

**SAINT VINCENT AND THE GRENADINES  
GEOTHERMAL RESOURCES DEVELOPMENT ACT 2015**

**ARRANGEMENT OF SECTIONS**

**PART I**

**PRELIMINARY**

**SECTION**

1. Short title and commencement
2. Interpretation
3. Purposes
4. Class II geothermal resources when specified
5. Geothermal resources *sui generis* property
6. Non-application of Act to transmission of electricity
7. Act binds the Crown

**PART II**

**ESTABLISHMENT AND ORGANISATION OF  
NATIONAL ENERGY COMMITTEE**

8. Functions and powers of Minister
9. Establishment of National Energy Committee
10. Functions and powers of Committee
11. Meetings
12. Vacancy
13. Sub-committees, working groups and advisory bodies
14. Limit of personal liability
15. Annual report
16. Procedure of Committee
17. Conflict of interest

- 18. Information
- 19. Policy direction from Minister

**PART III**

**GEOHERMAL RESOURCES AREAS**

- 20. Designation of geothermal resources areas
- 21. Notice of proposed action
- 22. Acquisition, vesting and divesting of lands
- 23. Declaration of restricted area
- 24. Modification or cancellation of restricted area
- 25. Rights of use and rights of way
- 26. Appeal

**PART IV**

**PERMITS, LICENCES AND CONCESSIONS**

- 27. Requirement for a permit, licence or concession
- 28. Categories of permits, licences and concessions
- 29. Phases addressed by permit, licence or concession
- 30. Eligible persons for permit, licence or concession
- 31. Extent of permit, licence or concession
- 32. Competitive bidding process
- 33. Application procedures
- 34. Incorrect information
- 35. Incomplete application

36. Application in restricted area
37. Review of application
38. Criteria for decisions
39. Cabinet approval
40. Refusal of application
41. Notice of decision to applicant
42. Permits
43. Rights of holder of permit
44. Duration of permit
45. Condition as to technology
46. Incidental activities
47. Amendment of work programme
48. Grant or refusal of amendment
49. Notice of approval or refusal
50. Committee recommendations on permit
51. Continuance of permit
52. Licence
53. Rights conveyed under a licence
54. Application for concession
55. Rights of holder of concession
56. Additional rights
57. Duration of concession

- 58. No exemption from licence under Electricity Supply Act
- 59. Power purchase agreement
- 60. Regulations for modification, suspension of authorisation etc

**PART V**

**COMPLIANCE, ENFORCEMENT AND  
SAFETY MEASURES**

- 61. Designation of inspectors
- 62. Powers of entry and inspection
- 63. Obtaining information and samples
- 64. Disclosure to court
- 65. Emergency response activities
- 66. Obligation to consult owners and occupiers
- 67. Offence to bore
- 68. Offence to destroy equipment

**PART VI**

**FINANCIAL PROVISIONS**

- 69. Geothermal royalty
- 70. Minister may make regulations for royalty, rent or bond
- 71. Obligation to lodge annual royalty returns
- 72. Proceeds to be paid into Consolidated Fund
- 73. Penalty for non-payment of annual rent
- 74. Customs duty and other taxes

- 75. Exportation
- 76. Resale of imported goods
- 77. Joint and several responsibility of holders of authorisation
- 78. Accounting
- 79. Investment information
- 80. Exemption from income taxes: permit or licence

**PART VII**

**MISCELLANEOUS**

- 81. Register of information
  - 82. Publication of outcome of application
  - 83. Settlement of disputes
  - 84. Regulations
  - 85. Savings of rights of the Crown
  - 86. Conflict with other laws
  - 87. Amendment of Schedule
- Schedule



SAINT VINCENT AND THE GRENADINES

ACT NO. 13 OF 2015

I ASSENT

[L.S.]

DR. FREDERICK BALLANTYNE  
Governor-General

31st August, 2015

**AN ACT** to establish the National Energy Committee and to provide for the development and use of geothermal resources and for matters related thereto.

[ **By Proclamation** ]

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:

**PART I**

**PRELIMINARY**

1. (1) This Act may be cited as the Geothermal Resources Development Act, 2015. Short title and commencement

(2) This Act comes into force on a day to be determined by the Governor-General by Proclamation in the *Gazette* and different days may be appointed for the coming into operation of different provisions of this Act.

2. In this Act, unless the context otherwise requires— Interpretation

“alien” has the same meaning assigned to it under the Aliens (Land-Holding Regulation) Act;

Cap.316

“applicant” means a person who applies for a permit, licence or concession;

- “authorisation” means a permit, licence or concession;
- “bore” means any well, hole, pipe, or excavation of any kind which is bored, drilled, sunk, or made in the ground for the purpose of investigating, prospecting, obtaining, or producing geothermal energy, or which taps or is likely to tap geothermal energy and includes any hole in the ground which taps geothermal energy;
- “busbar” means that point in the electrical system prepared to deliver or take in electrical energy;
- “Class I geothermal resources” means the type of geothermal resources capable of being used to generate electrical energy;
- “Class II geothermal resources” means the type of geothermal resources used for purposes other than to generate electrical energy, including direct heating and cooling, agriculture applications and recreational bathing;
- “commercial operation” means, the delivery by a holder of a concession of electric energy to a busbar for payment pursuant to a power purchase agreement;
- “Committee” means the National Energy Committee established under section 9;
- “concession” means a concession for Class I geothermal resources granted under section 41 (4) of this Act;
- “customs duties” includes all duties and taxes on imports which are payable as a result of the importation of the goods under consideration;
- “development” means an activity for the development of geothermal energy pursuant to the provisions of this Act;
- “document” includes an electronic document;
- “eligible person” means a person referred to in section 30;
- “exploration activities” means an activity that demonstrates the dimensions, position, characteristics and extent of geothermal resources by geological, geochemical and geophysical studies and surveys including the drilling of shallow temperature-gradient wells but not the drilling

of temperature-gradient wells that are deeper than one hundred and fifty (150) meters in depth without a safety certification from the Ministry as set forth in the Regulations and for which a licence is required in accordance with section 52;

“generation” means the production of electrical energy from geothermal resources by a power plant;

“geothermal by-products” means all minerals, in solution with other products obtained from naturally heated fluids, brines, associated gases and steam, in whatever form, found below the surface of the earth;

“geothermal energy” means heat derived from the earth;

“geothermal resources” means –

- (a) all products of geothermal processes, embracing indigenous steam, hot water and hot brines;
- (b) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations;
- (c) heat or other associated energy found in geothermal formations; and
- (d) any by-product derived from them,

but does not include archeological finds or other cultural or historical artifacts or treasures that may be discovered during the conduct of any geothermal activity;

“geothermal resources activities” means the geothermal resources activities referred to in section 29;

“geothermal resources area” means an area designated as a geothermal resources area under section 20;

“geothermal resources development” means exploration or use of geothermal resources and includes testing from a geothermal well to evaluate the feasibility of geothermal production;

