

2023-08-22

OBJECTS AND REASONS

This Bill would amend the *Barbados Water Authority Act*, Cap. 274A to provide for

- (a) the institutional strengthening of the Authority;
- (b) the establishment of water protection zones;
- (c) the management of wells; and
- (d) related matters.

Arrangement of Sections

1. Short title
2. Amendment of section 2 of Cap. 274A
3. Amendment of section 3 of Cap. 274A
4. Amendment of section 5 of Cap. 274A
5. Amendment of section 6 of Cap. 274A
6. Amendment of section 7 of Cap. 274A
7. Repeal and replacement of section 9 of Cap. 274A
8. Amendment of section 11 of Cap. 274A
9. Amendment of section 12 of Cap. 274A
10. Repeal of section 13 of Cap. 274A
11. Repeal and replacement of section 14 of Cap. 274A
12. Repeal and replacement of section 15 of Cap. 274A
13. Amendment of section 17 of Cap. 274A
14. Insertion of Part IVA into Cap. 274A
15. Amendment of section 19A of Cap. 274A

- 16.** Repeal and replacement of section 26 of Cap. 274A
- 17.** Repeal and replacement of section 27 of Cap. 274A
- 18.** Amendment of section 28 of Cap. 274A
- 19.** Insertion of section 29B into Cap. 274A
- 20.** Repeal of section 31 of Cap. 274A
- 21.** Insertion of section 33 into Cap. 274A
- 22.** Amendment of Schedules to Cap. 274A
- 23.** Consequential amendments

FIRST SCHEDULE
INSERTION OF NEW SECOND SCHEDULE

BARBADOS

A Bill entitled

An Act to amend the *Barbados Water Authority Act*.

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Barbados Water Authority (Amendment) Act, 2023*.

Amendment of section 2 of Cap. 274A

2. *Section 2 of the Barbados Water Authority Act, Cap. 274A, in this Act referred to as the principal Act, is amended by inserting, in alphabetical order, the following definitions:*

““adit” means an excavation on a horizontal or inclined plane extending from a well, borehole or shaft;

“aquifer” means an underground layer of water-bearing permeable rock or unconsolidated materials, such as gravel, sand or silt, from which groundwater can be abstracted;

“borehole” means a hole made in the ground with boring or drilling equipment for the purpose of exploring for, monitoring, tapping, intercepting or abstracting groundwater;

“Committee” means the Water and Wells Management Committee established by section 18A;

“groundwater” means the natural water which occurs within the aquifers;

“Relief Board” means the Garbage and Sewage Contribution Relief Board established by section 25A;

“water resources” means the springs, rivers and other surface water, groundwater, coastal waters and territorial waters of Barbados;

“well” includes a borehole, adit or shaft.”.

Amendment of section 3 of Cap. 274A

3. *Section 3 of the principal Act is amended by deleting the word “Crown” and substituting the word “State”.*

Amendment of section 5 of Cap. 274A**4. Section 5(1) of the principal Act is deleted and the following substituted:**

- “(1) The functions of the Authority are:
- (a) to obtain and analyse information on and maintain records of the total water resources of Barbados;
 - (b) to manage, allocate and monitor the surface water and groundwater resources of Barbados with a view to ensuring the development, conservation and protection of such water resources in the public interest;
 - (c) to prepare and submit to the Minister, after consultation with such persons as the Minister may direct or otherwise, proposals for the establishment of efficient, co-ordinated and economical systems for the supply of water and for sewerage, that are capable of meeting the demand for water and sewerage services in Barbados;
 - (d) to prepare details of schemes for
 - (i) the development and protection of the surface water and groundwater resources; and
 - (ii) the supply of water and sewerage services,and to construct, maintain and operate such schemes;
 - (e) to manage and keep under constant review, the quality, reliability and availability of water supply and sewerage services in accordance with such requirements and standards as may be issued or adopted for the purpose;
 - (f) to keep under review the rates to be charged for the services described in paragraph (e);

