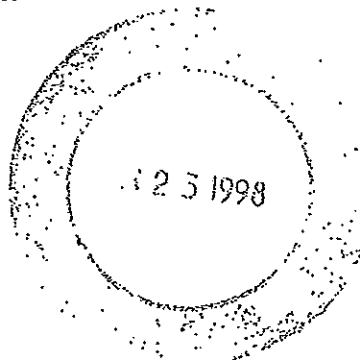


FILE

Litter Law (1997 Revision)

Supplement No. 1 published with Gazette No. 6 of 16th March, 1998.



THE LITTER LAW (12 OF 1982)

(1997 Revision)

Revised under the authority of the Law Revision Law (19 of 1975).

Originally enacted-

Law 12 of 1982-9th December, 1982.

Revised this 9th day of September, 1997.

LITTER LAW

(1997 Revision)

ARRANGEMENT OF SECTIONS

1. Short title
2. Definitions
3. Offence of littering public place
4. Offence of littering premises
5. General as to offences against section 3 or 4
6. Officer shall enforce removal of litter
7. Power to enter premises
8. Duty of officer to remove derelict vehicles
9. General power to remove derelict vehicles
10. Disposal of removed vehicles
11. Indemnity
12. Continuing offences and penalties
13. Sentencing
14. Regulations

Litter Law (1997 Revision)

LITTER LAW

(1997 Revision)

1. This Law may be cited as the Litter Law (1997 Revision).

Short title

2. In this Law-

Definitions

“derelict vehicle” means a vehicle that appears to an officer, by reason of its condition, to have been abandoned:

Provided that the opinion of an officer shall be *prima facie* evidence of the truth of the matters therein contained, and the officer, in forming an opinion, may, if he thinks fit, take into account-

- (i) the fact that the wheels or any of them, the engine or other parts, have been removed; and
- (ii) any other factors, taken together with the fact that the vehicle was unlicensed during the immediately preceding period of six months;

“litter” means anything whatsoever, including dust, dirt, oddments, leavings, waste paper, cigarette ends, bottles (whether empty or not), derelict vehicles and any dead animal or carrion;

“officer” means an Environmental Health Officer appointed under section 3 of the Public Health Law (1996 Revision); and

1996 Revision

“premises” means land, other than any buildings thereon, whether vested in the Crown or not, and includes natural watercourses and drains.

3. (1) Whoever throws down, drops or otherwise deposits and leaves any litter in, into or from a public place in such circumstances as to cause, contribute to or tend to lead to its defacement by such litter is guilty of an offence and liable on conviction to a fine of five hundred dollars or to imprisonment for six months.

Offence of littering
public place

(2) In any proceedings under subsection (1), it is a defence to prove that the throwing, dropping or otherwise depositing or leaving of the litter was authorised by law or was done with the consent of the owner, occupier or other person having the control of the public place in or into which the litter was deposited.

Litter Law (1997 Revision)

Offence of littering
premises

4. Whoever throws down, drops or otherwise deposits and leaves any litter in or into any premises owned or occupied by another without the consent of that other person, the proof whereof shall lie on the person charged, is guilty of an offence and liable on conviction to a fine of five hundred dollars or to imprisonment for six months.

General as to offences
against section 3 or 4

5. (1) Whoever causes another person to contravene section 3 or 4 is guilty of an offence and liable on conviction to a fine of five hundred dollars or to imprisonment for six months.

(2) In the case of a second or subsequent offence against section 3 or 4 a person is liable to a fine of one thousand dollars and to imprisonment for six months.

Officer shall enforce
removal of litter

6. (1) Without prejudice to any proceedings for an offence committed under section 4 or under any other law, where litter is left or caused to be kept in or on any premises in such circumstances as to cause, contribute to or tend to the defacement thereof by such litter an officer shall give notice, either orally or in writing, to the person so leaving or causing the same to be left or to the owner or occupier of such premises requiring him forthwith in the case of dead animals, carrion or other litter considered by the officer to be dangerous to health or life, and, in any other case, within such time as may be limited by the notice, not being less than three days, to remove the litter so as to restore the premises to a condition satisfactory to him.

