with his service in the public service and his pension shall be calculated in accordance with the *Pensions Act*, Cap. 25 and the *Pensions Regulations, 1947* as if all of his service was service in the public service.

[1996-23; 1947/20]

Regulations

6. The Minister may make regulations prescribing

- (a) the fees chargeable by the Authority;
- (b) the terms and conditions on which such fees shall be paid.

Fees

7. The Authority may, in accordance with regulations made under section 6, charge fees for the performance of any of its functions under this Act or any regulations made under the Health Services Act relating to the collection and disposal of refuse.

[Act 1975-6]

Accounts and audit

8.(1) The Authority shall keep proper accounts and adequate financial and other records in relation thereto and shall prepare a statement of account in respect of each financial year.

(2) The Authority 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 Authority audit the accounts and submit a report thereon to the Minister and to the Authority.

Expenses

9. The expenses of the Authority and, subject to section 14, of the carrying out of this Act, shall be defrayed out of moneys voted for the purpose by Parliament.

Reports

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

PART III
COMPENSATION

Persons entitled to compensation

11.(1) Subject to this Part, any person who immediately before the appointed day was for the requisite period an officer employed by the Board and who by virtue of this Act suffers direct pecuniary loss because of the determination (otherwise than by resignation) of his employment or the diminution of his emoluments shall, subject to subsection (2), be entitled to compensation.

(2) No compensation is payable to any person who receives or is entitled to receive compensation under any enactment, other than this Act, in respect of any such loss.

Compensation payable in accordance with regulations

12.(1) Compensation under this Act is payable in accordance with the regulations contained in the Second Schedule.

(2) Such regulations may be amended or revoked by regulations made by the Minister, and any regulations so made shall be subject to negative resolution.

(3) For the purposes of this Part—

“appointed person” means a person appointed by the Minister;

“Minister” means the Minister responsible for Finance;

“requisite period” means the period of one hundred and four weeks ending with the appointed day, excluding any week which began before the officer obtained the age of sixteen years.

Retirement of officers in certain cases

13.(1) If on application made before he attains pensionable age by an officer who immediately before the appointed day was employed by the Board, the appointed person is satisfied that as a consequence of this Act the officer has been

adversely affected, the appointed person may permit the officer to retire immediately or on such date as may be specified by the appointed person and the officer shall be entitled to retire accordingly.

(2) If the appointed person refuses an officer permission to retire in accordance with subsection (1), that officer may within thirty days of being notified of the refusal request the appointed person, by notice in writing, to refer his decision for review by the Minister and the appointed person shall refer the decision accordingly with reasonable despatch.

(3) Where a decision of the appointed person is referred to the Minister under subsection (2), the Minister may confirm, reverse or vary the decision, and the decision of the Minister shall be final.

(4) An officer who is permitted to retire under this section shall be granted retiring benefits in accordance with the appropriate law, notwithstanding that—

(a) he has not attained the age specified in the appropriate law to be necessary to qualify him for the grant of a pension; or

(b) he has not been in the service of the Board for such period as is required by the appropriate law to render him eligible for the grant of a pension.

(5) For the purposes of this section

“appropriate law” means the *Statutory Boards (Pensions) Act*, Cap. 384 or any other enactment relating to the grant of pensions and gratuities which is applicable to the officer concerned;

“pensionable age” means the age specified in the appropriate law as necessary to qualify an officer for the grant of a pension.

Consolidated Fund

14. All sums payable as compensation, pension or other allowances under this Part, shall be charged on and paid out of the Consolidated Fund.

Determination of entitlement to compensation

15. In determining whether compensation is payable to an officer, and if so the amount thereof, regard shall be had to

- (a) the conditions on which the officer was appointed;
- (b) the nature of his service;
- (c) the duration of his service.

Minister's decision final

16. An award of compensation or other determination made by the appointed person in accordance with the regulations shall be submitted to the Minister for approval, and the Minister's approval of any such award or determination shall be final.

