

SAINT VINCENT AND THE GRENADINES

ACT NO. 15 OF 1991

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SAINT VINCENT AND THE GRENADINES

ACT NO 15 Of 1991

[L.S.]

I ASSENT

DAVIDE JACK  
Governor-General  
9th July, 1991

AN ACT for the regulation and control of littering in St. Vincent and the Grenadines.

[ 23rd July, 1991 ]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:-

PRELIMINARY

1. This Act may be cited as the Litter Act, 1991. Short Title
2. In this Act- Interpretation
  - "authorised persons" means any person designated an authorised person under section 19;
  - "beach" means the land adjoining the foreshore and includes jetties adjacent thereto;
  - "constable" includes a police officer;
  - "derelict vehicle" means
    - (a) a vehicle or part of a vehicle left in a public place which by reason of its condition appears to have been abandoned and
    - (b) until the contrary is proved any motor vehicle left in a public place which does not carry a current licence issued by the Licensing Authority;
  - "functions" include powers and duties;

**“litter: includes any refuse, animal remains, rubbish, garbage, bottles, tins, glass, paper, plastic, containers, debris, dirt, filth, rubble, sawdust, ballast, stones, derelict vehicles, cartons, packages, packing and packaging materials, earth, human or animal excrement, urine, noxious or offensive liquid or substance or waste matter or any other matter likely to deface, make untidy, obstruct or cause a nuisance;**

**“litter collection area” means any area declared or designated a litter collection area under section 21;**

**“litter receptacle” means any container or vessel provided or approved by a local authority for the deposit of litter;**

**“poster” includes any notice, bill, placard, advertising sign or display, graffiti and any other similar publication;**

**“public place” includes –**

- (a) every public highway, street road, square, court, alley, lane, bridleway, footway, parade, wharf, jetty, quay, bridge, sidewalk, verge;**
- (b) any public garden, park or open space, theatre, stadium, place of public entertainment of any kind, any place used permanently or temporarily for religious worship, or other place of general resort to which the public have, or are permitted to have access with or without payment of any fee;**
- (c) any beach or the bank of any river or stream on the margin of any lake, pond, lagoon or any gully, to which the public have, or are permitted to have access without payment of any fee;**
- (d) any waters to which the public have access without payment of any fee for bathing or for other recreational purposes;**
- (e) any forest land within the meaning of the Forests Act, 1945; or any succeeding legislation;**
- (f) any airport;**
- (g) any other place to which the public has access, whether on payment or otherwise, that may be prescribed by regulations.**

(h) the territorial waters of the State of St. Vincent and the Grenadines.

“vehicle” means any motor vehicle, cart, dray, push-cart, wagon and any other vehicle of like nature.

#### OFFENCES

3. (1) Any person who –

(a) throws, drops, or otherwise deposits and leaves any litter in or into any public place; or

Littering public place

(b) erects, displays (whether by writing or making or otherwise) deposits or affixes anything in a public place or on any building, wall, fence or structure abutting or adjoining a public place, in such circumstances as to cause, contribute to or tend to the defacement of that place, building, wall, fence or structure, commits an offence against this Act.

(2) Where any person, on behalf of some other person employing or recruiting him for the purpose, does any act in contravention of paragraph (b) of subsection (1) then the person employing or recruiting him also commits an offence against this Act unless he proves that the act done was contrary to his express instructions and that the act, if performed as instructed, would not have been in contravention of this section.

(3) In any proceedings under this section, it shall be a defence to prove that the act, the subject matter of the proceedings, was authorised by law or was done with the consent of the owner or occupier or other person having control of the public place or building, wall, fence or structure.

4. Any person who throws, drops or otherwise deposits or leaves any litter in or into any premises occupied by another without the consent of that other person, the proof whereof shall lie on the person charged commit an offence against this Act.

Littering private place without consent

5. Any person who wilfully breaks any bottle or glass or any article made of glass in or on any public place without lawful authority or reasonable excuse or without the express consent (the proof whereof shall lie on the person charged) of any person, public body or authority having the control or management of the place commits an offence against this Act.

Wilful breaking of bottles or glass in public places

Disposal of litter from motor vehicle, trailer, ship or boat.

