LITTER ACT

CHAPTER 30:52

Act
27 of 1973
Amended by
2 of 1976
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CHAPTER 30:52

LITTER ACT

An Act respecting the littering of public places and of premises. 27 of 1973.

[21ST AUGUST 1973] Commencement.

1. This Act may be cited as the Litter Act. Short title.

2. In this Act— Interpretation. [10 of 1981 21 of 1990].

"approved site" means a site established—

(i) by the Minister; or

(ii) by a public authority with the approval of the Minister; or

(iii) by a public authority in accordance with the provisions of any other written law; or

(iv) by any person with the approval of the Minister,

as a site for the deposit and disposal of litter;

"bus" means any vehicle having seating capacity for more than six persons which is used for the carriage of persons for hire or reward;

"commercial waste" means waste from premises used wholly or mainly for the purpose of trade or business or for the purpose of sport, recreation or entertainment;

"Court" has the same meaning as in the Summary Courts Act; Ch. 4:20.

"deposit", in relation to litter, includes casting or placing or allowing to flow or fall;

"derelict vehicle" means a vehicle or part of a vehicle in a public place which by reason of its condition appears to a public health officer to have been abandoned and any motor vehicle that is left in a public place and does not carry a current licence issued by the Licencing Authority therefor shall be presumed to be a derelict vehicle until the contrary is proved;

"domestic waste" means waste from a private dwelling or residential home or from a school or other educational establishment;

"industrial waste" means waste from premises forming part of a hospital or nursing home or from any factory within the meaning of the Factories Ordinance and any premises occupied by a body corporate established by or under any written law for the purpose of carrying on under national ownership any industry or part of an industry or any undertaking but excluding waste from any mine or quarry;

Ch. 30. No. 2. (1950 Rev. Ed.).

"litter" means any solid or liquid material or product or combination of solid or liquid materials or products including but not limited to any bottles, tins, logs, sawdust, derelict vehicles, cartons, packages, packing materials, paper, glass, food, animal remains, garbage, debris, sand, gravel, stone, aggregate, dirt, waste (including any human and animal waste) or any other refuse or rubbish or waste material, and any other material or product that is designated as litter by the Minister by notice published in the *Gazette*;

"litter prevention warden" or "warden" means a person appointed a litter prevention warden in accordance with section 16 or section 16A;

"local authority" means the council of a Municipal Corporation within the meaning of the Municipal Corporations Act or the Tobago House of Assembly;

Ch. 25:04.

"mine" and "quarry" have the same meaning as in the Mines, Borings and Quarries Act;

Ch. 61:01.

"Minister" means the Member of Cabinet to whom responsibility for health is assigned;

"Permanent Secretary" means the Permanent Secretary of the Minister;

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

"premises" means land, other than any buildings thereon, whether vested in the State or not, and includes natural water courses and drains, whether boundary or interlot drains in any private layout or otherwise;

"public authority" includes—

(i) any local authority;

(ii) the Water and Sewerage Authority established under the Water and Sewerage Act; Ch. 54:40.

(iii) the Airports Authority established under the Airports Authority Act; Ch. 49:02.

(iv) the Port Authority established under the Port Authority Act; Ch. 51:01.

(v) the Public Transport Service Corporation established under the Public Transport Service Act; Ch. 48:02.

(vi) the administering body of any cemetery;

(vii) any other authority established by an Act of Parliament;

(viii) all other bodies or classes of bodies which may be from time to time declared, by Order of the President published in the *Gazette*, to be public authorities for the purposes of this Act;

"public place" includes—

(i) every motor way, road, street, footpath, access way, alley, lane, court, and thoroughfare;

(ii) any park, garden or other place of public recreation to which the public has access without payment of any fees;

(iii) any waters to which the public has access without payment of any fee for bathing or for other recreational purposes;

(iv) every wharf, pier, or jetty (whether under the control of the Port Authority or not) to which the public has access;

(v) any forest land within the meaning of the Forests Act; Ch. 66:01.

(vi) any airport within the meaning of section 2 of the Airports Authority Act; Ch. 49:02.

(vii) any public burial ground within the meaning of the Burial Grounds Act; and Ch. 30:50.

(viii) any other place in the open air or open to the air on at least one side to which the public has access as of right without the payment of any fee;

"public health officer" means an officer attached to the Ministry of Health or to the Ministry of Local Government or to a local authority;

"receptacle" means any bin or container of any sort provided in any public place, bus or taxi pursuant to this Act or any other written law for the purpose of litter being temporarily deposited therein by members of the public;

"unsightly premises" means any premises or part of any premises upon which litter is deposited in such circumstances as to cause or contribute or tend to, the defacement of the premises;

"waste" includes—

(i) any substance which constitutes a scrap material or any other unwanted surplus substance arising from the application of any process;

(ii) any substance or article which requires to be disposed of as being broken down, worn out, contaminated or otherwise spoilt;

(iii) domestic waste, industrial waste or commercial waste,

and for the purpose of this Act anything which is discarded or otherwise dealt with as if it were waste shall be presumed to be waste and accordingly litter until the contrary is proved.

