

2024-06-19

OBJECTS AND REASONS

This Bill would amend the *Health Services Act*, Cap. 44 to

- (a) make provision for administrative penalties; and
- (b) revise the provisions concerning the removal and sanitary disposal of offensive matter.

Arrangement of Sections

1. Short title
2. Amendment of section 2 of Cap. 44
3. Repeal and replacement of section 3 of Cap. 44
4. Amendment of section 10 of Cap. 44
5. Amendment of section 11A of Cap. 44
6. Repeal and replacement of section 11B of Cap. 44
7. Amendment to certain enactments

SCHEDULE

Consequential Amendments

BARBADOS

A Bill entitled

An Act to amend the *Health Services Act*, Cap. 44 to make provision for the imposition of administrative penalties and the removal and sanitary disposal of offensive matter.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Health Services (Amendment) Act, 2024*.

Amendment of section 2 of Cap. 44

2. *Section 2 of the Health Services Act, Cap. 44, in this Act, referred to as the principal Act, is amended by*

(a) *deleting the definition “district” and substituting the following:*

“ “district” means a health district established by the Minister within an area under section 3;”;

(b) *deleting the full stop at the end of the definition “National Assistance Board” and substituting a semi-colon; and*

(c) *inserting the following definitions in the appropriate alphabetical order:*

“ “Chief Medical Officer” means the person assigned to the post of Chief Medical Officer, Ministry of Health and Wellness, as established in the *Public Service (General) Order, 2020* (S.I. 2020 No. 41);

“filth” includes any decomposing animal matter and vegetable matter;

“Medical Health Officer” means the person assigned to the post of Medical Officer of Health, Ministry of Health and Wellness, as established in the *Public Service (General) Order, 2020* (S.I. 2020 No. 41);

“Minister” means the Minister with responsibility for health;

“night soil” means human excreta;

“offensive matter” includes filth, animal excreta and night soil;

“Relief Board” means the Land Taxation Relief Board established by section 18 of the *Land Tax Act*, Cap. 78A .”.

Repeal and replacement of section 3 of Cap. 44

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

“Minister to be responsible for health of inhabitants of Barbados and may divide Barbados into areas and districts.

3.(1) The Minister shall generally be responsible for the promotion and preservation of the health of the inhabitants of Barbados.

(2) The Minister may by order

(a) divide Barbados into such areas as he may determine;

(b) establish such health districts within any area; and

(c) assign duties to such officers in relation thereto as he thinks necessary,

to facilitate the preservation of the health of the inhabitants of Barbados.

(3) The order made under subsection (2) shall be subject to negative resolution. ”.

Amendment of section 10 of Cap. 44

4. *Section 10(1) of the principal Act is amended by inserting immediately after paragraph (y) the following paragraph:*

“(y.I)annexing to the contravention of or failure to comply with regulations made under section 10(1)(f) of the *Health Services Act*, Cap. 44 an administrative penalty. ”.

Amendment of section 11A of Cap. 44

5. Section 11A of the principal Act is amended by deleting subsection (3) and substituting the following:

“(3) Where any

- (a) costs incurred in the execution of work on property; or
- (b) administrative penalty imposed, for the contravention of or failure to comply with regulations made under section 10(1)(f) of the *Health Services Act*, Cap. 44,

is due to the act or omission of the owner of that property it shall be a charge on that property and be added to the land tax imposed under section 5(2) of the *Land Tax Act*, Cap. 78A.

(4) Where any

- (a) costs incurred in the execution of work on property; or
- (b) administrative penalty imposed, for contravention of or failure to comply with regulations made under section 10(1)(f) of the *Health Services Act*, Cap. 44,

is added to land tax under subsection (3) it shall be subject to the penalty and interest payable under section 28(3) of the *Land Tax Act*, Cap. 78A.

(5) Where any

- (a) costs incurred in the execution of work on property; or

- (b) administrative penalty imposed, for contravention of or failure to comply with regulations made under section 10(1)(f) of the *Health Services Act*, Cap. 44,

is due to the act or omission of an occupier of that property it shall be a debt to the State recoverable in the Magistrate's Court for District A.

- (6) Where there is a dispute between the owner of property and an occupier of property in relation to the act or omission which results in any

- (a) costs incurred in the execution of work on property; or
- (b) administrative penalty imposed, for contravention of or failure to comply with regulations made under section 10(1)(f) of the *Health Services Act*, Cap. 44,

the Relief Board shall hear and determine the dispute.”.

Repeal and replacement of section 11B of Cap. 44

- 6. *The principal Act is amended by deleting section 11B and substituting the following:*

“Appeal

11B.(1) The owner or occupier of any property upon which work is executed by the Minister may within 42 days after receipt of the demand for repayment of costs incurred in the execution of work under section 11A, appeal to a Judge in chambers against the costs of any such work.

(2) The owner or occupier of any property upon which an administrative penalty is imposed, for contravention of or failure to comply with regulations made under section 10(1)(f) of the *Health*

Services Act, Cap. 44 may within 14 days of receipt of an administrative penalty notice appeal to the Relief Board. ”.

Amendment to certain enactments

7. *The enactments set out in the first column of the Schedule are amended in the manner set out opposite thereto in the second column.*

SCHEDULE

(Section 7)

CONSEQUENTIAL AMENDMENTS

Column 1

Column 2

Enactments

Amendments

Land Tax Act, Cap. 78A Insert after section 27, the following section:

"Appeals in respect of *Health Services (Nuisances) Regulations*"

27A. The Relief Board shall hear and determine appeals made pursuant to regulations made under section 10(1)(f) of the *Health Services Act, Cap. 44* in accordance with section 10(1)(y.1) of the *Health Services Act, Cap. 44*."

Read three times and passed the House of Assembly this
day of _____, 2024.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2024.

President