

VIRGIN ISLANDS

LITTER (ABATEMENT) (AMENDMENT) ACT, 2009

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Section 2 amended.
3. Section 5 amended.
4. Section 8 amended.
5. Section 8A inserted.
6. Repeal and replacement of Second Schedule.

I Assent
Governor
19th June, 2009

VIRGIN ISLANDS

No. 14 of 2009

An Act to amend the Litter (Abatement) Act (Cap. 182).

[Gazetted 1st October, 2009]

ENACTED by the Legislature of the Virgin Islands as follows:

1. This Act may be cited as the Litter (Abatement) (Amendment) Act, 2009. Short title.
2. Section 2 of the Litter (Abatement) Act (in this Act referred to as the "principal Act") is amended in the definition of "Litter Warden" by substituting the following definition:

"Litter Warden" means a police officer, a member of the Virgin Islands Auxiliary Force, an environmental health officer, a solid waste officer and any other person appointed under section (5) to be a Litter Warden."
3. Section 5 of the principal Act is amended in subsection (1) Section 5 amended.
 - (a) by inserting the words, "solid waste officer, a member of the Virgin Islands Auxiliary Force" after the word "officer";
 - (b) by deleting the word "constable" and substituting the word "officer"; and
 - (c) by the substitution for the words "Executive Council", of the word "Cabinet" wherever found in that section.
4. Section 8 of the principal Act is amended Section 8 amended.
 - (a) in subsection (2)(a), by deleting the words "or such longer period as may be specified in the notice";
 - (b) in subsection (3), by deleting the words "and if a longer period is specified in the notice as being the period allowed for payment of the fixed

penalty, no proceedings shall be brought until after the expiration of that period”;

- (c) by repealing subsection (4) and substituting the following subsection

“(4) Payment of a fixed penalty under this section shall be made to the Magistrate’s Court and the payment shall be treated for all purposes as payment of a fine imposed after a summary conviction; and a receipt issued by the Magistrate’s Court as proof of payment or non-payment of the fixed penalty is *prima facie* evidence of all the facts stated in the receipt.”; and

- (d) by repealing subsection (6) and substituting the following subsection

“(6) The notice referred to in this section shall be prepared in quadruplicate, and the Litter Warden shall

- (a) serve the original personally on the offender;
- (b) send the second copy to the Magistrate’s Court;
- (c) retain the third copy; and
- (d) send the fourth copy to the Solid Waste Department.”

- (e) by inserting after subsection (6), the following subsection (7)

“(7) The notice referred to in subsection (6) shall state the alleged offence and particulars of the offence.”.

5. The principal Act is amended by inserting after section 8, the following section:

Extension of period for payment or increase in penalty upon expiration of period for payment.

“8A. (1) After the expiration of the period allowed for the payment of the fixed penalty, the Magistrate may increase the amount of the penalty, which shall be paid forthwith, or extend the period within which payment of the penalty may be made as he thinks fit.

(2) Where the Magistrate increases the amount of the fixed penalty or extends the

period within which payment of the fixed penalty is to be made under subsection (1), no proceedings shall be brought against the offender if payment has been made or until after the expiration of that period.”.

6. The principal Act is amended by repealing the Second Schedule and replacing with the following:

Repeal and replacement of Second Schedule.

“SECOND SCHEDULE

S. 8(2).

THE LITTER (ABATEMENT) ACT,

FIXED PENALTY NOTICE

Dated the day of 20 , at

Name of Offender:

Address:

COMMITTED THE FOLLOWING OFFENCE.

Statement of Offence:

- (a) Deposited litter in a public place in contravention of section 3 (1) (a).
- (b) Deposited litter in a private place without being authorised by the occupier in contravention of section 3 (1) (b).
- (c) Interfered with a receptacle for litter collection or its contents in contravention of section 3 (1) (c).
- (d) Transported litter in a manner that it be scattered or was likely to be scattered in a public place in contravention of section 3 (1) (d).
- (e) Permitted the accumulation of litter on premises under your occupation or control in contravention of section 3 (1) (e).
- (f) Discharged litter from a moving or stationary vehicle in contravention of section 3 (1) (f).
- (g) Failed to comply with a litter removal order under section 7.

Payments of \$150.00 to be made within 21 days of the penalty at the Magistrate's Court.

.....
Signature and Identification of
Litter Warden.

.....
Date.”

Passed by the House of Assembly this 11th day of August, 2009.

ROY HARRIGAN,
Speaker.

PHYLLIS EVANS,
Clerk of the House of Assembly.

No. 15 of 2009

VIRGIN ISLANDS

**PROLIFERATION FINANCING
(PROHIBITION) ACT, 2009**

ARRANGEMENT OF SECTIONS

Section

PRELIMINARY

1. Short title.
2. Interpretation.

DIRECTIONS

3. Power to give a direction.
4. Persons to whom a direction may be given.
5. Conditions for giving a direction.

REQUIREMENTS IN RELATION TO DIRECTIONS

6. Imposing requirements.
7. Customer due diligence.
8. Ongoing monitoring.
9. Systematic reporting.
10. Restricting or ceasing business.

**PROCEDURES AND LICENSING IN RELATION
TO DIRECTIONS**

11. General directions: how given.
12. Specific directions: notification and duration of direction.
13. General directions: publication and duration of direction.
14. Directions restricting or ceasing business: exemption by licence.

ENFORCEMENT: INFORMATION POWERS

15. Power to require information or documents.
16. Powers of entry and inspection without a warrant, etc.
17. Entry to premises under warrant.
18. Restrictions on powers.
19. Failure to comply with information requirement.

ENFORCEMENT: CIVIL PENALTIES

20. Power to impose civil penalties.
21. Duty to issue penalty notice.
22. Right of appeal.