

# ***A Guide to Application for Deferment of Decisions Made by The Environmental Management Authority***

## ***UNDER SECTIONS 25 AND 41 OF THE ENVIRONMENTAL MANAGEMENT ACT, 2000***

### ***SCOPE OF THIS GUIDE***

This guide is intended to assist members of the public in understanding how applications are made for deferment of decisions made by the Environmental Management Authority (EMA) under section 25, and designation under section 41 of the Environmental Management Act, 2000. Section 25 refers to emergency response activities undertaken by the Environmental Management Authority to address threats to human health or the environment caused by the release of pollutants or hazardous substances. Section 41 deals with the designation of Environmentally Sensitive Areas or Environmentally Sensitive Species.

The specific rules governing practice and procedure with respect to actions before the Environmental Commission are contained in the Environmental Commission Rules of Practice and Procedure, 2001, copies of which are available at the Government Printer. You and/or your attorney should therefore consult the Rules of Practice and Procedure before initiating or participating in any action before the Commission.

Guidelines regarding other applications or appeals over which the Environmental Commission has jurisdiction are also available.

### ***What is the Environmental Commission?***

The Environmental Commission, an impartial and independent body, is a superior court of record established by the Environmental Management Act 2000.

The Commission comprises a full-time Chairman and Deputy Chairman, as well as three part-time members. The Chairman and Deputy-Chairman are required to be attorneys-at-Law of not less than ten (10) years standing while the part-time members are appointed on the basis of their knowledge of, or experience in environmental issues, engineering, the natural sciences or the social sciences. Members of the Environmental Commission are appointed by His Excellency the President of the Republic of Trinidad and Tobago.

### ***How are the members of the Environmental Commission Addressed?***

The members are referred to as “His Honour” or “Her Honour” as appropriate. In court a member is addressed as “Your Honour.”

### ***What are the Powers of the Environmental Commission?***

The Commission has specific powers under the Environmental Management Act, 2000, as well as all the powers inherent in a superior court of record. The Commission therefore has the same powers as the High Court of Justice on the occasion of an action to:

- punish contempt of court;
- enforce its own orders;
- require the attendance and examination of witnesses;
- permit the entry on the inspection of property; and
- require the production and inspection of documents.

### ***Who can apply for deferment of decisions made under section 25? And 41 of the Environmental Management Act, 2000?***

Any aggrieved person may apply to the Commission for deferment of a decision or designation. The Environment Management Act, 2000 defines a person as including any individual or any firm, business, company, enterprise, body corporate, trust, unincorporated association, partnership, or governmental entity, however constituted.

### ***How is an application made?***

An application is commenced by filing with the Registry the original and four copies of the Notice of Application specified in Schedule 1 Form 1 of the Environmental Commission Rules of Practice and Procedure, 2001. The Notice of Application must:

- (a) include a title of the application;
- (b) include a full description of the nature of the application;
- (c) specify any remedy that is being sought by the applicant;
- (d) state the names and addresses of all persons intended to be served with the notice of application;
- (e) state whether the proceedings are filed out of time and if so, shall be endorsed with a reason for late filing; and
- (f) be accompanied by the decision or order of designation.

### ***Do I need a Lawyer?***

No. However you may retain a lawyer if you wish.

### ***How does the Commission make its decision?***

The Commission's objective is to conduct a fair, efficient and impartial hearing at which all relevant evidence and principles will be considered. The Commission makes its decision on the basis of the oral, written and other evidence that is admissible in the

proceedings, as well as on the basis of all relevant provisions of the law. Evidence may include that of technical and expert witnesses.

### ***Mediation***

The Commission has identified mediation as the preferred method of alternative dispute resolution. The practice and procedure with respect to mediation is set out in Rule 10 of the Environmental Commission Rules of Practice and Procedure, 2001.

The Commission on its initiative or at the request of the parties may at any time before or during the proceedings schedule a mediation session. The purpose of a mediation session is to attempt to resolve as many issues, whether substantive or procedural, as possible. The mediator will either be a member of the Commission, Commission staff or a person appointed by the Commission.

### ***What can be outcome of the proceedings?***

After hearing all the evidence in the matter, the Commission may dispose of an application for deferment of a decision or designation by:

- dismissing it; or
- allowing it and making an Order for deferment of the decision or designation.

### ***Can the Commission award Costs?***

Yes.