- (g) to control and regulate the collection, production, treatment, storage, transmission, distribution and use of water for public purposes;
- (h) to design, construct, acquire, provide, operate and maintain
 - (i) water works for the purpose of treating or supplying water for public purposes; and
 - (ii) sewerage works for the purpose of receiving, treating and disposing of sewage;
- (i) to control and regulate the disposal of sewage through sewerage plants or waste treatment plants that are not part of the Authority's systems;
- (j) to conduct research programmes and prepare statistics for its purposes;
- (k) to disseminate information and advice with respect to the management, collection, production, transmission, treatment, storage, supply and distribution of water and, where applicable, sewage;
- (l) to provide such facilities as may be necessary for training and educating its employees, and to facilitate research by employees;
- (m) to advise the Minister on the matters referred to in paragraph (e) and on such other matters relating to water supply and sewerage services as the Minister refers to the Authority;
- (n) to monitor compliance with this Act; and
- (o) to perform such other functions as the Minister assigns or as the Authority considers necessary or expedient for its purposes.”.

Amendment of section 6 of Cap. 274A

5. *Section 6(2) of the principal Act is amended by deleting the words “or underground waters” and substituting the words “water or groundwater”.*

Amendment of section 7 of Cap. 274A

6. *Section 7(2) of the principal Act is amended by inserting before the word “Schedule”, the word “First”.*

Repeal and replacement of section 9 of Cap. 274A

7. *Section 9 of the principal Act is deleted and the following substituted:*

“Appointment of Chief Executive Officer

9.(1) The Board may, with the approval of the Minister, appoint a person to be the Chief Executive Officer of the Authority, who shall be an employee of the Authority.

(2) The Chief Executive Officer is subject to the directions of the Board and is responsible to the Board for the execution and management of the affairs of the Authority.”.

Amendment of section 11 of Cap. 274A

8. *Section 11(3) of the principal Act is amended by deleting the word “Governor-General” and substituting the word “President”.*

Amendment of section 12 of Cap. 274A

9. *Section 12(1) of the principal Act is amended by deleting the word “Crown” and substituting the word “State”.*

Repeal of section 13 of Cap. 274A

10. *Section 13 of the principal Act is repealed.*

Repeal and replacement of section 14 of Cap. 274A

11. *Section 14 of the principal Act is deleted and the following substituted:*

“Powers of Authority

14.(1) The Authority, its employees and agents may for the purposes of this Act

- (a) enter upon premises for the purpose of laying pipes or for using the water of any stream, spring, well or pond;
- (b) divert or impound the water from any stream, spring, aquifer, well or pond;
- (c) open and break up the surface soil of any road;
- (d) open and break up any sewer, drain or tunnel in or over any road;
- (e) conduct surveys;
- (f) carry out examinations;
- (g) perform tests on wells, water, soil, rock, plants or any other relevant material;
- (h) collect samples of water, soil, rock, plants or any other relevant material;
- (i) conduct inspections, including of premises and wells;
- (j) conduct investigations, including in relation to premises and wells;

- (k) take photographs, videos, voice recordings or copies of documents; and
 - (l) do such other things as it considers necessary for its purposes.
- (2) The Authority is liable to make reasonable compensation to an owner or occupier of premises for the use of the water of any stream, spring, well or pond or for any damage occasioned in the performance of its functions under this section.
- (3) Compensation payable under this section and section 12 may be in such amount as is agreed upon between the owner or occupier of the premises and the Authority or as is assessed in accordance with the *Land Acquisition Act, Cap. 228*.
- (4) For the purposes of this section and Part IVA “inspection”, in relation to a well, includes checking whether the structure of the well head adequately prevents surface water and foreign objects from falling into the well.”.

Repeal and replacement of section 15 of Cap. 274A

12. *Section 15 of the principal Act is deleted and the following substituted:*

“Notice required in certain cases

15.(1) The Authority shall, no less than 7 days before conducting any activity set out section 14(1)(a), (b), (c) or (d), give notice in writing to the owner or occupier of the premises or the road authority, as the case may be, of its intention to conduct the activity.

