

**PUBLIC HEALTH (COLLECTION AND
DISPOSAL OF REFUSE) REGULATIONS**

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PUBLIC HEALTH (COLLECTION AND DISPOSAL OF REFUSE) REGULATIONS

– SECTION 8

(S.R.O. 68/1996)

Commencement

[1 November 1996]

PART I

PRELIMINARY

Short title

1. These Regulations may be cited as the Public Health (Collection and Disposal of Refuse) Regulations.

Interpretation

2. For the purposes of these Regulations unless the context otherwise requires—
- “**authorised officer**” means the Principal Environmental Health Officer;
- “**disused vehicle**” or “**disused appliance**” means a vehicle or appliance or part thereof, as the case may be, that, by reason of its condition, appears to the authorised officer to have been abandoned;
- “**dwelling house**” means any place of habitation;
- “**litter**” means refuse that is not deposited in accordance with these Regulations;
- “**Minister**” means the Minister responsible for Health and “**Ministry**” shall be construed accordingly;
- “**other building**” includes barracks, common lodging houses, factories, hospitals, hotels, place of worship, schools, stores, shops and supermarkets;
- “**premises**” includes—
- (a) land whether open or closed, whether public or private and whether or not maintained under any enactment; and
 - (b) any aircraft, ship, vessel, van or similar structure;
- “**refuse**” includes all solid waste, liquid waste or other waste matter;
- “**rubbish**” includes house sweepings, wood, leaves, trimmings from shrubs, sawdust, paper, cardboard, grass, rags, old shoes, tyres and all other combustible material;
- “**trade refuse**” means the refuse of any trade or manufacture;
- “**waste matter**” include material composed of soil, earth, stones, wasted concrete blocks, glassware, ashes, metals and other non-combustible material which is, has been or is to be discarded.

PART II

REFUSE COLLECTION SERVICE

Refuse collection service

3. (1) The Ministry shall, as far as may be practicable provide a refuse collection service at such times and places as it considers appropriate.

(2) The Minister shall by notice published in a newspaper circulating in Montserrat make known the areas and districts for which the refuse collection service is provided, and the notice shall in respect of each area or district state the days and the hours during which refuse collection will be carried out, and any alteration in any such service shall be notified in like manner.

(3) The Minister shall cause to be provided sites convenient for the placing of receptacles for the deposit of refuse and shall prescribe suitable sites for the proper disposal thereof.

(4) The Minister shall cause all collected refuse to be disposed of in such manner as to prevent the breeding of flies, rodents or other vermin and so as to prevent the creation of a nuisance or of any situation likely to be injurious to the public health.

Responsibility of occupiers

4. (1) The owner, occupier, or person in charge of a dwelling house or other building shall—

(a) in respect of that house or building provide for the temporary storage of refuse, one or more receptacles suitably covered, of reasonable weight, of a capacity—

(i) in the case of a dwelling house, not exceeding 4 cubic feet; and

(ii) in the case of every other building, not exceeding 27 cubic feet;

and of a type approved by the Authorised Officer;

(b) keep his premises clean and free of refuse;

(c) where a refuse collection service is available, place for removal of its contents the receptacle provided under paragraph (a) as near the adjoining road as possible (but not so as to impede or obstruct vehicular traffic) on such days and between such hours as the Minister may specify.

(2) The owner or occupier of a dwelling house and the owner or person in charge of a building situated in an area or district for which no refuse collection service is provided shall at least once in every seven days dispose of all refuse from his premises in a manner approved by the Authorised Officer.

(3) Notwithstanding paragraph (1)(c), the owner or occupier of a dwelling house or other building may make his own arrangements for disposal of refuse located on his premises provided that the method of disposal is approved by the Authorised Officer.

Installation of incinerators

5. (1) The Minister may, on an application made to him for that purpose, permit the installation and operation of incinerators of a type and size approved by him.

(2) A permit granted under sub-regulation (1) shall specify the conditions under which such incinerators may be operated.

PART III

ENFORCEMENT

Litter wardens

6. (1) Every Environmental Health Officer shall be a litter warden.

(2) The Governor may by instrument in writing appoint other persons to be litter wardens.

