

**GUYANA**  
**BILL No. of 2014**  
**SOLID WASTE MANAGEMENT BILL 2014**

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**A BILL  
Intituled**

**An Act** to provide for the management of solid waste, the establishment and functions of the Solid Waste Management Authority and for connected matters.

A.D. 2014      Enacted by the Parliament of Guyana:-

**PART I  
PRELIMINARY**

- Short title.                    1. This Act may be cited as the Solid Waste Management Act 2013 and shall come into operation on a date appointed by the Minister by Order.
- Interpretation.                2. In this Act -
- Second                                (a) “agency” includes the solid waste management agencies  
Schedule.                                mentioned in the Second Schedule;
- (b) “agricultural waste” means waste generated by agricultural activities, that is, any waste substance or object from any premises used for agriculture or horticulture;
- (c) “Authority” means the Solid Waste Management Authority established under section 3;
- (d) “collection” includes the environmentally sound mixing, bulking, sorting and interim storage of hazardous or other wastes, including those generated in small quantities at an approved site or disposal facility;
- (e) “container” means a receptacle or portable device in which solid waste is stored, transported, treated, disposed of or otherwise handled;
- (f) “disposal facility” includes motor vehicles, containers and

equipment used for the management of solid waste, transfer stations, sanitary and other landfills, composting sites, recycling plants, sites and depots, dumps and other solid waste disposal operations sites;

- (g) “dispose” when used with respect to waste at a landfill, means the intentional placement of waste on or in land as its final resting place;
- (h) “dump” means a disposal site where waste is deposited without cover material being applied at regular intervals;
- (i) “financial assurance - means proof provided to the Authority by an applicant, licensee or former licensee of his ability to secure or guarantee funding-
  - (i) for or towards the carrying out of any works, projects or programmes-
    - (a) to restore, ameliorate, replace or remedy, any loss, damage or injury which is reasonably likely to be caused by the operation of the facility;
    - (b) to reduce pollution;
  - (ii) to provide corrective action during the operation of a facility, to properly close the facility or to provide for post-closure care thereof; or
  - (iii) to correct or ameliorate any environmental harm caused by the operation of a facility;
- (j) “hazardous waste” means a waste or combination of wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may pose a substantial hazard to human health and belong

to any category contained in Schedule I of the Environmental Protection (Hazardous Wastes) Regulations 2000, unless they do not contain any of the characteristics contained in Schedule II of the Environmental Protection (Hazardous Wastes) Regulations 2000 and includes the following waste -

- (i) hazardous industrial waste;
- (ii) acute hazardous waste chemical;
- (iii) hazardous waste chemical;
- (iv) severely toxic waste;
- (v) flammable waste;
- (vi) corrosive waste;
- (vii) reactive waste;
- (viii) radioactive waste;
- (ix) clinical waste; and
- (x) leachate toxic waste, or polychlorinated biphenyl waste,

and includes a mixture of acute hazardous waste chemical, hazardous waste chemical, pathological waste, radioactive waste or severely toxic wastes and any other waste or hazardous material;

(k) “land treatment” means the controlled application of a substance on the soil surface and incorporation of the substance into the upper soil zone in such a manner that physical, chemical or biological degradation of the substance takes place;

(l) “landfill” means an area of land or an excavation in which wastes are placed for permanent disposal or for landfilling, but does not include a land treatment facility, a surface impoundment or a disposal well;

(m) “landfilling” means the disposal of waste by deposit, under

controlled conditions, on land or on land covered by water, and includes compacting the waste into a cell and covering it regularly;

- (n) “leachate” means liquid that has percolated through solid waste or other medium;
- (o) “licence” means a permission issued by the Solid Waste Management Authority to operate landfill or other related facilities for disposal of waste in accordance with the conditions stipulated for the facilities;
- (p) “litter” means any abandoned or discarded solid waste in any public place and includes any refuse, rubbish, bottles, glass, debris, dirt, rubble, ballast, stones, noxious or contained substances or waste matter or any other matter likely to deface, make untidy, obstruct or cause a nuisance in a public place;
- (q) “Minister” means the Minister responsible for Local Government;
- (r) “permit” means an authorization issued by the Solid Waste Management Authority allowing an individual or entity to perform solid waste activities at a specific location and which includes specific conditions for such facility to operate;
- (s) “person responsible”, in relation to a solid waste management facility, means –
  - (i) the owner of the facility;
  - (ii) any person who has charge, management or control of the facility or any portion of the facility;
- (t) “public place” includes -
  - (i) every public highway, street, road, square, court, alley, lane, bridle way, footway, parade,



- wharf, jetty, quay, bridge, sidewalk, verge;
- (ii) any public garden, park or open space, theatre, stadium, place of public entertainment of any kind, or other place of general resort to which the public have, or are permitted to have, access with or without payment of any fee;
  - (iii) any beach or foreshore or the bank of any river or stream or the margin of any lake, pond, lagoon or any gully, to which the public have, or are permitted to have, access with or without payment of any fee;
  - (iv) any other open space to which the public has access as of right without payment of any fee and such other place to which the public has access, as may be prescribed;
- (u) “recycling” includes composting and any process by which material that would otherwise become solid waste is collected, separated, or processed and reused or returned to use in the form of raw materials or products but does not include energy or fuel production;
- (v) “scavenging” means the uncontrolled removal of reusable material at a waste disposal site;
- (w) “sludge” means any solid, semi-solid, or liquid waste generated from a municipal, commercial or industrial waste-water treatment plant, water supply treatment plant or air pollution control facility or any other such waste having similar characteristics and effect;
- (x) “solid waste” includes -
- (i) any matter prescribed to be waste and any

- institutional, ship-generated, special, medical or healthcare and hazardous wastes;
- (ii) refuse or sludge from a waste treatment facility, water supply plant, air pollution control facility and garbage;
  - (iii) solid, semi-solid or contained gaseous or liquid matter resulting from industrial, commercial, mining or agricultural operations or domestic activities; and
  - (iv) any contained substance or object which is or is intended to be, or required by law to be disposed of;
  - (v) any scrap material or other unwanted surplus substance or rejected products arising from the application of any process;
  - (vi) any substance required to be disposed of as being broken;
  - (vii) any other material that is required by the Authority to be disposed of,

but does not include-

- (i) animal manure and absorbent bedding used for soil enrichment;
  - (ii) suspended solid or dissolved material in sewage; and
  - (iii) industrial discharges from pipelines conveying such waste;
- (y) “solid waste management” includes –
- (i) the systematic control of the generation, collection, separation, storage, reuse, recycling, transportation, transfer, treatment, and disposal of solid waste; and

- (ii) the characterization and measurement of solid waste;
- (z) “solid waste management facility” means a facility for the collection, storage, treatment or disposal of solid waste and includes a landfill, compost facility or dump and recycling plant;
- (aa) “storage” means temporary holding of hazardous or other wastes on premises for a period of time not exceeding that specified by the Authority, and any extension of that time granted by the Authority, by or before the expiry of which the wastes is treated or disposed of on these premises or transported from these premises to another place;
  
- (bb) “surface impoundment” means a facility that consists of an excavation area that is used for the storage of waste;
- (cc) “transfer” means to carry, remove, transport or shift solid waste from one place, disposal facility or container to another;
- (dd) “transfer station” means a facility where solid waste is collected, aggregated, sorted, stored, or processed for the purpose of subsequent transfer to another facility for further processing, treatment, transfer or disposal;
- (ee) “transportation” means carriage of waste from the premises or place on or at which it is generated imported or stored to another place for storage, treatment, disposal or export;

(ff) “treatment” includes any physical, thermal, chemical or biological process (including sorting) that changes the composition or characteristics of waste in order to reduce its volume, change its nature, facilitate its handling or enhance recovery;

(gg) “vehicle” means any motor vehicle, horse-drawn cart, dray, pushcart, wagon and any other vehicle of like nature;

(hh) “white goods” includes disused and abandoned refrigerators, washing machines, e-wastes, (computers, phones, televisions) or other domestic appliances.

**PART II  
ESTABLISHMENT OF  
THE SOLID WASTE MANAGEMENT AUTHORITY**

Establishment of  
Authority.  
First  
Schedule.

3. There is established a body corporate to be called the Solid Waste Management Authority and the First Schedule shall have effect as to the constitution of the Authority and other related matters.

Functions of  
Authority.

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

- (a) take all steps necessary for the effective management of solid waste in Guyana in order to -
  - (i) safeguard public health and the environment;

- (ii) ensure that the waste is collected, stored, transported, recycled, reused or disposed of, in an environmentally sound manner; and
- (iii) promote safety standards in relation to such waste;
- (b) promote public awareness of the importance of efficient solid waste management and foster understanding of its importance to the conservation, protection and proper use of the environment;
- (c) advise the Minister on matters of general policy relating to solid waste management in Guyana;
- (d) perform other functions pertaining to solid waste management as may be assigned to it by any law or by the Minister; and
- (e) grant approvals and licenses for solid waste disposal.