Depositing litter in a public place. [10 of 1981 13 of 2010 4 of 2014].

3. (1) A person who without reasonable excuse—

(a) deposits any litter in or on any public place other than—

(i) in a receptacle placed for the purpose of collecting it; or

(ii) in or at any approved site; and

(b) having deposited any litter otherwise than as prescribed in subparagraphs (i) and (ii) of paragraph *(a)* in or on any public place (whether inadvertently or otherwise) leaves such litter there, is guilty of an offence against this Act.

(2) In any proceedings against a person for an offence under this section the absence or unavailability of a receptacle shall not be a defence.

(3) Where litter is deposited from a motor vehicle, other than a bus or taxi when plying for hire or from a trailer on to a public place contrary to subsection (1) and it cannot be determined which of two or more occupants of the motor vehicle or trailer is responsible, the driver of the motor vehicle or trailer shall be deemed to be the person who deposited the litter from the motor vehicle or trailer.

(4) Where litter is deposited from a motor vehicle, other than a bus or taxi when plying for hire, or from a trailer contrary to subsection (1), and it cannot be determined who is the driver of the motor vehicle, the owner of the motor vehicle shall be deemed to be the person who deposited the litter from the motor vehicle or trailer unless he proves to the satisfaction of the Court that at the time of the offence the motor vehicle was not being driven, the trailer was not being towed, or the motor vehicle or trailer was not parked or left by him or by any other person with his consent, express or implied.

(5) It shall not be a defence that litter deposited originally by a person in a public place came to rest in a place other than a public place.

(6) A person who is guilty of an offence under this section is liable on summary conviction in the case of an individual to a fine of four thousand dollars or to imprisonment for six months or in the case of a body corporate to a fine of eight thousand dollars.

Disposal of litter from motor vehicle or trailer. [10 of 1981 13 of 2010 4 of 2014].

3A. (1) A person who transports in or on a motor vehicle or trailer along any motorway, road, street, alley, lane, mall or

thoroughfare, 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—

(a) not sufficiently well secured as to prevent it from falling off the motor vehicle or trailer, or

(b) not so covered as to prevent it from blowing off the motor vehicle or trailer,

is guilty of an offence against this Act.

(2) A person who is guilty of an offence under this section is liable on summary conviction in the case of an individual to a fine of four thousand dollars or to imprisonment for six months or in the case of a body corporate to a fine of eight thousand dollars.

Owner of bus to provide receptacle for litter. [10 of 1981].

3B. (1) The owner of every bus or taxi shall, while his vehicle is plying for hire, provide in a convenient place therein one or more receptacles for the deposit of litter.

(2) A person who is guilty of an offence under this section is liable on summary conviction to a fine of five hundred dollars.

Offence and penalty for littering premises. [13 of 2010 4 of 2014].

4. A person is liable on summary conviction to a fine of four thousand dollars or to imprisonment for six months who throws down, drops or otherwise deposits and leaves any litter in or into any premises owned or occupied by another without the consent of that other person, the proof whereof shall lie on the person charged.

Abetment of offences against section 3, 3A or 4. [10 of 1981].

5. A person who causes or knowingly permits any other person to commit an offence under section 3, 3A, or 4 shall be liable to be proceeded against and convicted for the same, either together with the principal offender or before or after his conviction, and shall be liable on conviction to the same punishment as such principal offender may be liable to.

Increased penalty for subsequent offence. [10 of 1981].

5A. A person who, having been convicted of an offence under section 3, 3A, 4, 5, 16C(5) or 16D is again convicted of an offence under section 3, 3A, 4, 5, 16C(5) or 16D is liable to double the amount of the maximum fine attached to the offence.

Local authority may enforce removal of litter. [10 of 1981 13 of 2010 4 of 2014].

6. (1) Without prejudice to any proceedings for an offence committed under section 4 or any other written law where litter is left or caused to be kept in or on any premises in such circumstances as to cause, contribute to or tend to the defacement thereof by such litter the local authority may give notice (whether orally or in writing) to the person so leaving or causing the same to be left or to the owner or occupier of such premises requiring him forthwith in the case of dead animals, carrion or other litter considered by the local authority to be dangerous to health or life, and 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, in the case of persons resident in Trinidad and Tobago not later than the seventh day succeeding the day when posted, and in the case of persons not so resident, not later than the fifteenth 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 liable on summary conviction to a fine of four thousand dollars and to a further fine of eight hundred dollars for every day during which the failure is continued after conviction, and the local 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.