Function of litter wardens

7. A litter warden shall assist in the administration of these Regulations.

Offences against littering and handling of refuse

8. (1) No person shall—

- (a) place, deposit, or cause or permit to be placed or deposited any refuse on any pavement, street, road, lane, path, beach or other public place or on the premises of another person, except on such sites and in such manner and during such hours as the Minister may approve;
- (b) except with the authority of the Authorised Officer, disturb, remove or carry away any refuse placed in any receptacle for removal by the refuse collection service;
- (c) remove any refuse from a disposal site;
- (d) sell or give away any refuse collected by the refuse collection service without the permission of the Minister or deposit it in any place other than at a disposal site approved as such by the Authorised Officer;
- (e) take or receive any refuse from a refuse collection vehicle or induce by any means whatsoever an employee or independent contractor of the Government to deal with any refuse otherwise than as prescribed by these Regulations.

(2) Any person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

(3) Where on a conviction under this regulation the Magistrate is satisfied that the Government or some other person has incurred, or will incur expenses in the removal of refuse unlawfully placed or deposited by the person convicted, the Magistrate shall, in addition to any penalty incurred under paragraph (2) make an order for the payment by the convicted person of a sum which in the opinion of the Magistrate fairly represents the cost of removing the refuse.

Offence against discharging certain substances

9. (1) No person shall—

- (a) without the approval of the Minister, discharge or cause to be discharged from any factory, distillery, work-shop or work-place or from any building, into any drain, river, stream or ghaut or unto any land any substance likely to be hazardous to the health of any person or likely to be injurious to vegetation or which is likely to create a nuisance;
- (b) deposit into any drain, a substance which is likely to obstruct that drain.

(2) A person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

Offence against the keeping of disused vehicles

10. (1) No person shall—

- (a) place or cause to be placed in any street, road, land, beach or other public place, or on any premises any disused vehicle or any disused appliance;
- (b) place or cause to be placed into any drain, ghaut, gully or ravine any disused vehicle or any disused appliance;
- (c) being the owner or occupier of premises permit to remain on such premises any disused vehicle or any disused household appliance.

(2) A person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of twelve months or to both.

(3) Where on a conviction under this regulation the Magistrate is satisfied that the Government or some other person has incurred, or will incur expenses in the removal of any disused motor vehicle or disused appliance unlawfully placed or kept by the person convicted, the Magistrate shall, in addition to any penalty imposed under paragraph (2) make an order for the payment by the convicted person of a sum which in the opinion of the Magistrate fairly represents the cost of removing the disused motor vehicle or disused appliance as the case maybe.

Storage of refuse offence

11. (1) A person who stores on any premises for use in any trade or industry any refuse or disused vehicle or disused appliance without a permit issued by the Minister

commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

(2) A person who at the time of entry into force of these Regulations stores on premises for use in trade or industry any refuse or disused vehicle or disused appliance shall be deemed to have been issued a permit so to do for a period of six months from the date of entry into force of these Regulations.

(3) A permit under sub-regulation (1) may be issued on such conditions as the Minister may specify and a permit shall be liable to revocation for breach of any condition specified therein.

Collection service vehicles

12. (1) No person being the owner or operator of a vehicle used for the collection of refuse shall permit that vehicle to be driven on any road or street or to be on any premises—

- (a) in a condition which is likely to be injurious to the health of any person through the spread of any infectious disease or germ; or
- (b) in a manner which permits the refuse being carried to fall or be blown from the vehicle.

(2) A person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

(3) Where on a conviction under this regulation the Magistrate is satisfied that the Government or some other person has incurred, or will incur expenses in the removal of refuse which has fallen or blown from a vehicle the Magistrate shall, in addition to any penalty imposed under paragraph (2) make an order for the payment by the convicted person of a sum which in the opinion of the Magistrate fairly represents the cost of removing the refuse.

Interference by animals

13. A litter warden may impound any animal which interferes in any way with refuse deposited in a manner and at a site approved by the Minister for subsequent disposal.

Litter warden may serve notice

14. (1) Without prejudice to any proceedings under these Regulations where any person deposits or causes to be deposited any litter or disused vehicle or disused appliance on any public place or on any premises, a litter warden may serve or cause to be served on that person a notice requiring him, within the time specified in the notice, to remove and dispose of the litter or disused vehicle or appliance in such manner as the litter warden approves.

(2) Where a person on whom a notice under paragraph (1) is served fails to comply with the notice, a litter warden may—

- (a) authorise any other person in writing to enter the premises or other place and remove the litter, disused vehicle or appliance; and

(b) as a civil debt before a Magistrate, recover from the person on whom the notice is served, any expenses reasonably incurred in the removal of the litter or disused vehicle.

(3) Where the person on whom a notice under paragraph (1) would have been served is unknown or cannot be found, a litter warden may, without serving the notice, cause the litter or disused vehicle or appliance to be removed in accordance with paragraph (2).