(2) In performing the functions specified in subsection (1), the Authority may-

- (a) rationalise the existing legislative framework for solid waste management;
- (b) convert existing dumps into sanitary landfills;
- (c) designate, develop and manage new sanitary landfills and other solid waste disposal operations;
- (d) provide facilities for the collection, treatment and disposal of solid waste;
- (e) institute measures to encourage waste reduction and resource recovery;
- (f) introduce cost recovery measures for services provided by or on behalf of the Authority;

- (g) establish procedures and develop, implement and monitor a national plan and other plans and programmes relating to solid waste management;
- (h) formulate standards, guidelines and codes of practice relating to solid waste management and monitor compliance with the standards, guidelines and codes;
- (i) initiate, carry out or support, by financial means or otherwise, research which, in its opinion, is relevant to any of its functions;
- (j) conduct seminars and provide appropriate training programmes and consulting services and gather and disseminate information relating to solid waste management;
- (k) define the minimum specifications of equipment used for solid waste management;
- (l) from time to time, designate any person (whether employed by the Authority or not) possessing the prescribed qualification to be an authorised officer; and
- (m) do anything or enter into any arrangement which, in the opinion of the Authority, is necessary to ensure the proper performance of its functions.

Ministerial  
directions.

5. The Minister may, after consultation with the Chairperson, give to the Authority directions of a general character as to the policy to be followed by the Authority in the performance of its functions as appear to the Minister to be necessary in the public interest and the Authority shall give effect to the directions.

Delegation.

6. The Authority may delegate any of its functions under this Act (other than the power of delegation or the power to make regulations) including the power to manage any solid waste management site, to any other person or local authority.

Consultation.  
Second  
Schedule.

7. Any agency mentioned in the Second Schedule or other person or body having authority over any matter in respect of which the Authority has functions to perform shall do so and the agency or other person or body shall not, whether provisionally or finally, approve or determine such matter until the Authority has been consulted.

#### *Administration*

Appointment of  
officers and other  
employees.

8.(1) The Authority shall appoint, at remuneration and on terms and conditions as it thinks fit, a Managing Director who shall be the Chief Executive Officer and *ex officio* member of the Authority.

(2) The Authority may employ at remuneration and on terms and conditions as it thinks fit a Solid Waste Manager, an accountant, a secretary, and other officers and employees as the Authority deems necessary for the proper carrying out of its functions.

(3) Notwithstanding subsection (2) a person shall not be appointed a Solid Waste Manager, Accountant or Secretary without the prior approval of the Minister.

Transfer of  
public servant.

9. The Public Service Commission may, subject to conditions as may be imposed, approve the appointment of any public officer in the service of the Government to any office within the Authority, and any public officer so appointed shall, while so employed, in relation to

any pension, gratuity or allowance and in relation to any other rights as a public officer, be treated as continuing in the service of the Government.

Pensions, gratuities and other retiring benefits.

10. The Authority may, with the approval of the Minister –
  - (a) enter into arrangements respecting schemes, whether by way of insurance policies or otherwise; and
  - (b) make regulations, for medical benefits, pensions, gratuities and other retiring benefits or disability or death benefits, relating to officers and employees of the Authority and regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of such employees.

*Financial Provisions, Accounts and Reports*

Funds and resources of Authority.

- 11.(1) The funds and resources of the Authority shall consist of-
  - (a) sums, from time to time, placed at the disposal of the Authority by Parliament; and
  - (b) all other sums and other property which may, in any manner, become payable to or vested in the Authority in respect of any matter incidental to its functions.
- (2) The expenses of the Authority including the remuneration of members of the Authority and officers and employees, shall be paid out of the funds of the Authority.

Power to invest moneys.

12. All moneys of the Authority not immediately required to



meet any of the obligations or discharge any of the functions of the Authority may be invested in securities approved by the Minister, and the Authority may, with the approval of the Minister, sell all or any of the securities.

Accounts and  
audit.

13.(1) The Authority shall keep proper accounts and other records in relation to its functions and shall prepare annually a statement of accounts in a form satisfactory to the Minister and conforming to established accounting principles.

(2) The accounts of the Authority shall be audited annually by an auditor appointed in each year by the Authority with the approval of the Minister.

(3) The Auditor-General shall examine the accounts of the Authority.

Annual reports.

14.(1) The Authority shall, within six months after the end of each financial year or within a longer period as the Minister may in special circumstances approve, cause to be made and transmit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditors' report on it to be laid in the National Assembly.

Estimates and  
operating plan.

15. The Authority shall, in each financial year, before a date specified by the Minister, submit to the Minister for his approval –

- (a) estimates of income and expenditure for the ensuing financial year; and
- (b) an operating plan for that year as to the projects to be promoted or sponsored, or both, by the Authority,

the operational framework within which the Authority shall carry out its functions, and such other matters as the Minister may require.

Returns.

16. The Authority shall furnish the Minister with returns, accounts and other information as may be required with respect to the activities of the Authority, and shall afford the Minister facilities for verifying the information in a manner and at times as may be reasonably required.

Exemption from taxes and duties.

17. (1) The income of the Authority shall be exempt from income tax.

(2) The Authority shall be exempt from liability for stamp duty in respect of any instrument executed by it or on its behalf.

(3) Any transfer by the Authority of any property belonging to it or of any right or interest created in, over or otherwise with respect to, any such property shall be exempt from tax.

(4) No customs duty, consumption tax or other similar impost shall be payable upon any article imported into Guyana or taken out of bond in Guyana by the Authority and shown to the satisfaction of the Commissioner General of the Guyana Revenue Authority to be required for the use of the Authority in the performance of its functions.

Prosecutions and proceedings.

18. Without prejudice to any other method of recovery, all prosecutions and proceedings for recovery of debt irrespective of the amounts and for offences under this Act may be instituted under the Summary Jurisdiction Acts.

7:01. Cap.

8:02. Cap.

10:02. Cap.

10:02. Cap.

Borrowing powers.

19. (1) Subject to subsection (2), the Authority may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The Authority shall exercise its power to raise loans from any source and on specified terms, only with the approval of the Minister of Finance.

Minister of Finance may guarantee loans to Authority.

20.(1) With the approval of the National Assembly signified by resolution, the Minister of Finance may guarantee, in the manner and on conditions as he thinks fit, the repayment of the principal with interest and charges on any authorised borrowing of the Authority.

(2) Where the Minister of Finance is satisfied that there has been default in the repayment of any principal moneys guaranteed under this section or in the payment of interest or charges so guaranteed he shall direct the repayment or, as the case may be, the payment out of the Consolidated Fund of the amount in respect of which there has been default and any repayment or payment shall be a charge on the Consolidated Fund.

(3) The Authority shall make to the Accountant-General, at times and in such manner as the Minister responsible for finance may direct, payments of the amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at the rate as the Minister may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

**PART III**  
**SOLID WASTE MANAGEMENT PLANNING**

Waste inventory  
and  
characterisation.

21. (1) Within six months of the commencement of this Act, the Authority shall complete an inventory and characterisation of the solid waste generated in Guyana.

(2) The waste inventory and characterisation shall be revised at least every five years.

Waste  
management  
strategy.

22. (1) Within six months of the commencement of this Act the Authority shall prepare a national waste management strategy for the consideration of the Minister.

(2) The Authority shall ensure the widest consultation in the preparation of the waste management strategy, and in particular, but without prejudice to the generality of the foregoing, shall consult with the agencies mentioned in the Second Schedule and the waste management policy stakeholders to the extent of their interest, which in the opinion of the Authority are likely to be affected.

Second  
Schedule.

(3) The waste management strategy shall, in particular –

- (a) establish standards and procedures for the reduction, recycling, recovery, reclaiming and re-use of waste and the use of recycled substances;
- (b) establish standards, requirements and procedures for the management of all wastes, including the generation, handling, storage, treatment, transport and disposal of all types of waste;
- (c) identify and establish methods by which hazardous and bio-medical wastes and other classes of solid wastes are to be managed;
- (d) establish requirements and procedures for the

issuance, monitoring and enforcement of licences to site, construct or operate solid waste management facilities or equipment;

- (e) establish measures for addressing the illegal dumping of litter and other wastes;
- (f) outline financing and cost recovery mechanisms to ensure the financial viability of all waste management activities;
- (g) promote waste separation from the source, that is, the households;
- (h) outline penalties for companies which import solid wastes that eventually ends up in landfills;
- (i) establish measures for effective training of staff in solid waste management and for effective public education and awareness regarding solid wastes management in Guyana.

**PART IV  
AUTHORISATIONS, LICENCES, PERMITS  
AND OPERATING CERTIFICATES**

Authorisation to construct solid waste management facility.

23. (1) Within one year of the commencement of this Act any person or agency that intends to construct a solid waste management facility shall apply to the Authority for an authorisation in respect of such facility.

Cap. 20:05. (2) The Authority shall before granting an authorisation ensure that the requirements established under Part IV of the Environmental Protection Act are met in respect of such application and the necessary approvals required under that Act are obtained.

(3) It shall be the duty of an applicant to implement any monitoring programme, protection plan, or mitigation measure that constitutes the terms and conditions of any authorisation granted.

