

Public Health (Offensive and Hazardous Trades) Regulations

SAINT LUCIA

STATUTORY INSTRUMENT, 2020, No. 80

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
2. Interpretation
3. Restriction on carrying on of offensive or hazardous trade
4. Application for licence
5. Approval of plan
6. Inspection of premises
7. Grant or refusal of application
8. Issue or renewal of licence
9. Duration of licence
10. Non-transferability
11. Display of licence
12. Duplicate licence
13. Cancellation or suspension of the licence
14. Daily cleaning
15. Repair
16. Use of premises for sleeping purposes
17. Restrictions as to certain persons
18. Power to grant exemption
19. Fees
20. Offence and penalty
21. Revocation

SCHEDULE

*Public Health (Offensive and Hazardous Trades) Regulations***SAINT LUCIA**

STATUTORY INSTRUMENT, 2020, No. 80

[2nd June, 2020]

In exercise of the power conferred under section 9 of the Public Health Act, Cap. 11.01, the Minister responsible for health makes these Regulations:

Citation

1. These Regulations may be cited as the Public Health (Offensive and Hazardous Trades) Regulations, 2020.

Interpretation

2. In these Regulations —

“licensee” means a person to whom a licence has been issued under regulation 8;

“offensive or hazardous trade” includes —

- (a) curing or storing of hides;
- (b) chicken farming;
- (c) slaughtering of animals or poultry, operation of slaughterhouses, poultry processing establishments, poultry farming;
- (d) fat rendering;
- (e) fat melting, fat extracting or tallow melting;
- (f) lime making;
- (g) manufacturing of gases and other chemicals;
- (h) manufacturing of material for manure or fertilizer purposes;
- (i) soap-boiling or manufacture;
- (j) seville of offal boiling;
- (k) fiber glass works;
- (l) fish processing;

Public Health (Offensive and Hazardous Trades) Regulations

- (m) foam making;
- (n) glue, paint making or processing;
- (o) asbestos works;
- (p) bleach manufacturing or processing;
- (q) cement or cement products manufacturing;
- (r) quarrying;
- (s) spraying automobile, furniture or industrial spraying;
- (t) automobile repairs;
- (u) printing or photography trade;
- (v) jewelry repair or manufacturing;
- (w) joinery or wood works;
- (x) animal or pig farming, piggeries;
- (y) waste recycling activities;
- (z) incineration or use of incinerators;
- (aa) charcoal making;
- (bb) welding plants; and
- (cc) other activities which may adversely impact public health.

Restriction on carrying on of offensive or hazardous trade

3.—(1) A person shall not establish or continue an offensive or hazardous trade unless that person holds a valid licence under these Regulations.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding six months.

Application for licence

4.—(1) An application for a licence to establish or continue an offensive or hazardous trade must be in the form set out as Form 1 in the Schedule.

Public Health (Offensive and Hazardous Trades) Regulations

(2) In the case of an application to establish an offensive or hazardous trade, the application must be accompanied by detailed drawings and other technical specifications of the offensive or hazardous trade in a plan approved by the Board under regulation 5.

Approval of plan

5.—(1) A plan submitted for approval under regulation 4(2) must —

- (a) be submitted in duplicate and be drawn to scale, of the whole of the premises in which the offensive or hazardous trade is to be carried on;
- (b) so far as the same may be applicable, contain particulars of —
 - (i) the space allocated to the preparation, processing and storage of materials,
 - (ii) the space allocated to the storage of finished articles,
 - (iii) the sanitary fittings and drainage works,
 - (iv) the passageways and open spaces,
 - (v) the means of entry, exit and internal communication,
 - (vi) the means of ventilation,
 - (vii) the siting of substantial fittings, equipment and machinery,
 - (viii) the means of storage and disposal of refuse,
 - (ix) the type of finish to each wall and floor,
 - (x) the means of control or disposal of noxious or injurious vapours, dust or effluents which is discharged in the carrying on of the offensive or hazardous trade or of waste or refuse arising from the offensive or hazardous trade, and
 - (xi) the water supply; and
- (c) be accompanied by a statement in writing declaring —
 - (i) the means whereby it is intended to control or dispose of noxious or injurious vapours, dust or effluents

Public Health (Offensive and Hazardous Trades) Regulations

which are discharged in the carrying on of the offensive or hazardous trade or of waste or refuse arising therefrom; and

- (ii) where the premises at which the offensive or hazardous trade is to be carried on comprise part of a building which has more than one storey, which storey or storeys will be used.

