

ANTIGUA AND BARBUDA



LITTER CONTROL AND PREVENTION ACT, 2019

No. 3 of 2019

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ANTIGUA AND BARBUDA

LITTER CONTROL AND PREVENTION ACT, 2019

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[L.S.]



I Assent,

Rodney Williams,
Governor-General.

15th April, 2019.

ANTIGUA AND BARBUDA

LITTER CONTROL AND PREVENTION ACT, 2019

No. 3 of 2019

AN ACT to control and prevent various acts of littering and for other connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Litter Control and Prevention Act, 2019.

2. Interpretation

In this Act —

"approved site" means a site established by the Minister, or by any person with the approval of the Minister, as a site for the deposit and disposal of litter;

"banned products" means expanded polystyrene (Styrofoam) to include food service containers including bowls, plates, hot and cold beverages cups and cup lids, plastic straws, clamshell, hinge lids and other containers that are made of polystyrene for use in food services, meat trays and fruit trays, egg cartons, naked polystyrene coolers, plastic utensils and any other products made of Expanded Polystyrene and/or polypropylene used for selling, holding or providing food for consumption on or off the premises;

"bus" means any vehicle having seating capacity for more than six persons which is used for the carriage of persons for hire or reward;

"commercial waste" means waste from premises used wholly or mainly for the purpose of trade or business or for the purpose of sport, recreation or entertainment;

"construction site" means a place where a building is being built or repaired;

"construction waste" means any substance, matter or thing which is generated as a result of construction work and abandoned, whether or not it has been processed or stockpiled before being abandoned or any mixture of surplus materials arising from site clearance, excavation, construction, refurbishment, renovation, demolition or road works;

"Court" means the Magistrate's Court;

"deposit" in relation to litter, includes casting or placing or allowing to flow or fall;

"derelict vehicle" means –

- (a) a motor vehicle or part of a motor vehicle in a public place which has been left in a public place and which by reason of its condition appears to the public authorities to have been abandoned; or
- (b) any motor vehicle that is left in a public place and which does not bear a licence tag issued by the Antigua and Barbuda Transport Board or which bears a licence tag that has expired in excess of three (3) months;

"domestic waste" means waste from a private dwelling or building used for residential purposes, a government building, a religious establishment, a school or other educational establishment;

"expanded polystyrene (Styrofoam) means blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer sphere (Expanded bead polystyrene) injection molding, foam molding and extrusion-blow molding (extruded foam polystyrene);

"hazardous waste" means any substance, preparation, article or waste which, because of its chemical or physical properties is known or reasonably believed, based on scientific and medical investigation, may cause, promote or result, directly or indirectly, in –

- (a) hazard or harm to human health;
- (b) hazard to the natural living condition of plants and animals;
- (c) pollution of land, water, the atmosphere or the environment;

- (d) fire or explosion
- (e) the appearance and multiplication of harmful animals or plants;
- (f) the encouragement of pathogens;

"industrial waste" means waste from premises forming part of a hospital or nursing home or from any factory or premises carrying on any industrial activity;

"liquid waste" includes waste such as wastewater, sewage, used oil, sludge and hazardous household liquids that are potentially harmful to animals, humans or the environment;

"litter" means –

- (a) any solid or liquid material or combination of solid and liquid materials including but not limited to any bottle, tin, log, sawdust, carton, package, packing material, paper, glass, food, animal remains, garbage, debris, sand, gravel, stone aggregate, dirt, waste (including any human and animal waste and e-waste); or
- (b) any other refuse, rubbish or waste material, and any other material that is designated as litter by the Minister by notice published in the *Gazette*;

"Litter Prevention Warden" means a person appointed as such, pursuant to section 3 or a person deemed to be a Litter Prevention Warden in accordance with section 5;

"local authorities" means the Central Board of Health (CBH), or National Solid Waste Management Authority (NSWMA) or both as the particular context permits