Commencement of payment of compensation

17. Any sum payable as compensation under this Part shall become payable on such date as is specified by the Minister in approving an award of compensation.

Suspension of compensation

18. Where an officer to whom compensation is awarded under this Part subsequently becomes entitled to a retiring allowance in respect of any office or public employment which he accepts after the appointed day, and in calculating the amount of such allowance account is taken of any period of service in respect of which compensation is payable, then

- (a) if the compensation does not exceed such part of the retiring allowance as is attributed solely to that service, it shall cease to be payable;
- (b) if the compensation exceeds such part of the retiring allowance as is referred to in paragraph (a), it shall be reduced by an amount equal to that part of the allowance.

Saving

19. Nothing in this Part shall apply to any diminution or loss of emoluments paid to any officer in respect of any acting or temporary appointment which is caused by any specified enactment or by anything done thereunder.

PART IV
MISCELLANEOUS

Directions of Minister

20.(1) The Minister may give directions to the Authority or any committee appointed by the Authority as to the exercise and performance of any of its functions under this Act, and the Authority or committee, as the case may be, shall give effect to any such directions.

(2) The Minister may delegate to the Authority any of the functions conferred on him by any regulations made under the *Health Services Act*, Cap. 44 relating to the collection and disposal of refuse.

Attendance of Chief Medical Officer at meetings

21. In the exercise of its functions under this Act, the Authority or any committee appointed by the Authority 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.

22. [(Spent).]

Power to remove difficulties

23.(1) Subject to subsection (2), 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 may be 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.

(2) The Minister shall not exercise the powers conferred by this section after the expiration of the period of 1 year from the appointed day.

(3) An order made under subsection (1) shall be subject to negative resolution.

Pensions saving

24. In determining for the purposes of the *Statutory Boards (Pensions) Act*, Cap. 384 and of the *Statutory Boards Casual Employees (Pensions) Act*, Cap. 383 the pensionable service of any officer or casual employee of the Authority, as the case may be, service by that officer or casual employee with the Board immediately before the appointed day shall be taken into account.

FIRST SCHEDULE*(Section 3)**Constitution of Sanitation Service Authority*

1. The Authority shall consist of a chairman and not less than 7 nor more than 11 other members, all of whom shall be appointed by the Minister by instrument in writing.

[1984-32]

2. Members of the Authority shall appoint one of their number to be deputy chairman.

3. Members of the Authority shall, subject to paragraphs 4 and 6, hold office for 3 consecutive 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 immediately cause the same to be forwarded to the Minister, and upon the date of the receipt by the chairman of the instrument, such member shall cease to be a member of the Authority.

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 the 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 of any other member.

7. Any member who is absent from Barbados without leave of the Minister or fails without reasonable excuse to attend 3 consecutive meetings of the Authority shall cease to be a member thereof.
8. Whenever there is a vacancy in the membership of the Authority, the Minister may fill the vacancy for the remainder of the 3-year term.
9. The Authority 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 Authority determines.
10. The Chairman, or in the event of his being absent or for any reason 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 not less than three members of the Authority.
- 11.(1) The chairman, or in his absence the deputy chairman, shall preside at all meetings of the Authority.
- (2) If both the chairman and the deputy chairman are absent, the members present shall elect a temporary chairman.
12. A simple majority of members of the Authority shall form a quorum.
13. The decisions of the Authority shall be by a majority of votes, and, in addition to an original vote, in any case in which the voting is equal, the person presiding at the meeting shall have a second or casting vote.
14. The appointment, removal, death or resignation of the chairman or any other member shall be notified in the *Official Gazette*.
- 15.(1) The Authority may—
- (a) appoint such committees composed of members of the Authority as are necessary for the proper carrying out of its functions;

- (b)* delegate to such committees any functions it considers necessary; and
 - (c)* co-opt to such committees such specialised personnel as it thinks fit.
- (2) A person co-opted to a committee under sub-paragraph (1) *(c)* shall not have the right to vote.