### ***Can I appeal the Commission's decisions?***

Yes, if a party to the proceedings is dissatisfied with the decision of the Commission as being wrong in law, such party has the right to appeal to the Court of Appeal. However, the decisions of the Commission on questions of fact are final.

### ***When can an appeal of the Commission's decision be filed?***

The appeal must be filed within twenty-one (21) days after delivery of the decision of the Commission. It is commenced by filing with the Registry a notice in writing identifying the specific points of law alleged to be in error and requesting the Commission to state and sign a case for the opinion of the Court of Appeal. A copy of this notice must be served on the Secretary of the EMA or other respondent or appellant in the action, as the case may be.

### ***Get More Information***

For further information on this topic you should refer to:

- the Environmental Management Act, 2000;

- The Environmentally Sensitive Areas Rules, 2001;
- The Environmentally Sensitive Species Rules, 2001; and
- The Environmental Commission Rules of Practice and Procedure, 2001.

Parties may also consult an attorney-at-Law before proceeding with any litigation before the Commission.

**THIS BROCHURE IS NOT A SUBSTITUTE FOR INDIVIDUAL PROFESSIONAL ADVICE. THE ENVIRONMENTAL COMMISSION HAS PREPARED THIS DOCUMENT MERELY AS A GUIDE, AND EACH PERSON'S SITUATION OR CASE, MAY DIFFER. IT IS RECOMMENDED THAT YOU SEEK LEGAL ADVICE FOR YOUR PARTICULAR CASE.**

TO CONTACT THE ENVIRONMENTAL COMMISSION:

The Environmental Commission  
of Trinidad and Tobago

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Corner of St Vincent and New Streets  
Port of Spain  
Trinidad, West Indies  
Tel: (86) 625 7353; 627 9186/3432  
Fax: (868) 627 0871  
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**A GUIDE TO**  
**THE ENVIRONMENTAL COMMISSION OF TRINIDAD AND TOBAGO**

***What is the Environmental Commission?***

The Environmental Commission is a superior court of record, established by and under the Environmental Management Act, 2000 (the EM Act).

It is the first specialized environmental court in the history of Trinidad and Tobago and is charged with the resolution of environmental disputes.

***What are the kinds of matters that can be dealt with by the Environmental Commission?***

The Environmental Commission has the jurisdiction to hear and determine the following matters:-

- appeal from decisions or actions of the Environmental Management Authority (EMA) as specifically authorized under the EM Act;
- applications for deferment of decisions by the EMA to undertake certain emergency response activities (under section 25 of the EM Act);
- applications for deferment of designations by the EMA of “environmentally sensitive species” or “environmentally sensitive areas” (under section 41 of the EM Act);
- applications by the EMA for the enforcement of any Consent Agreement or any final Administrative Order (under Section 67 of the EM Act);
- administrative civil assessments (under section 66 of the EM Act);
- appeals from the designation by the EMA of “environmentally sensitive areas” or “environmentally sensitive species” (under section 41 of the EM Act);
- appeals from a decision of the EMA under section 36 of the EM Act to refuse to issue a certificate of environmental clearance or to grant such a certificate with conditions;
- appeals from any determination by the EMA to disclose information or materials claimed as a trade secret or confidential business information under section 23(3) of the EM Act);

- complaints brought by persons pursuant to section 69 of the EM Act, otherwise known as Direct Private Party Action;
- an appeal against an Administrative Order issued by the EMA (under section 65(2)(a) under the EM Act);
- an appeal where the EMA has failed to comply with the requirement for public participation (under section 28 of the EM Act);
- an appeal against a decision of the EMA to reject a claim under the Certificate of Environmental Clearance Rules, 2001 that information supplied in an application is a trade secret or confidential business information and should be excluded from the National Register of Certificates of Environmental Clearance;
- an appeal against a decision of the EMA under the Noise Pollution Control Rules, 2001 to:
  - refuse to grant a variation;
  - refuse to transfer a variation;
  - refuse to renew a variation;
  - revoke a variation;
  - impose any conditions of a variation; or
  - reject a claim that information supplied in an application is a trade secret or confidential business information and should be excluded from the Noise Variation Register;
- such other matters as may be prescribed by or arise under the EM Act or any other written law where jurisdiction in the Commission is specifically provided for.

### ***How is the Commission Constituted?***

The Commission comprises a full-time Chairman, a full-time Deputy Chairman and three part-time members.

