

## CHAPTER 250

### THE LITTER ACT

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## LITTER

An Act respecting the littering of public places and of premises.

(22nd September, 1983.)

711983.

1. This Act may be cited as the Litter Act. **Short title.**

2. In this Act— **Interpretation.**

"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;

"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;

"Court" means the Magistrate's Court;

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

"domestic waste" means waste from a private dwelling or residential home or from a school or other educational establishment;

"industrial waste" means waste from premises forming part of a hospital or nursing home or from any factory within the meaning of the Factories Act;

"litter" means any solid or liquid material or product or combination of solid and liquid materials or products including but not limited to any bottles, tins, logs, sawdust, cartons, packages, packing materials, paper, glass, food, animal remains, garbage, debris,

sand, gravel, stone aggregate, dirt, waste (including any human and animal waste) or any other refuse or rubbish or waste material, and any other material or product that is designated as litter by the Minister by notice published in the *Gazette*;

"litter prevention warden" or "warden" means a person appointed or deemed to be a litter prevention warden in accordance with section 9 or 10;

"Permanent Secretary" means Permanent Secretary to the Minister;

"premises" means land, other than any buildings thereon, whether vested in the Crown or not, and includes natural water courses and drains, whether boundary or interlot drains in any private lay-out or otherwise, any ports, bays and shores;

"receptacle" means any bin or container of any sort 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 or contribute or tend to the defacement of the premises;

"waste" includes—

- (i) any substance which constitutes a scrap material or any other unwanted surplus substance arising from the application of any process;
- (ii) any substance or article which requires to be disposed of as being broken down, worn out, contaminated or otherwise spoiled;
- (iii) domestic waste, industrial waste or commercial waste;

and for the purpose of this Act, 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.

**3. (1) Any person who without reasonable excuse—** **Depositing litter in a public place.**

(a) deposits any litter in or on any public place other than—

(i) in a receptacle placed for the purpose of collecting it; or

(ii) in or at any approved site; and

(b) having deposited any litter otherwise than as prescribed in subparagraphs (i) and (ii) of paragraph (a) in or any public place (whether inadvertently or otherwise) leaves such litter there,

is guilty of an offence.

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

(3) Where litter is deposited from a motor vehicle, other than a bus or taxi when plying for hire, or from a trailer on to a public place 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 other than a bus or taxi when plying for hire, or from a trailer contrary to subsection (1), and it cannot be determined who is the driver of the motor vehicle, the owner of the motor vehicle shall be deemed to be the person who deposited the litter from the motor vehicle or trailer unless he 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.

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

(6) A person who is guilty of an offence under this section is liable on summary conviction in the case of an individual to a fine of one thousand dollars or imprisonment for six months or in the case of a body corporate to a fine of three thousand dollars.

Disposal of litter  
from motor  
vehicle or trailer.

**4.** (1) Any person who transports in or on a motor vehicle or trailer along any motorway, road, street, alley, lane, mall 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 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,

is guilty of an offence

(2) A person who is guilty of an offence under this section is liable on summary conviction in the case of an individual to a fine of one thousand dollars or to imprisonment for six months or in the case of a body corporate to a fine of three thousand dollars.

Owner of bus to  
provide  
receptacle for  
litter.

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

(2) Any person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars.

Littering  
premises.

**6.** Any person who throws down, drops or otherwise deposits and leaves any litter in or into any premises owned or occupied by another without the consent of that person, the proof whereof lies on the person charged, is guilty of an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

**7.** Any person who causes or knowingly permits any other person to commit an offence under section 3, 4 or 6 shall be liable to be proceeded against and convicted for the same, either together with the principal offender or before or after his conviction, and shall be liable on conviction to the same punishment as such principal offender may be liable to.

**Abettment of offences against sections 3, 4, or 6.**

**8.** (1) Without limiting the powers conferred on litter prevention wardens by this Act, where any person is convicted of an offence under section 3, 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.

**Offender may be ordered to clean area.**

(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 on summary conviction therefor is liable in addition to any penalty imposed under section 3, to a fine of one thousand dollars.