"medical waste" means waste material generated at any hospital, medical office, dental practice, laboratory, health care facility, medical research facility, nursing home or veterinary clinic; it includes blood or other bodily fluids, sharps, human and animal tissue, used bandages and dressings, discarded gloves, other medical supplies that have been in contact with blood;

"Minister" means the Minister with responsibility for Health;

"operating certificate" means a certificate issued by the "local authority";

"Permanent Secretary" means Permanent Secretary to the Ministry of Health;

"person" includes a body corporate, unincorporated business, association and a partnership;

"premises" means any land with or without a building thereon, natural water courses and drains, whether boundary or interlot drains in any private layout or otherwise, any ports, bays and shores;

"public place" includes—

- (a) any public highway, street, road, square, court, alley, land, bridleway, foot-path, parade;
- (b) any beach, public garden, park or open square to which the public has access without payment of any fees;
- (c) every theatre, place of public entertainment of any kind, or other place of general resort, admission to which is obtained by payment, or to which the public has access;
- (d) any seaport or marina;
- (e) any bridge, wharf or other similar structure to which the public has access;
- (f) any forest reserve so declared under section 5 of the Forestry Act, Cap. 178;
- (g) any airport and airport facilities within the meaning of section 2 of the Airport Authority Act, 2006 No. 17 of 2006;
- (h) any public burial ground within the meaning of the Burial Ground Act Cap 61; and
- (i) any other place to which the public has access as may be prescribed.

"receptacle" means any bin or container of any sort which, pursuant to this Act is provided in any public place, bus or taxi pursuant to this Act or any other enactment, for the purpose of litter being temporarily deposited therein by members of the public;

"unsightly premises" means any premises or part of any premises upon which litter is deposited or allowed to stand in such circumstances as to cause, contribute or tend to the defacement of the premises and the surrounding environment;

"waste" includes-

- (a) any substance which constitutes a scrap material or any other unwanted surplus substance arising from the application of any process;
- (b) single-use shopping plastic bags for carrying items from a store to a home as described in the External Trade (Shopping Plastic Bags Prohibition) Order, 2017;

- (c) expanded polystyrene (Styrofoam) including bowls, plates, hot and cold beverage cups and lids and caps, straws, forks, knives, spoons, fruit/vegetable/meat trays and egg cartons as described in the External Trade (Expanded Polystyrene) (Prohibition) Order, 2018;
- (d) any abandoned or derelict vehicle, boat, fish pot or substance or article which requires to be disposed of as being broken down, worn out, unfit for its required purpose, contaminated or otherwise spoiled;
- (e) domestic waste, industrial waste, commercial waste, medical waste, hazardous waste, liquid waste, solid waste, or e-waste;
- (f) anything which is discarded or otherwise dealt with as if it were waste is presumed to be waste and accordingly litter until the contrary is proved.

PART II

LITTER PREVENTION

3. Appointment of Litter Prevention Wardens

(1) Subject to subsections (2) and (3), the Minister may, from time to time, appoint persons to be Litter Prevention Wardens for the purpose of this Act.

(2) Every appointment under subsection (1) shall be on such terms and conditions of employment as the Minister may determine.

(3) Any Litter Prevention Warden appointed under this section may be appointed to exercise his duties specifically in respect of any particular public place or places or generally in respect of public places throughout Antigua and Barbuda.

(4) The Permanent Secretary shall provide to every Litter Prevention Warden appointed under subsection (1) a uniform, a badge of office and a written warrant, signed by the Permanent Secretary or any person acting on his behalf, appointing said Litter Prevention Warden.

(5) It shall be sufficient proof of authority where a Litter Prevention Warden produces his badge and warrant of appointment.

4. Removal of Litter Prevention Warden from office

(1) A Litter Prevention Warden may be removed from office –

- (a) at the end of his appointment;
- (b) upon tendering his resignation in writing addressed to the Permanent Secretary;
- (c) for non-performance of duties; or

(d) for misconduct during the term of his appointment.

(2) A Litter Prevention Warden who is removed from office as provided in subsection (1) shall surrender to the Permanent Secretary his warrant of appointment and any uniform and badge of office that may have been issued to him in respect of his appointment.

