

THE CLEAN AIR ACT

Law
32 of 1961.

[1st July, 1964.]

1. This Act may be cited as the Clean Air Act.

Short title.

2. In this Act unless the context otherwise requires—

Interpreta-
tion.

“affected premises” means any premises on which there are industrial works, the operation of which is in the opinion of an inspector likely to result in the discharge of smoke or fumes or gases or dust into the air;

“best practicable means” where used with respect to the prevention of the escape or discharge of noxious and offensive gases, or to the rendering of such gases, where discharged, harmless or inoffensive has reference not only to the provision and efficient maintenance of appliances adequate for preventing such escape or discharge, or for rendering such gases where discharged harmless or inoffensive, but also to the manner in which such appliances are used and to the proper supervision, by the owner, of any operation in which such gases are evolved; and in relation to the foregoing “practicable” means reasonably practicable having regard, amongst other things, to local conditions and circumstances, to the financial implications and to the current state of technical knowledge;

“Central Health Committee” means the Central Health Committee established under the Public Health Act;

“dust” includes grit;

“industrial works” includes any still, melting pot or any other plant whether similar to the foregoing or not used for any industrial or trade purposes, and also any incinerator used for or in connection with any such purposes;

“inspector” means an inspector appointed under section 4;

Schedule.

“noxious or offensive gas” means any of the gases, fumes or dust specified from time to time in the Schedule and any noxious emanation whatsoever, whether similar to the foregoing or not, from any affected premises;

“owner” includes any lessee or occupier of any affected premises.

Administra-
tion and
expenses.

3.—(1) Subject to the provisions of section 4 it shall be the duty of the Central Health Committee to carry into effect the provisions of this Act.

(2) Any expenses properly incurred in carrying into effect the provisions of this Act shall be paid out of moneys provided for the purpose in the Estimates of Revenue and Expenditure of the Island.

Appoint-
ment of in-
spectors.

4.—(1) The Minister may appoint such number of inspectors as he considers necessary for carrying into effect the provisions of this Act.

(2) The name of every person appointed an inspector shall be published in the *Gazette*.

Powers and
duties of in-
spectors.

5.—(1) An inspector on production of his authority if so required may enter any affected premises at any time while work is being carried on there, or while there is any discharge of smoke or fumes or gases or dust into the air from any part of such premises and may inspect and examine such premises or any part thereof and may make

such enquiries, and make such tests and take such samples of any substance, smoke, fumes, gas or dust as he considers necessary or proper for the performance of his duties.

(2) The owner of every affected premises, his agents, and every person found therein shall afford to every inspector all necessary facilities for entry, inspection, examination, testing and sampling in pursuance of this Act and shall furnish him with such information as he may reasonably require.

(3) Every owner of any affected premises in which such facilities are not afforded, or such information is not furnished, to an inspector as required by this section, or in which an inspector is obstructed in the execution of his duty under this Act, and every person wilfully obstructing an inspector in the execution of his duty under this Act, shall be guilty of an offence against this Act.

6.—(1) Subject to the provisions of this Act the owner of every affected premises shall use the best practicable means for—

- (a) preventing the escape of any noxious or offensive gas; and
- (b) preventing the discharge of any such gas into the air; and
- (c) rendering such gas, where discharged, harmless or inoffensive,

Duty of owners to use best practicable means for preventing the escape of noxious gas, etc.

and an inspector may enquire whether in any affected premises the best practicable means have been adopted for carrying out the provisions of this subsection and shall submit a report thereon to the Central Health Committee.

(2) Where it appears to the Committee that such means have not been adopted the Committee may by order published in the *Gazette* require the owner of such premises to adopt within such reasonable time not being less than six weeks

from the date of the publication of the order as shall be specified in the order such means as the Committee may consider necessary for carrying out the provisions of subsection (1) and may by the said order limit the amount of any noxious or offensive gas which may be permitted to escape or to be discharged from such premises into the air.

(3) Before making any such order the Committee shall give to the owner and to any other persons interested notice of its intention to make the order and the date on which it proposes to publish the order in the *Gazette*.

(4) A notice required to be given by the Committee under this section may be served by registered post or by delivering it to or at the residence of the person to whom it is addressed or where addressed to the owner or occupier of the premises by delivering it or a copy thereof to some person on the premises or if there is no person on the premises who can be served by fixing it on some conspicuous part of the premises.

(5) Subject to the provisions of section 7 any owner of any affected premises who contravenes the provisions of any order made under subsection (2) shall be guilty of an offence against this Act.

Appeals
against order
of Com-
mittee.

7. Any person aggrieved by any order of the Committee under section 6 may within one month of the publication of such order in the *Gazette* appeal to a Judge in Chambers who shall give such directions in the matter as he shall think proper, including a direction as to the costs of the appeal, and the order of the Judge shall be final and conclusive and not subject to any further right of appeal:

Provided that—

- (a) a Judge in Chambers may if he thinks the interest of justice so requires, extend the time for appealing under this section notwithstanding that the time for appealing has elapsed;

- (b) a person who has appealed to a Judge in Chambers as aforesaid shall not be liable to any proceedings for an offence under subsection (5) of section 6 until such appeal has been heard and determined or has been abandoned.

8.—(1) The Minister after consultation with the Central Health Committee may from time to time by order add to or vary the provisions in the Schedule.

Power of Minister to vary list of gases. Schedule.

(2) Every order made under this section shall be subject to negative resolution.

9. Any person guilty of an offence against this Act shall be liable on summary conviction in the Resident Magistrate's Court of the district in which the offence was committed to a fine not exceeding two hundred dollars, or in default of payment to imprisonment with hard labour for any term not exceeding three months, and in the case of a continuing offence to a further fine not exceeding ten dollars for every day during which the offence continues or in default of payment to a further term of imprisonment with hard labour not exceeding two months.

Penalty for person guilty of an offence against this Act.

SCHEDULE

(Section 2)

List of Noxious or Offensive Gases

1. Fumes or dust emanating from any works for the production of alumina.
2. Fumes or dust from any cement works.
3. Fumes or dust from any lime works.
4. Gas containing any sulphur compound emanating from any petroleum works.
5. Fumes, vapour, or gas from any electrical generating station.
6. Fumes or dust from any gypsum works.
7. Ash, dust or soot from any sugar factory.