

“(ii) any abandoned vehicle or substance or article which requires to be disposed of as being broken down, worn out, unfit for its required purpose, contaminated or otherwise spoiled;”

Amendment of section 9(5).

3. Section 9 of the principal Act is amended as follows —

(a) by the repeal of subsection (5) and the substitution of the following —

“(5). The Permanent Secretary shall provide to every litter prevention warden appointed under subsection (1) a uniform, a badge of office and a written warrant signed by the Permanent Secretary, or any person acting on his behalf.

(6) The production of the badge of office and the warrant by every litter prevention warden appointed under subsection (1) shall be sufficient proof of authority.”

(b) by the renumbering of subsection (6) as subsection (7).

Amendment of section 10.

4. Section 10 of the principal Act is amended by the repeal of paragraphs (a) and (b) and the substitution of the following —

No. 13 of 1995.

“(a) every police officer, special constable, or traffic warden appointed under section 7A of the Transport Board Act;

(b) every public health inspector.”

Amendment of section 11.

5. Section 11 of the principal Act is amended by the repeal of subsection (1) and the substitution of the following —

“(1) Every litter prevention warden is authorised to enforce the provisions of this Act and in the course of such enforcement summarily act to prevent the deposit or attempted deposit of litter in any public place.”

Amendment of section 12.

6. Section 12 of the principal Act is amended as follows —

(a) by the repeal of subsection (1) and the substitution of the following —

“(1) The owner, occupier or person in control of any premises shall be responsible for keeping such premises, the side walk and any gutter or drain adjoining the premises clean and tidy at all times.

(2) Where a litter prevention warden considers any premises, the sidewalk and any land adjoining such premises to be unsightly, or a public health hazard or seriously detrimental to the amenities of the neighbourhood by reason of litter, the litter prevention warden may issue a clean up order to the owner, occupier or the person in control of the premises that is the subject of such order as set out in Form B of the Schedule.”

(b) by the repeal of paragraph (b) of subsection (2) and the substitution of the following —

“(b) to demolish or remove any litter causing or contributing to the unsightly premises, public health hazard, or detrimental condition of the premises.

(c) in subsection (5), by the deletion of the words “one thousand “ and the substitution therefor of the words “three thousand”.

(d) by the deletion of the word “Minister” where ever it occurs and the substitution therefor of the words “Chief Health Inspector”.

(e) by renumbering subsections (2), (3), (4), (5), (6), and (7) as subsections (3), (4), (5), (6), (7) and (8).”

7. Section 13 of the principal Act is amended by the deletion of the words “one thousand” and the substitution therefor of the words “two thousand.”

Amendment of
section 13.

ANTIGUA 4 *The Litter (Amendment) Act, 2004* No. of 2004
AND
BARBUDA

Amendment of section 18. **8.** Section 18 of the principal Act is amended as follows —

(a) in subsection (9) by the deletion of the words “fifty dollars and the substitution therefor of the words “two hundred dollars;” and

(b) by the repeal of subsection (12).

Passed the House of Representatives Passed the Senate
this day of 2004 this day of 2004

Speaker *President*

Clerk to the House of Representatives *Clerk to the Senate*

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Litter Act and to make provision for defining the responsibilities and obligations of owners, occupiers and those in control of premises and also to strengthen the powers of the litter prevention wardens in the effective enforcement of the Act.

Clause 2 of the Act redefines premises to include land with or without buildings thereon. The definition of waste is also widened to address the public concern for abandoned vehicles and other articles disposed of as being broken down, worn out or unfit for its required purpose.

Section 9(5) of the Act requires the Permanent Secretary to supply to every litter prevention warden appointed under the Act with a written warrant as evidence of the appointment and when produced shall serve as sufficient proof of the appointment.

Under the proposed amendment, a person appointed as a litter prevention warden would be provided with a uniform and written warrant. The production of the written warrant would be sufficient evidence of authority.

The proposed amendment revised the list of persons that the Act deems to be litter prevention wardens. There is deleted from the list “peace officers”, and the restriction placed on public health inspector as a litter prevention warden is removed.

The new list of persons deemed to be litter wardens include a police officer, special constable, or a traffic warden appointed under section 7A of the Transport Board Act, 1995.

Under section 11(1) of the Act, it would appear that a litter prevention warden cannot enforce the provisions of the Act unless he is in uniform and in possession of a warrant or other evidence of authority.

It is proposed to amend section 11(1) by removing the requirement of being in a uniform and other evidence of authority as a condition precedent to the performance of the duties of a litter prevention warden.

Clause 3, as noted before, amends section 9(5) to make the production of a written warrant as sufficient proof of authority instead of proof of appointment as originally provided under section 9(5).

Clause 6 amends section 12 by introducing three new provisions. The provision would require the owner, occupier and person in control of any premises to be legally responsible for keeping the premises of which he is the owner or occupier or in control and the sidewalk or adjoining land to such premises clean and tidy at all times.

The consequences of failure to comply with an order by the warden to clean up or remove a litter from the premises or sidewalk or adjacent land may lead to prosecution of the owner, occupier or person in control. The punishment for conviction is payment of a fine not exceeding three thousand dollars. The existing provision fixed the fine at one thousand dollars.

Under section 12, the Minister has certain responsibilities which include the review, confirmation or revision of a clean up order made by the warden. The Minister may also enter premises and enforce a clean up order.

It is not considered proper, in present day circumstances, for the Minister to carry out this function. Consequently, section 12 has been amended and those responsibilities are now given to the hands of the Chief Public Health Inspector.

The punishment for conviction of offences under section 13 has been increased from one thousand dollars to three thousand dollars.

ANTIGUA 6 *The Litter (Amendment) Act, 2004* No. of 2004
AND
BARBUDA

Section 18 of the Act provides punishment in the form of fixed penalty in cases where an offender has the option to pay a fixed fine without prosecution or to stand trial in court. The current fixed penalty is fifty dollars. It is proposed to amend section 18(9) by increasing the penalty to two hundred dollars.

Justin L. Simon
Attorney General and
Minister of Justice and
Legal Affairs

ANTIGUA AND BARBUDA

THE LITTER (AMENDMENT) ACT 2004

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Amendment of section 2 - Interpretation.
3. Amendment of section 9(5) - Depositing litter in a public place.
4. Amendment of section 10 - Ex officio litter prevention wardens.
5. Amendment of section 11 - Power and duties of litter prevention wardens.
6. Amendment of section 12 - Unsightly premises and clean up order.
7. Amendment of section 13 - Offences in respect of litter prevention wardens.
8. Amendment of section 18 - Punishment without prosecution of certain offences.