- “inspector” means an inspector designated under section 61;
- “land” means any land under whatever tenure held and any easement, servitude, right or privilege in or over land and includes land covered with water;
- “licence” means a geothermal resources licence granted under section 41 (4) of this Act;
- “Minister” means the Minister of the Cabinet having responsibility for energy and “Ministry” shall be construed accordingly;
- “National Energy Policy” means the National Energy Policy established by the Government and the amendments or revisions as may be subsequently made;
- “owner” in relation to any land includes a lessor and any public body or local authority which for the time being has control of the land;
- “permit” means a geothermal resources permit granted under section 41 (4) of this Act;
- “phase” means a phase of geothermal resources activity referred to in section 29;
- “pollution” means the creation or existence of any deviation from natural conditions within the environment, which based on technical, scientific or medical evidence is determined to cause or be likely to cause harm to human health or the environment resulting from –
- (a) the presence or release of any substance; or
  - (b) any other type of disturbance, whether by noise, energy, radiation, temperature variation, steam, vibration or objectionable odours;
- and “pollutant” shall have a corresponding meaning;
- “public body” means –
- (a) any department, institution or undertaking of the Government; or
  - (b) any authority, board, commission, committee or other body, whether permanent or temporary, paid or unpaid,

which is invested with, or is performing functions of a public nature;

“reconnaissance” means an investigative analysis conducted for the purpose of assessing whether land may be a source of geothermal resources but does not include exploration or drilling;

“Register” means the register maintained by the Minister in accordance with section 81;

“Regulations” means regulations made under this Act;

“renewable energy” means energy that comes from natural resources which is replenished at a constant rate and includes energy from sunlight, wind, rain, tides, waves or geothermal heat;

“restricted area” means an area declared a restricted area under section 23;

“use” in relation to geothermal resources, means accessing the geothermal resource for the purpose of enjoying it, and drawing from it any of the profits, utility and advantage which it may produce, including geothermal energy;

“work programme” means the work programme required under section 33.

3. The main purposes of this Act are to –

Purposes

- (a) encourage and facilitate the safe production of geothermal energy for the benefit of the people of Saint Vincent and the Grenadines;
- (b) encourage responsible land management in the development and use of geothermal resources; and
- (c) promote the use of renewable energy.

4. Except where Class II geothermal resources are specified in a provision of this Act or the Regulations, this Act and the Regulations apply exclusively to the governance of Class I geothermal resources.

Class II  
geothermal  
resources when  
specified

5. (1) Geothermal resources is *sui generis* property and the rules relating to it are set out in this Act.

Geothermal  
resources *sui  
generis* property

(2) For the avoidance of doubt, geothermal resources is not a mineral, nor a water resources, nor real property.

(3) Despite anything contained in any law or title of land, geothermal resources in, or under any land of whatsoever ownership are deemed to be, and to always have been, vested in, and are subjected to the control of the Crown.

Non- application  
of Act to  
transmission of  
electricity  
Cap. 404  
Act binds the  
Crown

6. This Act shall not apply to the transmission of electricity provided for under the Electricity Supply Act.

7. (1) This Act binds the Crown.

(2) For the removal of doubt, nothing in this Act shall be construed as rendering the Crown liable to prosecution.

## PART II

### ESTABLISHMENT AND ORGANISATION OF

#### NATIONAL ENERGY COMMITTEE

Functions and  
powers of  
Minister

8. (1) The Minister is responsible for the administration of this Act.

(2) Without limiting the generality of subsection (1), the Minister shall, in particular –

- (a) promote investments in geothermal resources activities for the generation of energy;
- (b) promote regional cooperation in the development of geothermal resources; and
- (c) ensure compliance with this Act and the Regulations.

(3) In administering this Act, the Minister shall have regard to the following –

- (a) facilitating multiple use of lands and geothermal resources and for this reason –
  - (i) permits, licences and concessions shall, in so far as feasible and in a manner consistent with Part IV allow for –

- (A) the co-existence of other rights over the same lands;
- (B) the deposit of minerals and the use of water under the applicable laws in force in Saint Vincent and the Grenadines;
- (C) the location and production of claims under the Minerals (Vesting) Act and the Central Water and Sewerage Authority Act and other uses of the areas covered by those Acts; and

Cap.403  
Cap.324

(ii) permits, licences and concessions shall, in so far as feasible, provide for the protection of geothermal resources from unreasonable waste;

- (b) permits, licences and concessions granted for separate properties of the same producing or prospective geothermal resources area, shall provide for cooperation in the development and operation of adjacent geothermal resources areas; and
- (c) permits, licences and concessions for Class I geothermal resources shall be granted to encourage the development of geothermal resources within or outside of any designated geothermal resources area in such a manner as is consistent with the National Energy Policy.

(4) In the exercise of his functions and powers under this Act the Minister shall consult and have regard to the recommendations of the Committee.

9. (1) There is established a Committee to be known as the National Energy Committee consisting of the persons appointed in accordance with this section.

Establishment of  
National Energy  
C o m m i t t e e

(2) The Cabinet shall appoint —

- (a) a Chairman;
- (b) the Chief Executive Officer or Deputy Chief Executive Officer of the Saint Vincent Electricity Services Limited;
- (c) a senior technician from the Ministry of Planning having expertise in land-use planning;

- (d) a senior technical public officer from the Ministry having responsibility for environmental and natural resources management;
- (e) a member who is a technical expert in electricity generation and distribution; and
- (f) five other members drawn from the following disciplines or groups, namely, donor financing, economics, engineering, geology, law, environment, non-governmental organisations and business,

to be members of the Committee.

(3) The Cabinet shall appoint the Director of Energy and the Permanent Secretary of the Ministry to be *ex officio* members of the Committee.

(4) A member of the Committee other than an *ex officio* member shall be appointed for a term not exceeding three years which shall be subject to renewal under such terms as the Cabinet may fix in the instrument of appointment.

(5) The Committee shall elect from among its members a Deputy Chairman.

(6) The Cabinet may at any time revoke the appointment of a member of the Committee other than an *ex officio* member.

(7) The names of the members of the Committee and their title, if any, shall be published in the *Gazette* and at least one local newspaper of general circulation in Saint Vincent and the Grenadines.

Functions and  
powers of  
Committee

10. (1) The Committee shall –

- (a) advise the Minister with respect to —
  - (i) the implementation of the National Energy Policy;
  - (ii) the development and implementation of policies and programmes for achieving sustainable use and supply of energy and renewable energy;
  - (iii) the diversification of energy sources;

- (iv) the coordination, planning and management programmes as well as promotional and educational activities in the energy use sector;
- (v) the development of an energy database;
- (vi) the assessment of the market potential for the renewable energy produced in Saint Vincent and the Grenadines;
- (vii) a strategy for the implementation of energy-related capacity building activities at all levels of education;
- (viii) a fund in support of small-scale pilot and demonstration projects to showcase new ways to enhance energy efficiency or introduce renewable energy;
- (ix) opportunities for electrical interconnection between and among the different islands of Saint Vincent and the Grenadines and with other neighbouring States;
- (x) where possible, the availability of additional funding sources for investments on energy efficiency and renewable energy measures;
- (xi) an incentive scheme for the use of renewable energy sources;
- (xii) improvements in demand-side management in order to improve energy consumption patterns;
- (xiii) a comprehensive long-term transport strategy in order to promote lower energy consumption;
- (xiv) the application of building technologies and practices that enhance energy efficiency and conservation including efficient lighting device;
- (xv) specific maximum energy consumptions;
- (xvi) public awareness campaigns aimed at promoting the rational use of energy and lower energy consumption;

- (xvii) the development of renewable energy for the benefit of the people of Saint Vincent and the Grenadines;
  - (xviii) the establishment of linkages locally, regionally and internationally pertaining to the development of energy resources;
  - (xix) the negotiation of regional and international initiatives related to renewable energy;
  - (xx) the fees, royalties and bonds to be charged under this Act;
  - (xxi) recommendations for membership in appropriate local, regional and international bodies; and
  - (xxii) anything incidental or conducive to the performance of any of the foregoing functions;
- (b) as directed by the Minister, negotiate or assist the Minister in negotiating, the terms of all permits, licences and concessions with all prospective investors in a manner consistent with this Act and the Regulations; and
- (c) perform such other functions as are prescribed.