Third  
Schedule.

(4) Any person who constructs a solid waste management facility without first obtaining an authorisation from the Authority commits an offence and shall be liable on summary conviction to the penalty prescribed under paragraph (d) of the Third Schedule.

(5) Where the Authority thinks necessary it may require an applicant for an authorisation to furnish additional information as it may specify.

(6) The Minister may, on the recommendation of the Authority, exempt categories of persons from the operation of this section or section 34.

(7) The application mentioned in subsection (1) shall be made in the form prescribed by the Minister and accompanied by –

- (a) an environmental impact plan;
- (b) a disaster preparedness and response plan; and
- (c) the fee, prescribed by regulations.

Licence to  
operate solid  
waste  
management  
facility.

24. (1) Any person desirous of operating a solid waste management facility shall apply to the Authority for a licence in the form, and accompanied by the fee prescribed by regulations.

(2) The Authority shall, subject to the other provisions of this section, grant the licence within sixty days of the date on which the application is received unless the Authority is satisfied that rejection of the application is necessary to –

- (a) prevent pollution of the environment;
- (b) prevent harm to human health;
- (c) prevent serious detriment to the amenities of the locality; or
- (d) control the excess number of solid waste management facilities.

(3) The Authority may refuse to issue a licence for the

operation of a landfill or incinerator for the purpose of accepting or processing waste on contract if it considers that such facilities should be reserved for operation by the Authority.

(4) Subsections (2) and (3) shall not apply to an application under section 25.

(5) Where the Authority proposes to issue a licence, the Authority shall, before doing so –

- (a) refer the application within fifteen days of receiving it for written comments to the agencies with a request that the agencies respond within thirty days;
- (b) consider any submission or representation made in respect of the application by any person or agency;
- (c) ensure that as far as practicable that affected landowners or occupiers have been consulted.

Issue of waste management licences.

25. (1) A solid waste management licence issued for the use of land in which planning permission is required in pursuance of this Act is conditional on the grant of the planning permission.

(2) Compliance with the general design and operating standards for solid waste management facilities to be established by the Authority shall be a condition of every waste management licence including the following requirements for landfills –

- (a) compliance with landfill applications information requirements;
- (b) landfill siting requirements stipulated by the Authority in consultation with the agencies mentioned in the Second Schedule;
- (c) landfill design standards that apply to facilities for environmental protection including groundwater and surface water pollution prevention and pollutant emission to atmosphere which standards include leachate management, landfill gases control and

Second Schedule.

environmental monitoring;

- (d) plan of operation and landfill development plan requirements as stipulated by the Authority;
- (e) closure and post-closure requirements;
- (f) financial assurance requirement.

(3) The Authority shall issue a solid waste management licence subject to the conditions as appear to the Authority to be appropriate for the purpose of conformity with the waste management strategy mentioned in section 22.

(4) The Authority may, in issuing any licence, specify conditions for the management of waste during the construction, operation or decommissioning of any facility.

(5) A licence shall specify in respect of each of the conditions identified in the licence the competent authority which shall subject to this section be responsible for monitoring compliance with that condition.

(6) Any person who fails to comply with any condition of a licence commits an offence and shall be liable on summary conviction to the penalty prescribed under paragraph (d) of the Third Schedule.

(7) A licence issued under this Part shall be valid for a period of three years from the date of issue.

Third  
Schedule.

Licences to be  
displayed.

Second  
Schedule.

Waste haulage  
permits.

26. A licensee shall at the facility display the licence for the facility, which shall be available for inspection upon demand by the Authority or an officer of an agency mentioned in the Second Schedule or other competent authority.

27. (1) Subject to subsection (2), a person shall not transport waste in the course of business unless that person is the holder of a valid waste haulage permit issued by the Authority.



(2) The requirement in subsection (1) does not apply to the transportation of waste –

- (a) undertaken by the holder of a solid waste management licence;
- (b) in vehicles of a weight of less than one half of a ton by a person carrying on a business, in which solid waste is generated in the course of other activities in the business;
- (c) generated by activity in the vehicle in which the waste is transported;
- (d) under such exempted circumstances as may be prescribed by regulations.

(3) An application for a waste haulage permit shall be made to the Authority in the form and accompanied by the fee prescribed by regulations.

(4) The Authority shall issue a waste haulage permit to the applicant within sixty days of the receipt of the application unless the Authority is satisfied that the rejection of the application is necessary for the purpose of preventing –

- (a) pollution of the environment;
- (b) harm to human health or safety;
- (c) any danger or hazard to public highways or traffic.

Issuance of waste haulage permits.

28. (1) A waste haulage permit shall be issued subject to such conditions as appear to the Authority to be appropriate for the purpose of conformity with the waste management strategy under section 22.

(2) A waste haulage permit shall be valid for a period of one year from the date of issue.

(3) A waste haulage permit shall specify, at a minimum, the following –

- (a) the waste management facility in respect of which it is issued;
- (b) requirements relating to the maintenance of vehicles in good operating condition and cleanliness;
- (c) requirements as to the manner in which the waste is to be transported;
- (d) requirements concerning insurance for the clean-up of spills or other pollution accidents that may occur;
- (e) minimum requirements for drivers' qualifications; and
- (f) minimum requirements for training of drivers in the management of accidents and disasters.

(4) Nothing in this Act exempts the owner or operator of any vehicle from the requirements of any other law.

Permits to be displayed.

29. (1) A holder of a permit shall keep the permit in or on the vehicle in a conspicuous position so that the permit may be easily seen from the exterior of the vehicle.

(2) A holder of a permit who fails to comply with the conditions of the permit under this section commits an offence and is liable on summary conviction to the penalty prescribed under paragraph (d) of the Third Schedule.

Third Schedule.

Non-transferability and validity.

30. A licence or permit shall not be transferable and shall be valid for the period specified on the licence or permit.

Renewal of licence, permit.

31.(1) A licence or permit may be renewed by the Authority if-

- (a) an application for renewal is made not later than thirty days before the date of expiry or within a

longer period as the Authority may allow;

- (b) the Authority is satisfied that the holder of the licence or permit is operating in compliance with this Act;
- (c) the applicant has paid all fees payable to the Authority under this Act;
- (d) there has been no material change in the circumstances which existed at the time the licence or permit was granted which would justify the application being treated as a new application in the manner specified in subsection (2); and
- (e) the applicant, (in the case of a body corporate, the director, the manager, the secretary, or other officer) has not been convicted of an offence related to fraud.

(2) Where the Authority-

- (a) receives an application for the renewal of a licence or permit after the period specified in subsection (1)(a);  
or
- (b) is satisfied that a material change of circumstances has occurred since the licence had been granted,

it shall treat the application as a new application.

Restrictions on  
grant of licence.

32. The Authority shall not issue a licence or permit retrospectively.

Variation,  
modification or  
surrender of  
licence, permit.

33. (1) A holder of a licence or permit may apply to the Authority for variation, modification or surrender of the licence stating clearly reasons for it.

(2) In considering an application under subsection (1), the

Authority shall –

- (a) in respect of a licence, have regard to the matters specified in sections 24 and 25; and
- (b) in respect of a permit, have regard to the matters specified in sections 27 and 28.

Suspension of  
licence, permit.

34.(1) Subject to subsection (2), the Authority may suspend a licence or permit where-

- (a) the holder of the licence or permit has failed to pay any fees or other charges required by this Act;
- (b) the licensee is in breach of-
  - (i) any provision of this Act; or
  - (ii) any term or condition subject to which the licence is granted;
- (c) it is satisfied that it is not possible to carry out a proper inspection of the licensed facility;
- (d) a licensee notifies the Authority in writing that he intends to cease the operations for which he is licensed for the period stated in the notice.

(2) Before suspending a licence under subsection (1) (a), (b) or (c), the Authority shall notify the licensee in writing of the proposed suspension-

- (a) stating the reason for it;
- (b) requiring the licensee, in the case of a breach, to remedy the breach within the time specified in the notice.

(3) A licensee who is served with a notice under subsection (2) shall, after remedying the breach which gave rise to the suspension, notify the Authority in writing that the breach has been remedied.

(4) The Authority shall, upon receipt of a notice referred to in

subsection (3), cause an inspection to be carried out within ten days of the receipt of the notice and if, on inspection, the inspector is satisfied that the breach has been remedied, he shall report in writing to the Authority which shall withdraw the notice of suspension.

Cancellation of licence, permit.

35.(1) The Authority may cancel a licence or permit if it is satisfied that-

- (a) a holder of a licence or permit has ceased to comply with this Act in relation to the licence or permit disposal operation;
- (b) the application for the licence or permit contained any false or misleading information in any material particular;
- (c) the licensee has failed to remedy the breach which gave rise to a suspension of the licence or permit within the time specified in a notice under section 34(2)(b);
- (d) any fee or other charge payable by the holder of the licence or permit remains unpaid for a period of ninety days after the suspension of the licence or permit.

(2) Before cancelling a licence or permit the Authority shall notify the holder of it in writing of the proposed cancellation stating the reasons for it, and requiring the licensee to remedy the breach within the time specified in the notice.

