

CHAPTER 182.

LITTER (ABATEMENT).

(6th July, 1987.)

3/1987

1. This Act may be cited as the Litter (Abatement) Act. Short title.
2. For the purposes of this Act— Interpretation.
- “fixed penalty” means the penalty specified in section 8 (5);
- “litter” means any matter or material disposed of or discarded in a place where its presence is undesirable or is likely to be injurious to health;
- “Litter Warden” means a police constable, a public health inspector and any other person appointed under section 5 to be a Litter Warden.
3. (1) No person shall— Depositing etc of litter.
- (a) deposit litter in a public place except in a receptacle provided for the purpose under section 4 or in a place designated for the purpose under that section;
- (b) deposit litter in a private place unless authorised to do so by the occupier of that place;
- (c) interfere with any receptacle, whether private or public, in which litter has been placed for collection or interfere with the contents of any such receptacle;
- (d) transport litter in such a manner that it is scattered or is likely to be scattered in a public place while it is being transported;
- (e) permit the accumulation of litter on premises under his occupation or control; or
- (f) discharge any litter from a moving or stationary vehicle.
- (2) For the purposes of paragraph (c) of subsection (1), a receptacle is a public receptacle if it is provided under section

4 (1) for public use and a receptacle other than a public receptacle is a private receptacle.

Receptacles and
places for
disposal of litter.

4. (1) The Minister may authorise the provision, in such places as he considers necessary, of suitable receptacles for the depositing of litter.

(2) In addition to the provision of receptacles under subsection (1), the Minister may, by notice published in the Gazette and the press, designate places as disposal sites for litter that has been collected.

Litter Wardens.

5. (1) Every public health inspector and every police constable is *ex officio* a Litter Warden and in addition thereto, the Minister may, subject to the approval of the Executive Council, by instrument in writing appoint such other persons to be Litter Wardens as may be required.

(2) Every appointment of a Litter Warden, other than an *ex officio* Litter Warden, shall be notified in the Gazette and the press and every such Litter Warden is entitled to payment of such remuneration for his services as the Minister, with the approval of the Executive Council, authorises.

(3) Except for an *ex officio* Litter Warden, the post of Litter Warden is a non-established, non-pensionable post.

Functions of
Litter Warden.

6. The functions of a Litter Warden are—

- (a) to prevent contravention of this Act;
- (b) to ensure enforcement of this Act where its provisions are contravened; and
- (c) generally, to assist in the administration of this Act.

Litter removal
order.

7. (1) Where a Litter Warden finds a person committing an offence under section 3 (1), he may—

- (a) require such person to state his name and place of residence for the purposes of instituting proceedings against such person under this Act; or
- (b) issue a litter removal order to that person in the form set out in the First Schedule with respect to the contravention requiring such person to remove such litter within such period as may be prescribed in such order.

(2) Where a Litter Warden issues a litter removal order under paragraph (b) of subsection (1) and the person to whom

it is addressed fails to comply with the order he shall be guilty of an offence and the Litter Warden may institute proceedings with respect to that offence.

(3) Where a person complies with a litter removal order no proceedings shall be instituted with respect to the offence.

8. (1) Any person who contravenes section 3 (1) or section 7 is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars and in default to imprisonment for a term not exceeding three months.

Offences and
enforcements.

(2) Notwithstanding subsection (1) where any person contravenes section 3 (1) or section 7, a Litter Warden may serve on such person a notice in the form set out in the Second Schedule affording that person an opportunity of discharging any liability that would arise out of a conviction for that contravention; and the person is exempted from any further liability in respect of that contravention if—

(a) before the expiration of a period of twenty-one days from the date of the notice or such longer period as may be specified in the notice; or

(b) before the date on which proceedings are commenced against him in respect of the contravention, he pays a fixed penalty specified in subsection (5).

(3) No proceedings shall be brought against a person on whom a notice has been served under this section until after the expiration of a period of twenty-one days from the date of the notice 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.

(4) Payment of a fixed penalty under this section shall be made to the Clerk of the Magistrate's Court specified in the notice and the payment shall be treated for all purposes as payment of a fine imposed after a summary conviction; and a certificate by the Clerk of the Court to the effect of the payment or non-payment of the fixed penalty is prima facie evidence of all the facts stated in the certificate.

(5) The fixed penalty referred to in this section is fifty dollars.

(6) A notice referred to in this section shall be prepared in triplicate, that is to say, the original which shall be served on the offender, the second copy, which the Litter Warden shall send to the Clerk of the Magistrate's Court and the third copy retained by the Litter Warden, and such notice must be served personally and must—

(a) contain a statement of the alleged contravention of this Act with particulars sufficient to inform the offender adequately of the allegation;

(b) specify the period allowed for payment of the fixed penalty after the expiration of which proceedings will be brought;

(c) specify the amount of the fixed penalty; and

(d) specify the Magistrate's Court to which the fixed penalty shall be paid.

Regulations.

9. The Minister may make regulations generally respecting the effective operation of this Act.

FIRST SCHEDULE.

S. 7.

THE LITTER (ABATEMENT) ACT,
LITTER REMOVAL ORDER.

Name

Address

Take notice that pursuant to section 7 of the Litter Abatement Act you are hereby ordered to remove the litter unlawfully deposited by you at

The removal of such litter must be completed within _____ days or a summons may be issued with respect to this offence.

Dated this _____ day of _____ 19 _____ .

Litter Warden.

SECOND SCHEDULE.

S. 8 (2).

THE LITTER (ABATEMENT) ACT,
FIXED PENALTY NOTICE.

Dated the day of 19 at

Name of Offender:

Address:

COMMITTED THE FOLLOWING OFFENCE.

Statement of Offence:

Deposited litter in a Public Place in contravention of section 3 (1) (a).

Deposited litter in a Private Place without thereof being so authorised by the occupier in contravention of section 3 (1) (b).

Interfered with a receptacle for litter collection or its contents in contravention of section 3 (1) (c).

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).

Permitted the accumulation of litter on premises under your occupation or control in contravention of section 3 (1) (e).

Discharged litter from a moving vehicle in contravention of section 3 (1) (f).

Failing to comply with a litter removal order under section 7.

Payment to be made within days of a penalty of \$50.00 at the Magistrate's Court, John's Hole, Tortola.

Signature and Identification of
Litter Warden.

Date

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Litter Abatement Act
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Litter Warden.