(2) The Committee shall do all things necessary or convenient to be done for or in connection with the performance of its functions.

(3) The Energy Unit in the Ministry shall function as the Secretariat of the Committee.

#### M e e t i n g s

11. (1) Not more than two months shall elapse between meetings of the Committee or any other committee established under it at the times and place as the Chairman determines.

(2) The Chairman or in his absence, the Deputy Chairman shall preside at all meetings of the Committee and in the absence of both Chairman and Deputy Chairman the members present at that meeting may appoint a member to preside at that meeting.

(3) The quorum of the Committee shall consist of six members.

(4) The decision of the Committee and any other committee established under it shall be adopted by a majority of the votes and in a case where the voting is equal, the member presiding at that meeting shall in addition to that member's original vote have a casting vote.

(5) Minutes of each meeting held in accordance with this section shall be taken in proper order and shall be confirmed by the presiding officer.

12. Where a vacancy occurs in the membership, the Cabinet shall appoint a person to fill the vacancy in a manner that is consistent with the requirements established in section 9 for the composition of the Committee.

V a c a n c y

13. (1) The Committee may appoint such sub-committees, working groups or advisory bodies as it thinks fit to assist it in the performance of its functions or to further the objects of this Act.

Sub-committees,  
working groups  
and advisory  
bodies

(2) One of the sub-committees established by the Committee shall be the Geothermal Energy Sub-Committee which shall comprise members having such technical expertise and experience the Committee finds suitable.

14. No personal liability shall attach to any member of the Committee or a sub-committee, working group or advisory body established under it for anything done, permitted to be done or omitted in good faith.

Limitation of  
personal liability

15. (1) The Chairman of the Committee shall, not later than three months after the end of each calendar year, submit to the Minister an annual report which shall include –

Annual report

- (a) an assessment of the state of the development of renewable energy in Saint Vincent and the Grenadines;
- (b) a description of the activities undertaken by the Committee during the preceding year including an assessment of the effectiveness of any plans, programmes and activities for the current year; and
- (c) any other matters that the Minister may require.

(2) The Minister shall cause a copy of any report submitted under subsection (1) to be laid before the House of Assembly within twenty-eight days of its receipt by the Minister or if the House is not then in session, within twenty-eight days of the commencement of its next session.

Procedure Committee of 16. Subject to section 11, the Committee may, by resolution, make guidelines for its own procedure.

Conflict of interest of 17. (1) Where any member of the Committee, a sub-committee, working group or advisory body established under it has any actual or reasonably perceived interest in a matter which would otherwise come before the individual as part of the consideration or other action taken by the Committee, sub-committee, working group or advisory body, whether the interest is direct or indirect or arises because of a potential financial interest or an immediate family, partner, business associate or company relationship the member of the Committee, sub-committee, working group or advisory body shall declare the nature of the interest at the first practicable opportunity.

(2) In any instance which arises under subsection (1) the member of the Committee, a sub-committee, working group or advisory body shall not vote or otherwise participate in the decision-making process or attempt to influence in any way the decision or action taken or to be taken by the Committee, sub-committee, working group or advisory body with respect to such matter.

(3) If any action has been taken by the Committee, a sub-committee, working group or advisory body before such interest has been identified or disclosed the action shall be subject to reconsideration by the Committee, sub-committee, working group or advisory body.

(4) A member of the Committee, a sub-committee, working group or advisory body who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Information 18. The Committee shall compile information relating to energy management.

Policy direction from Minister 19. The Minister may from time to time give the Committee directions of a general or special character in the exercise of the powers conferred and functions imposed on the Committee under this Act.

### PART III

#### GEOHERMAL RESOURCES AREAS

Designation of geothermal resources areas 20. (1) Subject to sections 21 and 22, the Minister may designate any portion of land within Saint Vincent and the Grenadines believed to be a source of geothermal resources as a geothermal resources area.

(2) For the purpose of subsection (1), the designation shall be made by notice published in the *Gazette*.

(3) In addition to publication in the *Gazette* any notification required by subsection (2) shall be affixed in a conspicuous place in the area to which the notice relates so as to be easily read by persons who may enter the area or are likely to be affected by the proposed activity.

21. (1) In pursuance of section 20 (2), the Notice shall include –

Notice of  
proposed action

- (a) a comprehensive description of the area establishing the physical parameters of the geothermal resources area, including –
  - (i) the known geological, geochemical and geophysical characteristics of the geothermal resources;
  - (ii) the existing and potential uses of the land which overlays the geothermal resources;
  - (iii) the existing environmental and natural resources contained therein; and
  - (iv) the ownership of the land which overlays the geothermal resources;
- (b) the reasons for the designation; and
- (c) the specific limitations on use of or activities within the area.

(2) Subject to subsection (3), each geothermal resources area shall be of the size as shall be set forth in the Regulations.

(3) For the purposes of granting a permit, licence or concession, a geothermal resources area may be subdivided into smaller tracts at the discretion of the Minister.

22. (1) In accordance with the provisions of the Constitution and the Land Acquisition Act, the Governor-General may compulsorily acquire land in a geothermal resources area and may exercise all powers in relation to the acquisition of the land.

Acquisition,  
vesting and  
divesting of lands

Cap. 322

(2) The Governor-General may, in accordance with the Crown Lands Act, and upon the terms as the Governor-General may determine, vest in any person land in a geothermal resources area belonging to or held in trust for the Crown or acquired for use of the Government and vested in the Governor-General.

Cap. 319

- Cap. 10 (3) This section shall not prejudice the rights of any person having an interest in any land acquired within the provisions of the Land Acquisition Act and the Constitution.
- (4) The Governor-General may, with the approval of the Cabinet, divest by order published in the *Gazette*, land vested in a person under subsection (2) to the Crown or to another person specified in the order.
- Declaration of restricted area 23. (1) Subject to this Act, the Governor-General may declare land in a forest reserve, terrestrial and marine national park and protected area, wildlife sanctuary or other similar area to be a restricted area for which an application for a permit, licence or concession cannot be made.
- (2) A declaration under subsection (1) shall be made by notice published in the *Gazette* and in at least one local newspaper in general circulation in Saint Vincent and the Grenadines.
- Modification or cancellation of restricted area 24. (1) The Governor-General may modify or cancel a restricted area after consultation with the Ministers responsible for physical planning, tourism, agriculture, forests reserves, terrestrial and marine national parks and protected areas, wildlife sanctuaries, watersheds or other similar area.
- (2) A modification or cancellation of a restricted area under subsection (1) shall be made by notice published in the *Gazette* and in at least one local newspaper in general circulation in Saint Vincent and the Grenadines.
- (3) The Minister may by the Regulations establish procedures for modifying or cancelling a restricted area.
- Rights of use and rights of way 25. (1) A person authorised to carry out geothermal resources activities under this Act in the relevant geothermal resources area shall –
- (a) have the right to use the geothermal by-products including the water, gravel and such other construction materials obtained in the natural state that might be necessary for their operations; and
  - (b) be entitled to obtain the requisite authorisation for access, and egress, rights of way, water and surface rights as well as any other type of rights or authorizations over public or private lands that may be necessary for the performance of their activities.
- (2) Any economic damages caused by the exercise of the rights referred to in this section shall be indemnified by the person causing the damages.