(2) Notwithstanding subsection (1), where an emergency arises, the Authority shall give notice as soon as possible after the necessity for the activity has arisen or the activity is begun.

(3) The Authority may, without notice, at any reasonable time, enter onto any premises or into any road to perform any function set out in section 14(1)(e), (f), (g), (h), (i), (j), (k) or (l).”.

Amendment of section 17 of Cap. 274A

13. *Section 17 of the principal Act is amended by deleting the word “15” and substituting the word “16”.*

Insertion of Part IVA into Cap. 274A

14. *The principal Act is amended by inserting after Part IV, the following:*

“PART IVA

WATER AND WELLS MANAGEMENT COMMITTEE

Water and Wells Management Committee

18A.(1) There is established a committee to be known as the Water and Wells Management Committee.

(2) The *Second Schedule* has effect with respect to the constitution of the Committee and otherwise in relation to the Committee.

Licence to sink, alter or use well

18B.(1) No person, other than the Authority, its employees and agents, shall

(a) sink a well for the purpose of exploring for, monitoring, tapping, intercepting or abstracting groundwater;

- (b) deepen or otherwise substantially alter or convert an existing well for the purpose of exploring for, monitoring, tapping, intercepting or abstracting groundwater from the well;
- (c) use a well previously used for exploring for, monitoring, tapping, intercepting or abstracting groundwater for another purpose;
- (d) abstract groundwater from a well; or
- (e) use groundwater abstracted from a well for a purpose other than a permitted purpose,

unless he holds a licence issued under section 18D in relation to the activity.

- (2) For the purposes of subsection (1),
 - (a) an alteration which increases, is designed to increase or is capable of increasing
 - (i) the horizontal area of a well;
 - (ii) the depth of a well;
 - (iii) the power utilised to raise water from a well; or
 - (iv) the discharge of water raised from a well,is deemed to be a substantial alteration of the well;
 - (b) “permitted purpose” means a purpose permitted by a licence issued under section 18D.
- (3) A person who contravenes subsection (1) is guilty of an offence and is liable, on summary conviction, to a fine of \$25 000 or imprisonment for 5 years or both.

Application for licence

18C.(1) A person may, in such form as the Minister may require and upon payment of the prescribed fee, apply to the Minister for a licence for the purposes of section 18B.

(2) An applicant shall submit with his application such information as may be required by the Minister to determine whether a licence should be issued to the applicant.

(3) A person who knowingly makes an application under this Part that is false in any material particular is guilty of an offence and is liable, on summary conviction, to a fine of \$1 000 or imprisonment for 12 months or both.

Determination of application and issue of licence

18D.(1) Where the Minister receives an application for a licence, the Minister shall submit the application to the Committee for consideration.

(2) The Committee may, upon consideration of the application, any report submitted pursuant to section 18I on an inspection conducted in relation to the application, and such other information as may be relevant to the application, recommend to the Minister that

- (a) a licence be issued;
- (b) consideration of the application be suspended until any matter identified by the Committee as requiring rectification is rectified to the satisfaction of the Committee; or
- (c) the application be refused.

- (3) Where the Committee recommends that
- (a) a licence be issued to an applicant, the Minister shall, in such form as the Minister may determine and upon payment of the prescribed fee, issue the licence to the applicant;
 - (b) consideration of the application be suspended, the Minister shall notify the applicant in writing of the matter to be rectified for the applicant to qualify for the issue of a licence; or
 - (c) the application be refused, the Minister shall notify the applicant in writing of the refusal and the reason for the refusal.
- (4) A licence
- (a) shall be subject to such terms and conditions as the Minister, on the recommendation of the Committee, may specify in the licence;
 - (b) is not transferable;
 - (c) is valid for one year; and
 - (d) may be renewed on a further application under section 18C at least one month prior to its expiration.
- (5) Without prejudice to the generality of subsections (2) and (3), the Minister may refuse to issue or renew a licence where the activity intended to be conducted under the licence is likely negatively to affect the water resources or marine environment of Barbados or the supply of water to the public.