(3) If a plan is approved by the Board, one copy of the plan must be returned to the applicant and the other copy shall be retained by the Board.

Inspection of premises

6. On receipt of an application, the Board shall —

- (a) cause the premises on which the offensive or hazardous trade will be carried out to be inspected by an environmental health officer or an officer authorized by the Board who shall make a report on the premises to the Board;
- (b) consider the report and representations of the owner or interested party of the offensive or hazardous trade.

Grant or refusal of application

7.—(1) The Board may grant an application, with or without conditions or refuse to grant an application.

(2) The Board shall not grant an application in respect of premises used or intended to be used in carrying on an offensive or hazardous trade unless the Board is satisfied in relation to the premises that —

- (a) the premises conform to the plan approved by the Board under regulation 5;
- (b) the methods to be used for the control or disposal of any noxious or injurious vapours, dust or effluents which may be discharged in the carrying on of the offensive or hazardous trade or of waste or refuse arising from the noxious or injurious vapours, dust or effluents are adequate;
- (c) the means of ventilation provided, whether natural or mechanical or partly natural and partly mechanical, are

Public Health (Offensive and Hazardous Trades) Regulations

sufficient in every part of the premises, other than any part used exclusively for storage purposes, to safeguard in that respect the maximum number of persons likely to be in such part of the premises at any one time;

- (d) sanitary fitments are provided to a standard not less than that required by the Bureau of Standards; but, in the case of other premises, the Board may approve a lesser standard as it may consider adequate, having regard to considerations of public health and the circumstances of the case;
- (e) the premises are equipped with potable water under pressure, but if the Board is satisfied that access to the potable water supply by the Water and Sewerage Company Inc. cannot reasonably be obtained for all or any purposes, the Board may approve another water supply that it considers adequate, having regard to considerations to public health;
- (f) subject to subregulation (3), all floors in every part of the premises in which materials are prepared, processed or stored are rendered smooth and impervious on the surface and slope evenly towards drainage outlets;
- (g) all floors under paragraph (f) are drained, by means of removable galvanized gratings, into glazed or smooth cement channels which discharge into trapped drainage openings;
- (h) subject to subregulation (3), all walls in every part of the premises in which materials are prepared, processed or stored are rendered smooth and impervious to a height of not less than two metres and the junctions between the walls and floors are coved;
- (i) in the case of any premises used or intended to be used for the carrying on of an offensive or hazardous trade involving the processing or treatment of materials containing fat, all drainage outlets are fitted with a grease trap;

Public Health (Offensive and Hazardous Trades) Regulations

- (j) the storage space provided is sufficient to contain all materials required for use in the business which are likely to be in stock at any one time;
- (k) where the premises comprise part of a building which has more than one storey, the other storeys of such building are adequately protected against nuisances arising from the carrying on of the offensive or hazardous trade;
- (l) the carrying on of the offensive or hazardous trade is not, or is not likely to be, a nuisance or danger to members of the public; and
- (m) any heating equipment provided is properly installed and, having regard to the nature of the premises, is not likely to be dangerous.

(3) If the Board is satisfied that compliance with subregulation (2)(f) or (h) is not necessary in any particular case having regard to the nature of the materials prepared, processed or stored, the Board may in writing exempt a person from the application of subregulation (2)(f) or (h).

(4) If the Board grants an application with conditions or refuses an application, the Board shall state the reasons for the conditions or refusal.

(5) Within twenty-one days the person may make representations in writing to the Board objecting to the grant with conditions or refusal of the application and the Board shall not determine the matter without considering the representations.

Issue or renewal of licence

8.—(1) If the Board grants an application, the Board shall issue a licence.

- (2) A licence issued under subregulation (1) must contain —
 - (a) the date of issue;
 - (b) the name of the licensee;
 - (c) the location of the premises to which it relates;
 - (d) state the nature of the offensive or hazardous trade to which it relates; and

Public Health (Offensive and Hazardous Trades) Regulations

(e) the conditions, if any, under which the offensive or hazardous trade may be carried on.

(3) A licence issued under this regulation is in the form set out as Form 2 in the Schedule.

(4) On the expiration of a licence, an application may be made for the renewal of the licence.

(5) An application for renewal of a licence must be in the form set out as Form 1 in the Schedule.

(6) Regulation 7 applies to the grant or refusal of renewal of a licence.

(7) If the Board grants an application for renewal of a licence, the Board shall issue a licence under subregulation (3).