(5) In this section and in sections 7, 8, 9, 10 and 11, the expression "local authority" means in relation to any premises the

local authority which is the local authority for the purposes of the Public Health Ordinance in the district in which the premises are situated.

Ch. 12. No. 4. (1950 Rev. Ed.).

Local authority may enforce removal of litter. [2 of 1976].

7. (1) Without prejudice to any proceedings for an offence committed under any other written law, where litter is left or caused to be kept in or on any premises in such circumstances as to cause, contribute to or tend to the defacement thereof by such litter the local authority may give notice (whether orally or in writing) to the owner or occupier of such premises requiring him forthwith in the case of dead animals, carrion or other litter considered by the local authority to be dangerous to health or life, and 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) The provisions of section 6(2), (3) and (4) shall apply to a notice given under this section.

Power to enter premises. [2 of 1976].

8. (1) Subject to the provisions of this section any authorised officer of a local 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 6.

(2) Subject to the provisions of this section any authorised officer of a local 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 7.

(3) 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.

(4) Every person who hinders or molests or interferes with any person doing anything that he is authorised to do or prevents or attempts to prevent any person from doing any such thing and any person who unless he is unable to do so fails or refuses to do anything he is required by or pursuant to this section to do is liable

on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

Power of local authority to remove derelict vehicles. [13 of 2010 4 of 2014].

9. (1) Without prejudice to any proceedings for an offence committed under section 3 or 4 or any other written law, where any derelict vehicle is left or caused to be left in any public place in such circumstances as to cause, contribute to or tend to the defacement thereof by such derelict vehicle, the local authority may give notice to the person so leaving or causing the same to be left requiring him within twenty-four hours of such notice to remove the derelict vehicle so as to restore the public place to a condition satisfactory to the local authority.

(2) A person who fails to comply with the requirements of a notice under subsection (1) is liable on summary conviction to a fine of four thousand dollars and to a further fine of eight hundred dollars for every day during which the failure is continued after conviction, and the local authority may, without prejudice to its right to take proceedings for a fine in respect of such failure, by its officers and servants remove the derelict vehicle 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.

General power for local authority to remove derelict vehicles.

10. Without prejudice to the powers of a local authority to remove derelict vehicles upon failure to comply with notices of the local authority to do so under the foregoing provisions of this Act, a local authority may at any time without giving such notice remove any derelict vehicle found in any public place or premises.

Disposal of removed vehicles.

11. (1) Subject to subsection (2), where a local authority removes any derelict vehicle in pursuance of the foregoing provisions of this Act, the local authority may dispose of such derelict vehicle in such manner as it thinks fit at any time after its removal.

(2) If, before a derelict vehicle is disposed of by a local authority in pursuance of subsection (1), the derelict vehicle is claimed by a person who satisfies the local authority that he is its

owner and pays the local authority any expenses incurred in respect of its removal and storage the local authority shall permit him to remove the derelict vehicle from its custody during such period as may be specified by the local authority.

(3) Where the local authority disposes of a derelict vehicle by selling it and before the expiration of three months from the date of the sale any person satisfies the local authority that at the time of such sale he was the owner of the derelict vehicle, the local authority shall pay over to him any sum by which the proceeds of sale exceed the aggregate of the expenses incurred in respect of the removal, storage and disposal of the derelict vehicle.

(4) Where in the case of any derelict vehicle it appears to a local authority that more than one person is or was its owner at the relevant time such one of them as the local authority thinks fit shall be treated as its owner for the purposes of subsection (3).

Indemnity.

12. Where a local authority removes any litter from any premises or place in pursuance of the foregoing provisions of this Act, no action, suit or other cause shall lie against the local authority or its officers or servants, unless it is shown that such removal was motivated by malice or fraud.

Continuing offences and penalties.

13. Where under section 6 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.

SPECIAL POWERS OF COURT ON CONVICTING OFFENDERS

Offender may be ordered to clean area. [10 of 1981].

13A. (1) Without limiting the powers conferred on litter prevention wardens by this Act, where any person is convicted of an offence under section 3, 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 such litter deposited in such public place within such period and to such place as may be specified in the order.

(2) Where such 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 such order is guilty of an offence and on summary conviction therefor is liable in addition to any penalty imposed under the said section 3, to a fine of one thousand dollars.

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

(5) On the hearing of the summons under subsection (2) the Court may make such order as it thinks fit.

Cost of removing litter. [10 of 1981].