6. (1) A person who –
  - (a) transports in or on a motor vehicle or trailer along any motorway, road, street, alley, land mall or thorough-fare, 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 –
    - (i) not sufficiently well secured;
    - (ii) not securely covered; or
  - (b) being the master of any ship or boat while in territorial waters deposits any waste, effluent or any substance likely to contaminate the environment or cause harm to marine life;

commits an offence under this Act.

(2) A person who commits an offence under this section is liable on summary conviction in the case of an individual, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or in the case of a body corporate to a fine not exceeding [five] thousand dollars.

Owner of bus etc. to provide receptacle for litter

7. (1) The owner of every bus, taxi, ship or boat shall, while his vehicle, ship or boat is plying for hire, provide in a convenient place therein adequate receptacles for the deposit of litter.

(2) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding two thousand dollars.

Abetting of offences against section 3, 4, 5, 6, or 7

8. A person who causes or knowingly permits any other person to commit an offence under section 3, 4, 5, 6, or 7 may be proceeded against and convicted for the same, either jointly with the principal offender or severally and is liable on conviction to the same punishment as such principal offender.

Increased penalty for subsequent offence

9. A person who, having been convicted of an offence under any of the sections mentioned in section 8 is again convicted on a similar charge is liable to double the amount of the maximum fine attached to the offence.

Offence relating to authorised persons

10. Any person who
  - (a) wilfully obstructs an authorised person who is acting in the execution of his duty under this Act; or
  - (b) without lawful excuse, fails within reasonable time to comply with any requirement of any authorised person exercising the power conferred on him by section 20; or

- (c) after being required to disclose his true name and place of residence by an authorised person acting pursuant to the power conferred on him by section 20 –
  - (i) refuses to disclose his true name and place of residence; or
  - (ii) gives a false name or place of residence; or
  - (iii) gives such general description of his place of residence as is illusory for the purpose of discovery; or
- (d) personates or pretends to be an authorised person; or
- (e) offers violence to or assaults, threatens, or intimidates, or uses threatening language, or behaves in a threatening manner to, any authorised person who is acting in the exercise of his powers or the discharge of his duties under this Act or offers to any authorised person 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 an authorised person accepts such gifts or consideration as aforesaid, commits an offence against this Act.

11. (1) Any constable or authorised person may seize any vehicle being used for the commission of any offence against section 3 or 4.

*Use of vehicles to deposit litter*

(2) On the conviction of any person for any offence against this Act, the Court may, upon the application of the prosecution, order the forfeiture of any vehicle used in the commission of the offence and seized pursuant to this section, if the Court is satisfied that –

- (a) such person owns the vehicle, or the owner thereof permitted it to be used;
- (b) the circumstances are otherwise such that it is just so to order.

(3) If, upon the application of any person prejudiced by an order made by the Court under subsection (2) the court is satisfied that it is just to revoke such order, the Court may, upon such terms and conditions (if any) as it thinks fit, revoke that order.

(4) Any application to the Court under subsection (3) for the revocation of any order shall be made within thirty days of the date of the order:

Provided that where the applicant satisfies the Court that, in the special circumstances of the case, it was not reasonably practicable for him to make such application within the period of thirty days, the time (whether expired or not) for making that application may be extended by the Court as it thinks just.

General Penalty

12. If any person acts in contravention of, or fails to comply with any of the provisions of this Act or any Regulation hereunder in respect of which no special penalty is provided, he shall for each offence be liable on summary conviction before a Magistrate to a fine not exceeding five thousand dollars or to imprisonment with or without hard labour for a period not exceeding six months or to both such fine and imprisonment and in addition he shall be liable to a fine not exceeding two hundred dollars for each day on which the offence continues.

Offender may be ordered to clean area

13. (1) Without limiting the powers conferred on authorised persons by this Act, where any person is convicted of an offence under sections 3, 4, 5, 6, or 7, 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 the litter deposited in the public place within a period and to such place as may be specified in the order.

(2) Where the 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 an order under this section commits an offence and on summary conviction therefor is liable in addition to any other penalty to a fine not exceeding one thousand dollars.