(3) Legal rights of way are hereby established for those cases in which they might be needed for the geothermal resources activities under this Act.

26. Any final action designating a geothermal resources area or modifying or cancelling a restricted area shall be capable of appeal to the High Court.

A p p e a l

#### PART IV

##### PERMITS, LICENCES AND CONCESSIONS

27. (1) No person shall, in any part of Saint Vincent and the Grenadines, conduct any geothermal resources activities unless he or she is the holder of a valid permit, licence or concession granted for that purpose under this Act.

Requirement for a  
permit, licence or  
concession

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of five hundred thousand dollars or to imprisonment for ten years or to both.

(3) A permit, licence or concession is not transferable without the consent in writing of the Minister after the prior approval of the Cabinet.

28. (1) The classes of permits, licences and concessions which may be granted under this Act are the following –

Categories of  
permits, licences  
and concessions

- (a) a permit for Class I geothermal resources;
- (b) a licence for Class I geothermal resources;
- (c) a concession for Class I geothermal resources; and
- (d) a concession for Class II geothermal resources.

(2) In appropriate circumstances, including in an application based on competitive bidding under section 32, a Class I geothermal resources permit, licence, concession and a Class II geothermal resources concession may be integrated and granted in a single instrument.

29. A permit, licence or concession granted in connection with the development of geothermal energy shall be granted with regard to five Phases of geothermal resources activities –

Phases addressed  
by permit, licence  
or concession

- (a) Phase I - reconnaissance which is an activity having minimal impact on the environment of the land that determines, by visual observation of the geology and

by geochemical studies, whether land may be a source of geothermal resources;

- (b) Phase II - exploration which is an activity that demonstrates the dimensions, position, characteristics and extent of geothermal resources by geological, geochemical and geophysical studies and surveys including the drilling of shallow temperature-gradient wells except that in the exploration stage temperature-gradient wells may not be drilled deeper than one hundred and fifty meters in depth without a safety certification as specified in the Regulations;
- (c) Phase III - drilling which is an operation in which a well is drilled for the discovery of geothermal resources or for the production of geothermal resources or for the injection of geothermal resources or the residue and it includes drilling, re-drilling, and deepening of wells drilled for temperature-gradient monitoring purposes and for production purposes;
- (d) Phase IV - geothermal resources production which is an activity that enables the supply of Class I geothermal resources to a power plant so that electricity can be produced from the geothermal resources; and
- (e) Phase V - electricity production which is an operation in which electricity is generated from geothermal resources using power turbine generators.

Eligible persons  
for permit,  
licence or  
concession

30. (1) A permit, licence or concession for Class I geothermal resources may be granted to the following persons –

- (a) an individual of eighteen years of age or over;
- (b) a company;
- (c) a government owned corporation;
- (d) a public body acting on behalf of the Crown; or
- (e) an agent of the Crown,

except that if the person is an alien, that alien must have been granted a licence to hold land under the Aliens (Land-Holding Regulation) Act.

(2) A permit, licence or concession granted to a company shall be valid only for such time as the company is in compliance with the Companies Act.

Cap. 143

(3) A concession for Class II geothermal resources may be granted to any person except that if the person is an alien, that alien must have been granted a licence to hold land under the Aliens (Land-Holding Regulation) Act.

Cap.316

(4) A permit, licence or concession granted to an alien is valid only for such time as the licence to hold land referred to in subsection (1) or (3) is valid.

31. (1) A permit, licence or concession shall extend to a part or the whole of a geothermal resources area under the terms specified in this Act and the Regulations.

Extent of permit,  
licence or  
concession

(2) The Minister may issue multiple permits, licences or concessions to a person, covering more than one geothermal resources area.

32. The Minister may, by notice published in the *Gazette* and in at least one local newspaper in general circulation in Saint Vincent and the Grenadines and by any other media, invite persons to tender applications for a permit, licence or concession to carry on geothermal resources activities and shall provide a closing date for tendering of applications.

Competitive  
bidding process

33. (1) An applicant for a permit, licence or concession shall submit an application in the prescribed form to the Committee for consideration, together with the prescribed application fees and the information referred to in subsection (4).

Application  
procedures

(2) Subject to subsection (5), an eligible person may apply for a permit, licence or concession.

(3) An application made under subsection (1) may be in respect of applications made—

(a) in response to an invitation to tender under section 32;  
or

(b) in the absence of an invitation to tender.

(4) Subject to subsection (5), an application for a permit, licence or concession shall—

(a) include the following information—

- (i) company name or corporate name, if applicable;
  - (ii) name of individual, if applicable;
  - (iii) names of directors, if any;
  - (iv) name and position of applicant;
  - (v) name of owner or occupier;
  - (vi) mailing address to whom any notice to the applicant may be served; and
  - (vii) a map showing the size, boundaries and location of the designated geothermal resources area and any other existing or proposed areas;
- (b) indicate whether it is a permit, licence or concession being applied for;
  - (c) include a statement about the extent to which the applicant has—
    - (i) the financial and technical resources to carry out authorised activities for the proposed permit, licence or concession;
    - (ii) the ability to manage geothermal exploration; and
  - (e) subject to section 36, show the results of an environmental impact assessment conducted in accordance with the Regulations to that effect;
  - (f) be accompanied by the prescribed fee; and
  - (g) include such other information as the Committee thinks necessary to determine the application.

(5) In addition to the information required by subsection (4), an application for Phases II and III geothermal resources activities shall include a proposed work programme complying with the requirements set out in the Schedule.

S c h e d u l e

(6) The applicant shall bear any costs incurred in complying with the requirements of this section.

(7) Regulations for the conduct of environmental impact assessments shall include provisions for public participation.

34. Where after submission of an application under section 33, the applicant becomes aware—

I n c o r r e c t  
i n f o r m a t i o n

- (a) that in an application he has failed to submit any relevant facts or has submitted incorrect information; or
- (b) that there is any change affecting the accuracy of any information required to be provided under section 33,

the applicant shall within ten working days, notify and submit to the Committee, the relevant facts and correct information.

35. (1) Where the Committee considers that an applicant has omitted to provide any of the information required under this Act, the Committee shall notify the applicant in writing of the omission within ten working days of receipt of the application and shall request within a specified time the omitted information.

I n c o m p l e t e  
a p p l i c a t i o n

(2) The Committee may, at the request of the applicant, allow an extension of the time limit specified by the Committee under subsection (1).

(3) Where the applicant does not supply the information as requested under subsection (1) or required by section 34, the application lapses.

36. (1) Subject to section 23, if, before the deciding of the application, any land or portion thereof the subject of the application is declared to be in a restricted area, the application lapses to the extent it applies to the restricted area.