The part-time members are appointed on the basis of their knowledge of, or experience in environmental issues, engineering, the natural sciences or the social sciences. Members of the Environmental Commission are appointed by His Excellency the President of the Republic of Trinidad and Tobago for a term of not less than three years and under such terms and conditions as he may determine.

### ***Who are the members of the Commission?***

- Chairman: Her Honour Sandra Paul – Attorney-at-Law
- Deputy Chairman: Her Honour Indira Ramrekersingh – Attorney-at-Law
- His Honour Dr. Eugene Laurent – Environmental Health Specialist
- Her Honour Dr. Judith Gobin – Environmental Scientist

- Her Honour Anne-Marie Sirju – Environmental and Industrial Chemist.

Mrs. Nicole Ramcharan-Ramdass is the Registrar of the Commission.

***What is an “Administrative Civil Assessment”?***

The Commission may be called upon to make what is termed an “administrative civil assessment” which is defined in section 66 of the EM Act as an assessment of:-

- (a) **compensation** for actual costs incurred by the EMA to respond to environmental conditions or other circumstances arising out of a violation of any environmental requirement(s) referenced in an Administrative Order issued by the EMA;
- (b) **compensation** for damages to the environment associated with public lands or holdings which arise out of the violation referenced in the Administrative Order;
- (c) **damages** for any economic benefit or amount saved by a person through failure to comply with applicable environmental requirements;
- (d) **damages** for the failure of a person to comply with applicable environmental requirements in an Administrative Order;

***What is a Direct Private Party Action?***

A Direct Private Party Action is defined in section 69 of the EM Act.

Generally, it is an action that any private party can bring against any other person for alleged violation of specified environmental requirements identified in section 62. Certain formalities have to be observed relating to the complainant notifying the EMA before bringing such an action to the Commission.

Once a complaint is filed and the EMA is duly notified of it, the EMA may decide to take such action as it thinks necessary. In the event that the EMA elect not to take responsibility for enforcement action, the complainant can then proceed with the complaint before the Commission. On the hearing of a complaint, the Commission is empowered to issue any Administrative Order which the EMA could have appropriately made, or refer the matter back to the EMA for reconsideration.

### ***Who may bring a Direct Private Party Action to the Commission?***

Under section 69(2) of the EM Act, any individual or group of individuals expressing a general interest in the environment or a specific concern with respect to the claimed violation can bring a Direct Private Party Action.

### ***Procedure for commencing proceedings before the Commission***

Members of the public are advised that the procedures for commencing proceedings before the Commission are set out in the Environmental Commission Rules of Practice and Procedure 2001, copies of which are available at the Government Printer, Corner of Victoria Avenue and Tragarete Road, Port of Spain.

Guidelines regarding applications and appeals over which the Environmental Commission has jurisdiction are available.

### ***Contacting the Commission***

Correspondence to the Commission should be addressed to the Registrar or the Chairman as appropriate.

Please note that while the Registrar is available to answer queries on practice and procedure and to interface with members of the public, he cannot, as an officer of the court, dispense legal advice to persons.

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# ***APPEAL AGAINST DECISIONS OF THE ENVIRONMENTAL MANAGEMENT AUTHORITY***

*UNDER THE ENVIRONMENTAL MANAGEMENT ACT, 2000*

## ***SCOPE OF THIS GUIDE***

This guide is intended to assist members of the public in understanding the procedure for appealing certain decisions of the Environmental Management Authority (EMA) made under the Environmental Management Act, 2000. These include:

- An appeal against a decision of the Environmental Management Authority to designate an Environmentally Sensitive Area or Environmentally Sensitive Species;
- An appeal where the EMA has failed to comply with the requirement for public participation;
- An appeal against a decision by the EMA to refuse to grant a certificate of environmental clearance or to grant such certificate with conditions;
- An appeal against a decision of the EMA to reject a claim under the Certificate of Environmental Clearance Rules, 2001 that information supplied in an application is a trade secret or confidential business information and should be excluded from the National Register of Certificates of Environmental Clearance;
- An appeal against a decision of the EMA under the Noise Pollution Control Rules, 2001 to:
  - refuse to grant a variation;
  - refuse to transfer a variation;
  - refuse to renew a variation;
  - revoke a variation;
  - impose any conditions of a variation; or
  - reject a claim that information supplied in an application is a trade secret or confidential business information and should be excluded from the Noise Variation Register;
- An appeal against a decision of the EMA to disclose information or materials claimed as a trade secret or confidential business information; and
- An appeal against an Administrative Order.