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

Cost of removing litter

14. Where a Court convicts a person of an offence under section 3 it may, if it thinks fit, in addition to imposing a penalty, order the offender to pay by way of compensation to the public authority having the control or management of the public place where the offence was committed, such sum as it considers reasonable to cover the cost of the removal of the litter, and the amount so awarded shall be deemed to be a civil debt due to the said public authority from the offender and may be recovered in any Court of competent jurisdiction.

15. (1) Without prejudice to any proceeding for an offence under section 3 or 4, where litter is left in or on any public place or any private premises in such circumstances as to cause, contribute to or tend to the defacement thereof, and when the authority considers that the premises viewed from a public road, street or highway, is unsightly or seriously detrimental to the amenities of the neighbourhood, the local authority may give notice in Form A or B of the Schedule to the person responsible for the littering or to the owner or occupier or other person having control of such place or premises requiring him –

Power of local authority to enforce removal of litter

- (a) forthwith, in the case of dead animals, carrion or other litter considered by the local authority to be dangerous to health or life; and
  - (b) in any other case, within such time as may be limited by the notice (not being less than three days), to remove the litter so as to restore the premises to a condition satisfactory to the local 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 some conspicuous position on the premises on which the litter has been left.
- (3) A notice sent by post shall be deemed to have been served –
- (a) in the case of person residing in St. Vincent and the Grenadines, not later than the seventh day succeeding the day when posted; and
  - (b) in the case of persons not so resident, not later than the fifteenth day succeeding the day when 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 liable on summary conviction in a Magistrate's Court to a fine not exceeding two thousand dollars or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and to a further fine not exceeding two hundred dollars for each day during which the offence continues.
- (5) A local authority may, without prejudice to its right to take proceedings under subsection (4), by its officers and servants, enter the premises and remove the litter so left or caused to be left and may recover the expences reasonably incurred by them in so doing from the person in default as a civil debt summarily in a Magistrate's Court without limit of amount.

Power of Court to allow a reasonable time to remedy certain offences

16. Where under section 12 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 the 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 of that period.

Sentencing factors

17. In sentencing a person convicted of an offence under this Act the Court shall take into consideration not only the purpose of this Act in preventing the defacement or obstruction by litter of public places and other premises but also –

- (a) the nature and volume of litter;
- (b) whether the litter was thrown or dropped from a moving motor vehicle;
- (c) whether the litter was thrown or left on public beaches;
- (d) any risk of injury to persons or animals or of damage to property consequent on the circumstances of the offence.

Power to enter premises

18. (1) Subject to the provisions of this section, any authorized officer may, on producing if so required a duly authenticated document showing his authority, enter any premises at all reasonable hours for the purpose of section 15.

(2) Any 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) Any person who
  - (a) hinders, molests or interferes with any person doing anything that he is authorised to do under this section or prevents or attempts to prevent any person from doing such thing; or
  - (b) unless he is unable to do so, fails or refuses to do anything he is required by an authorised officer pursuant to this section to do,

is liable on summary conviction in a Magistrate's Court to a fine not exceeding two thousand dollars or to imprisonment for a period not exceeding six months.

#### ADMINISTRATION

19. (1) The following persons shall by virtue of their office be deemed to be authorized persons for the purposes of this Act – **Authorized Officers**

- (a) every constable;
  - (b) every public health inspector whether he is attached to the Ministry, of Health or employed by a local authority while he is acting in the exercise of his powers or the discharge of his duties under the Public Health Act, 1977;
  - (c) every forestry officer;
  - (d) every harbour master while acting in the exercise of his powers or the discharge of his duties in the harbour in respect of which he was appointed.
- (2) The Minister may from time to time designate such other persons as are necessary to be authorized persons.
- (3) A person designated to be an authorized person under subsection (2) shall exercise such powers and duties as are conferred on him by this Act.
- (4) For the purpose of carrying out his duties in relation to this Act, every authorized person shall have the same privileges and immunities as a constable.

20. An authorized person or any person who is for the time being performing the functions of an authorized person may – **Functions of authorized person**

- (a) direct any person whom he suspects on reasonable grounds has contravened or is about to contravene section 3 or 4, to desist;
- (b) direct any person who has contravened section 3 or 4 to remove or dispose of the litter in accordance with directions given by the authorized person;

(c) apprehend any person whom he has reasonable grounds to believe has contravened any provision of this Act or Regulations hereunder and unless he is a member of the police force, takes that person to a constable.