Warning

18E.(1) Where an inspection of a well or premises connected to a well reveals an area of concern which was the subject of a prior request for rectification, the Minister may, on the recommendation of the

Committee, issue a written warning to the licensee involved requiring that the area of concern be rectified within a specified period.

- (2) The warning shall
 - (a) state the area of concern;
 - (b) give details of any prior written requests for rectification of the area of concern including the number of times such requests were issued;
 - (c) indicate the measures to be taken to rectify the area of concern and the date by which compliance is required; and
 - (d) advise that non-compliance may result in the suspension or revocation of the licence.
- (3) The Minister may, subject to section 18F, suspend or revoke a licence where the licensee fails to comply as required in a warning.

Suspension or revocation of licence

- 18F.(1)** Subject to subsections (2) and (3), the Minister may, on the recommendation of the Committee, suspend or revoke a licence where
- (a) the licensee contravenes a term or condition of the licence;
or
 - (b) the existence or use of the well negatively affects, or is likely negatively to affect the water resources or marine environment of Barbados or the supply of water to the public.
- (2) The Minister shall not suspend or revoke a licence on the ground set out in subsection (1)(a) without giving the licensee
- (a) written notice of the intended suspension or revocation, and the reason for it;
 - (b) where appropriate, a further period during which the licensee may rectify any area of concern requiring rectification; and

- (c) 10 days, from the date of the notice, to make representations as to why the licence should not be suspended or revoked.
- (3) The Minister may suspend or revoke a licence where
 - (a) an area of concern is not rectified by the licensee by the end of the period described in subsection (2)(b); or
 - (b) a suitable explanation as to why the licence should not be suspended or revoked is not received from the licensee by the end of the period described in subsection (2)(c).
- (4) Where the Minister suspends or revokes a licence, the Minister shall give the licensee written notice of the suspension or revocation.
- (5) Notwithstanding subsection (2)(c), where subsection (1)(b) applies the Minister may suspend or revoke a licence with immediate effect.

Suspension or limitation of groundwater abstraction by licensees during drought etc.

- 18G.(1)** The Minister may, on the recommendation of the Committee
- (a) by Order, suspend the abstraction of water from wells in respect of which a licence is issued under section 18D or saved under section 18K where there is a drought or natural changes cause a shortage of water for any purpose, which in the opinion of the Minister, makes it necessary to suspend the abstraction of water for the period stated in the Order;
 - (b) by instrument in writing, revise or alter the quantity of water which a person who has been issued a licence under section 18D or to whom section 18K applies is authorised to abstract from a well in such manner as appears to the Minister to be equitable and appropriate taking into consideration the environmental conditions which are impacting the water supply.

(2) The Minister may, in an Order made under subsection (1)(a), provide for contravention of the Order to be an offence triable summarily and punishable by a fine of \$25 000 or imprisonment for 5 years or both.

Misuse of a well

18H.(1) Where a well

- (a) is used or caused or permitted to be used in contravention of this Act; or
- (b) though not situated in any area or zone defined pursuant to section 27 or in respect of which a restriction or prohibition applies pursuant to that section, is used or caused or permitted to be used for the disposal of sewage or other waste in a manner which, in the opinion of the Committee, constitutes or is likely to constitute a danger to health or leads or is likely to lead to the contamination of any source of water,

the Minister may, on the recommendation of the Committee, by notice in writing served on the owner or occupier of the land on which the well is situated, require the owner or occupier to plug or fill the well or use such other means as the Minister may approve to provide some other satisfactory method of disposing of the sewage or other waste.

(2) Where an owner or occupier of land fails to comply with a requirement of the Minister under subsection (1), the Minister may require the Authority to enter on the land and plug or fill the well and do such other works as may be required to provide some other satisfactory method of disposing of the sewage or other waste.

(3) The expenses of the Authority reasonably incurred in the exercise of the powers conferred by subsection (2) shall be a debt due by the owner or occupier of the land to the State and, without prejudice to any other lawful means of recovery, may be recovered by the Authority on complaint before a magistrate.