A p p l i c a t i o n i n  
r e s t r i c t e d a r e a

(2) No amount, whether by way of compensation, reimbursement or otherwise, is payable by the Crown to any person for, or in connection with the operation of subsection (1).

37. (1) Every application made under this Part shall be submitted to the Committee which shall review it and forward it with recommendations to the Minister.

R e v i e w o f  
a p p l i c a t i o n

(2) During the review of an application under this Act, the Committee—

- (a) may require the applicant to —

- Cap.334
- (i) pay the rent for the first year of the permit, licence or concession; or
  - (ii) provide a bond as security in accordance with the Regulations made under section 70; and
- (b) shall require the applicant to obtain development permission in accordance with the procedure established under the Town and Country Planning Act,
- as conditions to the grant of the permit, licence or concession.

(3) If the applicant does not comply with the conditions imposed by the Committee for the grant of the permit, licence or concession the application lapses.

(4) Where the applicant submits further information under section 34 or 35, the Committee shall forward the application to the Minister.

Criteria for decisions 38. (1) Before forwarding an application to the Minister, the Committee shall consider—

- (a) the applicant's proposed work programme, as appropriate; and
- (b) the extent to which the Committee is of the opinion that the applicant is capable of carrying out authorised activities under the respective permit, licence or concession, having regard to the applicant's —
  - (i) financial and technical resources; and
  - (ii) ability to manage geothermal resources development.

(2) After due consideration, the Committee shall submit the application with recommendations either to grant or refuse to grant the permit, licence or concession to the Minister.

(3) The recommendations mentioned in subsection (2) shall include information on all actions the Committee has taken with regard to approval or refusal of the application, of the results of due diligence inquiries, and of the progress of all negotiations that have been conducted with respect to the grant of the permit, licence or concession.

Cabinet approval 39. (1) Where the Committee recommends the grant of a permit, licence or concession, the Minister shall, as soon as practicable, submit the application to the Cabinet.

(2) The Cabinet may, despite the provisions of any law, approve the granting of the relevant authorisation subject to the terms as may be negotiated between the applicant and the Committee.

40. Where the Committee recommends that the application be refused, the Minister shall notify the applicant in writing stating the reasons for the refusal and provide notice of actions that may be taken.

Refusal of  
application

41. (1) As soon as practicable after the Cabinet gives approval for the granting of a permit, licence or concession the Minister shall give the applicant notice of the decision.

Notice of  
decision to  
applicant

(2) In furtherance of subsection (1), the Committee shall cause to be prepared the relevant draft permit, licence or concession for consideration and submission to the Minister.

(3) The draft shall be the result of negotiations between the applicant and the Committee and be in the form prescribed by the Regulations.

(4) Where the Minister is satisfied with the terms of the relevant draft authorisation he shall grant the permit, licence or concession to the applicant subject to the payment of the appropriate prescribed fee.

42. A permit may authorise the holder to engage in Phase I or Phase II activities and for this purpose it may authorise the holder to carry out —

Permits

- (a) the operations needed for Phase I geothermal resources reconnaissance; or
- (b) the operations needed for Phase II geothermal resources exploration.

43. (1) Subject to subsections (4) and (6), the holder of a permit is authorised to enter upon any land in a geothermal resources area that is the subject of the permit for the purposes of reconnaissance or exploration and to do all the things as are reasonably necessary for and in connection with the reconnaissance or exploration.

Rights of holder  
of permit

(2) In so far as it may be necessary for, and in conjunction with, the operations referred to in this section, the holder of a permit, for the term of the permit, shall have the right—

- (a) to make surveys, investigations, tests and measurements in search of geothermal resources;
- (b) to enter upon any land specified in the permit with the assistance and equipment as the holder thinks fit;

- (c) to make geological and geochemical surveys on the land if a reconnaissance permit is granted;
- (d) to make geophysical surveys and drill shallow temperature gradient wells if a Phase II permit is granted;
- (e) to exercise the option to have an exploration permit automatically converted into a licence upon application to the Committee not later than thirty days after the expiration of the permit, upon which failure to apply, the preference shall expire.

(3) A permit may be granted for ingress and egress on any land whether or not that land is a designated geothermal resources area.

(4) A person who is granted a reconnaissance permit shall conduct his activities in a manner that causes minimal impact on the environment of the land and shall not carry out exploration or drilling activities.

(5) The holder of a reconnaissance permit –

- (a) obtains no rights or interest in respect of any geothermal resources identified through the activities; and
- (b) has no entitlement to any privilege or priority in respect of a licence except where an application for a Phase II permit is made.

(6) The holder of a permit except a public officer or an agent of the Crown who has been awarded an exploration permit through an open tender shall be granted the option without more, to convert the permit into a licence.

Duration of permit

44. A permit shall be in force for a period of not more than two years from the date of issue but on application granted by the Minister may be renewed for such term, not exceeding two years from the date of expiration or from the expiration of any previous renewal.

Condition as to technology

45. In addition to the provisions set out at sections 39 (2) and 42, the holder of a permit shall conduct Phase I and Phase II geothermal resources activities in accordance with the technology that is approved in the permit.

Incidental activities

46. (1) The holder of a permit may carry out any other incidental activity if the carrying out of the activity is reasonably necessary for, or is incidental to, the purposes for which the permit was granted.

(2) Without prejudice to the generality of subsection (1), the holder of a permit shall not –

- (a) construct or use a structure, other than a temporary structure, for office or residential accommodation in a geothermal resources area; or
- (b) engage in a business venture other than that which is the subject of the permit.

47. (1) The holder of an exploration permit may, subject to subsection (2), amend the work programme for the permit. Amendment of work programme

(2) The holder of an exploration permit shall submit an application to the Minister for approval of an amendment to the work programme for the permit.

(3) An application under subsection (2) must be in the form prescribed by the Regulations.

(4) Upon receipt of an application under subsection (2) the Minister shall submit the application to the Committee which shall review it and submit recommendations to the Minister.

48. In making the decision whether to grant or refuse an amendment to a work programme, the Minister shall consider – Grant or refusal of amendment

- (a) any recommendation of the Committee;
- (b) whether the applicant is capable of discharging the proposed work programme;
- (c) the work programme requirements set out in the Schedule; and
- (d) the extent to which the current work programme for the exploration permit has been complied with.

49. (1) If the Minister decides to approve the amendment, he shall notify the holder of the exploration permit of his decision in writing. Notice of approval or refusal

(2) The approval takes effect when the holder is given the notice or, if the notice states a later day of effect, on the later day.

(3) If the Minister refuses the amendment, he shall notify the holder in writing of the decision.

(4) The refusal takes effect when the holder is given the notice or, if the notice states a later day of effect, on the later day.

(5) A work programme shall not be amended where the programme as amended would be inconsistent with—

- (a) mandatory conditions of the exploration permit; or
- (b) any relevant environmental condition of the permit.

Committee  
recommendations  
on permit

50. Without limiting the generality of section 37, the Committee may recommend to the Minister that an application for a permit be considered on a competitive basis.

Continuance of  
permit

51. Except where a permit is cancelled, a permit continues in force for the area the subject of the application until the earliest of the following—

- (a) the start of a licence;
- (b) when refusal of the application for a licence takes effect; or
- (c) the application is withdrawn.