(4) A prosecution for an offence under subsection (3) may be commenced by a litter prevention warden or by the person nominated by the Court under subsection (1).

**9.** (1) Subject to subsections (2) and (3), the Minister may, from time to time, by notice published in the *Gazette*, appoint persons to be litter prevention wardens for the purpose of this Act.

**Appointment of litter prevention wardens.**

(2) Subject to subsection (3) every appointment under subsection (1) shall be on such terms as to remuneration and other conditions of employment as the Minister may determine.

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

(4) Every warden appointed under subsection (1) shall hold office during the pleasure of the Minister or for such specified term as the Minister thinks fit and any such warden may at any time be removed from office by the Minister, and may at any time resign his office by notice in writing addressed to the Permanent Secretary.

(5) The Permanent Secretary shall supply to every warden appointed under subsection (1) a written warrant signed by the Permanent Secretary, or a person acting under his authority, as evidence of the appointment, and the production of that warrant shall be sufficient proof of the appointment.

(6) Any warden appointed under subsection (1) shall, on the expiration of the term of his appointment, or on the sooner expiration of his appointment by removal from office or resignation, 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.

Ex officio litter  
prevention  
wardens.

**10.** The following persons shall by virtue of their office be deemed to be litter prevention wardens for the purposes of this Act—

(a) every peace officer;

(b) every public health inspector while he is acting in exercise of his powers or the discharge of his duties under the Public Health Act; and

Cap. 353.

(c) every forest officer appointed for the purpose of the Forestry Act.

Cap. 178.

Power and duties  
of litter  
prevention  
wardens.

**11.** (1) Every litter prevention warden, if for the time being in uniform or in possession of a warrant or other evidence of his authority as a litter prevention warden, is authorised to enforce the provisions of this Act and may sum-

marily act to prevent the deposit or attempted deposit of litter in any public place in which he is authorised to act.

(2) Where any warden finds a person depositing litter (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 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) For the purposes of subsection (2), an approved site does not include an approved site on private premises.

(4) If any litter prevention warden finds a person committing an offence under section 3 or has good cause to believe that a person has committed such an offence, the warden may—

(a) require that person to state his true name and place of residence and institute proceedings for the purposes of enforcing the provisions of this Act by commencing a prosecution against that person, or

(6) issue a litter removal order to that person in Form A in the Schedule with respect to the contravention requiring the person to whom it is addressed within a specified period of time which shall not be less than two days to remedy the condition caused by his action.

**Form A  
Schedule.**

(5) If any litter prevention warden finds a person committing an offence under section 4, 6, 7, or 13 or has good cause to believe that a person has committed such an offence, the warden may require that person to state his true name and place of residence and institute proceedings for the purpose of enforcing the provisions of this Act by commencing a prosecution against that person.

(6) Where a warden issues a litter removal order under paragraph (b) of subsection (4) and the person to whom it is addressed fails to comply with the order to the satisfaction of the warden, the warden may commence a prosecution with respect to that offence.



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

Unightly  
premises and  
clean up order.

**12.** (1) Where a litter prevention warden considers any premises, when viewed from a public road, street or highway, to be unsightly premises or seriously detrimental to the amenities of the neighbourhood by reason of litter, the warden may issue a clean-up order to the owner or the person in control of the premises that is the subject of such order in Form B in the Schedule.

Form B  
Schedule.

(2) Such clean-up order may require the person to whom it is addressed, within a period of time to be specified by the warden which shall not be less than fourteen days beginning with the date of service of the order—

(a) to remedy the condition of the premises in a manner and to the extent directed in the order, or

(b) to demolish or remove any litter causing or contributing to the unsightly or detrimental condition of the premises, or

(c) to do any other thing to remedy the condition of the premises, or

(d) to do all or any of the things specified in paragraphs (a) to (c).

(3) The person to whom a clean-up order is issued may, within seven days of the date it is served, request the Minister to review the order or any part thereof and upon receiving a request for such a review the Minister shall review the reasons for and the requirements of the clean-up order.

(4) After such review, the Minister 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 in the Schedule and where the Minister'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 Minister may specify in his decision on review.

