

I ASSENT

ALLEN LEWIS,
Governor-General.

4th October, 1983.

SAINT LUCIA

No. 24 of 1983.

AN ACT to make provision for the abatement of nuisances caused by the littering of premises and public places and for purposes connected therewith or incidental thereto.

[4th October, 1983.]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Parliament of Saint Lucia, and by the authority of the same as follows:—

1. This Act may be cited as the Litter Act, 1983. Short Title.

No. 24.]

Litter Act

Interpretation.

2.—(1) In this Act unless the context otherwise requires —

“ authorised officer ” means any person appointed under section 5 of the Act ;

“ Court ” means a Court of summary jurisdiction ;

“ derelict vehicle ” means a vehicle which, by reason of its condition, appears to the authorised officer to have been abandoned ;

“ litter ” means anything whatsoever including rubbish, oddments, leavings, coconut shells, wastepaper, cigarette ends, empty bottles, derelict vehicles and any dead animal or carrion ;

“ local authority ” means the Castries Corporation constituted under the Castries Corporation Act 1967, or any town, village or district council constituted under the Local Authorities Ordinance ;

“ Minister ” means the Minister for Health and Housing ;

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

“ premises ” means land other than the buildings thereon, and includes natural water courses and drains whether boundary or inter-lot drains in any private layout or place ;

“ public place ” means any place in the open air and includes any street, road, highway, byeway, market, beach, park, garden and any place to which members of the public are allowed with or without payment.

(2) For the purposes of the definition of the expression “ derelict vehicle ”, the opinion of the authorised officer shall be conclusive for all purposes, and in forming the said opinion he may take into account —

- (a) that the wheels of the vehicle or any of them or the engine or any other parts including the seats have been removed ;
- (b) any other factors taken together with the fact that the vehicle is not currently or has not been licenced for the past six months.

3.—(1) Any person who throws down, drops or otherwise deposits or leaves any litter in, into or upon any public place in such circumstances as to cause, contribute to or tend to lead to the defacement of any public place by such litter shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred and fifty dollars or in default of payment to imprisonment for one month.

Offence and penalty for littering public and other places ; and for aiding and abetting.

(2) Any person who throws down, drops or otherwise deposits or leaves any litter in or upon any premises owned or occupied by another person without the consent of that person, the proof whereof shall lie on the person charged, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred and fifty dollars or in default of payment to imprisonment for one month.

(3) A person who purposely aids, instigates or encourages another person to contravene any of the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of one hundred and fifty dollars or in default of payment to imprisonment for one month.

(4) In the case of a second or subsequent offence against any of the provisions of this section a person is liable summarily to a fine of two hundred and fifty dollars or to imprisonment for three months or to both such fine and imprisonment.

No. 22 of 1967.
Ch. 239.

Enforcement
of the removal
of litter.

4.—(1) Without prejudice to any proceedings for an offence committed under any other enactment, where litter is left or caused to be kept in or on any premises, the authorised officer may give notice in writing to the person so leaving or causing any litter to be left thereupon or to the owner or occupier of such premises requiring him forthwith in the case of dead animals, carrion or other litter considered to be dangerous, or offensive to health, to remove the litter so as to restore the premises to a satisfactory condition and in any other case within such time as may be limited by the notice (not being less than three days).

(2) A notice under this section may be served on a person either personally or may be sent by post to his last known business or private address or may be posted up in some conspicuous place on the 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 Saint Lucia not later than the fifth day succeeding the day it was posted, and in the case of persons not so resident, not later than the fifteenth day succeeding the day on which the notice was posted 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 of five hundred dollars and to a further fine of one hundred dollars for every day during which the offence is continued after conviction.

(5) The Minister may, without prejudice to his right to later proceedings in respect of any failure to comply with a notice given under this section, also direct the authorised officer to enter the premises and remove the

litter so left or caused to be left and may recover summarily as a civil debt the expenses reasonably incurred in so doing from the person who has failed to comply with the notice.

5. The Minister, acting in accordance with the advice of the Cabinet, may appoint persons to be authorised officers for the purpose of this Act.

Appointment of
authorised
officers.

6.—(1) Subject to the provisions of this section the authorised officer may on producing if so required some duly authenticated document showing his identity and authority, enter any premises at all reasonable hours during the day for the purposes of section 4.

Power to enter
premises.

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

(3) Every person who hinders or molests or interferes with any person doing anything that he is authorised to do under this Act or prevents or attempts to prevent any person from doing any such thing is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for three months or to both such fine and imprisonment.

7.—(1) Without prejudice to any proceedings for an offence committed under section 3, where any derelict vehicle is left in any public place in such circumstances as to cause, contribute to or tend to lead to the defacement thereof, the Minister may give notice to the owner or to the person leaving the vehicle or causing it to be left in any public place requiring him within three days of such notice to remove the derelict vehicle therefrom.

Power to
remove derelict
vehicles.

(2) A person who fails to comply with a notice under subsection (1) is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and to a further fine of one hundred dollars for every day during which the offence is continued after conviction.

(3) Without prejudice to his right to take proceedings in respect of failure to comply with a notice given under this section, the Minister may at any time without giving any such notice direct the authorised officer to remove the vehicle so left or caused to be left and may recover from the owner thereof the expenses reasonably incurred for such removal.

(4) The expenses determined under subsection 3 shall be deemed a judgement debt in favour of the Accountant-General and shall be payable to the Accountant-General together with interest at six *per centum per annum* computing from the date the vehicle has been so removed.

8.—(1) Where it is decided to remove a derelict vehicle in pursuance of the foregoing provisions of this Act a notice of such removal shall be published in the *Gazette* and in a local newspaper circulating in the State stating the place where the derelict vehicles have been deposited.

(2) To every such notice described in subsection (1) there shall be appended a statement to the effect that the derelict vehicle shall be disposed of if not claimed within seven days of the notice.

(3) Where a notice has been given under the preceding subsection and no lawful claim is made by any person the Minister may dispose of the derelict vehicle in such manner as he considers fit.

(4) If, before a derelict vehicle is disposed of in pursuance of subsection (3), that vehicle is claimed by

Disposal of removed vehicles.

a person who satisfies the Minister that he is the owner and has paid the expenses as prescribed in respect of its removal and storage, the Minister shall permit him to remove the derelict vehicle.

(5) Where a derelict vehicle is disposed of by sale and before the expiration of three months from the date of the sale any person satisfies the Minister that at the time of the sale he was the owner thereof, such person shall be entitled to receive the amount by which the proceeds of sale exceeded the aggregate of the expenses incurred in respect of the removal, storage and disposal of the derelict vehicle.

9. Where the Minister directs the removal of any litter from any public place in pursuance of the foregoing provisions of this Act, no action, suit or other cause shall lie against him or the officers authorised by him, unless it is shown that such removal was motivated by malice or fraud.

Idemnity.

10. Where under this Act 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 directions given by the Court and, where a Court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

Continuing offences and penalties.

11. In sentencing a person convicted of an offence under this Act, the Court shall take into consideration not only the purposes of this Act in preventing the defacement or littering of public places and of premises, but also the nature of the litter and any resulting risk of injury or danger to health or life of any person or animal or of damage to property.

Sentencing.