5. Ex officio Litter Prevention Wardens

The following persons shall, by virtue of their office, be deemed to be Litter Prevention Wardens for the purposes of this Act-

- (a) every police officer or special constable;
- (b) every traffic warden appointed under section 7A of the Transport Board Amendment Act 1998, No. 22 of 1998;
- (c) every public health inspector;
- (d) every environmental officer;
- (e) every forestry officer;
- (f) Local Government and Community Officers of the Ministry of Social Transformation;
- (g) all senior personnel at Solid Waste;
- (h) every tourism cadet and beach officer;
- (i) every member of the ONDCP and Defence Force; and
- (j) every member of both Houses of Parliament.

6. Powers and Duties of Litter Prevention Warden

(1) Every Litter Prevention Warden is authorised to enforce the provisions of this Act and in the course of such enforcement may act summarily to prevent the deposit or attempted deposit of litter or waste in any public place.

(2) Where any Litter Prevention Warden finds a person depositing litter or waste, whether inadvertently or otherwise, in a public place in which he has authority to act, or has good cause to believe that a person has deposited any litter, whether inadvertently or otherwise, in any such place, the Litter Prevention Warden may require him to place the litter in the nearest receptacle, or, if by reason of the size or quantity of the litter or for any other reason it is not practicable for the litter to be placed in a receptacle, to remove the litter to the nearest approved site.

(3) If any Litter Prevention Warden finds a person committing an offence under section 17, 18 or 20 or has good cause to believe that a person has committed such an offence, the Litter Prevention Warden may-

- (a) require that person to state his true name and place of residence and to produce an officially issued identification card;
- (b) with respect to the contravention, issue a litter removal order to that person in Form A as prescribed in the Schedule requiring the person to whom it is addressed within a specified period of time, which shall not be more than two days, to remedy the condition caused by his action; or
- (c) cause the person to be prosecuted for the offence.

(4) Where a Litter Prevention Warden issue a litter removal order under subsection 3(b) and the person to whom it is addressed fails to comply with the order to the satisfaction of the Litter Prevention Warden who issued the order, the Litter Prevention Warden may commence a prosecution with respect to that offence.

(5) Where a person complies with a litter removal order to the satisfaction of the Litter Prevention Warden who issued the order, no prosecution shall be commenced with respect to the offence.

7. Minister may designate officers of Ministry to carry out provisions of Act

(1) The Minister may designate one or more persons on the staff of the Ministry of Health as a Litter Prevention Warden for the purpose of carrying out all or any of the provisions of this Act and any person so appointed has, for the purposes of this Act, all the powers, authority and immunities conferred upon or enjoyed by a Litter Prevention Warden under this Act.

(2) Any person designated under subsection (1) shall, maintain in his possession a certificate of his designation and shall produce such certificate upon request.

8. Punishment without prosecution for certain offences

(1) Notwithstanding anything in any of the foregoing provisions of this Act and without prejudice to his right to take any other steps under the authority of this Act, where a Litter Prevention Warden finds a person on any occasion committing or has reason to believe that a person has committed an offence under either subsections (1) of section 17 or under section 18, the Litter Prevention Warden may –

- (a) serve on that person the prescribed notice in writing charging him with the commission of such offence;
- (b) offer him the opportunity of the discharge of any liability to conviction for such offence by payment of a fixed penalty under this section; and
- (c) notify him that a complaint will be made against him in respect thereof, requiring him either to pay the fixed penalty within the time specified in the notice or to appear at the Court specified in the notice on the day and at the hour stated therein to answer the said complaint.