(3) Where a licence or permit is cancelled pursuant to this section the licence or permit and any operating certificate shall be returned immediately to the Authority.

Records and register.

36. (1) The Authority shall maintain a register of

authorisations, licences, permits and operating certificates issued under this Act.

(2) The register shall be available for public inspection on the payment of a fee as may be prescribed by regulations.

(3) Every licensee shall keep such books, documents or records as may be prescribed.

Emergency powers of Minister.

37.(1) In the event of a declaration of a state of emergency, the Minister may require any person to take any action that he may consider to be reasonably necessary for the safe management of solid waste.

(2) Any person acting pursuant to a requirement under subsection (1) shall recover from the state the expenses incurred by that person in so acting.

Operating certificates.

38. (1) The Authority shall issue operating certificates to persons who satisfy the requirements to be prescribed to be in charge of or to supervise the operations at a landfill or compost facility.

(2) The owner, person or agency responsible for a landfill or compost facility shall ensure that the facility is supervised by a certified operator during its normal hours of operation.

(3) Within three months of the commencement of this Act the owner, person or agency responsible for a landfill or compost facility shall notify the Authority in writing of the names of every certified operator and any change in any of the operators within thirty days of the change.

Financial security required.

39. (1) Where an environmental authorisation is required for a solid waste management facility the Authority shall require the

applicant to provide proper financial security before operation or reclamation of the facility commences.

(2) Subsection (1) does not apply where the applicant for an authorisation is a local authority.

(3) Security shall be in the amount determined by the Authority to be sufficient to ensure completion of conservation and reclamation that is required based on –

- (a) the estimated costs of conservation and reclamation submitted by the applicant;
- (b) the nature, complexity and extent of the facility's operations;
- (c) any other factors the Authority considers to be relevant.

Form of security.

40.(1) Financial security may be in one or more of the following forms-

- (a) a bank guarantee;
- (b) a trust fund;
- (c) a bond;
- (d) a line of credit;
- (e) a management escrow account; or
- (f) such other form of security as the Authority considers appropriate.

(2) The Authority may, as a condition of a licence, specify the procedures under which financial security may be administered, called on or used.

Duration of security.

41. Financial security shall be provided-

- (a) for the period specified in the licence; or

- (b) if no such period is specified, until –
  - (i) the licence is varied to remove the condition requiring the financial security; or
  - (ii) the licence is suspended under section 34.

Non-compliance with licence.

42. (1) Where in the opinion of the Authority a licensee or former licensee fails to carry out any work, project or programme in accordance with the licence or is incapable of doing so, the Authority may, by the use of contractors, consultants or other persons, carry out, direct or supervise the carrying out of the work, project or programme covered by any financial security required under a licence.

(2) The Authority may enter, or authorize any other person to enter, the premises concerned to carry out the work, project or programme.

Claim on or realising of financial security.

43. (1) The Authority may recover or fund the reasonable costs or expenses of the contractors, consultants or other persons in carrying out work, project or programme referred to in section 42 including the Authority's likely costs and expenses in directing and supervising the carrying out of the work, project or programme by making a claim on the insurance or realising the financial security or part of it.

(2) Before making the claim on the insurance or realising the financial security or part of it, the Authority shall give to the licensee or former licensee a written notice which shall –

- (a) specify the reason for making the claim on the insurance or realising the financial security, or part of it;
- (b) state details of the work, project or programme carried out or proposed to be carried out;
- (c) state the amount of the financial security to be



claimed or realized;

- (d) invite the licensee or former licensee to make representations to the Authority to show why the financial security should not be claimed or realised as proposed; and
- (e) state the period (at least thirty days after the notice is given to the licensee or former licensee) within which written representations may be made.

(3) At the end of the period stated in the notice, the Authority shall consider any representations properly made by the licensee or former licensee.

(4) If the Authority decides to make a claim on the insurance or realise the financial security, or any part of it, the Authority shall immediately give written notice to the licensee or former licensee of its decision and the reasons for it.

(5) The Authority shall return any excess amounts of the financial security to the licensee or former licensee.

Recovery of additional cost.

44.(1) Where the amount recovered by the Authority under section 43 is less than the Authority's reasonable costs and expenses in taking action or remedying the environmental harm caused by the solid waste management facility or solid waste collection or transfer services to which a licence relates, the Authority may, by notice in writing, require the licensee or former licensee to pay the difference between the Authority's reasonable costs and expenses and the amount recovered by the Authority, within the time as may be specified in the notice.

(2) Where –

- (a) the Authority has given a notice under subsection (1); and

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(b) the licensee has failed to pay the specified sum on or before the specified date,

the Authority shall be entitled to recover, from the licensee or former licensee, the amount or so much of it as remains unpaid, together with interest calculated at such rate as the Minister may specify, as a civil debt in the Magistrate's Court, notwithstanding any limitation as to amount recoverable under the Summary Jurisdiction (Petty Debt) Act.

Adjustment of security.

45.(1) The Authority may increase or decrease the amount of security that is to be provided where –

- (a) the cost of future conservation and reclamation changes;
- (b) the extent of the operation of the facility is increased or reduced; or
- (c) any other circumstances exist that may increase or decrease the estimated cost of conservation or reclamation.

(2) The Authority may specify times or set a schedule for re-evaluating and adjusting the security provided.

(3) The Authority shall notify the holder of the authorisation of any proposed adjustment to the amount of the security.

Return of security.

46. Where conservation and reclamation has been satisfactorily completed the Authority may, on application by the holder of the authorisation, return or direct the return of the security.

Forfeiture of security.

47.(1) The Authority may forfeit all or part of the security mentioned in section 39 where –

- (a) the holder of the authorisation fails to complete the conservation and reclamation in a timely manner;
- (b) the holder of the authorisation does not meet

conservation and reclamation requirements specified in the authorisation; or

(c) the holder of the authorisation has not complied with an enforcement order or prohibition order issued by the Authority.

(2) Where the Authority forfeits security it shall –

(a) give written notice of its decision to the holder of the authorisation; and

(b) direct the trustees of the Fund (if established) to take such steps as are required to deposit the amount of security into the Fund.

(3) The trustees shall pay to the Authority the amount as it considers necessary to carry out the conservation and reclamation works that may be required.

(4) Where the amount of the security that is forfeited exceeds the amount required for the conservation and reclamation, the trustees shall on the direction of the Authority pay the excess amount to the holder of the authorisation.

(5) Where the amount of the forfeited security is insufficient to cover the cost of conservation and reclamation, the holder of the authorisation shall remain liable for the outstanding balance.

## **PART V GARBAGE COLLECTION AND DISPOSAL**

Public garbage collection.

48. Every municipality or local government authority shall make provision for the adequate collection and disposal of all household garbage, refuse and waste to the satisfaction of the Authority.

Private garbage

49. No private waste collection service, scavenging service or

collection. waste disposal service may be initiated or carried on without the written approval of the municipality or local government authority within which the service is being carried on.

## **PART VI OFFENCES AND PENALTIES**

Unlawful removal of waste; interference with disposal facility.

50. Every person who-

- (a) unlawfully removes any solid waste from a disposal facility or from any place under the control of the Authority; or
- (b) interferes or tampers with any disposal facility or any place where solid waste is stored or kept by the Authority,

Third Schedule. commits an offence and shall be liable on summary conviction to the penalty prescribed under paragraph (d) of the Third Schedule.

Disposal of waste without approval; failure to have a licence; obstructing waste collection.

51. Every person who -

- (a) disposes of solid waste in any area or in any manner not approved by the Authority;
- (b) operates a solid waste management facility, provides solid waste collection or transfer services or otherwise manages solid waste, without a valid licence issued under this Act; or
- (c) impedes in any manner the collection and disposal of solid waste,

Third Schedule. commits an offence and shall be liable on summary conviction to the penalty prescribed under paragraph (d) of the Third Schedule.

Littering public place.

52.(1) A person who-

- (a) throws, drops or otherwise deposits and leaves any

litter in any public place; or

- (b) erects, displays (whether by writing, marking or otherwise), deposits or affixes anything in a public place or on any building, wall, fence or structure abutting or adjoining a public place, in such circumstances as to cause, contribute to or tend to the defacement of that place, building wall, fence or structure, as the case may be,

commits an offence and shall be liable on summary conviction to a penalty under section 62.

(2) Where any person, on behalf of some other person employing or recruiting that person for the purpose, does any act in contravention of subsection (1) (b), the person employing or recruiting that person also commits an offence and shall be liable to a penalty under section 62 unless the person employing or recruiting proves that the act done was contrary to the express instructions of the person employing or recruiting and that the act, if performed as instructed, would not have been in contravention of this section.

(3) In any proceedings under this section, it shall be a defence to prove that the act that is the subject matter of the proceedings was authorised by law or was done with the consent of the owner or occupier or other person having control of the public place or building, wall, fence or structure, as the case may be.

Littering private  
place without  
consent.

Third Schedule.

53. Any person who throws, drops or otherwise deposits or leaves any litter in any premises owned or occupied by another person without the consent of that other person, the proof whereof shall lie on the person charged, commits an offence and shall be liable on summary conviction to the penalty prescribed under paragraph (a) of the Third Schedule.

