

ANTI-LITTERING REGULATIONS, 2007

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**WASTE MANAGEMENT ACT, 2007
(NO....OF 2007)**

ANTI-LITTERING REGULATIONS, 2007

IN EXERCISE of the powers conferred on the Secretary of State responsible for the environment under section 46 of the Waste Management Act, 2007, these Regulations are hereby made.

PART I PRELIMINARY

Citation 1. These Regulations may be cited as the Anti-Littering Regulations, 2007.

Interpretation 2. (1) In these Regulations, unless the context otherwise requires-

“Department of State” means Department of State responsible for the environment;

"deposit", when used as-

- (a) a noun means a substance or object that can constitute litter in respect of any place; or
- (b) a verb means to throw, drop, dump, abandon or discard the substance or object, as the case may be, or allow it to escape or be released in or into a place;

"functions" includes powers and duties and a reference to the performance of a function includes, with respect to powers and duties, a reference to the exercise of the powers and the carrying out of the duties;

"land" includes any structure and any land covered by water;

"litter" includes any substance or object, whether or not intended as waste that, when deposited in a place other than a litter receptacle or other place lawfully designated for the deposit, is or is likely to become unsightly, nauseous or unsanitary, whether by itself or with any other substance or object, and regardless of its size or volume or the

extent of the deposit;

"litter receptacle" means a receptacle designated or otherwise apparently intended to be used for the deposit of litter in a public place;

"litter warden" means a person authorised by a local authority to perform, on behalf of the local authority, the functions of the local authority and of a litter warden under this Act;

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"local authority" has the meaning given to it in the Local Government Act, 2002;

"occupier", in relation to any place or thing, means the person occupying, whether legally or otherwise, the place or thing and includes any other person having, for the time being, control of the place or thing;

"owner", in respect of a vehicle, means the person in whose name the vehicle is registered;

"park" includes an area reserved as a play ground, beach, recreation centre and any other public area owned or used by the local authority for recreation or leisure;

"property" includes everything, animate or inanimate, capable of being the subject of ownership;

"public place" means any place to which the public has access whether as of right or by permission and whether subject to or free of charge;

"road" means any public highway and any other road, track or footpath to which the public has lawful access and includes the verges, side walk and reserves;

"Secretary" of State means, the Secretary of State responsible for the environment;

"vehicle" includes articulated vehicle, motor vehicle, motor cycle, trailer, bicycle and any animal drawn cart.

PART II - LITTER IN PUBLIC PLACES

General offences related to littering

3. (1) A person shall not deposit or cause the deposit of litter in a public place or in any place that is visible to any extent from a public place.

(2) A person shall not-

- (a) deposit anything that is a commercial, household, an industrial or a municipal waste in any place for collection by or on behalf of a local authority or by another person, or
- (b) load, transport, unload or otherwise handle or process anything or carry on a business, trade or activity,

in such circumstances as to create litter or lead to litter in any public place or any place that is visible to any extent from a public place.

(3) A person shall not move or interfere with a litter receptacle that has been provided by a local authority or other person unless the movement or interference is authorised by the local authority or person.

(4) A person who contravenes the provisions of this regulation commits an offence and is liable on conviction to a fine of not less than one thousand dalasis or more than five thousand dalasis.

Sweeping or throwing litter

4. (1) A person shall not sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

(2) The owner or occupier of a property shall keep the sidewalk in front of his or her premises free of litter.

(3) A person who contravenes the provisions of this regulation commits an offence and is liable on conviction to a fine of not more than five thousand dalasis.

Litter thrown by persons in vehicles

5. A person who whilst driving or a passenger in a vehicle, throws or deposit litter on any road or other public place commits an offence and is liable

on conviction to a fine of not less than five thousand dalasis or more than ten thousand dalasis.

Truck loads causing litter

6. (1) A person shall not drive or move any truck or other vehicle containing litter within any road or public place unless the vehicle is so constructed or loaded as to prevent its litter from being blown or deposited on any road, public place, vehicle or person.

(2) Where, in the course of driving or moving a vehicle in contravention of paragraph (1), litter is blown or deposited on a road or other public place, the person driving or moving the vehicle shall remove the litter within twenty-four hours of the occurrence.

(3) A person who contravenes the provisions of this regulation commits an offence and is liable on conviction to a fine of not less than one thousand dalasis or more than thirty thousand dalasis.

Litter in parks

7. (1) A person shall not-

- (a) throw or deposit litter in any park except in litter receptacles; or
- (b) spill litter on any part of the park or on any road or other public place.

(2) Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and disposed of properly.