(2) A notice given under subsection (1) shall be signed by the Litter Prevention Warden and shall specify–

- (a) the date, time and place of the giving of the notice;
- (b) the section of this Act under which the offence is alleged to have been committed and such particulars of the offence as are necessary for giving reasonable information of the allegation;
- (c) the time within which the fixed penalty may be paid and further that no further proceedings will take place until the date for payments has passed in accordance with subsection (9);
- (d) the amount of the fixed penalty in accordance with subsection (7);
- (e) the address of the Magistrate Court at which the fixed penalty may be paid or remitted;
- (f) in the event that the fixed penalty is not paid,
 - (i) the court at which the person is required to appear
 - (ii) the date and time for his appearance;

(3) The Litter Prevention Warden shall send to the clerk of the Magistrate for the magisterial district in which the offence is committed, a duplicate of the notice, and that duplicate shall be

deemed to be a complaint made before the Magistrate and a summons shall be issued by the Magistrate for the purpose of the Magistrate's Code of Procedure Act.

(4) Payment of a fixed penalty under this section shall be made to the clerk of the Magistrate for the magisterial district in which the offence is committed, and sums paid by way of fixed penalty for an offence shall be treated for the purposes of the Magistrate's Code of Procedure Act as if they were fines imposed on summary conviction for such offence.

(5) In any proceedings a certificate that payment of a fixed penalty was or was not made to the appropriate clerk of the Magistrate by a date specified in the certificate shall, if the certificate purports to be signed by the clerk of the Magistrate, be sufficient evidence of the facts stated, unless the contrary is proved.

(6) The time within which the fixed penalty is payable shall be ten days from the date of the notice.

(7) The fixed penalty for an offence shall be one thousand dollars (\$1000) in the case of an individual and five thousand dollars (\$5000) in the case of a body corporate.

(8) Where the fixed penalty is duly paid in accordance with such notice, the person on whom such notice is served is not liable to be convicted of the offence in respect of which the notice was given and the proceedings instituted by the notice shall be deemed dismissed.

(9) Where a person is given a notice under this section in respect of an offence no further proceedings shall be taken against any person for that offence until the end of the ten days following the date of the notice.

(10) Where the fixed penalty is not paid within the time specified in the notice, proceedings in respect of the offence specified in the notice shall proceed in the manner prescribed by the Magistrate's Code of Procedure Act.

(11) In the foregoing subsections "proceedings" means any criminal proceedings in respect of the act or omission constituting an offence under either section 17, 18, 19, 21, 22, 23 or 24 and the word "convicted" shall be construed in like manner.

(12) The Minister may make regulations providing for any matter incidental to the operation of this section, and in particular-

- (a) for prescribing the form of notice under subsection (1);
- (b) for prescribing the information to be supplied to clerks of the Magistrate;
- (c) for prescribing an appropriate reward for any member of the public who provides

the authorities with accurate information of acts in contravention of this Act.

9. Punishment of offence

A Litter Prevention Warden shall have power to institute proceedings for any offence under this Act which was committed in the area in respect of which he holds his appointment as such Litter Prevention Warden.

10. Police Officers to assist

It shall be the duty of all officers and constables of police to aid and assist in carrying out the provisions of this Act and preventing breaches thereof.

11. Offender may be ordered to clean premises

(1) Without limiting the powers conferred on Litter Prevention Wardens by this Act, where any person is convicted of an offence under sections 17, 18 or 20 the Court may, in addition to imposing a penalty, order the offender under the supervision and to the satisfaction of a person nominated by the Court, to clean up and remove such litter deposited in such public place within such period and to such place as may be specified in the order.

(2) Where such order is complied with to the satisfaction of the person nominated by the Court that person shall deliver or cause to be delivered to the offender a statement in writing to that effect.

(3) Any offender who fails without reasonable excuse to comply with such order is guilty of an offence and is liable on summary conviction to a fine of one thousand dollars (\$1000) and in addition thereto, to any penalty imposed under sections 17, 18, or 20.

(4) A Litter Prevention Warden may lay a charge against anyone who commits an offence under subsection (3).

12. Owner of Premises Responsible for Upkeep

(1) The owner, occupier or person in control of any premises shall be responsible for keeping such premises, the immediate outskirts, the side walk and any gutter or drain adjoining the premises clean and tidy at all times.

