

ANTIGUA AND BARBUDA



BEACH PROTECTION (AMENDMENT) BILL, 2020

No. of 2020

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ARRANGEMENT OF SECTIONS

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ANTIGUA AND BARBUDA
BEACH PROTECTION (AMENDMENT) ACT, 2020
NO. OF 2020
BILL FOR

AN ACT to amend the Beach Protection Act, Cap.46

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short Title

This Act may be cited as the Beach Protection (Amendment) Act 2020

2. Interpretation

In this Act-

“principal Act” means the Beach Protection Act, Cap.46

3. Amendment of section 2-Interpretation

Section 2 of the principal Act is amended as follows-

- (a) by the repeal of the definition of “authorised officer” and the substitution of the following-

“Beach Control Officer” means the person appointed by the Director by notification published in the *Gazette*.”

- (b) by repealing the definition of “Director of Public Works” and substituting therefor the following-

“Director means the persons for the time being performing the duties of Director of the Department of the Environment or a person for the time being duly appointed to act in that capacity.

- (c) by inserting in its appropriate alphabetical order the definition of the following:

“Director” means the Director of the Department of the Environment or a person for the time being duly appointed to act in the capacity”

“Minister” means the Minister responsible for the protection of the Environment.

4. Amendment of section 3-Appointment of authorised officers

Section 3 of the principal Act is amended as follows:

(a) by repealing section 3 and substituting therefor the following:

“(1) The Director may, from time to time, appoint Beach Control officers for and in respect of any parish, village or designated area in Antigua and Barbuda for the purpose of supervising and monitoring the mining of sand, stone or gravel in any area assigned to them for supervision and monitoring.

(2) A Beach Control Officer shall, at the end of every quarter, submit to the Minister a report of any mining activity in the parish or area under his supervisory control.

5. Amendment of Section 4-Removal of sand etc from seashore for certain purposes prohibited.

Section 4 of the principal Act is amended as follows:

(a) In subsections 1(b) and (3) delete the words “Director of Public Works or an authorised officer” and substitute the words “Director”

(b) by repealing subsection (2) and substituting the following:

“(2) Every person desirous of mining sand, taking or carrying away sand, stone, shingle or gravel for the purposes prescribed in subsection (1) (a) shall apply to The Director in the prescribed form for a permit to carry out such mining of sand, stone, gravel or any other activity permitted by law.

(3) The Director shall, on receipt of such application, determine whether the grant of permit for the purposes applied for has any implication in relation to environmental damage to the area in which he intends to carry out the mining activity.

(4) The Director may, in his discretion, grant such permit in the form prescribed in the Schedule, on such terms and conditions as he considers appropriate, and on payment of the prescribed application fee.

(5) Where the Director refuses to grant a permit under this Act, he shall give reasons in writing to the applicant within seven days.”

(6) An applicant, who is dissatisfied with the decision of the Director, may appeal to the Minister.

6. Amendment of section 5

Section 5 of the principal Act is amended by the deletion of the words “five hundred dollars” in subsection (1) thereof, and substituting therefor the words “five thousand dollars”

7. Repeal and substitution of section 7- Act not to apply to Barbuda

Section 7 of the principal Act is repealed and substituted by the following:

No provision of this Act may be disappplied to any parish, village or a designated area except under the authority of a resolution of the House of Representatives.

8. Amendment of Schedule

The Scheduled to the principal Act is repealed and substituted by the following-

SCHEDULE

BEACH PROTECTION ACT CAP. 46

APPLICATION FORM

NOTICE: The information requested below is required in order that the application be considered in its proper perspective in relation to the sustainable protection of the environment and the need of the applicant.

1. Name of applicant (Provide certificate of Incorporation and good Standing where applicant is incorporated company or Registered number where applicant is unincorporated)

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2. Residential or business address of applicant

.....
.....
.....

3. E-mail address:.....

4. Telephone No.

5. Place where sand is to be conveyed.....

6. Signature of applicant.....

Full name and signature of witness

.....
.....

Permit

Permission is hereby granted to
.....of.....to mine sand, stone
gravel shingle atin the parish/village or
designated area hereunder specified, and to convey the same to
in Antigua/Barbuda.

Quantity of sand, stone etc. approved to be mined.....

This permit shall be effective for the period commencing on2020
and ending2020

Date:.....

Chief Environmental Officer
Ministry of Health
and the Environment

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Beach Protection Act, Cap. 46 to give effect to the Government's policy to transfer the licensing regime, currently under the Director of Public Works to the Director of the Department of Environment. With the passing of the Environmental Protection and Management Act, 2019, it has become necessary to transfer the issue of licenses for the mining of sand, stone, shingle, gravel or other materials collected on or mined to the Ministry responsible for the Protection of the Environment.

It is the view of the Government that, in the current circumstances, the Ministry responsible for the protection of the Environment has the resources, both technical and financial, to implement the objectives of the Environmental Protection and Management Act, for a sustainable protection of the environment, including the beaches of Antigua and Barbuda.

The proposed amendments affect, in the main, the replacement of the Director of Public Works with the Director of the Environment, referred to in the Environmental Protection and Management Act 2019 No. 10 of 2020. The effect of the replacement is to transfer the issue of licenses under the Act to the Director of the Department of Environment. The word "Authorised Officer" is also replaced by the word "Beach Control Officer," who is appointed by the Director of the Department of the Environment.

Section 7, which disapplies the provisions of the Act to Barbuda is repealed and substituted by a provision which gives Parliament authority to disapply, the provisions of the Act, where appropriate, to any parish, village or any designated area from the provisions of the Act.

Molwyn Jospheh
Minister of Health
and the Environment