L i c e n c e

52. (1) A licence authorizes the holder to carry out —

- (a) a continuation of the operations needed for Phases I and II;
- (b) the operations needed for Phase III geothermal resources drilling; and
- (c) the operations needed for Phase IV geothermal resources steam production.

(2) A licence shall be in force for a period of not more than five years from the date of issue, but on application granted by the Minister may be renewed for successive two year periods from the date of expiration or from the expiration of any previous renewal.

Rights conveyed  
under a licence

53. (1) A licence shall confer upon the holder of the licence the right to enter the land in a geothermal resources area that is the subject of the licence for the purposes of the drilling or production referred to in section 52 (1) (a) and (b) and to do all the things that are reasonably necessary for and in connection with the drilling or production.

(2) In so far as it may be necessary for and in connection with the operations referred to in this section, the holder of a licence shall, for the term of the licence, have the right—

- (a) to drill and construct all necessary bores;
  - (b) to erect, construct and maintain temporary housing and buildings for holder of the licence's own use and for use by any employee of the holder of the licence;
  - (c) to erect, construct and maintain plant, machinery, buildings and other erections as may be necessary;
  - (d) to utilise the geothermal resources the subject of the licence;
  - (e) to reclaim, utilize and re-inject any geothermal fluids, including water;
  - (f) to utilize spent fluids exiting from a power plant for non-electrical purposes;
  - (g) to construct and maintain roads and other means of communications and conveniences;
  - (h) to reclaim and utilize any geothermal by-products; and
  - (i) to take and use or apply the geothermal resources subject to such conditions and purposes as are specified in the licence.
- (3) Within the terms of a licence, the Minister—
- (a) may grant the holder of the licence who discovers geothermal resources which may be used to generate and manufacture electricity of economically developable quantity, the right to produce steam under the terms and conditions as are set forth in this Act;
  - (b) may grant the holder of the licence, except a public officer or an agent of the Crown, who discovers geothermal resources which may be used to generate and manufacture electricity of economically developable quantity, the right to automatically convert the licence into a concession for electricity production as set forth in section 55;

- (c) may authorise the holder of a licence to carry out—
  - (i) a continuation of the operations needed for reconnaissance and exploration activities;
  - (ii) the operations needed for drilling; and
  - (iii) the operations needed for the supply of economically deployable steam production to a power plant to produce electricity;
- (d) shall in relation to bores mentioned in subsection (2) (a), require that each bore shall be —
  - (i) drilled in a manner consistent with generally accepted standards, including quality and safety standards;
  - (ii) kept under close supervision;
  - (iii) maintained in a safe condition;
  - (iv) left in a condition of lasting safety; and
  - (v) subject to such conditions as the Minister may impose with regard to closure of the bore.

(4) In circumstances in which a licence is granted on a competitive basis, the Committee shall consider offers by an otherwise qualified bidder—

- (a) to increase the fees paid under the licence;
- (b) to increase the royalty paid under a concession; and
- (c) to conduct exploration activities within the time period specified by the licence, including drilling of temperature gradient holes and deep exploration wells.

Application for concession

54. Where the holder of a licence who is eligible at the time of an application discovers Class I geothermal resources of economically developable quantity capable of being used to generate and manufacture energy, the holder may apply for a concession or special concession.

Rights of holder of concession

55. (1) A concession shall confer upon the holder of the concession the right to carry on electricity production under the terms specified in the concession, this Act and the Regulations.

(2) The terms mentioned in subsection (1) may authorise the holder of the concession to develop Class II geothermal resources of economically developable quantity and grant the holder the long-term right to use the geothermal resources in a manner that is consistent with the National Energy Policy and with the terms specified in this Act and the Regulations.

(3) A concession for Class I geothermal resources may also include concessions for Class II geothermal resources.

(4) In so far as it may be necessary for and in connection with the operations referred to in this section, the holder of a concession shall have the right in accordance with the technology approved in the agreement mentioned in section 59 –

- (a) to enter the land in a geothermal resources area that is the subject of the concession for the purposes of generating and transmitting electrical power from geothermal resources and to do all such things as are reasonably necessary for and in connection with the generation or transmission;
- (b) to extract, take, use and apply geothermal resources on or under any land that is the subject of the concession;
- (c) to erect, construct, provide and use such works and appliances as may be necessary for the purpose of generating electricity and in connection with the transmission, the use, supply, sale and export of electricity;
- (d) to review the operations needed for the supply of geothermal resources capable of being used to generate and manufacture electrical energy via steam production; and
- (e) to assess the operations needed for electricity generation and transmission using power turbine generation.

(5) Where the holder of a concession or special concession fails, within three years, to carry out the authorised activities in accordance with the agreement mentioned in section 59, the rights set out in subsections (1) and (2) shall be deemed to be abandoned.

- Additional rights      56. (1) In addition to the rights granted under section 54 (1) and (2) the grant of a special concession shall in accordance with this Act grant the applicant the right to operate submarine cables within Saint Vincent and the Grenadines for the purpose of transmitting electricity generated from geothermal resources in accordance with the National Energy Policy under the terms set forth in this Act.
- (2) Except where a special concession for landing submarine cables is otherwise specified in the provisions of this Act, this section applies exclusively to the governance of concessions capable of being used to generate and manufacture electrical energy and, where so specified, concessions used for purposes other than to generate and manufacture electrical energy, including direct heating and cooling, agriculture, applications and recreational bathing.
- Duration of concession      57. Concessions and special concessions granted under this Act shall be in force for a period of not more than twenty-five years from the date of issue, but on application to the Committee may be renewed for successive periods of five years from the date of expiration or from the expiration of any previous renewal.
- No exemption from licence under Electricity Supply Act Cap.404      58. (1) Neither a concession nor a special concession for landing submarine cables shall exempt the holder from obtaining a licence under section 6 of the Electricity Supply Act.
- (2) For the avoidance of doubt, the holder of a concession including a special concession for landing submarine cables shall obtain a licence from the Saint Vincent Electricity Services Limited to generate, transmit, distribute and sell electricity.
- Power purchase agreement      59. (1) Notwithstanding anything in this Act, every geothermal resources developer shall offer all the energy the developer produces for sale to the Saint Vincent Electricity Services Limited.
- (2) If the Saint Vincent Electricity Services Limited accepts an offer to purchase energy from a geothermal resources developer, the developer shall sign a power purchase agreement with the Saint Vincent Electricity Services Limited.
- (3) If the Saint Vincent Electricity Services Limited declines an offer or declines to purchase all the energy produced by a geothermal resources developer, the developer shall export the energy or the unpurchased portion from Saint Vincent and the Grenadines.

(4) A geothermal resources developer shall pay royalties on any energy that is exported from Saint Vincent and the Grenadines.

(5) The Minister shall, if so requested in writing, use his good offices to assist with the negotiation of a power purchase agreement.

60. (1) The Minister may make regulations regarding the modification, suspension, revocation or surrender of a permit, licence, concession or special concession.

Regulations for modification, suspension of authorisation etc

(2) Regulations made under this section are subject to affirmative resolution of the House of Assembly.

#### PART V

#### COMPLIANCE, ENFORCEMENT AND

#### SAFETY MEASURES

61. (1) The Minister may by instrument in writing designate a public officer or employee of a governmental entity to discharge the duties of an inspector under this Act if the Minister thinks the person is suitably qualified.