(2) Where a Litter Prevention Warden considers any premises, the sidewalk and any gutter or drain adjoining such premises to be unsightly, or a public health hazard or seriously detrimental to the amenities of the neighbourhood by reason of litter, the Litter Prevention Warden may issue a clean-up order to the owner, occupier or the person in control of the premises that is the subject of such order as set out in Form B of the Schedule.

(3) A Litter Prevention Warden may require the person to whom the clean-up order is addressed to do any of the following, within a period of time specified by the Litter Prevention Warden –

- (a) to remedy the condition of the premises in a manner and to the extent directed in the order;
- (b) to demolish or remove any litter causing or contributing to the unsightly premises, public health hazard, or detrimental condition of the premises; or
- (c) to take such steps as the Litter Prevention Warden thinks necessary to remedy the condition of the premises.

(4) Subject to subsection (3) a person to whom a clean-up order is issued shall comply with the order within fourteen (14) days from the date of the service of the order.

(5) The person to whom a clean-up order is issued may, within seven (7) days of the date it is served on him, request the Chief Health Inspector or any person appointed by the Minister for the purpose of this Act, to review the order or any part thereof.

(6) Upon receiving a request for such a review the Chief Health Inspector or any person appointed by the Minister for the purpose of this Act, shall review the reasons for and the requirements of the clean-up order, within seven (7) days of receiving such request.

(7) After such review, the Chief Health Inspector or any person appointed by the Minister for the purpose of this Act, may confirm, rescind or in any manner vary the clean-up order and shall issue to the person named in the clean-up order a decision on his review in Form C as set out in the Schedule.

(8) Where the Chief Health Inspector's decision on review confirms or varies the clean-up order, the time limit for compliance with the order shall be such number of days from the date of the decision on review as the Chief Health Inspector may specify in his decision on review.

(9) Notwithstanding the provisions of subsection (5), where a person fails to comply with the requirements of a clean-up order under this section, the Chief Health Inspector or any person appointed by the Minister for the purpose of this Act, without prejudice to the provisions of subsection (4) or to his right to institute any other proceedings, may cause the condition of the premises to be remedied to the extent specified in the clean-up order and may recover any reasonable expenses incurred in so doing summarily as a civil debt due to the Crown from the person to whom the clean-up order was issued.

(10) Where the owner or person to whom a clean-up order was issued under subsection (2) cannot be found or fails to comply with the clean-up order, the expenses incurred in cleaning the property shall be levied against the property.

(11) For the purpose of carrying this section into effect the Chief Health Inspector or any person authorised for that purpose by the Minister shall have power at all reasonable times to enter into and upon any premises and take such action as may be necessary to carry out the requirements of a clean-up order under this section.

13. Removal of Derelict Vehicles from a public place

(1) Where any derelict vehicle is left in any public place in such circumstances as to cause, contribute to or tend to the defacement of the environment by reason of the presence of such derelict vehicle, the local authority may give notice to the owner or last known owner of the derelict vehicle requiring him to remove the derelict vehicle from the public place within twenty-four hours of such notice.

(2) Where the last known owner cannot be determined or cannot be found, a notice shall be placed on the said derelict vehicle advising the owner that if the said vehicle is not removed within forty-eight hours, it will be removed by the authorities.

(3) Notwithstanding the provisions of subsection (1) and (2) the authorities may at any time without giving notice remove any derelict vehicle found in any public place or premises.

14. Disposal of removed vehicles

(1) Where a derelict vehicle is removed in pursuance of the foregoing provisions of this Act, the local authorities may dispose of such derelict vehicle in such manner as it thinks fit at any time after its removal.

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

(3) Where the derelict vehicle is disposed of by selling it and before the expiration of three months from the date of the sale, any person who satisfies the authorities that at the time of such sale he was the owner of the derelict vehicle, the authorities shall pay over to him any sum by which the proceeds of sale exceed the aggregate of the expense incurred in respect of the removal, storage and disposal of the derelict vehicle.

(4) Where the vehicle is being disposed of under subsection (3), the authorities should ensure that the price of sale be at the current market value of the vehicle.

(5) Where it appears to the authorities that more than one person is or was its owner of the derelict vehicle at the relevant time of such sale, any one of them may be treated as its owner for the purposes of subsection (3).