13B. (1) 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.

(2) No such award shall include any fees to an Attorney-at-law.

Sentencing.

14. 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 by litter of public places and of premises but also the nature of the litter and any resulting risk of injury to persons or animals or of damage to property.

Publicity.

15. A local authority, with the object of promoting the abatement of litter, may take such steps as the authority thinks

appropriate for making known to the public in its area the effect of the provisions of this Act.

LITTER PREVENTION WARDENS

Appointment of litter prevention wardens by public authorities. [10 of 1981].

16. (1) Subject to subsections (2) and (3) any public authority may, from time to time, appoint any number of persons (whether already employed by the authority or not) to be litter prevention wardens to exercise the duties conferred on them by this Act in any public place under the control of the Authority.

(2) Subject to subsection (3) every appointment under subsection (1) shall be on such terms as to remuneration and other conditions of employment as the appointing authority may, with the approval of the Minister, determine.

(3) Every warden appointed under subsection (1) shall hold office during the pleasure of the authority appointing him and may be removed from office by it at any time, or he may, at any time, resign his office by notice in writing addressed to the Chief Executive Officer of the public authority.

(4) The authority shall supply to every officer appointed by it a written warrant under the seal of the authority as evidence of the appointment, and the production of that warrant shall be sufficient proof of the appointment.

(5) Every such warden shall on the termination of his appointment, whether by removal from office or by resignation, surrender to the authority employing him his warrant or appointment and any uniform or badge of office that may have been issued to him.

Appointment of other litter prevention wardens. [10 of 1981 21 of 1990 8 of 1992].

16A. (1) The Minister may, from time to time, by notice published in the *Gazette*, appoint persons for the time being holding any specified class of office or appointment to be litter prevention wardens in an honorary capacity for the purposes of this Act.

(2) Any warden appointed under this section may be appointed to exercise his duties in respect of any particular public place or places or generally in respect of public places throughout Trinidad and Tobago.

(3) Every warden appointed under subsection (1) shall hold office during the pleasure of the Minister or for such specified term as the Minister thinks fit. Any such warden may at any time be removed from office by the Minister, and may at any time resign his office by notice in writing addressed to the Permanent Secretary.

(4) The Permanent Secretary shall supply to every warden appointed under subsection (1) a written warrant signed by the Permanent Secretary, or a person acting under his authority, as evidence of the appointment, and the production of that warrant shall be sufficient proof of the appointment.

(5) Any warden appointed under subsection (1) shall, on the expiration of the term of his appointment, or on the sooner expiration of his appointment by removal from office or resignation, surrender to the Permanent Secretary his warrant of appointment and any uniform and badge of office that may have been issued to him in respect of his appointment.

(6) The following persons shall by virtue of their office be deemed to be litter prevention wardens for the purposes of this Act:

(a) every member of the Police Service established by the Police Service Act, and every member of the Special Reserve Police established by the Special Reserve Police Act and every person to whom a precept has been issued under the Supplemental Police Act; Ch. 15:01. Ch. 15:03. Ch. 15:02.

(b) every member of a Municipal Police Service within the meaning of the Municipal Corporations Act; Ch. 25:04.

(c) 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 Ordinance in the case where such inspector is attached to the Ministry of Health throughout Trinidad and Tobago and in any other case in the district in respect of which he was appointed; Ch. 12. No. 4. (1950 Rev. Ed.).

(d) every forest officer appointed for the purposes of the Forests Act;

Ch. 66:01.

(e) every harbour master appointed under the Harbours Act while acting in the exercise of his powers or the discharge of his duties in the harbour in respect of which he was appointed.

Ch. 50:06.

Power and duties of litter prevention wardens. [10 of 1981].

16B. (1) Every litter prevention warden, if for the time being in uniform or in possession of a warrant or other evidence of his authority as a litter prevention warden, is authorised to enforce the provisions of this Act and may summarily act to prevent the deposit or attempted deposit of litter in any public place in which he is authorised to act.

(2) Where any warden finds a person depositing litter (whether inadvertently or otherwise) in a public place in which he has authority to act, or has good cause to believe that a person has deposited any litter (whether inadvertently or otherwise) in any such place, the warden may require him to place the litter in the nearest receptacle or, if by reason of the size or quantity of the litter or for any other reason it is not practicable for the litter to be placed in a receptacle, to remove the litter to the nearest approved site:

Provided that for the purposes of this subsection an approved site shall not include an approved site on private premises.

