

Environmental Management and Climate Change (Littering Fixed Penalty Offences) Regulations 2025

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Environmental Management and Climate Change (Littering Fixed Penalty Offences) Regulations 2025

TABLE OF AMENDMENTS

The Environmental Management and Climate Change (Littering Fixed Penalty Offences) Regulations 2025 SL 42 was notified and commenced on 21 August 2025 (GN No 953/2025; Gaz 357/2025).

Amending Legislation	Notified	Date of Commencement
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The Cabinet makes the following Regulations under Section 47 of the *Environmental Management and Climate Change Act 2020*:

1 Citation

These Regulations may be cited as the *Environmental Management and Climate Change (Littering Fixed Penalty Offences) Regulations 2025*.

2 Commencement

These Regulations commence on the date they are notified in the Gazette.

3 Objectives

The objectives of these Regulations are to:

- (a) regulate the conduct of littering in public;
- (b) establish a system for the issuance and enforcement of fixed penalty notices in respect of littering offences;
- (c) deter unlawful disposal of waste by promoting responsible waste management practices; and
- (d) minimise the negative impact of littering on the public health.

4 Interpretation

In these Regulations:

‘*Act*’ means the *Environmental Management and Climate Change Act 2020*; and

‘*fixed penalty notice*’ means the environmental offence fixed penalty notice issued in accordance with Section 47 of the Act and these Regulations.

5 Fixed penalty offences

For the purpose of Section 47(2)(a) of the Act, an offence against any of the following provisions shall be deemed to be a fixed penalty offence:

- (a) Section 30, control of litter;
- (b) Section 31, business premises; and
- (c) Section 32, liability of driver of a vehicle.

6 Penalties for fixed penalty offences

For the purposes of Section 47(2)(b), the following penalties shall apply for each corresponding fixed penalty offence:

- (a) for contravention of Section 30, a person shall be liable to a fixed penalty of \$100;
- (b) for contravention of Section 31, a person shall be liable to a fixed penalty of \$3,000; and
- (c) for contravention of Section 32, a person shall be liable to a fixed penalty of \$100.

7 Police officer or authorised officer may issue a fixed penalty notice

- (1) An authorised officer may issue a fixed penalty notice to a person who commits a fixed penalty offence.

- (2) A fixed penalty notice shall:
 - (a) state the place, date and time of alleged offence;
 - (b) state the name and address of the person to whom the notice is issued;
 - (c) notify the person to whom the notice is issued when and where the fixed penalty may be paid;
 - (d) require the person to whom the notice is issued to pay the amount due within 21 days and in the event of failure to pay the fixed penalty, legal proceedings shall be instituted within the next 14 days and the person may have legal representation to represent them or enter a written guilty plea;
 - (e) notify the person to whom the notice is issued that, in case of default in payment within the time specified in the notice, the Court may, if the person is found guilty by the Court, impose a penalty which is more than the fixed penalty for the offence; and
 - (f) shall bear the date on which it was served on the person charged as the case requires.
- (3) The fixed penalty notice which a police or authorised officer issues to a person, shall be in Form 1 of the Schedule.

8 Fixed penalty notice requirements

- (1) A fixed penalty notice shall not be served more than 14 days after the day on which the fixed penalty offence is alleged to have been committed.
- (2) The police or authorised officer who issues a fixed penalty notice shall cause a signed copy of the notice to be placed before the Nauru Revenue Office and District Court as specified in the notice not later than 7 days after the notice is issued.
- (3) Where a fixed penalty notice served upon a person has not been accepted by payment of the fixed penalty within 21 days of the date of the notice, the notice shall be regarded for all purposes as a summons issued under the *Criminal Procedure Act 1972*.
- (4) A person who is issued a fixed penalty notice by a police or authorised officer shall accept its service by signing for the service of the notice.
- (5) A person who contravenes subsection (4), commits an offence and is liable upon conviction to a fine not exceeding \$1,000.
- (6) The issuance of a fixed penalty notice shall not be taken to prevent the institution of proceedings under any other provision of the Act.
- (7) Where a fixed penalty notice served upon a person is not complied with and is placed before the Court, the Court may impose a penalty higher than the fixed penalty stipulated for the offence and such penalty shall:
 - (a) be commensurate with the seriousness of the offence; and
 - (b) deprive the offender of any benefits arising from the commission of the offence.