15. Owner of bus to provide Receptacle for litter

The owner of every bus or taxi shall, while his vehicle is plying for hire, provide in a convenient place therein one or more receptacle for the deposit of litter.

16. Storage and disposal of commercial waste by business owners

A person who operates a business shall not deposit, store or dispose of any commercial waste or litter on the business premises, street, sidewalk or other public area which connects to the place of business unless such waste or litter is properly deposited, stored or disposed of in an appropriate receptacle.

**PART III
OFFENCES AND PENALTIES**

17. Disposal of Litter in a Public Place

(1) A person is guilty of an offence who, without reasonable excuse deposits and leave any litter or waste in or on any public place other than-

- (a) in a receptacle placed for the purpose of collecting it; or
- (b) in or at any approved site.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction—

- (a) in the case of an individual, to a fine of three thousand dollars (\$3000) or to imprisonment for 1 year; or
- (b) in the case of a body corporate, to a fine of fifteen thousand dollars (\$15,000).

(3) It shall not be a defence that litter originally deposited by a person in a public place came to rest in a place other than a public place.

(4) In any proceedings against a person for an offence under this section the absence or unavailability of a receptacle shall not be a defence.

18. Disposal of litter from motor vehicle or trailer

(1) A person is guilty of an offence, who transports in or on a motor vehicle or trailer along any motorway, road, street, alley, lane or thoroughfare, any substance or material which is likely to fall off or blow off the motor vehicle or trailer because while being so transported it is either-

- (a) not sufficiently or well secured as to prevent it from falling off the motor vehicle or

trailer, or

(b) not so covered as to prevent it from blowing off the motor vehicle or trailer.

(2) A person who is guilty of an offence under this section is liable—

(a) in the case of an individual, on summary conviction—

(i) to a fine of five thousand dollars (\$5000) or to imprisonment for 1 year; and

(ii) suspension of the driver's licence of that person for a period of six months;

(b) in the case of a body corporate, to a fine of fifteen thousand dollars (\$15,000).

(3) Where litter is deposited in or on a public place from a motor vehicle or trailer, contrary to subsection (1), and it cannot be determined which of two or more occupants of the motor vehicle or trailer is responsible, the driver of the motor vehicle or trailer shall be deemed to be the person who deposited the litter from the motor vehicle or trailer.

(4) Where litter is deposited from a motor vehicle or vehicle contrary to subsection (1) and it cannot be determined who is the driver of the motor vehicle or trailer, the owner of the motor vehicle or trailer shall be deemed to be the person who deposited the litter from motor vehicle or trailer.

(5) It shall be a defence to subsection (4) if the owner of the motor vehicle or trailer proves to the satisfaction of the Court that at the time of the offence the motor vehicle was not being driven, the trailer was not being towed or the motor vehicle or trailer was not parked or left by him or by any other person with his consent, express or implied.

19. Illegal Dumping

(1) A person commits an offence if that person deposits and leaves any litter or waste in any premises owned or occupied by another.

(2) A person who contravenes subsection (1) is liable on summary conviction –

(a) in the case of an individual, to a fine of three thousand dollars (\$3000) and may, subject to section 11 of this Act, be ordered to clean up such waste or litter or to imprisonment for 1 year.

(b) in the case of a body corporate, to a fine of fifteen thousand dollars (\$15,000).

(3) A person who has multiple convictions under subsection (1) is liable to have their vehicle impounded and their driver's licence suspended for one (1) year.

20. Disposal of Waste from Construction Sites

(1) An offence is committed if the owner or contractor of a construction site transports waste and litter generated from said construction site and deposits such waste and litter to a site or area which is not approved or designated for the depositing of such waste or litter.

(2) A person who contravenes subsection (1) is liable on summary conviction to a fine of fifteen thousand dollars (\$15,000).

(3) The owner or contractor over a major construction site must obtain a permit from the Central Board of Health to dispose of litter and waste associated with the said construction site.