(3) If any litter prevention warden finds a person committing an offence under section 3 or has good cause to believe that a person has committed such an offence, the warden may—

(a) require that person to state his true name and place of residence and institute proceedings for the purpose of enforcing the provisions of this Act by commencing a prosecution against that person, or

(b) issue a litter removal order to that person in Form A in the Schedule with respect to the contravention requiring the person to whom it is addressed within a specified period of time which

Form A. Schedule.

shall not be less than two days to remedy the condition caused by his action.

(4) If any litter prevention warden finds a person committing an offence under section 3A, 4, 5 or 16D or has good cause to believe that a person has committed such an offence, the warden may require that person to state his true name and place of residence and institute proceedings for the purpose of enforcing the provisions of this Act by commencing a prosecution against that person.

(5) Where a warden issues a litter removal order under paragraph *(b)* of subsection (3) and the person to whom it is addressed fails to comply with the order to the satisfaction of the warden, the warden may commence a prosecution with respect to that offence.

(6) Where a person complies with a litter removal order to the satisfaction of the warden who issued the order, no prosecution shall be commenced with respect to the offence.

Unsightly premises and clean-up order. [10 of 1981].

16C. (1) Where a litter prevention warden considers any premises, when viewed from a public road, street or highway, to be unsightly premises or seriously detrimental to the amenities of the neighbourhood, by reason of litter the warden may issue a clean-up order to the owner, or to the person in control of the premises that is the subject of such order in Form B in the Schedule.

Form B. Schedule.

(2) Such clean-up order may require the person to whom it is addressed, within a period of time to be specified by the warden which shall not be less than fourteen days beginning with the date of service of the order—

(a) to remedy the condition of the premises in a manner and to the extent directed in the order, or

(b) to demolish or remove any litter causing or contributing to the unsightly or detrimental condition of the premises, or

(c) to do any other thing to remedy the condition of the premises, or

(d) to do all or any of the things specified in paragraphs *(a)* to *(c)*.

(3) The person to whom a clean-up order is issued may, within seven days of the date it is served, request the Minister to review the order or any part thereof and upon receiving a request for such a review, the Minister shall review the reasons for and the requirements of the clean-up order.

(4) After such review, the Minister may confirm, rescind or in any manner vary the clean-up order and shall issue to the person named in the clean-up order a decision on his review in Form C in the Schedule and where the Minister's decision on review confirms or varies the clean-up order the time limit for compliance with the order shall be such number of days from the date of the decision on review as the Minister may specify in his decision on review.

Form C. Schedule.

(5) Any owner or person in control of any premises who fails to comply with the requirements of a clean-up order under this section is liable on summary conviction to a fine of one thousand dollars.

(6) Notwithstanding the provisions of subsection (4) where a person fails to comply with the requirements of a clean-up order under this section, the Minister, without prejudice to the provisions of subsection (4) or to his rights to institute any other proceedings, may cause the condition of the premises to be remedied to the extent specified in the clean-up order and may recover any reasonable expenses incurred in so doing summarily as a civil debt due to the State from the person to whom the clean-up order was issued.

(7) The Minister may, in relation to any particular county of Trinidad and Tobago, delegate the exercise of the power to review the reasons for a clean-up order vested in him by this section to the County Medical Officer of Health for the particular county.

(8) For the purpose of carrying this section into effect the Minister and any person or persons authorised for that purpose on behalf of the Minister shall have power at all reasonable times to enter into and upon any premises and take such action there as may be necessary to carry out the requirements of a clean-up order under this section.

Offences in respect of litter prevention wardens. [10 of 1981].

16D. Any person who—

(a) wilfully obstructs a litter prevention warden while acting in the execution of any of the powers or duties conferred on him by this Act; or

(b) without lawful excuse fails within a reasonable time to comply with the requirement of a warden exercising the power conferred on him by subsection (2) of section 16B; or

(c) after being required to give his true name and place of residence by a warden acting pursuant to the power conferred on him by paragraph *(a)* of subsection (3) of section 16B—

(i) refuses to give his true name and place of residence; or

(ii) gives a false name or place of residence; or

(d) personates or falsely pretends to be a warden; or

(e) offers violence to, or assaults, threatens, or intimidates, or uses threatening language or behaves in a threatening manner to any warden while he is acting in the exercise of his powers or the discharge of his duties under this Act, or gives or agrees to give or offers to a warden any gift or consideration as an inducement or reward for any act done or to be done, or for any forebearance observed or to be observed or for any favour shown or to be shown by him or who being such a warden accepts such gifts or consideration as aforesaid, is liable on summary conviction to a fine of one thousand dollars.

Interference with receptacles for litter. [10 of 1981].

17. Any person who wilfully removes or otherwise tampers with a receptacle is liable on summary conviction to a fine of five hundred dollars.

Punishment of offences. [10 of 1981].