Inspection of wells etc.

18I. The Minister may require the Authority to inspect any well or premises connected to a well and submit a report on its inspection for the purpose of

- (a) determining an application for a licence;
- (b) assessing whether a matter required to be rectified by an applicant for a licence, or by a licensee, has been satisfactorily rectified;
- (c) assessing whether a licensee is in compliance with the terms and conditions of his licence; or
- (d) determining whether this Part or a term or condition of a licence has been contravened.

Savings

18J.(1) A licence issued to a person to construct or use a well under the *Underground Water Control Act*, Cap. 283 shall remain valid for a period of 12 months from the commencement of the *Barbados Water Authority (Amendment) Act, 2023* (Act 2023-) and thereafter the licence shall be deemed to be expired.

(2) A person to whom subsection (1) refers may apply for a licence in accordance with section 18C on or before the expiration of the period specified in subsection (1).”.

Amendment of section 19A of Cap. 274A

15. *Section 19A of the principal Act is amended by deleting the word “Crown” and substituting the word “State”.*

Repeal and replacement of section 26 of Cap. 274A

16. *Section 26 of the principal Act is deleted and the following substituted:*

“Directions of Minister

26.(1) The Minister may, after consultation with the Chairman of the Board appointed under paragraph 1(2) of the *First Schedule*, give to the Board directions of a general or specific nature relating to the policy to be followed by the Board in the performance of the functions of the Authority; and the Board shall give effect to the directions.

(2) The Minister may give directions of a general or specific nature relating to the policy to be followed with respect to matters relating to the functions of the Committee and the Relief Board; and the Committee and the Relief Board shall give effect to the directions.”.

Repeal and replacement of section 27 of Cap. 274A

17. *Section 27 of the principal Act is deleted and the following substituted:*

“Water zones and areas of public water supply

27.(1) The Board may, with the approval of the Minister, by Order

(a) define or zone, or restrict or prohibit the use of, areas across Barbados which contribute to

(i) the water resources of Barbados; and

(ii) the public water supply in Barbados; and

- (b) specify and regulate the permissible uses of the areas referred to in paragraph (a).
- (2) The Board may, in an Order made under subsection (1), provide for contravention of the Order to be an offence triable summarily and punishable by a fine of \$25 000 or imprisonment for 5 years or both.
- (3) The Board shall receive reports with respect to any contravention of an Order made under subsection (1) from any person or authority required to ensure or monitor compliance with the Order.”.

Amendment of section 28 of Cap. 274A

18. Section 28 of the principal Act is amended by

(a) deleting subsection (2)(n) and (o) and substituting the following:

- “(n) prescribing matters related the management and protection of water zones and groundwater;
- (o) prescribing matters related to the construction and use of a well;
- (p) prescribing the security to be furnished by persons applying for the supply of water or sewerage services; and
- (q) prescribing the conditions for discontinuing the supply of water or sewerage services.”;

(b) deleting subsection (4) and substituting the following:

“(4) The Board may, in regulations made under subsection (2), provide for contravention of the regulations to be an offence triable summarily and punishable by a fine of \$25 000 or imprisonment for 5 years or both.”; and

(c) deleting subsection (5).

Insertion of section 29B into Cap. 274A

19. *The principal Act is amended by inserting after section 29A, the following:*

“Protection from personal liability

29B. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board, the Committee or the Relief Board or an employee of the Authority in respect of any act done in good faith in pursuance of their functions or instructions given pursuant to this Act.”

Repeal of section 31 of Cap. 274A

20. *Section 31 of the principal Act is repealed.*

Insertion of section 33 into Cap. 274A

21. *The principal Act is amended by inserting after section 32, the following:*

“Relevance to administration of *Planning and Development Act, 2019*

33. The Minister responsible for Planning and Development and the Director of Planning and Development shall have regard to any Order made under section 27 in respect of water protection zones and, where applicable, any other Order or regulations made under this Act, in the administration of the *Planning and Development Act, 2019* (Act 2019-5) generally, and in particular, in relation to

- (a) the distribution and use of land in Barbados in the preparation of a physical development plan; and

- (b) the grant of permission to
 - (i) develop land or to sub-divide land for agricultural, housing or commercial development; or
 - (ii) improve, alter, change or demolish an existing structure.”.