The specific rules governing practice and procedure with respect to actions before the Environmental Commission are contained in the Environmental Commission Rules of Practice and Procedure, 2001, copies of which are available at the Government Printer. You and/or your attorney should therefore consult the Rules of Practice and Procedure before commencing with or participating in any action before the Commission.

Guidelines regarding applications over which the Environmental Commission has jurisdiction are also available.

### ***What is the Environmental Commission?***

The Environmental Commission, an impartial and independent body, is a superior court of record established by the Environmental Management Act, 2000.

The Commission comprises a full-time Chairman and Deputy Chairman, as well as three part-time members. The Chairman and Deputy Chairman are required to be attorneys-at-law of not less than ten (10) years standing while the part-time members are appointed on the basis of their knowledge of, or experience in environmental issues, engineering, the natural sciences or the social sciences. Members of the Environmental Commission are appointed by His Excellency the President of the Republic of Trinidad and Tobago.

### ***How are the members of the Environmental Commission Addressed?***

The members are referred to as “His Honour” or “Her Honour” as appropriate. In court a member is addressed as “Your Honour.”

### ***What are the Powers of the Environmental Commission?***

The Commission has specific powers under the Environmental Management Act, 2000, as well as all the powers inherent in a superior court of record. The Commission therefore has the same powers as the High Court of Justice on the occasion of an action to:

- punish contempts of court;
- enforce its own orders;
- require the attendance and examination of witnesses;
- permit the entry on and inspection of property; and
- require the production and inspection of documents.

### ***Who can appeal a decision of the Environmental Management Authority?***

- Any interested person can appeal a decision of the EMA on the ground that the EMA failed to comply with the requirement for public participation. An interested person is any person who submitted a written comment on the proposed action during the public comment period.

- A person can appeal against a decision of the EMA;
  - to disclose information or materials claimed as a trade secret or confidential business information; and
  - to refuse to grant a Certificate of Environmental Clearance or to grant such Certificate with conditions;
- Any applicant or grantee under the Noise Pollution Control Rules, 2001; and
- A person against whom an Administrative Order has been made.

***How is an Appeal Instituted?***

An appeal shall be instituted by filing with the Registry of the Commission a notice of appeal serving a copy thereof on the Secretary of the EMA or other respondent.

***When must an Appeal be Filed?***

An appeal must be filed within twenty-eight (28) days of the date of service of the order or decision being appealed. The Commission however has the power to extend time for filing where the Commission is satisfied that there was a reasonable cause for not appealing within the time limit and that the appeal was filed thereafter without unreasonable delay.

***How is an Appeal commenced?***

The appeal is commenced by filing with the Registry the original and four copies of the Notice of Appeal specified in Schedule 1 Form 2 of the Environmental Commission Rules of Practice and Procedure, 2001. The Notice of Appeal must include:

- (a) a statement of the order or decision appealed against;
- (b) the provision of the Act under which the notice of appeal is submitted;
- (c) the name and title of the person whose decision is the subject of the notice of appeal and the details of the decision objected to;
- (d) the grounds of appeal including the reasons who the appellant objects to the decision;
- (e) a description of the relief requested by the person objecting;
- (f) the signature of the person objecting, or the person's agent; and
- (g) an address for service of the person objecting.

The Notice of Appeal must be filed with the Registry of the Commission and be accompanied by:

- (a) a copy of the order or decision of the EMA;
- (b) a list of names and addresses of all owners of property within 120 meters of the boundary of the property which is the subject of the order or decision; and

- (c) a list of the names and addresses of any other persons who should be notified of the proceedings because they may have an interest in the outcome.

***Do I need a lawyer?***

No. However you may retain a lawyer if you wish.

***How does the Commission make its decision?***

The Commission's objective is to conduct a fair, efficient and impartial hearing at which all relevant evidence and principles will be considered. The Commission makes its decision on the basis of the oral, written and other evidence that is admissible in the proceedings, as well as on the basis of all relevant provisions of the law. Evidence may include that of technical and expert witnesses.

***Mediation***

The Commission has identified mediation as the preferred method of alternative dispute resolution. The practice and procedure with respect to mediation is set out in Rule 10 of the Environmental Commission Rules of Practice and Procedure, 2001.

The Commission on its initiative or at the request of the parties may at any time before or during the proceedings schedule a mediation session. The purpose of a mediation session is to attempt to resolve as many issue, whether substantive or procedural, as possible. The mediator will either be a member of the Commission, Commission staff or a person appointed by the Commission.

