

LAWS OF DOMINICA

**NOXIOUS AND DANGEROUS SUBSTANCES
(CONTROL) ACT**

CHAPTER 40:09

**Act
4 of 1982**

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Note
on
Subsidiary Legislation

This Chapter contains no Subsidiary Legislation.

CHAPTER 40:09

NOXIOUS AND DANGEROUS SUBSTANCES
(CONTROL) ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 40:09

NOXIOUS AND DANGEROUS SUBSTANCES
(CONTROL) ACT

4/1982. **AN ACT to provide for the control of noxious and dangerous substances, for the licensing and storage of such substances and for purposes connected therewith and incidental thereto.**

Commencement. [1st February 1982]

Short title. **1. This Act may be cited as the –
NOXIOUS AND DANGEROUS SUBSTANCES
(CONTROL) ACT.**

Interpretation. **2. In this Act –**
“Inspector” means the Noxious and Dangerous Substances Inspector appointed under section 4;
“noxious or dangerous substance” means liquid petroleum gas, petroleum spirit, acetylene, oxygen, diesel, kerosene, aviation fuel, sulphuric acid and such other substances as the Minister may, by Notice published in the *Gazette* under section 7, declare to be a noxious or dangerous substance for the purposes of this Act;
“Minister” means the Minister responsible for Trade.

Licence required for storage. **3. (1) Subject to section 6, no person shall have in his possession or store in any place any noxious or dangerous substance without a licence issued under section 5; however, the Government Medical Laboratories and Medical Stores and Science Laboratories in schools are exempted from this section.**

(2) Subject to section 6, no person shall have in his possession or store any containers which had previously contained any noxious and dangerous substances in excess of the specified quantities without a licence issued under section 5.

Appointment of Inspector. **4. (1) The Minister shall, by Notice published in the *Gazette*, appoint a Noxious and Dangerous Substances Inspector.**

(2) The Inspector appointed under subsection (1) shall regulate and control the acquisition, purchase, sale, dealing in, use and storage of noxious or dangerous substances in accordance with this Act and Regulations made hereunder so as to minimise the danger of accidental damage or injury to the public or to any persons handling, storing or using such substances.

5. (1) The Inspector may issue to any person a permit to possess or store noxious or dangerous substances for such periods, in such places and subject to such conditions as the Inspector may consider necessary or desirable in the interest of safety of life and property; but such substances shall not be stored in any densely populated or residential areas or in any place where they are likely to endanger life or property. Licences.

(2) A licence issued under subsection (1) is not transferable.

(3) A licence shall not be issued under subsection (1) unless the Inspector is satisfied that it is necessary for a lawful and proper purpose and that the person to whom the licence is issued is sufficiently knowledgeable concerning the handling and safe storage of such substances. Exemption.

6. (1) The provisions of this Act shall not apply to any person who stores within his own property for his own personal and domestic use noxious or dangerous substances of less than the specified quantities. Application of Act.

(2) For the purposes of this section, "specified quantities" means –

- (a) in the case of liquid petroleum gas, two hundred pounds;
- (b) in the case of acetylene, two hundred pounds;
- (c) in the case of oxygen, four hundred cubic inches;
- (d) in the case of petroleum spirits, forty imperial gallons;
- (e) in the case of diesel, fifty imperial gallons;
- (f) in the case of kerosene, ten imperial gallons;
- (g) in the case of aviation fuel, one hundred imperial gallons; and
- (h) in the case of any other substances declared to be a noxious or corrosive substance, such specified amount

as the Minister may, by Regulations made under section 7, specify.

Regulations.

7. The Minister may make Regulations for the better carrying into effect the purposes and provisions of this Act and in particular and without derogation from the generality of the foregoing, may make Regulations for all or any of the following purposes:

- (a) declaring substances to be noxious or dangerous substances;
- (b) specifying amounts which may be stored without a licence for the purposes of section 6;
- (c) specifying such conditions as shall be included in the issue of any licence by the Inspector;
- (d) prescribing the fees to be paid for the issuing of any licence;
- (e) providing for the issue, suspension or cancellation of any licence;
- (f) providing for the examination and inspection of noxious or dangerous substances;
- (g) providing for the destruction of noxious or dangerous substances;
- (h) providing for any other matters which require to be or may be prescribed for the purposes of this Act.

Offences.

8. Any person who contravenes this Act or any Regulations made hereunder is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months and in addition thereto, the Court so convicting may order that any noxious or dangerous substance, the subject of the offence, shall be destroyed.