Breaking bottles  
in public place.

54. Any person who wilfully breaks any bottle or any glass or any article made of glass in or on any public place without lawful authority or reasonable excuse commits an offence and shall be liable on summary conviction to the penalty prescribed under paragraph (a) of the Third Schedule.

Third  
Schedule.

Disposal of  
certain waste.

55. (1) No person shall deposit waste for disposal in any place other than a landfill or compost facility authorised in accordance with this Act.

(2) Subsection (1) does not apply to –

- (a) the disposal of agricultural waste by a farmer on his own land where the waste is produced on his farm;
- (b) the depositing of earth;

(c) waste that –

- (i) is not reasonably expected to undergo physical, chemical or biological changes to such an extent as to produce substances that may cause an adverse effect, including but is not limited to demolition debris, concrete, asphalt, glass, ceramic materials, scrap metal and dry timber or wood that has not been chemically treated; and

(ii) is used for reclamation; and

- (d) household waste from a domestic property which is treated, kept or disposed of within the curtilage of the dwelling by or with the permission of the occupier of the dwelling.

Burning.

56. (1) No burning shall occur at a landfill or compost facility located within the boundaries of a city, town or village.

(2) No burning shall occur at a solid waste management facility located outside of a city, town or village unless –

(a) the burning is done in an area that is –

(i) constructed with a fire break;

(ii) located so that it is separated from disposal operations, storage compounds, or buildings;  
and

(iii) supervised at the time of burning; and

(b) the person responsible for the solid waste management facility has notified the local authorities, all adjoining property owners, the Authority and the local fire department of his intention to burn and the date on which the proposed burning is to take place at least seven days prior to the date of burning.

Unauthorised disposal; failure to have authorisation or licence.

57.(1) A person shall not –

(a) deposit or knowingly cause the deposit of solid waste in or on any land, beach front, foreshore, marine waters, river or river banks;

(b) construct or operate any solid waste management facility without an authorization or a licence as the case may be;

(c) treat, keep, or dispose of solid waste in a manner likely to cause pollution of the environment or harm to human health.

(2) The prohibition mentioned in subsection (1)(a) does not apply –

- (a) to household waste from a domestic property which is treated, kept or disposed of by the owner or occupier within the cartilage or boundaries of such property;
- (b) in cases prescribed by regulation.

Third  
Schedule.

(3) Any person who contravenes subsection (1), or any condition of a solid waste management licence, commits an offence and shall be liable on summary conviction to the penalty prescribed under paragraph (d) of the Third Schedule.

Making false or misleading statements.

58.(1) A person commits an offence if -

- (a) for the purposes of obtaining, whether for himself or for any other person, the issue, grant or renewal of any licence or permit under this Act, he makes any declaration or statement which is false or misleading in any particular;
- (b) he knowingly furnishes to an authorised officer or other person performing any duty in relation to this Act, a document that contains information which is false or misleading in any particular;
- (c) he knowingly utters, produces, or makes use of any such declaration or statement or any document containing any false declaration or statement; or

(d) he falsifies or amends any information contained in a licence or permit.

Third Schedule.

(2) A person who commits an offence under subsection (1) shall be liable on summary conviction to the penalty prescribed under paragraph (c) of the Third Schedule.

Threatening authorised

59.(1) A person commits an offence if the person -



officer.

- (a) wilfully hinders or obstructs an authorised officer acting in the execution of the officer's duties under this Act;
- (b) without lawful excuse, fails within a reasonable time to comply with any requirement of an authorised officer exercising a power conferred on the officer under this Act;
- (c) upon being required to disclose the person's true name and place of residence by an authorised officer acting in the execution of the officer's duties under this Act the person-
  - (i) refuses to disclose the person's true name and place of residence; or
  - (ii) gives a false name or place of residence;
- (d) impersonates or pretends to be an authorised officer; or
- (e) assaults, threatens, intimidates, or uses threatening language or behaves in a threatening manner to any authorised officer acting in the execution of the officer's duties under this Act.

Third Schedule.

(2) A person who commits an offence under subsection (1) shall be liable on summary conviction to the penalty prescribed under paragraph (c) of the Third Schedule.

Failure to keep records.

60. Every person who-

- (a) fails to keep any books, documents or records required to be kept under this Act; or
- (b) fails, without reasonable excuse, to produce any such books, documents or records,

commits an offence and shall be liable on summary conviction to the penalty prescribed under paragraph (b) of the Third Schedule.

Third Schedule.

Offence for which no penalty is provided.

Third Schedule

61. Every person who commits an offence under this Act in respect of which no special penalty is provided, shall be liable on summary conviction to the penalty prescribed under paragraph (a) of the Third Schedule.

Punishment for offences under sections 52, 53 and 54.

62.(1) This section applies to any offence referred to in sections 52, 53 and 54 and any other offences as may be prescribed.

(2) Where an authorised officer finds a person on any occasion and has reason to believe that on that occasion that person is committing or has committed an offence to which this section applies, he may serve that person with the prescribed notice in writing offering the discharge of any liability to conviction of that offence by payment of a fixed penalty under this section.

(3) Where a person is served with a notice under subsection (2)

—

(a) that person shall not be liable to be convicted of that offence if the fixed penalty is paid in accordance with this section before the expiration of twenty-one days following the date of the notice or such longer period as may be specified therein or before the date on which proceedings are begun, whichever is later;

(b) proceedings shall not be taken against that person for that offence by any authorised officer until the end of the twenty-one days following the date of the notice or such longer period (if any) as may have been specified in it.

(4) Payment of a fixed penalty under this section shall be made to the Authority or to such body, on behalf of the Authority, as the Minister may, by order, designate and the Authority may retain the

amount paid as part of its funds.

(5) In any proceedings, a certificate that payment of a fixed penalty was or was not made to the Authority or to a body designated under subsection (4) by a date specified in the certificate shall, if the certificate purports to be signed by the proper officer of the Authority, or of that body, be sufficient evidence of the facts stated, unless the contrary is proved.

(6) A notice under subsection (2) shall-

- (a) specify the offence alleged;
- (b) give particulars of the offence as are necessary for giving reasonable information of the allegation; and
- (c) state-
  - (i) the period during which by virtue of subsection (3), proceedings will not be instituted against any person for the offence; and
  - (ii) the amount of the fixed penalty.

(7) In any proceedings for an offence to which this section applies, no reference shall be made after the conviction of the accused to the giving of any notice under this section or to the payment or non-payment of a fixed penalty thereunder unless, in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by or on behalf of the accused to the giving of such notice or, as the case may be, to such payment or non-payment.

(8) The Minister may make regulations prescribing any matter incidental to the operation of this section, and in particular the regulations may prescribe-

- (a) the fixed penalty for an offence to which subsection (1) applies; and
- (b) the form of notice under subsection (2).

(9) In this section "proceedings" means any criminal

proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (2), and "convicted" shall be construed in like manner.

Offence by body corporate.

63. Where an offence under this Act or any regulations made under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of any director, manager, secretary or other officer of the body corporate, the body corporate shall be liable on summary conviction to a fine of five hundred thousand dollars.

## **PART VII WASTE MANAGEMENT OPERATIONS**

Industrial, commercial and institutional waste generators.

64.(1) A person who conducts industrial, commercial or institutional operations in the course of which waste is generated shall make his own arrangements for waste management and shall ensure that any waste generated does not present a risk to human health and the environment.

(2) For the purposes of giving effect to the requirements of subsection (1), a person who conducts industrial, commercial or institutional operations in the course of which waste is generated may, in addition to or instead of contracting with other licensees –

- (a) transport waste to a waste management facility himself, subject to the permit requirements established in this Act; or
- (b) construct and operate an on-site waste management facility approved by the Authority.

(3) In the event that appropriate facilities are not available in Guyana for managing hazardous or any other class of waste, a person who conducts industrial, commercial or institutional operations in the course of which waste is generated shall be responsible for the safe

management of the waste on his premises or the export of such waste to appropriate facilities.

(4) In exporting waste the person mentioned in subsection (3) shall comply with the requirements of the Basel Convention of 1989 for the Transboundary Movement of Hazardous Wastes and their Disposal.

Waste storage requirements.

65.(1) Every occupier of premises in which waste is at any time stored, shall store such waste in appropriate containers that prevent the escape of wastes, liquids or objectionable levels of odour and infestation by pests or vermin.

(2) An occupier of premises on which waste is generated and not disposed of on the premises shall comply with regulations as may be prescribed for making that waste available for collection and transportation to a waste management facility.

Management of used oil.

66.(1) Within twelve months after the date of the commencement of this Act, the Authority shall prepare a scheme, in consultation with importers and distributors of oil, for the establishment of a used oil management system that provides for environmentally secure management of used oil generated in Guyana.

(2) When the scheme for the used oil management system has been prepared by the Authority, it shall be submitted to the Minister for approval.

(3) The scheme when approved by the Minister, with or without amendment by the Minister, shall be treated as a variation of the Waste management strategy mentioned under section 22.