(4) The owner or contractor is required to record the name of the driver, description of equipment, size of equipment, number of equipment and licence plate of the equipment used for the disposal of litter or waste from the construction site.

(5) The driver of the equipment is required to obtain a receipt from the landfill after the disposal of litter and waste and take said receipt to the Central Board of Health, for proof of proper disposal.

21. Abetment of offences

Any person who causes or permits any other person to commit an offence under sections 17, 18, 19 or 20 shall be liable to be prosecuted and convicted for the offence, either together with the principal offender or before or after his conviction, and shall be liable on conviction to the same punishment to which such principal offender may be liable.

22. Failure to comply with clean-up order

An owner to whom a clean-up order is directed who fails to comply with the requirements of such a clean-up order, where a request has not been made to have the order reviewed under section 12(4), is liable on summary conviction to a fine of three thousand dollars (\$3000).

23. Failure to comply with removal order

(1) A person who fails to comply with the requirements of a notice under section 13(1) or (2) is liable on summary conviction to a fine of two thousand dollars (\$2000) and a further fine of five hundred dollars (\$500) for every day during which the failure is continued.

(2) The local authority may, without prejudice to its right to take proceedings in respect of such failure, remove the derelict vehicle so left or caused to be left and may recover all expenses reasonably incurred by the authority for the removal of the derelict vehicle as a civil debt.

24. Penalty for non-compliance if the owner of bus fails to provide a receptacle for litter

A person who contravenes section 15 is guilty of an offence and is liable on summary conviction to a fine of one thousand (\$1000) dollars and/or to suspension of the driver's licence of that person for six months.

25. Non-compliance by business owners

A person who contravenes section 16 commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars (\$15,000) and may, subject to section 11 of this Act, be ordered to clean up such waste or litter, or to imprisonment for 1 year.

26. Other Offences

(1) A person commits an offence who is found to have in his possession-

- (a) single-use shopping plastic bags for retail purposes; or
- (b) expanded polystyrene (Styrofoam) including bowls, plates, hot and cold beverage cups lids and caps, straws, forks, knives, spoons, fruit/vegetable/meat trays and egg cartons for retail purposes.

(2) A person commits an offence who-

- (a) wilfully obstructs a Litter Prevention Warden while acting in the execution of any of the powers or duties conferred on him by this Act; or
- (b) without lawful excuse fails within a reasonable time to comply with the requirement of a Litter Prevention Warden exercising the power conferred on him by subsection (1) of section 11 ; or
- (c) after being required to give his true name and place of residence by a Litter Prevention Warden acting pursuant to the power conferred on him by paragraph (a) of subsection (4) of section 24;
 - (i) refuses to give his true name and place of residence; or
 - (ii) gives a false name or place of residence;
- (d) personates or falsely pretends to be a Litter Prevention Warden; or
- (e) offers violence to, or assaults, threatens or intimidates, or uses threatening or abusive language or behaves in a threatening manner to any Litter Prevention Warden while he is acting in the exercise of his powers or in the discharge of his duties under this Act; or
- (f) gives or agrees to give or offers to a Litter Prevention Warden any gift or consideration as an inducement or reward for any act done or to be done, or for any forbearance observed or to be observed or for any favour shown or to be shown by him or who being such a Litter Prevention Warden accepts such gifts or consideration.

(3) A person who contravenes subsection (1) or (2) is liable on summary conviction to a fine of three thousand dollars (\$3000) or to imprisonment of six (6) months.

27. Interference with receptacle for litter

(1) An unauthorised person who wilfully removes, destroys, maliciously damages, defaces or otherwise tampers with a receptacle or wilfully removes garbage from a receptacle commits an offence.

(2) A person who contravenes subsection (1) is liable on summary conviction to a fine of one thousand dollars (\$1000) or to six months imprisonment.

28. Offence by a body corporate

If a body corporate commits an offence against this Act every director, manager, secretary or other similar officer of the body corporate, and any person purporting to act in any such capacity is also guilty of that offence if the act or omission constituting the offence occurred with his knowledge.