Designation of inspectors

(2) The instrument mentioned in subsection (1) shall set out the powers that the person may exercise as an inspector.

62. Upon presentation of his identity card and reasonable evidence of his authorisation by the Minister to the holder of a permit, licence or concession or person in charge of any geothermal resources area, an inspector may enter into the area for the purpose of –

Powers of entry and inspection

- (a) monitoring compliance with any permit, licence, concession or requirement under this Act;
- (b) obtaining information and samples and confiscating any article relevant to the commission of an offence or violation of the terms of any permit, licence or concession; and
- (c) carrying out any provision or requirement of this Act.

63. (1) In the course of any entry permitted by section 62, an inspector shall, where necessary and relevant to any permit, licence, concession or other requirement under this Act, be allowed to –

Obtaining information and samples

- (a) review and copy any document and record;

- (b) take photographs; and
- (c) inspect any part of the geothermal resources area and take samples for the purposes of laboratory analysis of any air, soil, water or other material from the area.

(2) If any samples are taken under subsection (1), the holder of the permit, licence, concession or person in charge of the geothermal resources area shall, upon request being made, be provided with —

- (a) a receipt for the sample collected which identifies the type of analysis to be performed; and
- (b) a portion of the sampled material properly collected in an appropriate container.

(3) In any instance where an inspector requests information from a person under this section and the person asserts a claim that the information provided to the inspector is a trade secret or confidential business information, the information shall be treated as confidential unless —

- (a) the holder of the permit, licence, concession or person in charge of the geothermal resources area does not disclose a valid basis for asserting the confidentiality within fourteen days after receipt of a request by the inspector; or
- (b) the Minister determines that the public interest in disclosing the information clearly outweighs any prejudice to the holder who has supplied the information.

(4) A person who —

- (a) obstructs or hinders an inspector in the exercise of his powers under this Act; or
- (b) fails to comply with any requirement or directions of an inspector to furnish any document or record,

commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months or to both.

Disclosure to court

64. (1) An inspector shall not be compelled to disclose to a court in a proceeding or to a party to the proceeding—

- (a) confidential information disclosed under this Act; or
- (b) the identity or the source of the confidential information.

(2) Subsection (1) does not apply to proceedings instituted under this Act.

65. Whenever the Committee reasonably believes that a threat to human safety or the environment is likely, the Committee may, after consultation with the Minister and in coordination with other appropriate governmental entities, undertake such emergency response activities as may be required including –

Emergency  
response  
activities

- (a) the remediation or restoration of degraded geothermal resources areas;
- (b) the containment of any wastes, hazardous substances or dangerous conditions; and
- (c) any other appropriate measures as may be necessary to mitigate the threat to human safety or the environment.

66. (1) The holder of a permit, licence or concession shall take all reasonable steps to consult with each owner and occupier of private or public land on which authorised geothermal resources activities are to be carried out or are being carried out.

Obligation to  
consult owners  
and occupiers

(2) The consultation shall pertain to —

- (a) access to the geothermal resources area;
- (b) the carrying out of geothermal resources activities including easements to the extent they relate to the owners and occupiers of the private or public land; and
- (c) the payment of compensation and liability by the holder of the permit, licence or concession to the owner or occupier.

(3) The provisions of this Act shall not affect any other rights or remedies.

Offence to bore

67. (1) A person shall not sink a bore in a geothermal resources area for any purpose without first obtaining an authorisation for that purpose.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for five years or to both.

Offence to  
d e s t r o y  
equipment

68. (1) No person shall remove, injure, or destroy any equipment owned or used by the holder of a licence, permit or concession or his agent in a geothermal resources area.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for twelve months or to both.

## PART VI

### FINANCIAL PROVISIONS

G e o t h e r m a l  
royalty

69. (1) The holder of a permit, licence or concession shall pay to the Crown royalties on the terms determined by the Minister.

(2) The obligation under subsection (1) is subject to any regulation made under section 70.

Minister may  
make regulations  
for royalty, rent  
or bond

70. The Minister may, after consultation with the Committee and the Minister responsible for finance, make regulations under this Act to provide for any matter connected with annual royalties, rent or bond including the following—

- (a) when the royalty, rent or bond must be paid;
- (b) the rate of the royalty and rent;
- (c) the value of geothermal energy for the royalty;
- (d) concessions or exemptions from the payment of the royalty, rent or bond;
- (e) royalty returns;
- (f) the measurement of, or information about, geothermal energy required for the purpose of a return;
- (g) interest on unpaid royalty;
- (h) the recovery of unpaid royalty and interest;

- (i) the refund of the royalty or bond;
- (j) monitoring the payment of the royalty and rent, including, by auditors; and
- (k) disclosure by the Minister of personal confidential information about the administration of the provisions relating to the royalty and rent.

71. (1) Save and except for the holder of a reconnaissance permit, every holder of a permit shall submit returns to the Committee in accordance with the Regulations.

Obligation to  
lodge annual  
royalty returns

(2) The holder of a permit who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

72. All royalties, rent or bond received in respect of geothermal production activities must be paid into the Consolidated Fund.

Proceeds to be  
paid into  
Consolidated  
Fund

73. (1) Where the holder of a permit, licence or concession fails to pay the annual rent prescribed by the Regulations, the holder shall in addition to the rent due, pay a civil penalty to the Crown.

Penalty for non-  
payment of  
annual rent

(2) The amount of the penalty is—

- (a) 20 percent of the rent due; and
- (b) one hundred dollars for every day during which the rent remains outstanding.

(3) The penalty shall be payable on the day after the last due date for payment of the rent.

74. (1) Imports of all goods required for Phases I, II, III, and IV of the geothermal resources activities referred to in section 29 is exempt from any and all customs duties and all other taxes, for as long as the phase lasts.

Customs duty and  
other taxes

(2) The customs duties and all other taxes applicable to the imports of goods required by the holders of concessions for Phase V shall be for the importer's account and expense except that the Minister responsible for finance may by order published in the *Gazette* exempt imports of any goods required for Phase V from customs duties and taxes, for as long as Phase V lasts.

- Exportation** 75. The holder of a permit, licence or concession and that holder's expatriate employees may export from Saint Vincent and the Grenadines, exempt of all customs duties and export taxes, fees and charges, all previously imported items which are no longer required for the conduct of operations under permits, licences and concessions.
- Resale of imported goods** 76. The holder of a permit, licence or concession and that holder's expatriate employees may sell in Saint Vincent and the Grenadines all imported items that are no longer needed for operations under the permit, licence or concession except that goods imported under section 74 shall not be sold in Saint Vincent and the Grenadines for a period of five years from the date of purchase or importation into Saint Vincent and the Grenadines, whichever date is later in time, unless the vendor first pays the requisite customs duties.
- Joint and severable responsibility of holders of authorisations** 77. (1) Where there are two or more persons who comprise the holder of a permit, licence or concession, the person responsible for managing the operation shall be identified.
- (2) The responsibility for managing the operation may alternate among the persons comprising the holder of the permit, licence or concession but all such persons shall be jointly and severally responsible for those obligations stipulated in, and resulting from, the permit, licence or concession.
- (3) Each person comprising the holder of a permit, licence or concession shall be severally responsible to the Crown as regards their tax and accounting liabilities.
- Accounting** 78. The holder of a permit, licence or concession may keep accounts in a foreign currency in keeping with accounting practices accepted in Saint Vincent and the Grenadines.
- Investment information** 79. The holder of a permit, licence or concession shall submit to the Minister documentary proof of the investments made every year in Saint Vincent and the Grenadines indicating, in each case, whether these investments are made in capital goods or otherwise.
- Exemption from income taxes: permit or licence** 80. The Minister, may by order published in the *Gazette*, exempt the holder of a permit or a licence from income taxes for the duration of the permit or licence except that the exemption or tax holiday shall be not less favourable than that granted to any other investor in Saint Vincent and the Grenadines.