(4) Within one year after the date of the variation of the waste management strategy is approved, the operator of any garage, facility selling motor oil and petroleum products or service station shall

provide used oil storage facilities and equipment for pumping out used oil, which equipment shall meet the standards prescribed by regulations.

(5) Within one year after the variation of the National Waste Management Strategy is approved, the Authority shall not grant development approval for the construction of any garage, facility selling motor oil and petroleum products, or service station which does not provide in the construction for a used oil facility and equipment for pumping out used oil, which equipment shall meet the standards prescribed by regulations.

Supply of litter bins for public meetings.

67.(1) A person who holds in a public place, a gathering, meeting or event which is open to the public shall supply sufficient litter bins for the event and shall ensure that all litter on the site is properly disposed of within twenty-four hours of the end of the event.

Third Schedule.

(2) Any person who fails to comply with this subsection commits an offence and is liable on summary conviction to the penalty prescribed under paragraph (b) of the Third Schedule.

Derelict motor vehicles, white goods and scrap metals.

68.(1) Derelict vehicles under subsection (2), white goods and scrap metal shall be taken by the owner to an approved landfill site or other site approved to manage derelict vehicles, white goods or scrap metal.

(2) An authorised officer may order the removal of any derelict vehicle by its owner when that officer reasonably considers –

- (a) that its location detracts from the quality of the amenities enjoyed by the owner of the property that is not the owner of the vehicle;
- (b) that the vehicle in its location constitutes a nuisance in law;
- (c) that the vehicle is otherwise a hazard to human health

or the environment.

(3) Where the owner of any derelict vehicle cannot be identified, the authorised officer may arrange for the removal of the vehicle to an approved landfill site or other site approved to manage derelict vehicles.

## **PART VIII FINANCING AND COST RECOVERY**

Regulations  
creating financial  
instruments.

69. The Minister having responsibility for finance may make regulations creating financial instruments for the financing of waste management activities implementing the waste management strategy and this Act.

## **PART IX MONITORING AND ENFORCEMENT**

Monitoring and  
audits.

70.(1) The Authority may enter into an agreement with a licensee, that allows a third party to monitor compliance with the conditions of the licence on behalf of both the licensee and the Authority.

(2) In the case of audits or inspections by a third party pursuant to subsection (1), the third party shall submit all reports to both the licensee and the Authority.

Appointment and  
powers of  
authorised  
officers.

71. (1) The Minister may designate public officers and officers of government agencies as authorised officers for the purposes of this Act.

(2) Every police officer is an officer under this Act.

(3) An authorised officer may at any time enter and inspect any waste management facility to ensure compliance with the requirements of this Act.

(4) A magistrate may issue an order authorising the inspection

of domestic property where an authorized officer satisfies the magistrate that there is reasonable cause to do so.

(5) An authorised officer may inspect any vehicle reasonably suspected to be carrying waste to determine whether such activity is being conducted in accordance with a permit issued by the Authority.

Power of Authority to enforce removal of litter.

72. (1) Without prejudice to any proceedings for an offence under section 52, 53 or 54 or under any other law, where litter is left or caused to be left in any public place or on private premises in such circumstances as to cause, contribute to or tend to the defacement of the place or premises, the Authority may act in accordance with subsection (2).

(2) The Authority may give notice (whether orally or in writing) to –

- (a) the person leaving or causing the litter to be left on any public place or private premises;
- (b) the owner or occupier of such place or premises; or
- (c) the person having control or responsibility for the place or premises,

requiring the person to remove the litter in such manner as to restore the premises to a condition satisfactory to the Authority.

(3) A notice shall require the litter to be removed-

- (a) immediately, in the case of dead animals, carrion or other litter considered by the Authority to be dangerous to health or life; or
- (b) in any other case, within such time as may be limited by the notice (not being less than three days).

(4) A notice may be served on a person either personally or by being sent by post to his last known business or private address or may be posted up in some conspicuous position on the premises on which



the litter has been left.

Third Schedule.

(5) A person who fails to comply with the requirements of a notice commits an offence and shall be liable on summary conviction to the penalty prescribed under paragraph (a) of the Third Schedule.

(6) The Authority may, without prejudice to its right to take action under subsection (2), by its officers and servants, enter the premises and remove the litter or restore the premises to a condition satisfactory to the Authority.

(7) The Authority shall be entitled to recover from the person notified under subsection (2), the costs and expenses incurred by it pursuant to subsection (6), as a civil debt in the Magistrate's Court notwithstanding any limitation as to amounts recoverable under the Summary Jurisdiction (Petty Debt) Act.

Referral to  
Environmental  
Protection  
Agency.

73. Where the Authority is of the opinion that a solid waste disposal operation has, or is likely to have, an adverse effect on the environment or public health, the Authority may refer the matter to the Environmental Protection Agency.

Cessation order.

74.(1) Where a person who-

- (a) operates a solid waste management facility;
- (b) provides solid waste collection or transfer services;
- or
- (c) otherwise manages solid waste,

fails to apply for a licence as required under section 24, the Authority may issue an order in writing to that person directing him to cease the activity specified in paragraph (a), (b) or (c), as the case may be, by such date as shall be specified in the order.

(2) Where the person to whom an order is issued under subsection (1) fails to comply with the order, the Authority may-

- (a) direct an authorised officer to take steps as it considers appropriate including seizure of

equipment to ensure the cessation of the activity to which the order relates; or

- (b) apply to the High Court for an injunction, whether or not it has exercised or is proposing to exercise its power under paragraph (a) or any of its other powers under this Act.

(3) In carrying out a direction pursuant to subsection (2) (a), an authorised officer may use such force as may be necessary for the purpose of ensuring compliance with the order.

Information on pollution control operation.

75.(1) The Authority may, after consultation with the Environmental Protection Agency, by notice in writing, require the owner or operator of any sewage treatment plant, industrial waste treatment facility or other solid waste disposal facility that generates sludge, to submit to the Authority, at intervals as the Authority may specify in the notice, the information specified in subsection (2).

(2) The information referred to in subsection (1) shall relate to all or any of the following-

- (a) the performance of the operation;
- (b) the quantity, quality and method of treatment and disposal of leachate and other waste.

(3) Any person who refuses or fails to comply with the requirements of a notice under subsection (1) commits an offence and shall be liable on summary conviction to the penalty prescribed under paragraph (d) of the Third Schedule.

Third Schedule.

Enforcement of controls.

76. (1) Subject to this section, where on investigation it appears to the Authority that the activities of a disposal facility in any area may pose a serious threat to the natural resources or to public health, the Authority may serve on the person who appears to have carried out or

to be carrying out the activity, a notice (hereinafter referred to as "an enforcement notice") in accordance with subsection (2).

(2) An enforcement notice shall-

- (a) specify the offending activity; and
- (b) require steps as may be specified in it to be taken within such period as may be so specified to ameliorate the effect of the activity and, where appropriate, to restore the natural resources to their condition before the activity took place.

(3) The Authority may, in the enforcement notice, order the immediate cessation of the offending activity if it is of the opinion that the circumstances giving rise to the notice warrant an order to that effect.

(4) Where an appeal is made pursuant to section 78 against a decision of the Authority to order the cessation of an offending activity, the notice shall remain in effect pending the final determination of the appeal or the withdrawal thereof.

(5) Where a person who is served with an enforcement notice fails to comply with the notice, the Authority may direct an authorised officer to take steps as it considers appropriate to ensure the cessation of the activity to which the notice relates.

(6) Every person on whom an enforcement notice is served who continues or authorizes the continuation of the offending activity while that notice is in effect or after the dismissal of an appeal relating to that notice, commits an offence and shall be liable on summary conviction to the penalty prescribed under paragraph (d) of the Third Schedule.

Third Schedule.

(7) The Authority shall be entitled to recover the costs and expenses incurred in the restoration, amelioration or replacement of any natural resources damaged or destroyed by an offending activity.

(8) In carrying out a direction under subsection (5), an

authorised officer may use such force as may be necessary for the purpose of ensuring compliance with the enforcement notice.

Supplementary provisions as to enforcement.

77. Where an enforcement notice takes effect and, within the time specified in it or any extended period as the Authority may allow, any steps required by notice to be taken have not been taken, the Authority may enter on the land on which the offending activity takes place and take such steps.

Appeal to Minister.

78.(1) A person who is aggrieved by the decision of the Authority-

- (a) not to grant a licence;
- (b) to require financial assurance or insurance as a condition of a licence or to include any other term or condition in a licence; or
- (c) to suspend or revoke a licence,

may appeal to the Minister by way of a notice of appeal within twenty-eight days of the date of the decision or within such longer period as the Minister may, in any special circumstance, allow.

(2) The notice of appeal shall set out clearly the grounds of the appeal and shall be accompanied by copies of any correspondence, document or statement relevant to the appeal.

(3) A copy of the notice of appeal together with copies of any correspondence, document or statement shall be served on the Authority.

(4) The Minister shall, within seven days of the receipt of a notice of appeal under subsection (1), request the Authority to furnish him, within seven days, with a statement in writing setting out the reasons for its decision.