(4) Subject to paragraph (5), any litter, garbage or a disused vehicle removed under paragraph (2) or (3) may be disposed of in a manner approved by a litter warden.

(5) Where an article removed in accordance with paragraph (2) or paragraph (3) is claimed by any person in writing and in a manner approved by the Minister, the Minister may, upon payment by that person of the expenses incurred in respect of its removal or storage, and subject to such conditions as may be imposed, permit the person to remove the article.

Fixed penalty notice

15. (1) Where a litter warden observes that a person has placed or deposited refuse on any pavement, street, road, beach or any public place in contravention of Regulation 8, he may serve on that person a notice in the form of "Form A" appearing in the Schedule.

(2) A person is exempt from any further liability in respect of a contravention under paragraph (1) if before the expiration of a period of ten days from the date of the notice he pays a penalty of \$100 in accordance with the provisions of this regulation.

(3) Notwithstanding paragraph (2) where the government or other person incurs expenses in the removal of any refuse deposited contrary to paragraph (1) the government or such other person may, as a civil debt before a Magistrate recover from the person on whom the fixed penalty notice was served, any expenses reasonably incurred in the removal of the refuse.

(4) Payment of a penalty under this section shall be made in the Magistrate's Court and the payment of the fixed penalty shall be treated for all purposes as payment of a fine imposed after a summary conviction; and a certificate by the clerk of the court indicating payment or non-payment of the fixed penalty is *prima facie* evidence of all the facts stated in the certificate.

Contents of notice

16. (1) A notice under regulation 15 shall be prepared in triplicate and the original served on the person who deposited the refuse. The second copy shall be sent to the Magistrate's Court and the third copy retained by the litter warden.

(2) The notice shall—

(a) contain a statement of the alleged contravention of these Regulations 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 will be brought;
 - (c) specify the amount of the fixed penalty and the place where payable.
- (3) Where a penalty is not paid within the time specified in the notice, the Magistrate may issue a summons in accordance with section 14 of the Criminal Procedure Code.

Wardens may request particulars

17. Where a litter warden finds a person committing an offence under these Regulations, he may require such person to state his name and place of residence for the purpose of instituting proceedings against such person.

Abatement Notice

18. (1) Notwithstanding the provisions of these Regulations where an act or activity committed or carried on by any person amounts to an offence under these Regulations a litter warden may issue to the person responsible an abatement notice in the form set out as Form "B" in the Schedule requiring that person to terminate the act or activity within such time as may be specified in the notice.

(2) Where a litter warden issues an abatement notice under paragraph (1) a person to whom it is addressed and who fails to comply with the notice within the period specified therein commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of six months, and the litter warden may institute proceedings with respect to that offence or may lodge a complaint with the police.

(3) Proceedings for an offence under paragraph (2) of this regulation shall not preclude the institution of proceedings in respect of the act or activity which is the subject of the abatement notice.

(4) A person aggrieved by an abatement notice issued by the litter warden may appeal to the Chief Medical Officer within 24 hours of its receipt and the Chief Medical Officer may confirm, modify or rescind the notice.

Offence

19. A person who—

- (a) assaults, resists, obstructs or intimidates; or
- (b) uses indecent, abusive or insulting language to; or
- (c) by any bribe, promise or other inducement prevents or attempts to prevent the due execution of duty by;

a litter warden is liable on summary conviction to a fine of \$500 or to imprisonment for a term of six months or to both such fine and imprisonment.

SCHEDULE

FORMS

FORM A

(Regulation 15)

PUBLIC HEALTH (COLLECTION AND DISPOSAL) REGULATIONS

FIXED PENALTY NOTICE

To
(Name of offender)

of
(Address)

You are hereby charged with the commission of an offence under regulation 15 of the Public Health (Collection and Disposal of Refuse) Regulations which provides that no person shall deposit litter or refuse in any public place or on the premises of another person.

You will be exempted from further liability for this offence if within 10 days of the date of this notice you pay the sum of \$100 at the Offices of the Magistrate’s Court.

.....
Litter warden

Date:

FORM B

(Regulation 18)

PUBLIC HEALTH (COLLECTION AND DISPOSAL) REGULATIONS

ABATEMENT NOTICE

Name:

Address:

Take notice that pursuant to regulation 18 of the Public Health (Collection and Disposal) Regulations you are hereby ordered to.....

.....
.....

within days or a summons may be issued with respect to the offence.

Should you refuse to comply with the terms of this notice proceedings shall be instituted against you for so refusing.

.....
Litter warden

Date: _____