Form C  
Schedule.

(5) Any owner or person in control of any premises who fails to comply with the requirements of a clean-up order under this section is liable on summary conviction to a fine of one thousand dollars.

(6) Notwithstanding the provisions of subsection (4), where a person fails to comply with the requirements of a clean-up order under this section, the Minister, 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.

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

**13.** Any person who—

Offences in  
respect of litter  
prevention  
wardens.

(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 warden exercising the power conferred on him by subsection (2) of section 11; or

(c) after being required to give his true name and place of residence by a warden acting pursuant to the power conferred on him by paragraph (a) of subsection (4) of section 11;

(i) refuses to give his true name and place of residence; or

(ii) gives a false name or place of residence; or

(d) personates or falsely pretends to be a 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 warden while he is acting in the exercise of his powers or the discharge of his duties under this Act, or gives or agrees to give or offers to a 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 warden accepts such gifts or consideration is guilty of an offence and is liable on summary conviction to a fine of one thousand dollars.

Interference with receptacle for litter.

**14.** Any unauthorised person who wilfully removes or otherwise tempers with a receptacle is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars.

Punishment of offence.

**15.** A litter prevention warden shall have power to institute proceedings for any offence under this Act committed in the area in respect of which he holds his appointment as such litter prevention warden.

Offence by a body corporate.

**16.** 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.

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

**17.** (1) The Minister may designate one or more persons on the staff of the Ministry as an officer or officers 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 while carrying out his duties in pursuance of this section have in his possession a certificate of his designation under subsection (1) and shall produce such certificate upon request.

**18.** (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 subsection (1) of section 3 or subsection (3) of section 3 or under section 4 or 5, he may give him the prescribed notice in writing charging him with the commission of such offence and offering him the opportunity of the discharge of any liability to conviction of such offence by payment of a fixed penalty under this section and notifying him that a complaint will be made against him in respect thereof and 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.

Punishment  
without  
prosecution of  
certain offences.

(2) 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 issued by the Magistrate for the purpose of the Magistrate's Code of Procedure Act. Cap. 255.

(3) 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 are deemed to have been dismissed.

(4) 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.

(5) In the foregoing subsections "proceedings" means any criminal proceedings in respect of the act or omission constituting an offence under either section 3, 4 or 5 and the word "convicted" shall be construed in like manner.

(6) 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; and 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.

(7) The time within which the fixed penalty is payable shall be ten days from the date of the notice, and where payment reaches the clerk of the Magistrate after that time, it shall not be receivable and shall be returned to the sender.

(8) 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 offences as are necessary for giving reasonable information of the allegation;

(c) the time within which the fixed penalty may be paid in accordance with subsection (7);

(d) the amount of the fixed penalty;

(e) the clerk of the Magistrate to whom and the address at or to which the fixed penalty may be paid or remitted;

(f) the address of the Court at which the person is required to appear in the event of his failure to pay the fixed penalty within the specified time, and the date and time for his appearance; and shall state also that during the period of ten days by virtue of subsection (4), no further proceedings will be taken for the offence.

(9) The fixed penalty for an offence shall be fifty dollars.

(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) 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 duties of clerks of the Magistrate;

(c) for prescribing the information to be supplied to clerks of the Magistrate.

(12) Regulations made under this section shall be subject to negative resolution of the Senate and the House of Representatives.

**19.** It shall be the duty of all officers and constables of police to aid and assist in carrying this Act into effect and preventing breaches thereof. **Police Officers to assist.**

SCHEDULE

(Sections 11 & 12)

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

.....  
 .....

LAWS OF ANTIGUA AND BARBUDA

16

CAP. 250)

Litter

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

Dated this                  day of                  19

*Litter Prevention Warden*

**FORM B**  
**CLEAN-UP ORDER**

To

TAKE NOTICE that pursuant to section 12 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 this                  day of                  19

*Litter Prevention Warden*

**FORM C**

(Section 12)

**DECISION ON REVIEW OF A CLEAN-UP ORDER**

To

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                      19

I, .....

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                      19

***Minister of Health,***

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