Amendment of Schedules to Cap. 274A

22. *The principal Act is amended*

- (a) *in paragraph 8 of the First Schedule by deleting the words “General Manager” wherever they appear and substituting the words “Chief Executive Officer”;*
- (b) *by renumbering the Second Schedule as the Third Schedule;*
- (c) *by inserting as the new Second Schedule, the Schedule set out in the First Schedule to this Act; and*
- (d) *in paragraph 1(1) of the Third Schedule as renumbered, by deleting the words “General Manager” and substituting the words “Chief Executive Officer”.*

Consequential amendments

- 23.(1) *The enactments specified in the first column of Part I of the Second Schedule are amended in the manner specified in the second column.*
- (2) *The enactments set out in Part II of the Second Schedule are repealed or revoked as the case may be.*

FIRST SCHEDULE

(Section 22)

INSERTION OF NEW SECOND SCHEDULE

“SECOND SCHEDULE

(Section 18A)

WATER AND WELLS MANAGEMENT COMMITTEE

1. The Water and Wells Management Committee shall comprise the following persons, *ex officio*:

- (a) the Permanent Secretary in the Ministry responsible for Water Resources or his nominee;
- (b) the Chief Executive Officer of the Barbados Water Authority or his nominee;
- (c) the Director, Environmental Protection Department or his nominee;
- (d) the Permanent Secretary in the Ministry responsible for Agriculture or his nominee;
- (e) the Chief Medical Officer or his nominee;
- (f) the Permanent Secretary in the Ministry responsible for the Environment or his nominee; and
- (g) the Chief Executive Officer of the Barbados Agriculture Development Marketing Corporation or his nominee.

2.(1) The Minister shall by instrument in writing appoint a member of the Committee to be Chairman and another member to be Deputy Chairman.

(2) A member appointed as Chairman or Deputy Chairman may resign the post of Chairman or Deputy Chairman by instrument in writing addressed to the Minister.

(3) A resignation takes effect from the date on which the Minister receives the instrument.

3. The Permanent Secretary in the Ministry responsible for Water Resources shall assign a public officer to be secretary to the Committee to assist the Committee with such clerical and secretarial duties as may be required.

4. Five members of the Committee shall constitute a quorum.

5.(1) The Committee shall meet at such times and places as may be necessary or expedient for the transaction of its business.

(2) The Chairman may at any time call a special meeting of the Committee, and shall call such a meeting within 7 days of the receipt of a request for the purpose addressed to him in writing and signed by not less than 3 members of the Committee.

(3) The secretary to the Committee shall ensure that minutes are kept for each meeting and confirmed

(a) by electronic means prior to the next meeting; or

(b) orally or in writing at the next meeting.

(4) Decisions of the Committee shall be by a majority of votes and, where the voting is equal, the person presiding at the meeting shall have a casting vote.

(5) The Committee may invite any person to attend any of its meetings to assist or advise it with respect to any matter under its consideration, but a person so invited does not have a right to vote.

(6) The validity of the proceedings of the Committee shall not be affected by a vacancy amongst the members of the Committee.

6.(1) The Committee may appoint committees of its members or other persons to assist it with the proper discharge of its functions.

(2) Where a person who is not a member of the Committee is appointed to a committee, the Committee may, with the approval of the Minister, determine the remuneration and allowances to be paid to the person.