(3) A person who contravenes the provisions of this regulation commits an offence and is liable on conviction to a fine not less than one thousand dalasis or more than five thousand dalasis.

Sellers and traders to keep area of business free of litter

8. (1) The owner or occupier of a place of business shall -

- (a) not sweep into or deposit in any gutter, road, market or other public place the accumulation of litter from any building, area or lot, or from any public or private sidewalk or driveway; or

(b) keep the sidewalk within and around the business premises free of litter.

(2) A person who contravenes the provisions of this regulation commits an offence and is liable on conviction to a fine of not less than one thousand dalasis or more than five thousand dalasis.

Vacant lots or properties to be kept litter free

9. (1) A person shall not throw or deposit litter on or around any vacant property.

(2) A person who contravenes this regulation commits an offence and is liable on conviction to a fine of not less than one thousand and more than five thousand dalasis.

Urination in public places

10. A person who urinates in a public place or an undesignated place commits an offence and is liable on conviction to a fine of not more than two hundred and fifty dalasis.

PART III - DUTY TO PREVENT LITTER

Duty of vehicle owners

11. (1) The owner or person in charge of a vehicle being used to transport goods or materials shall take measures to prevent the creation of litter from the vehicle on a public road or in a public place.

(2) The owner or person in charge of a skip designed or used for carriage on a vehicle which is placed or situated in a public place shall take measures to prevent litter from being blown from or deposited in the vicinity of the skip.

(3) A person who contravenes any provision of this regulation commits an offence and is liable on conviction to a fine of not less than five thousand dalasis.

(4) Where a person is charged with an offence under this regulation, it is a defence for the person to show that the litter created as a result of a failure to take measures to prevent the occurrence was removed and properly disposed of as soon as practicable after being created.

PART IV - DUTIES OF THE LOCAL AUTHORITIES

Duty respecting public roads.

12. A local authority shall ensure that each public road or area within its jurisdiction is, so far as practicable, kept free of litter.

Prevention of creation of litter

13. (1) A local authority shall-

- (a) take all measures to prevent the creation of litter in its jurisdiction;
- (b) control and ensure the disposal of litter.

(2) A local authority may, for the purposes paragraph (1), enter into arrangements with, or assist any other person, including a local authority, for or in the taking of those measures on behalf of the authority.

(3) Measures taken pursuant to paragraph (1) (a) include-

- (a) measures for the collection and disposal of litter;
- (b) measures to promote awareness of the polluting effects of litter;
- (c) measures to encourage participation by persons in preventing and overcoming the polluting effects of litter and in the collection and disposal of litter, including the provision and maintenance, in public places and places adjacent to public roads, of litter receptacles of such type and quantity as the local authority considers necessary for collecting and preventing the creation of litter; and
- (d) the undertaking of works and provision of facilities and services in relation to litter, including publicity, advisory and educational services.

(4) Where a local authority provides and maintains litter receptacles at any place, it shall make arrangements for the regular emptying and cleaning of the receptacles at such frequency as

will ensure that no receptacle or its contents will become a nuisance or be the cause of litter.

(5) A local authority shall ensure that the litter receptacles within its jurisdiction are emptied periodically.

Designated
garbage
disposal site

14. A local authority shall designate such area as it may require for the proper disposal of litter within its jurisdiction.

PART V – MISCELLANEOUS

Local
government to
administer this
Act

15. A local authority shall within its jurisdiction be responsible for the day to day implementation of the provisions in this Act.

Offences by
body of persons

16. (1) Where an offence is committed by a body of persons under this Act-

(a) in the case of a body corporate, other than a partner, every director or secretary of the body corporate shall also be deemed to have committed the offence; and

(b) in the case of a partnership, every partner shall also be deemed to have committed the offence.

(2) No person shall commit an offence under this regulation if it is proved to the satisfaction of the court that the offence of which the person is charged was committed by some other persons and was without his or her consent or connivance and that he or she exercised such diligence to prevent the commission of that offence as he or she ought to have exercised having regard to the circumstances.

Communal
removal of litter

17. (1) The Secretary of State may, from time to time, but not later than once every three months as he or she think fit, announce a date and time for the communal removal of litter which shall require occupants and residents to clean their premises.

(2) On the date and time announced under paragraph (1) there shall be no movement of persons or vehicles on any road unless on

emergency or essential duties or those permitted by the Secretary of State or the Inspector General of Police.

(3) The date and time announced under paragraph (1) shall fall on the weekend between the hours 07.00 hours and 09.00 hours.

Power to make
Orders

18. Subject to these Regulations, the Secretary of State may, in consultation with the Secretary of State responsible for the local government, make Orders as may be required for the effective implementation of the provisions of Regulations.