Local Authority  
to provide litter  
receptacle

21. (1) Every local authority shall provide and maintain in public places such number of litter receptacles of a suitable construction and design as the local authority may think necessary.

(2) Every local authority may

(a) specify the construction and design of any litter receptacle which is to be provided in any public place and to determine the location in any public place where a litter receptacle may be placed;

(b) designate any area in a public place or, with the approval of the owner, any premises as a litter collection area;

(c) determine the nature and type of litter which shall be deposited in any litter receptacle or in any litter collection area;

(d) determine the time, place or circumstances in which litter may be deposited in any litter collection area.

(3) Without prejudice to the powers of a local authority under subsection (2), Regulations may be made to deal with any matter referred to in that subsection.

(4) The deposit of litter in any receptacle or litter collection area in accordance with this section or any Regulations made in relation thereto shall be regarded as not being in contravention of section 3 or 4.

Interference with  
receptacles for  
litter

22. Any person who wilfully removes or otherwise tampers with a receptacle commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

Punishment with-  
out prosecution for  
offences under  
section 3

23. (1) This section shall apply to any offence referred to in section 3 and such other offence as may be prescribed.

(2) Where a Constable or authorized person on any occasion has reason to believe that a person is committing or has committed an offence to which this section applies, he may give that person the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction for that offence by payment of a fixed penalty under this section and that person shall not be liable to be convicted of that offence if the fixed penalty is paid in accordance with this section before the expiration of the twenty-one days following the date of notice, or such longer period (if any) as may be specified therein or before the date on which proceedings are begun, whichever event last occurs.

(3) When a person is given a notice under this section in respect of any offence proceedings shall not be taken against him for that offence by any constable or authorized person or local authority until the end of the twenty-one days following the date of the notice or such longer period (if any) as may have been specified therein.

(4) In this section "proceedings" means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (2), and "convicted" shall be construed in like manner.

(5) A notice under subsection (2) shall specify the offence alleged, and give such particulars of the offence as are necessary for giving reasonable information of the allegation, and shall state also the period during which, by virtue of subsection (3), proceedings will not be taken for the offence, the amount of the fixed penalty and the local authority to whom and the address at which the said fixed penalty may be paid.

(6) The fixed penalty for an offence to which subsection (1) applies shall be such sum as the Minister may by order prescribe.

(7) In any proceedings for an offence to which this section applies, no reference shall be made after the conviction of the accused to the giving of any notice under this section or to the payment or non-payment of a fixed penalty thereunder unless in the course of the proceedings or in some document which is before the court in connection with proceedings reference has been made by or on behalf of the accused to the giving of such notice, or, as the case may be, to such a payment or non-payment.

(8) The Minister may by regulations make provisions as to any matter incidental to the operation of this section, and in particular

- (a) prescribing the form of notice under subsection (2), and the local authority to whom a fixed penalty is payable; and

(b) prescribing the duties of local authorities and the proper officers, and the information to be supplied to them.

Regulations

24. The Minister may make Regulations for giving effect to this Act and, without prejudice to the generality of the foregoing, may make Regulations in relation to anything required by this Act to be prescribed.

**SCHEDULE**

**FORM A**

**(Section 15)**

**Litter removal Order**

To

of

TAKE NOTICE that pursuant to section 15 of the Litter Act, 1991, you are hereby ordered to remedy the conditions caused by your action of unlawfully depositing litter by .....

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

Dated this                      day of                      19

Authorised Person

Clean-up-Order

To

of

TAKE NOTICE that pursuant to section 15 of the Litter Act, 1991, the premises situate at

.....  
.....

is considered to be unsightly by reason of litter thereon.

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 cost of the  
work done will be debt due to the State 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 hereof

Minister of Health & Environment  
Ministry of Health  
Kingstown  
St. Vincent and the Grenadines

Dated this

date of

19

Authorised Person

Passed in the House of Assembly this 3rd day of June, 1991.

**J. THERESA ADAMS**  
Clerk of the House of Assembly.