**PART VII**  
**MISCELLANEOUS**

81. (1) The Minister shall keep and maintain a Register or registers of information containing — Register of information

- (a) geothermal resource development applications;
- (b) all grants or refusals of permits, licences or concessions;
- (c) all designated geothermal resources areas;
- (d) the suspension, surrender, modification, revocation, or extension of authorisations;
- (e) all cancellations or modifications of restricted areas; and
- (f) such other documents as the Minister may authorise.

(2) In entering information into the Register, the Minister shall balance the need for confidentiality with the right of the public to know the details of any transaction and may restrict disclosure of such information to achieve this goal.

(3) Subject to subsection (2), the Register shall be a public register and shall be open for inspection by members of the public free of charge at the times and on the days as may be determined.

(4) A person may, on payment of the prescribed fee, obtain a copy or an extract from any part of the Register.

82. (1) The Minister shall cause to be published within six weeks of the occurrence, the following— Publication of outcome of application

- (a) grants or refusals of permits, licences or concessions;
- (b) designated geothermal resources areas;
- (c) the suspension, surrender, modification, revocation, or extension of authorisations;
- (d) cancellations or modifications of restricted areas;
- (e) notices of geothermal resource development applications; or

(f) any other matter he considers appropriate.

(2) The Minister shall cause the information under subsection (1) to be published in —

(a) the *Gazette*;

(b) the Government website; or

(c) any other publication the Minister considers appropriate.

(3) Where the Minister considers information to be confidential, instead of publishing the information, he may cause a statement about its intent to be published in accordance with subsection (2).

Settlement of  
disputes

83. (1) Any dispute or complaint that may arise in conjunction with any permit, licence, concession, the application or interpretation of this Act and, in general, on anything having to do with the geothermal resources activities to which this Act refers, may be submitted to—

(a) the courts of Saint Vincent and the Grenadines; or

(b) arbitration pursuant to the Rules of the United Nations Commission on International Trade Law (UNCITRAL).

(2) The decision of the court or arbitrator is final and is not subject to appeal.

Regulations

84. (1) The Minister may make regulations prescribing matters required or permitted by this Act to be prescribed, or necessary or convenient for the carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the Minister may make regulations for—

(a) the amount of charges and fees payable for or in relation to a permit, licence or concession;

(b) the amount of any other charges or fees which may be specified in any programme developed by the Committee to promote geothermal energy development;

(c) forms and procedures that may be required for the purposes of this Act including applications for a permit, licence or concession;

- (d) the terms upon or subject to which a permit, licence or concession may be applied for, granted or renewed;
- (e) the qualifications of persons who may be granted permits, licences or concessions including—
  - (i) the technical, legal, economic and financial qualification of applicants;
  - (ii) the minimum experience, capacity and solvency needed to guarantee the sustained development of geothermal resources exploration and exploitation activities in keeping with the characteristics of a geothermal resources area;
  - (iii) the investment required; and
  - (iv) the environmental protection guidelines.
- (f) the keeping of records and furnishing of information and returns by persons authorised by or under this Act, and prescribing the nature of the records, information, and returns and the form, manner and time in which they must be kept or furnished;
- (g) matters in respect of which fees are payable under this Act and the persons liable to pay them;
- (h) the refund of fees or of any other monies payable under this Act in the circumstances as the Minister thinks fit;
- (i) the responsibilities of holders of permits, licences or concessions and the operations to be carried out under permits, licences or concessions including actions to be taken upon the discovery of archeological finds and other cultural or historical artifacts or treasures;
- (j) preventing or abating nuisances in or about geothermal resources activities and industries using geothermal resources;
- (k) safety precautions;
- (l) procedures regarding any emergency in connection with geothermal resources activities;
- (m) generally regulating the making of bores;

- (n) the requirements and procedures which will make the use of the rights set forth under this Act possible;
- (o) the formula pursuant to which the Saint Vincent Electricity Services Limited shall calculate the purchase price of electricity;
- (p) matters of confidentiality;
- (q) model geothermal power purchase agreements;
- (r) procedures for the treatment of complaints;
- (s) procedures for dispute resolution;
- (t) matters for which guidelines are to be issued by the Minister or the Committee;
- (u) pricing models;
- (v) submarine cables and landing rights;
- (w) the governance of geothermal resources;
- (x) guidance to inspectors to ensure that holders of permits, licences and concessions safeguard the environmental and health and well-being of the people of Saint Vincent and the Grenadines including of their workers;
- (y) the minimum and maximum size of each geothermal resources area;
- (z) the procedure for modifying or cancelling restricted areas;
- (aa) procedures for the grant of an authorisation; and
- (bb) field rules in accordance with which all geothermal resources activities shall be conducted by holders of permits, licences and concessions.

Cap.14

Savings of rights  
of the Crown

(3) Section 25 (e) of the Interpretation and General Provisions Act shall not apply to subsidiary legislation made under this Act.

85. This Act shall not affect the rights of Her Majesty, her heirs and successors or any person except such as are mentioned in this Act or those claiming by, from or under them.

---

86. Any provision in any law inconsistent with this Act is void to the extent of the inconsistency in relation to the matters covered by this Act. Conflict with other laws

87. (1) The Minister may, by order published in the *Gazette*, amend the Schedule to this Act. Amendment of Schedule

(2) An order under subsection (1) is subject to negative resolution of the House of Assembly.

**SCHEDULE**

(section 33(5))

## Requirements for Work Programme

General requirements

The proposed work programme must provide for the following—

- (a) its period;
- (b) an overview of the activities proposed to be carried out under the proposed permit during all of its term;
- (c) for each year of the programme period—
  - (i) the extent and nature of geothermal exploration proposed to be carried out during the year; and
  - (ii) generally where the proposed activities will be carried out; and
  - (iii) the estimated cost of the proposed activities;
- (d) maps showing where the proposed activities will be carried out;
- (e) reasons why the programme is considered appropriate;
- (f) any other matter prescribed under a regulation.

Water issues

- (1) The proposed work programme must include an assessment of—
  - (a) water needed for the proposed activities;
  - (b) the potential for obtaining any relevant authorisation under the Central Water and Sewerage Authority Act; and
  - (c) the potential structural and other impacts of the carrying out of the proposed activities on aquifers, forestry, wildlife or cultural resources.
- (2) The proposed programme must include a plan for the treatment and disposal of any water taken or that may be taken because of the proposed activities.

Passed in the House of Assembly this 18th day of August, 2015.

**NICOLE HERBERT**  
Clerk of the House of Assembly.

---

Printed by the Government Printer at the Government Printing Office,  
Campden Park, St. Vincent and the Grenadines.