9 Evidence of acceptance of a fixed penalty notice

In any proceedings, a certificate signed by the Registrar of Courts, Nauru Revenue Office or an authorised officer that the fixed penalty is or is not paid shall, unless the contrary is proved, be conclusive evidence of the matters stated in the certificate.

10 Failure to pay fixed penalty

A person, who has been issued with a fixed penalty notice and fails to pay the fixed penalty as required by these Regulations shall be:

- (a) summoned to attend court;
- (b) in addition to the fixed penalty, liable to a fine not exceeding \$1,000 or a term of imprisonment not exceeding 12 months or to both; and
- (c) liable to pay a mandatory court cost of \$100.

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SCHEDULE

FORM 1



REPUBLIC OF NAURU

ENVIRONMENTAL MANAGEMENT AND CLIMATE CHANGE ACT 2020

Environmental Management and Climate Change (Littering Environmental Offence Fixed Penalty) Regulations 2025

[Section 47 and Regulation 7(3)]

LITTERING ENVIRONMENTAL OFFENCE FIXED PENALTY NOTICE

This Fixed Penalty Notice is issued pursuant to the powers given to police or authorised officers under the <i>Environmental Management (Littering Environmental Offence Fixed Penalty) Regulations 2025</i> for offences under Regulation 4	Fixed Penalty Notice No:	
	Date of Issue:	
	Penalty:	
	Due Date:	
	Payment shall be made at the Nauru Revenue Office within 21 days from the date of service of this Fixed Penalty Notice	
PART 1: OFFENCE DETAILS		
Offender Full Name:		
Nature of offence: (specify particular offence under Regulation 4)	Location:	
	Date:	
	Time:	
	Details of circumstances alleged to constitute the offence:	
Penalty: (tick the appropriate penalty)		
☐ Section 30 – \$100		
☐ Section 31 – \$3,000		
☐ Section 32 – \$100		
Police/Authorised officer's name:		
Police/Authorised officer's signature:		

Date:	
Acknowledgement of Service of Fixed Penalty Notice by:	
Name:	
Signature:	
<i>(If a person refuses to accept Notice, a Police/Authorised officer may note the refusal of acceptance)</i>	
Note:	
1. This Notice shall only be served to the offender at the time of the offence or within 14 days after the occurrence of the alleged offence. 2. If the offender refuses to accept the Notice, he or she commits an offence under Regulation 7(5) for which he or she is liable to a penalty not exceeding \$1,000 in addition to the fixed penalty.	
PART 2 – TIME FOR PAYMENT OF PENALTY	
A. Take Notice that the penalty must be paid to the Nauru Revenue Office within 21 days of the date of the issuance of this Fixed Penalty Notice B. Take Notice that if you intend to defend/contest this Notice, you are to appear in person or by legal representative in court on the date and time provided in Part 3.	
PART 3 – NOTICE TO ATTEND TO COURT	
Take Notice that if you fail to pay the fixed penalty or intend to contest or defend this Notice, you shall attend the District Court at Yaren on. day of. 20. at. am/pm for the hearing.	
If you fail to attend to the hearing, the Court shall proceed to the hearing of the Fixed Penalty Notice in your absence and may impose a fine and costs or imprisonment term in accordance with Regulation 9 of the <i>Environmental Management and Climate Change (Littering Fixed Penalty Offences) Regulations 2025</i> . If you fail to abide by any order of the Court, you shall be arrested under a committal warrant without any further notice.	
AFFIDAVIT OF SERVICE	
I. Police/Authorised officer make oath/solemnly affirm that I did on the day of. 20. served the offender. the original copy of this Fixed Penalty Notice at (time) on (date) AND he/she acknowledged service by affixing his/her signature to this Fixed Penalty Notice.	
Police/Authorised officer (signature):	
Before me (Name): (Commissioner for Oaths)	

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