29. Beach patrons

(1) Persons attending or visiting the beach are responsible for

- (a) providing a receptacle for the deposit of litter; and
- (b) the proper disposal of any litter, garbage or waste generated while at the beach.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of one thousand (\$1000) dollars or to six months imprisonment.

30. Vendors to provide receptacles for disposing of litter

(1) Every vendor while plying his trade is to provide one or more receptacles for the deposit of litter generate from said trade.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of one thousand (\$1000) dollars or to six months imprisonment.

31. Penalty not otherwise provided for

Where no penalty has been prescribed in respect of an offence contrary to this Act the penalty therefor shall be a fine of three thousand (\$3000) dollars.

PART IV MISCELLANEOUS

32. Offer for Reward

A person who assists with or provides information leading to the detection, apprehension or conviction of any person who commits an offence under this Act is eligible for a reward.

33. Consequential amendment to The Vehicles and Road Traffic Act Cap 460

The Vehicles and Road Traffic Act is amended by inserting immediately after subsection (2) of section 70 the following new subsection -

“(3) The Traffic Commissioner shall order the suspension of the driver’s licence of a person who has been summarily convicted of an offence involving the use of a vehicle under the Litter Control and Prevention Act, 2019.”

34. Consequential Amendment to The Entertainments Duty Act Cap 154

The Entertainments Duty Act is amended by repealing subsection (1) of section 7 and replacing it with the following –

“(1) No public dance, concert or event shall be kept or held in any house or place by any person, without such person having –

- (a) paid to the Commissioner the duty prescribed in the Schedule;
- (b) obtain a permit from the Central Board of Health;
- (c) obtained from a Magistrate the license prescribed by subsection (1) of section 16 of the Small Charges Act; and
- (d) proven to the Commissioner and Magistrate that adequate provisions have been put in place for the disposal of waste and litter generated by patrons and staff.

35. Regulations

The Minister may make regulations for the carrying into the effect to the provisions of this Act and for prescribing anything required or authorised by this Act to be prescribed.

36. Repeal

The Litter Act Cap 250 is hereby repealed.

SCHEDULE

(Section 11)

FORM A

LITTER REMOVAL ORDER

TO

TAKE NOTICE that pursuant to section 11 of the Litter Act, you are hereby ordered to remedy the condition caused by your action of unlawfully depositing litter by

.....
.....

The necessary action must be completed within.....days or a summons may be issued with respect to the offence.

Dated this.....day of.....20.....

.....
Litter Prevention Warden

(Section 11)

FORM B

CLEAN-UP ORDER

TO

TAKE NOTICE that pursuant to section 11 of the Litter Act, with regards the premises situated

at.....

You are hereby ordered to remedy the unsightly condition of the above premises by

.....

.....

If the above requirements are not met within days of the service upon you of this Order, the work may be done by government workers and the costs of the work done will be a debt due to the Crown by you.

This clean-up order may be reviewed by the Minister of Health if a written request for a review is made within 7 days of the date shown below to Minister of Health, Ministry of Health.

Dated thisday of.....20.....

.....
Litter Prevention Warden

FORM C

DECISION ON REVIEW OF A CLEAN-UP ORDER

WITH regard to the premises situated

at.....
.....

You are hereby informed that having reviewed the clean-up order issued to you on the day of..... 20..... the Minister of Health, find that (delete inappropriate sections) the clean-up order is just and proper, and that the requirements thereon must be completed by you within days of this decision or further action will be taken.

the clean-up order should be varied in the following manner:

.....
.....
.....
.....

The above requirements must be completed by you within days of this decision or further action will be taken.

The clean-up order is hereby rescinded and no action on your part is necessary.

Dated this.....day of.....20.....

.....
Chief Health Inspector

Passed the House of Representatives on
the 21st day of February, 2019.

Passed the Senate on the 5th day of
March, 2019.

Gerald Watt, Q.C.,
Speaker.

Alicia Williams Grant,
President.

A. Peters,
Clerk to the House of Representatives.

A. Peters,
Clerk to the Senate.