***What can be the outcome of the proceedings?***

After hearing all the evidence in the matter, the Commission may dispose of an appeal by:

- dismissing it;
- allowing it and modifying the decision or action of the Environmental Management Authority; or
- allowing it and referring the decision or action back to the EMA for reconsideration.

***Can the Commission award Costs?***

Yes.

***Can I appeal the Commission's decisions?***

Yes. If a party to the proceedings is dissatisfied with the decision of the Commission as being wrong in law, such party has the right to appeal to the Court of Appeal. However, the decisions of the Commission on questions of fact are final.

***When can an appeal of the Commission's decision be filed?***

The appeal must be filed within twenty-one (21) days after delivery of the decision of the Commission. It is commenced by filing with the Registry a notice in writing identifying the specific points of law alleged to be in error and requesting the Commission to state and sign a case for the opinion of the Court of Appeal. A copy of this notice must be served on the Secretary of the EMA, or other respondent or appellant in the action, as the case may be.

***Get More Information***

For further information on this topic you should refer to:

- The Environmental Management Act, 2000;
- The Noise Pollution Control Rules, 2001;
- The Noise Pollution (Fees) Regulations, 2001;
- The Certificate of Environmental Clearance Rules, 2001;
- The Certificate of Environmental Clearance (Designated Activities) Order, 2001;
- The Certificate of Environmental Clearance (Fees and Charges) Regulations, 2001; and
- The Environmental Commission Rules of Practice and Procedure, 2001;

Parties may also consult an attorney-at-law before proceeding with any litigation before the Commission.

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***INSTITUTING CIVIL ACTIONS (DIRECT PRIVATE PARTY***

# ***ACTIONS) AGAINST OTHER PERSONS FOR VIOLATIONS OF ENVIRONMENTAL REQUIREMENTS***

*UNDER THE ENVIRONMENTAL MANAGEMENT ACT, 2000*

## ***SCOPE OF THIS GUIDE***

This guide is intended to assist members of the public in understanding the procedure for instituting a civil action in the Environmental Commission against any other person for a claimed violation of an environmental requirement specified in the Environmental Management Act, 2000.

Section 62 of the Environmental Management Act, 2000 specifies certain environmental requirements, breach of which can attract the law enforcement powers of the Environmental Management Authority (EMA. Section 69 however allows any private party to institute a civil action in the Commission against any other person for a claimed violation of any specific environmental requirement where the EMA has taken no action. Such civil actions are referred to as “Direct Private Party Actions”.

The specific rules governing practice and procedure with respect to actions before the Environmental Commission are contained in the Environmental Commission Rules of Practice and Procedure, 2001, copies of which are available at the Government Printer. You and/or your attorney should therefore consult the Rules of Practice and Procedure before initiating or participating in any action before the Commission.

Guidelines regarding other applications or appeals over which the Environmental Commission has jurisdiction are also available.

## ***What is the Environmental Commission?***

The Environmental Commission, an impartial and independent body, is a superior court of record established by the Environmental Management Act, 2000.

The Commission comprises a full-time Chairman and Deputy Chairman, as well as three part-time members. The Chairman and Deputy-Chairman are required to be attorneys-at-law of not less than ten (10) years standing while the part-time Commissioners are appointed on the basis of their knowledge of, or experience in environmental issues, engineering, the natural sciences or the social sciences. Members of the Environmental Commission are appointed by His Excellency the President of the Republic of Trinidad and Tobago.

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## ***What are the Powers of the Environmental Commission?***

The Commission has specific powers under the Environmental Management Act, 2000, as well as all the powers inherent in a superior court of record. The Commission therefore has the same powers as the High Court of Justice which includes the power to:

- punish contempts of court;
- enforce its own orders;
- require the attendance and examination of witnesses;
- permit the entry on and inspection of property; and
- require the production and inspection of documents.

***Who can institute a Direct Private Party Action?***

Any individual or group of individuals expressing a general interest or a specific concern with respect to a claimed violation.

***When must a Direct Private Party Action be filed?***

- Before the Action can be commenced the complainant must give written notice of the claimed violation to the Managing Director of the EMA at least sixty (60) days before commencing the Action.
- Once the EMA has not within the sixty (60) days taken any action the complainant has twenty-eight (28) days within which to commence the Action.

