
Fifth Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 10 of 1981

AN ACT to amend the Litter Act, 1973.

[Assented to 12th June, 1981]

WHEREAS it is enacted by subsection (1) of section 13 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the Members of that House:

And whereas it is necessary and expedient that the provision of this Act shall have effect notwithstanding sections 4 and 5 of the Constitution:

Short Title and commencement

1. (1) This Act may be cited as the Litter (Amendment) Act, 1981.

(2) This Act shall come into operation on such date as the President may, by notice published in the *Gazette*, appoint.

Act inconsistent with Constitution

(3) This Act shall have effect though inconsistent with sections 4 and 5 of the Constitution.

Interpretation
No. 27 of 1973

2. In this Act—

“principal Act” means the Litter Act, 1973.

Amendment of section 2 of principal Act

3. Section 2 of the principal Act is hereby amended—

(a) by inserting in their proper alphabetical order in subsection (1) thereof the following new definitions—

“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 enactment; 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;

“Court” has the same meaning as in the Ch. 3. No. 4
Summary Courts Ordinance;

“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;

“deposit” in relation to litter includes casting or placing or allowing to flow or fall;

“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 Ch. 30. No. 2 and any premises occupied by a body corporate established by or under any enactment 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;

“litter prevention warden” or “warden” means a person appointed a litter prevention warden in accordance with section 15 or section 15A;

“mine” and “quarry” have the same meaning as in the Mines, Borings and Quarries Ch. 26. No. 4 Ordinance;

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

“Permanent Secretary” means the Permanent Secretary of the Minister;

“public authority” includes—

- (i) any local authority;
- (ii) the Water and Sewerage Ch. 16 of 1965 Authority established under the Water and Sewerage Act, 1965;

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of 1979

(iii) the Airports Authority established under the Airports Authority Act, 1979;

No. 39 of 1961

(iv) the Port Authority established under the Port Authority Ordinance, 1961;

(v) the Public Transport Service Corporation established under the Public Transport Service Act, 1965;

No. 11 of 1965

(vi) the administering body of any cemetery;

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

(viii) all other bodies or classes or 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;

“receptacle” means any bin or container of any sort provided in any public place, bus or taxi pursuant to this Act or any other enactment 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 spoiled;

(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;

(b) by deleting the definitions of "derelict vehicle", "litter" and "public place" in subsection (1) of the section and substituting therefor the following definitions—

"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 Licensing Authority therefor shall be presumed to be a derelict vehicle until the contrary is proved;

"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*;

“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 Ordinance;
- (vi) any airport within the meaning of section 2 of the Airports Authority Act, 1979;
- (vii) any public burial ground within the meaning of the Burial Grounds Ordinance; and
- (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,

Ch. 24. No. 1

Act No. 49
of 1979

Ch. 12. No. 18

- (c) by inserting in the definition of "local authority" immediately after the words "the Arima Corporation Ordinance" the words "the Point Fortin Corporation" established under the Point Fortin Corporation Act, 1980; No. 12 of 1980
- (d) by inserting immediately after the definition of "public place" the following definition:
- "public health officer" means an officer attached to the Ministry of Health or to the Ministry of Local Government or to a local authority;
- (e) by deleting subsection (2); and
- (f) by renumbering section 2(1) as section 2.

4. Section 3 of the principal Act is hereby repealed and the following substituted therefor—

"Depositing litter in a public place

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

Repeal and replacement of Section 3 of principal Act

- (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 one thousand dollars or to imprisonment for six months or in the case of a body corporate to a fine of two thousand dollars.

Insertion
of new
sections 3A and 3B
in principal Act

5. The principal Act is hereby amended by inserting therein next after section 3 the following sections as section 3A and 3B—

"Disposal
of litter
from
motor
vehicle or
trailer

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 one thousand dollars or to imprisonment for six months or in the case of a body corporate to a fine of two thousand dollars.”.

“Owner of bus to provide receptacle for litter

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.”.

6. Section 5 of the principal Act is hereby repealed and the following sections substituted therefor—

Repeal and replacement of section 5 of principal Act

“Abettment of offences against sections 3, 3A or 4

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

5A. A person who, having been convicted of an offence under section 3, 3A, 4, 5, 15c(5) or 15D is again convicted of an offence under section 3, 3A, 4, 5, 15c(5)

or 15D is liable to double the amount of the maximum fine attached to the offence.”.

Amendment of section 6 of the principal Act

7. Section 6 of the principal Act is amended by adding thereto next after subsection (4) the following as subsection (5)—

“(5) In this section and in section 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

Insertion of new sections 13A and 13B in principal Act

8. The principal Act is hereby amended by inserting therein next after section 13 the following heading and new sections numbered 13A and 13B respectively—

“SPECIAL POWERS OF COURT ON CONVICTING OFFENDERS

Offender may be ordered to clean area

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 shall be 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

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 counsel or solicitor.”.

