



GRENADA
ACT NO. 35 OF 1973

I Assent,

[L.S.]

23rd May, 1974.

LEO V. DeGALE.
Governor-General.

An Act respecting the littering of places by persons who cause or create a nuisance thereby.

[31st May, 1974].

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows:—

1. This Act may be cited as the

Short title.

ABATEMENT OF LITTER ACT, 1973.

2. For the purpose of this Act—

“person” includes a body corporate and an unincorporated association and a partnership;

Cap. 237.

“premises” includes vacant private land, a natural water course and a boundary or interlot drain in any private layout.

“Sanitary Authority” means the Sanitary Authority established by the Public Health Ordinance.

Punishment
for depositing
or leaving
litter.

3.—(1) A person who—

(a) throws down, drops or otherwise deposits any thing whatsoever; or

(b) leaves any thing whatsoever,

in such circumstances as to cause, contribute to, or tend to lead to the defacement by litter of any place in the open air to which the public are entitled or permitted to have access without payment, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or imprisonment not exceeding six months.

(2) A person who—

(a) throws down, drops or otherwise deposits any thing whatsoever; or

(b) leaves any thing whatsoever,

in such circumstances as to cause, contribute to, or tend to lead to the defacement by litter of any Crown land, vacant private land, natural water course, boundary or interlot drain in a private layout, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or imprisonment not exceeding six months.

(3) A person who causes any other person to contravene the provisions of this section, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

(4) In any proceedings against a person in respect of an offence under subsections (1), (2) and (3),

it is a defence to prove that the throwing, dropping or otherwise depositing or leaving was authorised by law or, in the case of a servant, was done on the direction of his employer being the owner or occupier or other person or authority having the control of the place in or into, on or onto which that thing was deposited.

(5) In any proceedings against a person in respect of an offence under this Act, it shall be a defence to prove that the Crown or the owner or occupier of the Crown lands, place or premises undertook responsibility for the removal of the faecal or other matter, if the person in question entered under a contract or was an invitee.

(6) For the purposes of subsection (1) any covered place open to the air on at least one side and available for public use shall be treated as being a place in the open air.

(7) In the case of a second or subsequent offence against any of the provisions of this section a person is liable to a fine of one thousand dollars or to imprisonment for six months, or to both such fine and imprisonment.

4. In sentencing a person convicted of an offence under section 3, the court shall take into consideration not only the purpose of this act in preventing the defacement by litter of places in the open air, and of places specified in subsection (2) but also the nature of the litter and any resulting risk of injury to persons or animals or of damage to property.

5.—(1) Without prejudice to any proceedings for an offence committed under section 3(1)(b), 3(2)(b) or 3(3) where anything is left in or on any place, Crown land or premises in contravention thereof the Sanitary Authority may give notice to the person so leaving or

Sanitary

Authority
may enforce
removal of
litter.

causing the same to be left or to the owner or occupier of such place, Crown land or premises requiring him, within such time as may be limited by the notice, not being less than seven days, to remove the thing so left in accordance with the approval of the Sanitary Authority.

(2) Notice may be served on a person either personally or by being sent by post to his last known business or private address or may be posted up in a conspicuous position on the place or premises on which the litter has been left.

(3) A notice sent by post shall be deemed to have been served, in the case of persons resident in Grenada not later than the fifteenth day succeeding the day when posted, and in the case of persons not so resident, not later than the thirtieth day succeeding the day on which the notice would have been received in the ordinary course by post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

(4) A person who fails to comply with the requirements of a notice under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars and to a further fine not exceeding one hundred dollars for every day during which the offence is continued after conviction, and the Sanitary Authority may, without prejudice to its right to take proceedings for a fine in respect of such failure, by its officers and servants enter the premises and remove the litter so left or caused to be left and may recover the expenses reasonably incurred by them in so doing from the person in default summarily as a civil debt.

Power to
enter
premises.

6.—(1) Subject to the provisions of this section any authorised officer of a Sanitary Authority may, on

producing if so required, some duly authenticated document showing his authority, enter any premises at all reasonable hours for the purpose of section 5.

(2) Admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the owner or occupier of the premises.

(3) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or that the owner or occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and

(b) that there is reasonable ground for entry for the purpose as aforesaid,

the justice may by warrant under his hand authorise a Sanitary Authority by any authorised officer to enter the premises, if need be by force, except that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the owner or occupier of the premises, or that the premises are unoccupied, or that the owner or occupier of the premises is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(4) An authorised officer entering any premises by virtue of this section, or of a warrant issued hereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(5) Every warrant granted under this paragraph shall continue in force until the purpose of which the entry is necessary has been satisfied.

(6) Every person who hinders or molests or interferes with any person doing anything that he is authorised to do or prevent or attempts to prevent any person from doing any such thing and any person who unless he is required by or pursuant to this section to do is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

Continuing offences and penalties.

7. Where under section 5 a daily penalty is imposed in respect of a continuing offence, the court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any direction given by the court and where the court has fixed such a period, penalty shall not be recoverable in respect of any day before the expiration thereof.

Repeal of Paragraphs 24 and 25 of sec. 141 of Cap. 76.

8. Paragraphs 24 and 25 of section 141 of the Criminal Code are repealed.

Passed in the House of Representatives this 9th day of November, 1973.

CURTIS V. STRACHAN
Clerk of the House of Representatives.

Passed in the Senate this 12th day of November, 1973.

CURTIS V. STRACHAN
Clerk of the Senate.