18. (1) A litter prevention warden shall have power to institute proceedings for any offence under this Act committed in the area

in respect of which he holds his appointment as such litter prevention warden.

(2) A local authority shall have power to institute proceedings for any offence under this Act committed in the district of the authority or on land controlled or managed by them.

(3) Nothing is this Act limits the common law right of any person to take proceedings, if an offence has been committed, whether he is a person who is aggrieved or not.

Public Authorities to provide receptacles in public places. [10 of 1981].

19. (1) Every public authority shall at all times provide and maintain in every public place under its control or management where litter is likely to be deposited or left such number of receptacles of suitable construction and design as may reasonably be necessary to ensure that the place may be kept free from litter.

(2) Every such authority shall make appropriate provision for the emptying of the contents of its receptacles and for the removal and disposal of those contents.

(3) The duties mentioned in subsection (2) shall be executed promptly, efficiently and at regular and prescribed intervals to the satisfaction of the Medical Officer of Health appointed for the health district in which the place is situated.

(4) Nothing in this section shall affect the power conferred on the Minister under the Public Health Ordinance (or any Act enacted in substitution for that Ordinance) in respect of any local authority.

Ch.12. No. 4. (1950 Rev. Ed.).

Power of arrest. [10 of 1981].

20. Any person who commits an offence under section 3, 5, 16D or 17 may be taken into custody without warrant by any constable or by any litter prevention warden, or by any person whom such warden may call to his aid and conveyed to the nearest police station and there detained in the custody of the police to be dealt with according to law.

Offences and penalties by a public authority. [10 of 1981].

21. Any person who being lawfully called upon by any constable or litter prevention warden to give him aid for arresting any person or for preventing the rescue or escape of any person,

refuses or neglects to give such aid according to his ability is liable on summary conviction to a fine of five hundred dollars.

Offence by a body corporate. [10 of 1981].

22. If a body corporate commits an offence against this Act every director, manager, secretary or other similar officer of the body corporate, and any person purporting to act in any such capacity, shall also be guilty of that offence if the act or omission constituting the offence occurred with his knowledge.

Minister may designate officers of Ministry to carry out provisions of this Act. [10 of 1981].

23. (1) The Minister may designate one or more persons on the staff of the Ministry as an officer or officers for the purpose of carrying out all or an of the provisions of this Act including those provisions that authorise a local authority to enforce the removal of litter and a litter prevention warden to act in accordance with section 24, and any person so appointed shall for the purposes of this Act, have, throughout Trinidad and Tobago, all the powers, authority and immunities conferred upon or enjoyed by a local authority or by a litter prevention warden under this Act.

(2) A person designated under subsection (1) shall while carrying out his duties in pursuance of this section have in his possession a certificate of his designation under subsection (1) and shall produce such certificate upon request.

Punishment without prosecution of certain offences. [10 of 1981 2 of 2013].

24. (1) Notwithstanding anything in any of the foregoing provisions of this Act and without prejudice to his right to take any other steps under the authority of this Act where a litter prevention warden finds a person on any occasion committing or has reason to believe that a person has committed an offence under either subsection (1) or subsection (3) of section 3 or under section 3A or 3B he may give him the prescribed notice in writing charging him with the commission of such offence and offering him the opportunity of the discharge of any liability to conviction of such offence by payment of a fixed penalty under this section and notifying him that a complaint will be made against him in respect thereof and requiring him either to pay the fixed penalty within the time specified in the notice or to appear at the Court specified in the notice on the day and at the hour stated therein to answer the said complaint.

(2) The litter prevention warden shall send to the Clerk of the Peace for the Magisterial district in which the offence is committed, a duplicate of the notice, and that duplicate shall be deemed to be a complaint made before the Magistrate for the purposes of the Summary Courts Act.

Ch. 4:20.

(3) Where the fixed penalty is duly paid in accordance with such notice the person on whom such notice is served will then not be liable to be convicted of the offence in respect of which the notice was given and the proceedings instituted by the notice shall be deemed to have been dismissed.

(4) Where a person is given a notice under this section in respect of an offence, proceedings shall not be taken against any person for that offence until the end of the ten days following the date of the notice.

(5) In the foregoing subsections "proceeding" means any criminal proceedings in respect of the act or omission constituting an offence under either section 3, 3A, or 3B and the word "convicted" shall be construed in like manner.

(6) Payment of a fixed penalty under this section shall be made to the Clerk of the Peace acting for the Magisterial district in which the offence is committed, and sums paid by way of fixed penalty for an offence shall be treated for the purposes of the Summary Courts Act as if they were fines imposed on summary conviction for such offence; and in any proceedings a certificate that payment of a fixed penalty was or was not made to the appropriate Clerk of the Peace by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk of the Peace, be sufficient evidence of the facts stated, unless the contrary is proved.