(5) The Minister may order that any book, paper, document or statement, relating to the appeal which is in the possession of the

Authority or the person aggrieved be produced at the hearing of the appeal.

(6) The Minister shall cause all parties to the appeal to be informed-

- (a) of the date of the hearing of the appeal;
- (b) that they may appear themselves or be represented by their Attorney-at-law; and
- (c) that they may summon witnesses in their cause.

(7) On hearing an appeal under this section, the Minister may-

- (a) dismiss the appeal and confirm the decision of the Authority;
- (b) allow the appeal and set aside the decision; or
- (c) vary the decision.

**PART X  
GENERAL**

Code of practice.            79. Within one year of the commencement of this Act the Authority shall establish a Code of Practice for landfills and compost facilities.

Standards for compost facilities.            80. Every compost facility shall be constructed and operated so that —  

- (a) the generation of odours is reduced;
- (b) run-on and run-off water is controlled so that surface water and groundwater are not contaminated; and
- (c) animals and vectors of disease are controlled.

By-laws on collection.            81. Each municipality or local government authority that has by-laws regulating the collection or disposal of wastes shall deposit a copy of the by-laws with the Authority immediately after passing the by-laws.

General powers of entry,            82.(1) Subject to subsection (2), an authorised officer may, for

inspection and seizure.

the purpose of the execution of this Act, enter at all reasonable times the premises in which any solid waste disposal operation is carried on and inspect any book to which any solid waste document or record or thing relates.

(2) An authorised officer referred to in subsection (1)-

(a) shall produce a duly authenticated document showing his authority; and

(b) may, during the course of an inspection, seize and detain any equipment or other article, which the authorised officer reasonably believes is being used in contravention of any provision of this Act.

(3) Any equipment or article seized under this section shall be returned to the person from whose possession it was seized, as soon as practicable, and in any case shall not be retained for a period longer than two months or, if within that period court proceedings have been brought in respect of the seizure, longer than the conclusion of those proceedings.

Seizure and detention of vehicles.

83.(1) Where an authorised officer has reasonable cause to suspect that any vehicle, aircraft, vessel, article, enclosure, container or other storage facility, device or apparatus (hereinafter referred to as "specified equipment") is being used or has been used in the commission of an offence against this Act, the authorized officer may, with a warrant issued by a Magistrate, search the specified equipment and, if the search reveals evidence that the specified equipment is being used or has been used for the commission of any offence, the authorised officer may seize and detain the specified equipment.

(2) Where any specified equipment is seized pursuant to this section and-

(a) a person is convicted of an offence against this Act;

and

(b) the court is satisfied that –

(i) that person owns the specified equipment used in the commission of the offence; or

(ii) the owner of the specified equipment permitted it to be so used; or

(iii) under the circumstances it is just to do so,

the court may, upon an application by the Authority, order the forfeiture of the specified equipment.

Procedure regarding application for forfeiture.

84. (1) Where the Authority proposes to apply for forfeiture of any specified equipment it shall give to any person who, to its knowledge, was the owner of equipment at the time of the seizure, notice of the seizure and of the intention, after the expiration of thirty days from the date of the notice, to apply for forfeiture and of the grounds for the forfeiture.

(2) Notice shall not be required if the seizure and detention was made in the presence of the owner or person having interest in the specified equipment.

(3) Any person having a claim to any specified equipment seized under this Act may appear at the hearing of the application for forfeiture and show cause why such an order should not be made.

(4) If, upon the application of a person prejudiced by an order made under section 83(2), the High Court is satisfied that it is just in the circumstances of the case to revoke the order, the High Court may revoke the order upon the terms and conditions, if any, as it deems appropriate, and without prejudice to the generality of the foregoing, may require the person to pay in respect of storage, maintenance, administrative expenses, security and insurance of the specified equipment, the amount as may be charged by the person in whose

custody the specified equipment was kept.

(5) An application to the High Court for the revocation of a forfeiture order shall be made within thirty days of the date of the making of the order or any longer period as the High Court may allow, not exceeding six months.

Authority may  
institute  
proceedings.

85. The Authority may institute proceedings against any person for an offence against this Act and recover any penalty under this Act.

Minister may  
amend monetary  
penalties.

86. The Minister may, by order, subject to affirmative resolution of the National Assembly, amend the monetary penalties specified in this Act.

Haulage fee.

87. (1) There shall be a haulage fee which shall be paid to the Authority by any person at whose expense the Authority hauls or transports.

(2) The haulage fee shall be charged and paid at a rate to be prescribed.

Tipping fee.

88. (1) A tipping fee shall be paid to the Authority by any person at whose expense the Authority unloads any container of solid waste on to a sanitary landfill.

(2) The tipping fee shall be charged and paid at a rate to be prescribed.

## **PART XI REGULATIONS**

Regulations.

89.(1) The Authority may, after consultation with the Minister, make regulations for the purposes of giving effect to this Act, and in particular, but without prejudice to the generality of the foregoing, the regulations may provide for the following matters –

(a) the carrying into effect of standards, recommended



- practices and health requirements, for solid waste management and solid waste management facilities;
- (b) minimum standards, including design standards, in respect of solid waste management facilities;
  - (c) classification of solid waste and solid waste management licences and provisions relating to different classes of waste and solid waste management licences;
  - (d) the incineration, minimization and recycling of solid waste;
  - (e) the establishment of different grades for inspectors and specifying their respective powers and duties;
  - (f) procedures for the measuring, frequency of collection and disposal, analysis and extraction of solid waste;
  - (g) the form and content of a financial security, packaging audits and other waste audits, waste reduction work plans, packaging reduction work plans and industrial, commercial and institutional source separation programme;
  - (h) requirements for the grant of operating certificates;
  - (i) procedures for the issue of and conditions as to licences, permits and operating certificates;
  - (j) the hours of operation of solid waste disposal facilities;
  - (k) the establishment of zones and boundaries in respect of solid waste disposal facilities;
  - (l) fees and other charges payable in respect of any licence or permit or for any service provided by the Authority;
  - (m) the keeping of records;
  - (n) the making of reports by licensees and holders of permits;
  - (o) the closure and post-closure operations of solid waste

disposal facilities;

- (p) the forms necessary in the administration of this Act;
- (q) the generation, storage, transportation, treatment and disposal of medical or healthcare waste;
- (r) the management and prevention of littering and the discharge of waste generally;
- (s) any other matter required under the Act to be prescribed.

(2) Any regulations made under subsection (1) may provide for the imposition of the penalties not exceeding those prescribed by this Act.

Act binds the State.

90. (1) This Act binds the State.

(2) Nothing in this Act shall be construed as rendering the State liable to prosecution.

#### **FIRST SCHEDULE**

s. 3

#### **SOLID WASTE MANAGEMENT AUTHORITY**

Constitution of Authority.

1. (1) The Authority shall consist of eleven members.

(2) The Permanent Secretary of the Ministry of Local Government and Regional Development shall be an *ex officio* member of the Authority.

(3) The other members of the Authority (hereinafter referred to as “the appointed members”) shall be –

- (a) a senior representative of the Ministry of Finance;
- (b) a senior representative of the Ministry of Health;
- (c) a representative of the Environmental Protection Agency;
- (d) a representative of a non-governmental organization concerned with environmental or solid waste issues;
- (e) a representative of the Guyana Association of

Professional Engineers;

- (f) a representative of the Georgetown Chamber of Commerce;
- (g) a representative of the Private Sector Commission;
- (h) three other members appointed by the Minister.

Tenure.

2.(1) A member of the Authority other than the *ex officio* member shall be appointed for a term not exceeding three years, and under terms and conditions as the Minister may fix in the instrument of appointment and may be eligible once for re-appointment.

(2) If any vacancy occurs in the appointed membership of the Authority the vacancy shall be filled by the appointment of another member from the entity from which the said member was appointed who shall, subject to this Schedule, hold office for the remainder of the period for which the previous appointed member was appointed.

Appointment of  
Chairperson.

3. (1) The Minister shall appoint the Chairperson and the Deputy Chairperson of the first constituted Authority from among the appointed members of the Authority.

(2) Notwithstanding subparagraph (1) the Chairperson of the first constituted Authority shall be a local government representative.

(3) The Authority shall select from among its members successive Chairpersons and Deputy Chairpersons who shall be appointed on a rotational basis for a period not exceeding two years.

(4) In the case of the absence or inability to act of the Chairperson, the Deputy Chairperson shall perform the functions of the Chairperson.

(5) In the case of the absence or inability to act of both the Chairperson and Deputy Chairperson, the Minister may appoint any other member of the Authority to perform the functions of the

Chairperson, or, as the case may be, the Deputy Chairperson during the absence or inability.

Leave of absence.

4. The Minister, on the application of any appointed member of the Authority, may grant to the member leave of absence for any period not exceeding six months and may appoint another person to act during the period of leave of absence granted.

Quorum.

5. The Chairperson and five other members shall form a quorum.

Equality of votes.

6. In the case of an equality of votes on any question at any meeting of the Authority the Chairperson or person presiding shall have a casting vote as well as a deliberative vote in respect of that question.