(2) A notice in writing may be served on a person either personally or by being sent by post to his last known business or private address, or it may be posted up in some conspicuous position on the premises on which the litter has been left.

(3) Whoever fails to comply with the requirements of a notice under subsection (1) is guilty of an offence and liable on conviction to a fine of five hundred dollars and to a further fine of one hundred dollars for every day during which the failure is continued after conviction, and an officer may, without prejudice to proceedings for an offence in respect of such failure, enter the premises and remove the litter so left or caused to be left and may recover summarily as a civil debt from the person in default the expenses reasonably incurred in so doing.

Power to enter premises

7. (1) Subject to this section, an officer may, on producing if so required some duly authenticated document showing his authority, enter any premises at all reasonable hours for the purposes of section 6.

(2) An officer entering premises under subsection (1) may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has so entered shall leave them as effectively secured against trespassers as he found them.

(3) Whoever hinders, molests or interferes with any person doing anything that he is authorised to do, prevents or attempts to prevent any person from doing any such thing, or, unless he is unable to do so, fails or refuses to do anything he is required to do under subsection (1) or (2) is guilty of an offence and liable on conviction to a fine of five hundred dollars and to imprisonment for six months.

8. (1) Without prejudice to any proceedings for an offence committed under section 3 or 4 or any other law, where a derelict vehicle is left or caused to be left in a public place in such circumstances as to cause, contribute to or tend to the defacement thereof, an officer shall give notice to the person so leaving or causing the same to be left requiring him, within twenty-four hours of such notice, to remove the derelict vehicle so as to restore the public place to a condition satisfactory to the officer.

Duty of officer to
remove derelict vehicles

24 hrs

(2) Whoever fails to comply with a notice under subsection (1) is guilty of an offence and liable on conviction to a fine of five hundred dollars and to a further fine of one hundred dollars for every day during which the failure is continued after conviction, and an officer shall, without prejudice to his right to take proceedings for a fine in respect of such failure, remove the derelict vehicle so left or caused to be left, and the Crown may recover summarily as a civil debt from the person in default the expenses reasonably incurred in so doing.

9. Without prejudice to the power of an officer to remove a derelict vehicle upon failure to comply with a notice from him to do so under this Law, he may, at any time, without giving such notice remove any such vehicle found in a public place.

General power to
remove derelict vehicles

10. (1) Subject to subsection (2), where an officer removes a derelict vehicle under this Law, he may dispose of it in such manner as he thinks fit at any time after its removal.

Disposal of removed
vehicles

(2) If, before a derelict vehicle is disposed of by an officer under subsection (1), it is claimed by a person who satisfies him that he is its owner and who pays him any expenses incurred in respect of its removal and storage, the officer shall permit such person to remove it from its custody during such period as he may specify.

Revision)

(3) Where an officer disposes of a derelict vehicle by causing it to be sold and, before the expiration of three months from the date of the sale, any person satisfies him that at the time of such sale he was its owner, the officer shall cause to be paid to him any sum by which the proceeds of sale exceed the aggregate of the expenses incurred in respect of its removal, storage and disposal.

11. Where an officer removes any litter from any premises under this Law, no action, suit or other cause shall lie against him or the Crown, unless it is shown that such removal was motivated by malice or fraud.

12. Where, under section 6, a daily penalty is imposed in respect of a continuing offence, the court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court and, where the court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

13. In sentencing a person convicted of an offence under this Law, the court shall take into consideration not only the purpose of this Law in preventing the defacement by litter of public places and of premises but also the nature of the litter and any resulting risk of injury to persons or animals or of damage to property.

14. The Governor in Council may make regulations generally for carrying this Law into effect, and, in particular and without prejudice to the generality of this power, such regulations may prescribe the fees to be paid for the removal or storage of litter or derelict vehicles, and may make regulations for the mandatory provision by the owner or operator of any motor vehicle of such equipment including litter baskets, bags or bins as may be considered necessary or expedient to eliminate or control littering from such motor vehicles and may provide for a fine of two hundred dollars and imprisonment for three months for contravention of such regulations.

Publication in revised form authorised by the Governor in Council this 9th day of September, 1997.

Carmena H. Parsons
Clerk of Executive Council