Ch. 4:20.

(7) The time within which the fixed penalty is payable shall be ten days from the date of the notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the sender.

(8) A notice given under subsection (1) shall be signed by the litter prevention warden and shall specify—

(a) the date, time and place of the giving of the notice;

(b) the section of this Act under which the offence is alleged to have been committed and such particulars of the offence as are necessary for giving reasonable information of the allegation;

(c) the time within which the fixed penalty may be paid in accordance with subsection (6);

(d) the amount of the fixed penalty;

(e) the Clerk of the Peace to whom and the address at or to which the fixed penalty may be paid or remitted;

(f) the address of the Court at which the person is required to appear in the event of his failure to pay the fixed penalty within the specified time, and the date and time for his appearance,

and shall state also that during the period of ten days by virtue of subsection (4), proceedings will not be instituted for the offence.

(9) The fixed penalty for an offence shall be five hundred dollars.

(10) Where the fixed penalty is not paid within the time specified in the notice, proceedings in respect of the offence specified in the notice shall proceed in the manner prescribed by the Summary Courts Act. Ch. 4:20.

(11) The Minister may make Regulations providing for any matter incidental to the operation of this section, and in particular—

(a) for prescribing the form of notice under subsection (1);

(b) for prescribing the duties of Clerks of the Peace;

(c) for prescribing the information to be supplied to Clerks of the Peace.

(12) Regulations made under this section shall be subject to negative resolution of the Senate and the House of Representatives.

Police Officers to assist. [10 of 1981].

25. It shall be the duty of all officers and constables of police to aid and assist in carrying this Act into effect and preventing breaches thereof.

SCHEDULE

Section 16B.

FORM A

LITTER REMOVAL ORDER

To: .....

of .....

TAKE NOTICE that pursuant to section 16B of the Litter Act, Ch. 30:52 you are hereby ordered to remedy the condition caused by your action of unlawfully depositing litter by .....

.....

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

Dated this ..... day of ..... 20.....

.....
Litter Prevention Warden

FORM B

Section 16C.

CLEAN-UP ORDER

To: .....

of .....

TAKE NOTICE that pursuant to section 16C of the Litter Act, Ch. 30:52 the premises situated 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 costs 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 shown below to:

Minister of Health,
Ministry of Health,
Sackville Street,
Port of Spain

Dated this ..... day of ..... 20.....

.....
Litter Prevention Warden

Section 16C.

FORM C

DECISION ON REVIEW OF A CLEAN-UP ORDER

To: .....

of .....

With regard to the premises situated at .....

.....

You are hereby informed that having reviewed the clean-up order issued to you

on the ..... day of ..... 20 ..... .

I, ...
the Minsiter of Health, find that (delete inappropriate sections)

—the clean-up order is just and proper, and that the requirements thereon must be completed by you within ..... days of this decision or further action will be taken.

—the clean-up order should be varied in the following manner:

.....

.....

.....

The above requirements must be completed by you within ..... days of this decision or further action will be taken.

—The clean-up order is hereby rescinded and no action on your part is necessary.

Dated this ..... day of ..... 20.....

.....
Minister of Health

SUBSIDIARY LEGISLATION

LITTER (FIXED PENALTY PROCEDURE) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Form of Notice of opportunity to pay fixed penalty.
3. Copy of Notice to be forwarded to Clerk of the Peace.
4. Contents of a Notice.
5. Manner of paying fixed penalty.
6. Return of irregular payment.
7. Attendance in the Magistrate's Court.
8. When Clerk of Peace not to accept penalty.
9. Acknowledgement of receipt of fixed penalty.

SCHEDULE.

106/1981.* **LITTER (FIXED PENALTY PROCEDURE) REGULATIONS**

made under section 24(11)

Citation.

1. These Regulations may be cited as the Litter (Fixed Penalty Procedure) Regulations.

Form of Notice of opportunity to pay fixed penalty.

Schedule.

2. A notice under section 24 of the Litter Act, offering the opportunity of the discharge of any liability to conviction of an offence to which that section applies by payment of a fixed penalty (hereinafter in these Regulations referred to as "a Notice") shall be in the Form set out in the Schedule to these Regulations or a form to the like effect and shall be completed in triplicate by the litter prevention warden at the time he gives the Notice.

Copy of Notice to be forwarded to Clerk of the Peace.

3. A copy of a Notice given under the said section 24 shall, as soon as practicable be forwarded, by or on behalf of the litter prevention warden giving the Notice, to the Clerk of the Peace to whom the fixed penalty is payable. The remaining copy shall be retained in the Notice Book from which the notice was issued.

