

No. of 2008.

Noise Abatement Bill 2008

Saint Christopher
and Nevis.

SAINT CHRISTOPHER AND NEVIS

No. of 2008.

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Application.
4. Exemptions.
5. Noise from private premises.
6. Noise from public places.
7. Noise permit.
8. Regulations.
9. Application.
10. Amendment of Schedules.

FIRST SCHEDULE

SECOND SCHEDULE

- (c) maintenance, repair or testing of aircraft engines; noise emitted in the Town of Bassetterre during the national carnival festival or during any other national festival;
- (d) noise emitted from the National Stadium or Warner Park as part of any authorized activity;
- (e) noise emitted in the course of using premises for any purpose of animal husbandry if it is necessary to the attainment of that purpose.

Noise from
private premises

5. (1) No person shall, on any private premises at any time of day or night

- (a) sound or play any musical or noisy instrument;
- (b) operate, permit or cause to be operated any loudspeaker, microphone or any other device for the amplification of sound,

in such a manner so that the sound is audible beyond a distance of one hundred meters from the source of the sound and is reasonably capable of causing annoyance to persons in the vicinity.

(2) Notwithstanding subsection (1), where the sound is audible beyond one hundred meters in the vicinity of any school, church, hospital, nursing home, infirmary, dwelling house, hotel or guest house the sound shall be presumed to cause annoyance to persons in that vicinity.

(3) A person who contravenes the provisions of this section is liable on summary conviction,

- (a) in the case of a first offence, to a fine not exceeding three hundred dollars;
 - (b) in the case of a subsequent offence to a fine not exceeding six hundred dollars; or
- in default of payment to a term of imprisonment not exceeding three months.

(4) The owner of any premises on which an offence, under this section has been committed, also commits an offence if,

- (a) he or she was present on the premises at the time of the offence; and
- (b) he or she did not take all reasonable steps to prevent the commission of the offence,

and is liable on summary conviction to a fine not exceeding three hundred dollars or in default of payment to a term of imprisonment not exceeding three months.

Noise from
public places

6. (1) No person shall on any public premises sound, or play upon any musical instrument, noisy instrument or loudspeaker
- (a) on a Sunday, Monday, Tuesday, Wednesday or Thursday between the hours of ten o'clock at night and six o'clock of the following morning; or
- (b) on a Friday or Saturday between the hours of twelve midnight and six o'clock of the following morning;
- in such a manner so that the sound is audible beyond a distance of one hundred meters from the source of the sound and is reasonably capable of causing annoyance to persons in the vicinity.
- (2) Notwithstanding subsection (1), where the sound is audible beyond one hundred meters in the vicinity of any school, church, hospital, nursing home, infirmary, dwelling house, hotel or guest house the sound shall be presumed to cause annoyance to persons in that vicinity.
- (3) A person who contravenes the provisions of this section is liable on summary conviction,
- (c) in the case of a first offence, to a fine not exceeding one thousand dollars;
- (d) in the case of a subsequent offence to a fine not exceeding two thousand dollars or
- in default of payment to a term of imprisonment not exceeding three months.
- (4) The owner of any premises on which an offence, under this section has been committed, also commits an offence, if he or she did not take all reasonable steps to prevent the commission of the offence, and is liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment to a term of imprisonment not exceeding three months.
- Noise permit
7. (1) Notwithstanding sections 5 and 6 the Commissioner of Police may grant a noise permit in the form set out in Part I of the Second Schedule.
- (2) The terms and conditions upon which the permit is granted shall be specified in the permit.
- (3) The fees for a noise permit are as set out in Part II of the Second

Schedule.

(4) The decision of the Commissioner of Police to grant or not grant a noise permit is final.

Application

8. (1) An application for a noise permit shall be made to the Commissioner of Police at least ten days prior to the date of the activity requiring a permit.
- (2) Pursuant to subsection (1), the application form for a noise permit is as set out in Part III of the Second Schedule.

Regulations

9. (1) The Minister may make Regulations generally for giving effect to the provisions of this Act.
- (2) Notwithstanding the generality of subsection (1), the Minister may make Regulations for the following
- (a) the types of tests to be carried out in relation to the measurement of noise and the methods for making such tests;
 - (b) to prescribe any technical matters, tests, methods of assessment, standards for sound level meters or any other technical equipment, calibration of equipment, methods of use of equipment and persons by whom various tests, assessments or other matters may be carried out;
 - (c) all matters that are required or permitted by this Act to be prescribed or that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the purposes of this Act.

Amendment of Schedules

10. The Minister may, by order, amend, vary or alter any of the Schedules to this Act.

FIRST SCHEDULE

(Section 4)

Body, Organisation or Person exempted under section 4

1. All religious organisations (Registered in the island of Saint Christopher).
2. All educational institutions.

SECOND SCHEDULE

PART I

(Section 7)

NOISE PERMIT

Permission is hereby granted to
of to sound or play any musical or noisy
instrument, operate or permit or cause to be operated any loudspeaker or
microphone or any other device for the amplification of sound on the under
mentioned conditions—

1. Name of Applicant
2. Application on whose behalf
3. Date of activity requiring permit.....
4. Time of activity requiring permit.....
5. Duration of activity requiring permit
6. Nature and purpose of the activity.....
.....
.....
7. Address where activity is to take place
.....
.....
8. Other conditions.....
Dated this day of , 20....
Commissioner of Police

PART II

(Section 7)

Fees

- 1. Permit for private premises\$50.00
- 2. Permit for public premises\$200.00

PART III

(Section 8)

Application Form

- 1. Name of Applicant
- 2. On whose behalf application is made
- 3. Date of activity requiring permit
- 4. Time of activity requiring the permit
- 5. Duration of activity requiring permit
- 6. Nature and purpose of the activity
- 7. Address where activity is to take place

.....
 Signature of Applicant
 Date:.....

CURTIS A. MARTIN
Speaker

Passed by the National Assembly this day of , 2008.

JOSÉ LLOYD
Clerk of the National Assembly