(8) When renewing a licence, the Board may vary the conditions attached to the licence and may impose additional conditions.

Duration of licence

9. A licence must be granted for a period not exceeding one year and expires on the 31st day of December in each year.

Non-transferability

10. A licence is non-transferable to another location.

Display of licence

11. A licensee shall keep the licence affixed in some conspicuous place on the premises to which it relates.

Duplicate licence

12. If the Board is satisfied that a licence issued under these Regulations has been lost, defaced or destroyed, the Board may issue to the licensee a duplicate licence on like terms and conditions.

Cancellation or suspension of the licence

13. The Board may cancel or suspend a licence issued under these Regulations on being satisfied that —

(a) any provision of these Regulations has been contravened;
or

Public Health (Offensive and Hazardous Trades) Regulations

- (b) the continuation of the licence is detrimental to the public health.

Daily cleaning

14. A licensee shall —

- (a) at the close of every day cause all fat, tallow, grease, refuse or filth which has been spilled or splashed or has fallen or been deposited on any floor, pavement or wall of the premises where offensive or hazardous trade is carried on —
 - (i) to be collected from the floor, pavement or wall of the premises by scraping or some other effectual method of cleansing; and
 - (ii) unless it is intended to be subjected to further offensive or hazardous trade processes on the premises, to be immediately removed from the premises; and
- (b) keep all apparatus used in its offensive or hazardous trade in a clean condition at all times.

Repair

15. A licensee shall, at all times, cause all parts of the premises to which the licence relates, and all fittings, equipment and sanitary fitments on the premises, to be maintained in proper repair and in a clean condition and free from noxious or injurious matter which may fall or be splashed on the premises.

Use of premises for sleeping purposes

16.—(1) A person, other than a caretaker of the premises, shall not sleep in any part of the premises used in connection with an offensive or hazardous trade.

(2) If any part of the premises is used by the caretaker of the premises for sleeping purposes, that part of the premises shall be partitioned off from the remainder of the premises to the satisfaction of the Board, and no part of the offensive or hazardous trade shall be carried on and no storage of raw materials or finished products shall be permitted in that partitioned part of the premises.

Public Health (Offensive and Hazardous Trades) Regulations

Restrictions as to certain persons

17. A person under the age of fifteen years shall not be permitted on premises licensed for the carrying on of an offensive or hazardous trade.

Power to grant exemption

18. The Board may exempt a licensee by endorsement on his or her licence from all or any of the provisions in these Regulations.

Fees

19. The following fees are payable in respect of a licence granted under these Regulations —

- (a) a fee of fifty dollars, for an examination;
- (b) a fee of fifty dollars, if the licence is granted for a period shorter than one year, for a period less than six months or for a period less than three months the equivalent amount should be paid for six or three months;
- (c) a fee of one hundred dollars, if the licence is granted for one year.

Offence and penalty

20.—(1) A person shall not —

- (a) contravene these Regulations;
- (b) fail to comply with a notice or direction issued or given under these Regulations; or
- (c) hinder or obstruct an authorised person in carrying out his or her duties under these Regulations.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Revocation

21. The Public Health (Offensive Trades) Regulations, Cap. 11.01 are revoked.

Public Health (Offensive and Hazardous Trades) Regulations

SCHEDULE

FORM 1

(Regulation 4 and 8(5))

APPLICATION FOR LICENCE/RENEWAL OF LICENCE

To: **THE SAINT LUCIA PUBLIC HEALTH BOARD**

Application for a licence to operate a
(type of business)

Name of Business

I/We
(Name of Applicant)

of (Address)

makes an application for aLicence
(type of licence)

In respect of premises situated at

Telephone No.

Email Address

Signature of Applicant

Date

Public Health (Offensive and Hazardous Trades) Regulations

FORM 2

(Regulation 8(3) and (7))

LICENCE TO OPERATE

THIS IS TO CERTIFY THAT.....
..... of.....is licensed in
accordance with Public Health (Offensive and Hazardous Trades)
Regulations..... and is given permission to operate a
.....valid until December 31st

This Licence is issued with the understanding that the operator will adhere to the Public Health Act, Cap. 11.01 failing which the Licence may be revoked by the Public Health Board.

.....
CHAIRPERSON
PUBLIC HEALTH BOARD

Note: Licence must be conspicuously displayed on the premises.

Made this 7th day of February, 2020.

MARY ISAAC
Minister responsible for health.