Contents of a Notice.

4. A Notice shall provide that any payment of a fixed penalty shall be made to the Clerk of the Peace for the magisterial district in which the offence specified by the Notice is alleged to have been committed.

Manner of paying fixed penalty.

5. (1) The person paying a fixed penalty shall either forward with the remittance of or tender of the penalty, Part 2 of the relevant notice or identify the notice by specifying its serial number.

(2) If, owing to the failure of the person paying a fixed penalty to comply with the provisions of subregulation (1), the Clerk of the Peace is unable to identify the relevant notice, the Clerk of the Peace shall, as soon as practicable, return the remittance to that person and he shall do so in every case where—

(a) payment is remitted otherwise than by cash, certified cheque, bankers draft or money order; or

*These Regulations came into effect on 7th August 1981.

(b) the amount is not the exact amount of the fixed penalty.

(3) Where any payment is made in accordance with these Regulations, it shall be of the amount specified in the notice or where payment is made in respect of more than one notice of the total of the amounts specified in the notices.

(4) Any such amount or amounts as aforesaid shall be paid to the Clerk of the Peace specified in the relevant notice or notices.

Return of irregular payment.

6. Where any amount is paid otherwise than in accordance with these Regulations the Clerk of the Peace shall return it to the payer.

Attendance in the Magistrate's Court.

Schedule. Part 1.

7. (1) The person liable to pay the fixed penalty shall in default of payment attend the Magistrate's Court of the district in which the offence was committed on the date and at the time specified in Part 1 of the Schedule, as a defendant in the matter to which the notice relates.

(2) The date for attendance in the said Magistrate's Court shall be twenty-one days after the last day for payment of the fixed penalty.

(3) If in any case, the date for attendance in the said Magistrate's Court as prescribed by subregulations (1) and (2) of this regulation falls on any day on which there is no sitting of the Magistrate's Court at the time and place so specified, the date for attendance thereat shall be the next following day appointed for the sitting of the Magistrate's Court in the same place.

When Clerk of Peace not to accept penalty.

8. The Clerk of the Peace shall not accept payment of the fixed penalty after the last day for payment of the fixed penalty.

Acknowledgement of receipt of fixed penalty.

9. Subject to the foregoing provisions of these Regulations, a Clerk of the Peace shall, as soon as practicable after payment of a fixed penalty has been made to him, deliver to or cause to be sent to the payer a receipt for the payment.

Regulation 2.

SCHEDULE

Serial No. .....
(*of Notice*)

THE LITTER ACT, CH. 30:52

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

PART 1

TAKE NOTICE that I .....

have reason to believe that on the ..... day

of .....the offence, particulars of which are given below was being or had been committed.

.....
Litter Prevention Warden

The fixed penalty for the offence is .....

.....
(*penalty in words and figures*)

If this amount is paid or remitted to the Clerk of the Peace at the Magistrate's Court

at .....

.....
(*insert address of Clerk of the Peace*)

within ten (10) days from the date of this notice no proceedings will be taken and liability to conviction of the offence will be discharged.

In paying the fixed penalty the following conditions shall be observed:

(1) The fixed penalty shall be accompanied by this notice, and payment must be of the exact amount shown on the notice.

(2) A Clerk of the Peace will not accept a fixed penalty required to be paid to another Clerk of the Peace.

(3) Where payment of the fixed penalty is made otherwise than in conformity with the Litter (Fixed Penalty Procedure) Regulations, the Clerk of the Peace shall as soon as practicable after payment return the amount paid to the sender, and proceedings in respect of the alleged offence shall continue.

(4) Payment may be made by cash, certified cheque, banker's draft or money order.

If you fail to pay the fixed penalty before the end of ten (10) days from the above date you are hereby required to attend the Magistrate's Court on the ..... day of ..... 20..... at 9.00 o'clock in the forenoon at the undermentioned address as the defendant in the matter in respect of which this notice was issued.

.....
(*state name and address of Court*)

.....

This notice was given at .....
(*state location*)

.....

on ..... 20..... at ..... a.m./p.m.
(*state date*) (*state time*)

PARTICULARS OF OFFENCE

at ..... a.m./p.m. on the .....day of

..... 20..... at .....

..... you .....

.....

.....

.....

contrary to .....
(state provision contravened)

.....

.....
Signature of Litter Prevention Warden

PART 2

Serial No. .....
(of Notice)

To the Clerk of the Peace

.....
(*insert address*)

.....

I enclose the sum of five hundred dollars ($500.00) as payment of the fixed penalty for the offence mentioned in Part 1 of this Notice.

Name .....
(*in block capitals*)

Address .....
(*in block capitals*)

.....
Signature of Person served with Notice