7. Subject to this Act, the Committee may regulate its own proceedings.

SECOND SCHEDULE

(Section 22)

PART I

CONSEQUENTIAL AMENDMENTS

Enactment	Amendments
1. <i>Marine Pollution Control Act</i> , Cap. 392A	<p>In section 5, insert after subsection (2), the following:</p> <p style="padding-left: 40px;">"(3) A marine pollution control inspector discharging the functions set out in this Act, shall also monitor compliance with the <i>Barbados Water Authority (Water Protection Zones) Order, 2023</i> (S.I. 2023 No.) and report any infringement thereof to the Barbados Water Authority or to the police, as the case may be."</p>
2. <i>Health Services (Hotels) Regulations, 1969</i> (S.I. 1969 No. 231)	<p>In regulation 4, insert after paragraph (3), the following:</p> <p style="padding-left: 40px;">"(4) Without prejudice to the generality of paragraph (3), where the Minister grants a licence, he shall include as a condition of the licence a requirement for the licensee to comply with the <i>Barbados Water Authority (Water Protection Zones) Order, 2023</i> (S.I. 2023 No.)."</p>
3. <i>Health Services (Building) Regulations, 1969</i> (S.I. 1969 No. 233)	<p>1. In regulation 3(3), delete the words "Chief Town Planner" wherever they appear and substitute the words "Director of Planning and Development".</p> <p>2. Delete regulation 4 and substitute the following:</p> <p style="padding-left: 40px;">"4.(1) The Minister may, in respect of an application made under these Regulations</p>

Second Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Enactment	Amendments
<p>3. <i>Health Services (Building) Regulations, 1969</i> (S.I. 1969 No. 233) - (Concl'd)</p>	<p>(a) deny the application;</p> <p>(b) approve the application and, where he determines that conditions are required, attach such conditions to the approval of the application as he thinks fit; or</p> <p>(c) give conditional approval of the application and, where he does so, he shall specify the conditions which must be satisfied before the application is approved.</p> <p>(2) The Minister shall notify an applicant in writing of his decision on an application under paragraph (1) within forty-two days of receipt of the application.</p> <p>(3) Where the Minister approves an application under paragraph (1)(b), he shall include as a condition of the approval a requirement for the applicant to comply with the <i>Barbados Water Authority (Water Protection Zones) Order, 2023</i> (S.I. 2023 No.).”.</p>
<p>4. <i>Health Services (Restaurants) Regulations, 1969</i> (S.I. 1969 No. 234)</p>	<p>In regulation 3,</p> <p>(a) insert after paragraph (2), the following:</p> <p style="padding-left: 40px;">"(2A) Where a licence or permit is issued, it shall be subject to the condition that the holder thereof shall comply with the <i>Barbados Water Authority (Water Protection Zones) Order, 2023</i> (S.I. 2023 No.)."; and</p> <p>(b) renumber the paragraph after paragraph (6), as regulation 4.</p>

*Second Schedule - (Cont'd)*CONSEQUENTIAL AMENDMENTS - *(Concl'd)*

Enactment	Amendments
<p>5. <i>Health Services (Lodging Houses and Barracks) Regulations, 1970 (S.I. 1970 No. 74)</i></p>	<p>In regulation 7, insert after the word “regulations”, the words “or the person in charge of the premises fails to comply with the <i>Barbados Water Authority (Water Protection Zones) Order, 2023 (S.I. 2023 No.)</i>.”.</p>
<p>6. <i>Health Services (Private Hospitals, Nursing Homes, Senior Citizens’ Homes and Maternity Homes) Regulations, 2005 (S.I. 2005 No. 58)</i></p>	<p>In regulation 6, insert after paragraph (4), the following:</p> <p style="padding-left: 40px;">“(5) A licence shall be subject to the condition that the licensee shall comply with the <i>Barbados Water Authority (Water Protection Zones) Order, 2023 (S.I. 2023 No.)</i>.”.</p>

Second Schedule - (Concl'd)

PART II

REPEALS AND REVOCATIONS

1. *Underground Water Control Act, Cap. 283*
2. *Town and Country Planning Development Order, 1972 (S.I. 1972 No. 75)*

Read three times and passed the House of Assembly this
day of _____, 2023.

Speaker

Read three times and passed the Senate this _____ day of
, 2023.

President