***How is a Direct Private Party Action commenced?***

The Action is commenced by filing with the Registry the original and four copies of the Notice of Direct Private Party Action specified in Schedule 1 Form 4 of the Environmental Commission Rules of Practice and Procedure, 2001. The Notice must:

- (a) include a title of the complaint;
- (b) include a full description of the alleged violation;
- (c) specify any remedy that is being sought by the complainant;
- (d) state the names and addresses of all persons intended to be served with the complaint;
- (e) state whether the proceedings are filed out of time and if so, shall be endorsed with a reason for late filing;
- (f) include the notice of violation alleged; and
- (g) include proof of written notice of violation to the Managing Director of the EMA, at least sixty(60) days prior to the commencing of the Action.

The Managing Director of the EMA must be served with a copy of the complaint within twenty-eight (28) days of the date on which the complainant was first authorized to bring the action. Service of the complaint must be effected on the EMA and the Attorney General.

***When does a Direct Private Party Action proceed?***

The Direct Private Party Action will only be allowed to proceed if the EMA has not elected to assume responsibility for taking enforcement action within sixty (60) days after the filing of the Action.

***What happens if the EMA decides to take enforcement action after the Direct Private Party Action has been filed?***

If the EMA elects to assume responsibility for taking enforcement action within sixty (60) days after the filing of the Direct Private Party Action, the EMA may:

- (1) pursue the Action before the Commission;
- (2) issue an Administrative Order or enter a Consent Agreement and Final Order addressing the violation;
- (3) pursue other appropriate means of addressing the violation available to it under the Act.

Where the EMA assumes responsibility for enforcement under (2) and (3) above, the EMA may seek dismissal of the complaint before the Commission. The Commission shall upon dismissal award costs to the complainant. The EMA shall bear responsibility for payment of the complainant's cost.

***Is the timeline for instituting a Direct Private Party Action rigid?***

The Commission has the power to extend time for filing where the Commission is satisfied that there was reasonable cause for not filing within the time limit and that the complaint was filed thereafter without unreasonable delay.

***Do I need a lawyer?***

No. However you may retain a lawyer if you wish.

***How does the Commission make its decision?***

The Commission's objective is to conduct a fair, efficient and impartial hearing at which all relevant evidence and principles will be considered. The Environmental Commission makes its decisions on the basis of the oral, written and other evidence that is admissible in the proceedings, as well as on the basis of all relevant provisions of the law. Evidence may include that of technical and expert witnesses.

## ***Mediation***

The Commission has identified mediation as the preferred method of alternative dispute resolution. The practice and procedure with respect to mediation is set out in Rule 10 of the Environmental Commission Rules of Practice and Procedure, 2001.

The Commission on its initiative or at the request of the parties may at any time before or during the proceedings schedule a mediation session in an attempt to resolve as many issues, whether substantive or procedural, as possible. The mediator will either be a member of the Commission, Commission staff or a person appointed by the Commission.

### ***What can be the outcome of the proceedings?***

After hearing all the evidence in the matter, the Commission may dispose of a Direct Private Party Action by:

- dismissing it;
- allowing it and issuing an order as would have been appropriate had the EMA taken action pursuant to section 64 to 67 inclusive; or
- allowing it and referring the decision or action back to the EMA for reconsideration.

### ***Can I appeal the Commission's decisions?***

Yes. If a party to the proceedings is dissatisfied with the decision of the Commission as being wrong in law, such party has the right to appeal to the Court of Appeal. However, the decisions of the Commission on questions of fact are final.

### ***Can the Commission award Costs?***

Yes.

### ***When can an appeal of the Commission's decision be filed?***

The appeal must be filed within twenty-one (21) days after delivery of the decision of the Commission. It is commenced by filing with the Registry a notice in writing identifying the specific points of law alleged to be in error and requesting the Commission to state and sign a case for the opinion of the Court of Appeal. A copy of this notice must be served on the Secretary of the EMA.

### *Get More Information*

For further information on this topic you should refer to:

- The Environmental Management Act, 2000;
- The Noise Pollution Control Rules, 2001;
- The Noise Pollution (Fees) Regulations, 2001
- The Certificate of Environmental Clearance Rules, 2001;
- The Certificate of Environmental Clearance (Designated Activities) Order, 2001;
- The Certificate of Environmental Clearance (Fees and Charges) regulations, 2001;
- and
- The Environmental Commission Rules of Practice and Procedure, 2001.

Parties may also consult an attorney-at-law before proceeding with any litigation before the Commission.

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