ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER L80

LITTER ABATEMENT ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 6/2010, in force 1 November 2010

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LITTER ABATEMENT ACT

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LITTER ABATEMENT ACT

Interpretation

1. For the purposes of this Act—

"fixed penalty" means the penalty specified in section 7(5);

"litter" means any waste or refuse or 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, an environmental health officer or any other person appointed under section 4 to be a Litter Warden;

"Minister" means the Minister for the time being responsible for public health matters.

Offences, depositing litter, etc.

2. (1) No person shall—

(a) deposit litter in a public place except in a receptacle provided for the purpose under section 3 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) Any person who contravenes subsection (1) is guilty of an offence.

(3) For the purpose of paragraph (1)(c), a receptacle is a public receptacle if it is provided under section 3(1) for public use and a receptacle, other than a public receptacle, is a private receptacle.

Receptacles and places for disposal of litter

3. (1) The Minister may authorise the provision in 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 regulation designate places as disposal sites for litter that has been collected.

Litter Warden

4. (1) Every environmental health officer and every police officer is *ex officio* a Litter Warden and the Governor may by notice in the *Gazette* appoint such other persons to be Litter Wardens as may be required.

(2) Every Litter Warden other than an *ex officio* Litter Warden is entitled to payment of such remuneration for his services as the Governor may authorise.

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

Functions of Litter Warden

5. 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

6. (1) Where a Litter Warden finds a person committing an offence under section 2(1), he may—

(a) require such person to state his name and place of residence for the purpose of instituting proceedings against such person under this Act; or

(b) in the case of an offence against section 2(1)(e), issue a litter removal order to that person in the form in Schedule 1 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 (1)(b) and the person to whom it is addressed fails to comply with the order, that person is guilty of an offence and the Litter Warden may institute proceedings with respect to it.

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

Offences and enforcement

7. (1) A person who contravenes section 2(1) or section 6(2) is liable on summary conviction to a fine of $250 and in default to imprisonment for a term of 3 months.

(2) Notwithstanding subsection (1), where any person contravenes section 2(1) or section 6(2), a Litter Warden may serve on such person a notice in the form in Schedule 2 affording that person an opportunity of discharging any liability that would arise out of a conviction for that contravention; and the person shall be exempt from any further liability in respect of that contravention if—

(a) before the expiration of a period of 21 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 the fixed penalty.

(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 21 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 Comptroller of Inland Revenue and the payment shall be treated for all purposes as payment of a fine imposed after a summary conviction, and a certificate by the Comptroller of Inland Revenue or a person authorised by the Comptroller of Inland Revenue 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.

(Act 6/2010, s. 41)

(5) The fixed penalty referred to in this section is $50.

(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 Comptroller of Inland Revenue 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 may be brought;

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

(d) state that the fixed penalty may be paid to the Comptroller of Inland Revenue.

(Act 6/2010, s. 41)

Regulations

8. The Governor may make regulations generally for the more effective operation of this Act.

Citation

9. This Act may be cited as the Litter Abatement Act, Revised Statutes of Anguilla, Chapter L80.

SCHEDULE 1

(Section 6)

LITTER REMOVAL ORDER

Name: ……..……..……..……..……..……..…….…..

Address: ……..……..……..……..……..……..……..

Take Notice that pursuant to section 6 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 the offence.

Dated this ……... day of ……..……, 20…… .

……..
Litter Warden

SCHEDULE 2

(Section 7)

FIXED PENALTY NOTICE

Dated the ……... day of ……..……, 20 …… at ……..……..

Name of Offender: ……

Address: ……..……..……..……..

COMMITTED THE FOLLOWING OFFENCE

Statement of Offence: *(Delete as appropriate – use a separate form for each offence).*

Deposit litter in a public place in contravention of section 2(1)(a).

Deposit litter in a private place without thereof being so authorised by the occupier in contravention of section 2(1)(b).

Interference with a receptacle for litter collection or its contents in contravention of section 2(1)(c).

Transported litter in such a manner that it was scattered, or was likely to be scattered, in a public place in contravention of section 2(1)(d).

Permitted the accumulation of litter on premises under your occupation or control in contravention of section 2(1)(e).

Discharged litter from a moving or stationary vehicle in contravention of section 2(1)(f).

Failing to comply with a litter removal order under section 6(2).

Take Notice

Payment to be made within ……. days of a penalty of $50 to the Comptroller of Inland Revenue, The Valley, Anguilla.

If full payment of the fixed penalty is made within the time limited, no proceedings will be taken against you. If you do not pay the penalty within the time limited, proceedings for the offence described above may be instituted against you without further notice and may lead to a conviction and the imposition of a fine of up to $250.

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

Date: ……..……..……

(Act 6/2010, s. 41)