

# Garbage Act [Cap 101]

## LAWS OF TONGA

1988 Ed.]

### CHAPTER 101

#### GARBAGE

##### ARRANGEMENT OF SECTIONS

###### SECTION

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*Acts Nos. 11 of 1949, 14 of 1962, 27 of 1977, 8 of 1980.*

##### AN ACT TO PROVIDE FOR THE COLLECTION OF GARBAGE

*[16th November, 1949]*

###### **Short title.**

1. This Act may be cited as the Garbage Act.

###### **Interpretation.**

2. In this Act -

"Board" means the Principal Board of Health appointed under the Public Health Act;

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"garbage" includes household refuse, empty tins, rubbish, refuse and trade waste, but not night soil;

"medical officer" means the Director of Health and any other medical practitioner in the employment for the time being of the Government;

"Nuku'alofa Township Area" means all that area contained within the boundaries of Nuku'alofa as defined in Schedule II to the Town Regulations Act;

*Cap. 44*

"owner" includes a person in possession of any land or tenement or who is in receipt of the whole or part of the rents and profits of any land or tenement; (*Substituted by Act 14 of 1962.*)

"sanitary inspector" means any sanitary inspector appointed under the Public Health Act.

**Application.**

3. This Act shall apply only to any town, village or area which the Board may from time to time by notice in the Gazette determine. (*Amended by Act 8 of 1980.*)

**Execution by the board.**

4. The Board shall superintend, enforce and be charged with the execution of the provisions of this Act:

Provided nevertheless that the Board may delegate its powers and duties under the Act to a District Board of Health duly appointed under the provisions of the Public Health Act.

*Cap. 74*

**Provision of garbage removal service.**

5. The Board shall undertake itself or shall contract for the removal, collection and disposal of garbage from houses, buildings and premises.

**Fees payable.**

6. (1) Where the Board has instituted a garbage removal service under section 5 of this Act, the fees specified in the Schedule thereto shall be paid monthly in advance to the Board by the owner of any house, building or premises in respect of which any garbage receptacle is used or shall have been prescribed whether such garbage receptacle is in existence or not.

(2) In the event of any person refusing or delaying to pay the said fees, the Board may sue in court for the recovery of the said fees.

(3) The owner of any house, building, or premises who satisfies the Board that adequate arrangements have been made by such owner for the collection and disposal of garbage may be exempted by the Board from payment of the prescribed fees.

(4) Where any house, building or premises shall remain unoccupied for not less than one calendar month, the Board shall on application make a rebate or refund of the proportionate amount of fees payable or paid under this section.

### **Accounts.**

7. (1) The Board shall keep proper books of account in which shall be entered a record of all moneys received and expended in connection with the garbage service.

(2) The books shall be open to inspection by the Treasurer or any person authorised by him to inspect them.

(3) The Board shall before the last day of July of each year submit to the Privy Council a statement of account and report in respect of the twelve months ended on the last day of the preceding June.

(4) The Board shall before the thirty - first day of March in each year submit to the Privy Council a detailed estimate of the revenue and expenditure of the Board in respect of such removal services for the year commencing on the first day of July then next following. The Board shall not incur any expenditure in excess of the estimates except with the approval of the Privy Council.

### **Garbage cans to be provided.**

8. Every owner or occupier of any house, building or premises shall provide a sufficient number of garbage cans, provided with tight fitting lids, for the reception of the garbage arising from or existing upon such premises and shall-

(a) at all time keep such garbage cans close covered except when depositing garbage therein;

(b) keep the garbage cans and the covers thereof clean and in good repair;

(c) place the garbage can in a position easily accessible to the Board's garbage collector and, when more than one is necessary, they shall be placed together.

### **Garbage cans supplied by the board.**

9. The Board may supply garbage cans to premises and in such case the owner or occupier of such premises shall accept, pay for and use such cans.

### **Compulsory use of garbage cans.**

10. (1) Every such owner or occupier shall cause all garbage arising from such premises to be deposited in such garbage cans.

(2) Garbage shall not be scattered upon or within the curtilage of any house, building or premises nor heaped or deposited therein save in a garbage can.

### **Accumulation on vacant lands, etc.**

11. No person shall throw or deposit upon any roadway, vacant land or foreshore or into any

stream or creek any garbage in any district or defined portion thereof to which the provisions of this Act have been applied.

**Removal of accumulation.**

12. (1) The occupier of any premises shall be deemed to have offended against the provisions of this Act where any accumulation of garbage other than that contained in a garbage can is found on such premises.

(2) Where there is an accumulation of garbage on premises of which there is more than one occupier, any one of such occupiers shall be deemed to have offended against the provisions of this Act.

(3) Where in the case last mentioned a medical officer or a sanitary inspector has required the owner of the premises either verbally or in writing to remove such accumulation of garbage and such accumulation is allowed to remain for 24 hours after the notice its given, such owner shall be deemed to have committed an offence against the provisions of this Act.

**Removal of garbage cans.**

13. It shall be the duty of the Board's garbage collector to remove, empty and replace all garbage cans at least twice weekly but he shall not be required to remove any garbage can standing at a greater distance than 20 feet from any road.

**Notification.**

14. It shall be the duty of the occupier of any premises whereof the garbage can is not cleared for over 4 days to notify the Board of such failure to clear.

**Penalties.**

15. Every person who offends against any of the provisions of this Act shall upon conviction be liable for every such offence to a fine not exceeding \$10 and in the case of a continuing offence to a further fine not exceeding \$1 for each day during which the offence continues after such conviction.

**SCHEDULE**

*(Substituted by Act 27 of 1972.)*

(Section 6)

<b>Types of Premises</b>	<b>Rates of fees per month</b>
(a) Government Departments .....	\$ 0.50
(b) Private Homes .....	0.50
(c) Schools and Colleges.....	1.00
(d) Clubs, Hotels, Bakeries, Motels, Retailers .....	1.50
(e) Wholesalers .....	2.00

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