Removal.

7.(1) The Minister may remove a member of the Authority if that member –

- (a) becomes incapable of carrying out his duties by reason of physical or mental disability;
- (b) becomes bankrupt or compounds with his creditors;
- (c) is convicted of an offence involving dishonesty;
- (d) is guilty of misconduct;
- (e) is absent except on leave granted by the Authority, from all meetings of the Authority held during two consecutive months, or during any three months in any period of twelve months;
- (f) fails to comply with paragraph 8;
- (g) fails to carry out satisfactorily any of his functions under this Act:

Provided that an appointed member shall not be removed under subparagraphs (d), (f) and (g) unless he has been given a reasonable opportunity to be heard.

(2) It shall be an implied term of the appointment of a member of the Authority that the appointment shall terminate if he is convicted of any offence under this Act or of any other offence, the commission of which involves dishonesty.

Disclosure of interest.

8.(1) Any member of the Authority who has an interest, directly or indirectly, in any matter before the Authority –

- (a) shall disclose the nature of his interest to the Authority; and
- (b) shall not take part in any deliberations or decisions of the Authority with respect to that matter.

(2) A disclosure under this section shall be recorded in the minutes of the Authority.

Resignation of members.

9.(1) An appointed member of the Authority, other than the Chairperson, may at any time resign his office by letter addressed to the Minister and transmitted through the Chairperson, and from the date of receipt by the Minister of the letter, the member shall cease to be a member of the Authority.

(2) The Chairperson may, at any time, resign his office by letter addressed to the Minister and his resignation shall take effect from the date of the receipt of the letter by the Minister.

Procedure and meetings.

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

(2) The Chairperson may at any time call a special meeting of the Authority and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any three members of the Authority.

(3) Subject to this Schedule, the Authority may regulate its proceedings.

(4) The validity of any proceedings of the Authority shall not be affected by any vacancy among the members of the Authority or by any defect in the appointment of a member.

Authentication of seal and documents.

11.(1) The seal of the Authority shall be authenticated by the signature of the Chairperson or any other member of the Authority authorised to act in that behalf or any officer of the Authority so authorised and shall be judicially and officially noticed.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the Chairperson or any member or officer of the Authority authorised to act in that behalf.

Remuneration of members.

12. There shall be paid to the Chairperson, the Deputy Chairperson, and other members of the Authority, stipends (by way of honorarium or fees) and allowances as the Minister may determine.

Appointment of regional committees.

13.(1) The Authority may, with the approval of the Minister, appoint regional committees for special purposes connected with the functions of the Authority and which, in the opinion of the Authority, would be better regulated and managed by means of regional committees.

(2) The number of members of a committee appointed under subparagraph (1), the terms of appointment of members, the quorum of

the committee and the area within which the committee is to exercise authority shall be determined by the Authority.

(3) A committee appointed pursuant to this paragraph may include persons who are not members of the Authority, but at least one of the members of any committee shall be a member of the Authority.

(4) The validity of the proceedings of a committee appointed pursuant to this paragraph shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

Protection of  
members

14.(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Authority is exempt from liability by reason only of this paragraph, the Authority shall be liable to the extent that it would be if the said member were an employee or an agent of the Authority.

Guidelines to be  
made by the  
Authority.

15. The Authority may, by resolution, make guidelines for its own procedure.

**SECOND SCHEDULE**

ss. 2, 7, 22 and 26.

**LIST OF AGENCIES CONCERNED WITH  
SOLID WASTE MANAGEMENT**

- Ministry of Local Government and Regional Development
- All Regional Democratic Councils
- All Municipalities
- All Neighbourhood Democratic Councils
- Ministry of Health
- Ministry of Natural Resources and the Environment
- Ministry of Housing and Water
- Ministry of Finance

**THIRD SCHEDULE**

ss. 23(4), 25(6),  
29(2), 50, 51, 53, 54,  
57(3), 58(2), 59(2),  
60, 61, 67(2), 72(5),  
75(3) and 76(6)

**PENALTIES**

- (a) Fine of fifty thousand dollars and community service for one month;
- (b) Fine of one hundred thousand dollars and imprisonment for six months;
- (c) Fine five hundred thousand dollars and imprisonment for one year;
- (d) Fine of one million dollars and imprisonment for two years.



## **EXPLANATORY MEMORANDUM**

**Part I** of the Bill consists of the definitions of words used in the Act.

**Part II** of the Bill provides for the establishment of the Solid Waste Management Authority. The Authority shall be responsible for the effective management of solid waste in Guyana. The Authority shall consist of eleven members, including the Permanent Secretary of the Ministry of Local Government and Regional Development, a senior representative of the Ministry of Finance, a senior representative of the Ministry of Health, a representative of the Environmental Protection Agency, a representative of a non-governmental organization concerned with environmental or solid waste issues, a representative of the Guyana Association of Professional Engineers, a representative of the Georgetown Chamber of Commerce; a representative of the Private Sector Commission.

**Part III** of the Bill:

- (1) Requires the Authority to prepare, within three months of the commencement of this Act, an inventory and characterisation of the solid waste generated in Guyana. Such inventory and characterisation shall be revised at least every five years.
- (2) Requires the Authority to prepare, within three months of the commencement of this Act, a waste management strategy, after consultations with agencies such as the Neighbourhood Democratic Councils and the Environmental Protection Agency, and waste management stakeholders which may be affected. The waste management strategy shall, *inter alia*, establish standards and procedures for the reduction, recycling, recovery, reclaiming and re-use of waste and the use of recycled substances; establish requirements and procedures for the issuance, monitoring and enforcement of licences to site, construct or operate solid waste management facilities or equipment; and establish measures for addressing the illegal dumping of litter and other wastes.

**Part IV** of the Bill:

- (1) Requires any person or agency that intends to construct a solid waste management facility to apply to the Authority for an authorisation in respect of such facility.
- (2) Any person desirous of operating a solid waste management facility shall apply to the Authority for a solid waste management licence. The Authority may refuse to issue a licence for the operation of a landfill or incinerator for the purpose of accepting or processing waste on contract if it considers that such facilities should be reserved for operation by the Authority.
- (3) A person shall not transport waste in the course of business unless that person is the holder of a valid waste haulage permit issued by the Authority. The Authority may reject an application for a permit where it is satisfied that the rejection is necessary for the purpose of preventing pollution of the environment or harm to human health or safety.
- (4) The Authority may suspend a licence or permit where the holder of the licence or permit has failed to pay any fees or other charges required by this Act.
- (5) The Authority shall maintain a register of authorisations, licences, permits and operating certificates issued under this Act.
- (6) The Authority shall issue operating certificates to persons who satisfy the requirements to be prescribed to be in charge of or to supervise the operations at a landfill or compost facility.

**Part V:**

Every local government authority shall make provision for the adequate collection and disposal of all household garbage, refuse and waste to the satisfaction of the Authority.

**Part VI** provides for offences and penalties. Offences include:

- (1) unlawful removal of any solid waste from a disposal facility or from any place under the control of the Authority;

- (2) interference with any disposal facility or any place where solid waste is stored or kept by the Authority;
- (3) disposal of solid waste in any area or in any manner not approved by the Authority;
- (4) throwing, dropping or otherwise depositing and leaving any litter in any public place;
- (5) littering any private premises without the consent of the owner or occupier.

Penalties are listed in the Third Schedule and include fines, community service and imprisonment.

**Part VII:**

- (1) A person who conducts industrial or other operations in the course of which waste is generated shall make his own arrangements for waste management.
- (2) Every occupier of premises in which waste is at any time stored, shall store such waste in appropriate containers that prevent the escape of wastes.
- (3) An occupier of premises on which waste is generated and not disposed of on the premises shall comply with regulations as may be prescribed for making that waste available for collection and transportation to a waste management facility.
- (4) A person who holds in a public place, a gathering, meeting or event which is open to the public shall supply sufficient litter bins for the event and shall ensure that all litter on the site is properly disposed of within 24 hours of the end of the event.

**Part VIII** provides that the Minister having responsibility for finance may make regulations creating financial instruments for the financing of waste management activities implementing the waste management strategy and this Act.

**Part IX:**

- (1) Where litter is left in any place the Authority may enter the premises and remove the litter and the Authority is entitled to recover the expenses incurred by it.

- (2) Where the activities of a disposal facility pose a serious threat to the natural resources or to public health, the Authority may order the immediate cessation of the offending activity if it is of the opinion that the circumstances warrant an order to that effect.

**Part X:**

- (1) Within one year of the commencement of this Act the Authority shall establish a Code of Practice for landfills and compost facilities.
- (2) Every compost facility shall be constructed and operated so that it is not detrimental to health.
- (3) Where any vehicle, aircraft, vessel, article, enclosure, container or other storage facility, is being used in the commission of an offence against this Act, an authorized officer may, with a warrant issued by a Magistrate, search and seize specified equipment.

**Part XI** empowers the Authority to make regulations after consultation with the Minister for the purposes of giving effect to this Act.

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**Minister of Local Government  
and Regional Development**