9. Section 15 of the principal Act is hereby repealed and the following substituted therefor—

Repeal and
replacement
of section 15
of principal
Act

“LITTER PREVENTION WARDENS

Appoint-
ment of
litter
prevention
wardens
by public
authorities

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."

Insertion of
new sections
15A, 15B, 15C and
15D in principal
Act

10. The principal Act is hereby amended by inserting therein next after section 15 the following as sections 15A, 15B, 15C and 15D—

"Appoint-
ment of
other
litter
prevention
wardens

15A. (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, 1965 and every member of the Special Reserve Police established by the Special Reserve Police Ordinance and every person to whom a precept has been issued under the Supplemental Police Ordinance;
- (b) every city constable appointed under section 20 of the Port-of-Spain Corporation Ordinance, and every borough constable appointed under section 46 of the San Fernando Corporation Ordin-
- No. 30 of 1965
- Ch. 11. No. 3
- Ch. 11. No. 2
- Ch. 39. No. 1
- Ch. 39. No. 7

- ance, or under section 46 of the Arima Corporation Ordinance, or under section 43 of the Point Fortin Corporation Act, 1980;
- Ch. 39. No. 11
Act No. 12 of 1980
- (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
- (d) every forest officer appointed for the purposes of the Forest Ordinance;
- Ch. 24. No. 1
- (e) every harbour master appointed under the Harbours Ordinance 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. 18. No. 1
- Power and duties of litter prevention wardens**
- 15B. (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 de-

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

Form A
Schedule

(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 pro-

ceedings 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.

Unightly
premises and
clean up order

15c. (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 right 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.

15b. Any person who—

Offences in
respect of litter
prevention
wardens

- (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 forbearance 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 guilty of an offence and is liable on summary conviction to a fine of one thousand dollars.

11. The principal Act is hereby amended by adding the following nine new sections numbered 17, 18, 19, 20, 21, 22, 23, 24 and 25 respectively, to follow section 16—

Addition of new sections 17, 18, 19, 20, 21, 22, 23, 24 and 25 to principal Act

"Inter-
ference
with recep-
tacles for
litter

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

Punish-
ment of
offences

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 in 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

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.

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(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.

Power of
arrest

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 penal-
ties by a
public
authority

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 guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

Offence
by a body
corporate

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 pro-
visions
of this Act

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 any 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.

Amendment of
principal Act.
First Schedule

(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

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.

Ch. 3. No. 4

(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 Ordinance.

(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

Ch. 3 No. 4

offence shall be treated for the purposes of the Summary Courts Ordinance 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.

(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;
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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 fifty dollars.

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(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 Ordinance.

(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

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.”

Addition of
Schedule to
principal Act
Schedule

12. The principal Act is hereby amended by the addition thereto of the First Schedule of this Act as the Schedule to that Act.

Amendment of
the Factories
Ordinance
Ch. 30. No. 2
Second Schedule.

13. The Factories Ordinance is amended in the manner set out in the Second Schedule to this Act.

FIRST SCHEDULE

Section 12

SCHEDULE

Section 15B

FORM A

Section 15B

LITTER REMOVAL ORDER

To

of

TAKE NOTICE that pursuant to section 15B 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 19 .

Litter Prevention Warden

FORM B

Section 15c

CLEAN-UP ORDER

To

of

TAKE NOTICE that pursuant to section 15c 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 19 .

Litter Prevention Warden

FORM C

Section 16c

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 19

I,

the Minister 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 19

Minister of Health

SECOND SCHEDULE

(Section 13)

AMENDMENTS OF THE FACTORIES ORDINANCE, CH. 30. No. 2

- (i) by inserting in subsection (1) of section 2 thereof after the word "article" appearing at the end of paragraph "(c)" the word "or" and the following paragraphs—

"(d) The slaughtering of cattle, sheep, swine, goats, horses, asses, mules or poultry;

(e) the confinement of such animals as aforesaid while awaiting slaughter at other premises, in a case where the place of confinement is available in connection with those other premises, is not maintained primarily for agricultural purposes, and does not form part of premises used for holding a market in respect of such animals;"

- (ii) by inserting in subsection (1) of section 3 thereof next before the definition of "bakehouse" the following definition—

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of woodlands where that use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly;"

Passed in the Senate this 18th day of March, 1981.

R. L. GRIFFITH
Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all Members of the Senate, that is to say the votes of 20 Senators.

R. L. GRIFFITH
Clerk of the Senate

Passed in the House of Representatives this 1st day of May, 1981.

J. E. CARTER
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the Members of the House, that is to say the votes of 27 Members of the House.

J. E. CARTER
Clerk of the House