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

SECOND SCHEDULE*(s. 12)**Regulations for Granting of Compensation to Officers***PART I**

1. These regulations may be cited as the Sanitation and Cemeteries (Compensation) Regulations, 1974.

CALCULATION OF COMPENSATION

2. A claim for compensation under these regulations shall be made by an officer to the appointed person in such form and manner as the Minister responsible for Finance determines.
3. The amount of compensation to which an officer is entitled shall, subject to these regulations, be calculated by reference to the period ending with the appointed day, during which he has been continuously employed, and for the purposes of these regulations that period shall be computed in accordance with Part II.
4. Subject to regulation 5, the amount of compensation shall be calculated by reference to the period specified in regulation 3, by starting at the end of that period and reckoning backwards the number of complete years of employment falling within that period and allowing four weeks basic pay for each complete year of employment.
5. Where, in reckoning the number of complete years of employment in accordance with regulation 4, thirty-three complete years of employment have been reckoned, account shall not be taken of any year of employment earlier than those thirty-three years.

6. If the appointed day does not occur at the end of a week, any reference in regulation 3 to the appointed day shall be construed as a reference to the end of the week in which that day falls.

7.(1) For the purposes of this Part—

- (a) “basic pay” means the net rate of pay of an officer plus over-time payments and other payments, allowances and additions to pay, but does not include bonuses;
- (b) “complete year of employment” means fifty-two weeks (whether continuous or discontinuous) which in accordance with Part II are arrived at in computing a period of employment;
- (c) “week” means a week ending on Saturday;
- (d) “week’s basic pay” means the total basic pay of an officer during the one hundred and four weeks immediately preceding the appointed day, divided by one hundred and four, provided that where in any of those weeks the officer was laid off or kept on short-time, his earnings in respect of such rates shall be taken to be at the average weekly rate of basic pay during the four weeks of normal employment immediately before the commencement of the period of lay-off or short-time;
- (e) “year” means any period of fifty-two weeks.

(2) The Minister may by order published in the *Official Gazette* provide that, subject to such transitional provisions as may be contained in the order, the amount of a week’s basic pay shall not in any case be taken for the purposes of this Part to exceed such sum as may be specified in the order.

8. The compensation payable to or in respect of an officer who suffers any diminution of the emoluments of an office in consequence of this Act, or of anything done thereunder, shall not exceed a sum bearing the same proportion to the amount of compensation which could have been awarded if his office had

been determined, as the amount by which the emoluments of the office are diminished bears to the amount of those emoluments before diminution.

PART II

COMPUTATION OF PERIOD OF EMPLOYMENT

9. The officer's period of employment shall be computed in weeks in accordance with this Part.

10. Subject to this Part, any week which does not count under regulations 11 to 15 breaks the continuity of the period of employment.

11. Any week in which the officer is employed for twenty-one hours or more shall count in computing a period of employment.

12. Any week during the whole or part of which the officer's relations with the Board are governed by a contract of employment which normally involves employment for twenty-one hours or more weekly, shall count in computing a period of employment.

13.(1) If in any week the officer is, for the whole or part of the week—

- (a) incapable of work because of sickness or injury; or
- (b) absent from work because of a temporary cessation of work; or
- (c) absent from work in such circumstances that, by arrangement or custom, he is regarded as continuing in the employment of the Board for all or any purpose,

the week shall, notwithstanding that it does not fall under regulation 11 or 12, count as a period of employment.

(2) Not more than twenty-six weeks shall count under paragraph 1 (c) between two periods falling under regulations 11 and 12.

14. If in any week beginning before the appointed day the officer was, for the whole or any part of the week, absent from work—

(a) because he was taking part in a strike; or

(b) because of a lock-out by the Board,

the week shall count as a period of employment.