

Summary of the Environmental Protection (Litter Enforcement) Regulations 2012.

What is litter?

Litter is defined as 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, 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 r.2(i).

Litter Offences:

Under these new litter regulations the following litter offences have been created:

(1) **Depositing litter in a public place** (r. 3): Under this offence 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.

Under this offence if the litter is deposited from a motor vehicle other than a other than bus or taxi plying for hire or from a trailer and it cannot 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.

Penalty: The penalty for committing the offence of depositing litter in a public place is a fine on summary conviction of \$50,000.00 in case of an individual and \$100,000 in case of a company.

(2) Disposal of litter from motor vehicle or trailer (r.4)-

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

Penalty: The penalty for committing the offence of the disposal of litter from a motor vehicle or trailer is a fine on summary conviction of \$50,000.00 in case of an individual and \$100,000 in case of a company.

(3) Failure of owner of bus to provide receptacle for litter (r.5) :Under this offence the owner of every bus or taxi shall, while his vehicle is plying for hire, must provide in a convenient place therein one or more receptacles for the deposit of litter.

Penalty: The penalty for committing this offence is a fine on summary conviction of \$15,000.00

(4) Offence of littering premises (r. 6): Under this offence a person 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 is guilty of an offence.

Penalty: The penalty for committing this offence is a fine on summary conviction of \$30,000.00

Prosecution of litter offences:

- ❖ These regulations establish the post of **litter prevention wardens** who either appointed by a public authority (r.21) or the Minister of Natural Resources and the Environment (r.22).
- ❖ These litter prevention wardens are empowered and authorised, if for the time being in uniform or in possession of a warrant or other evidence of his authority as a litter prevention

warden, to enforce the provisions of these regulations and may summarily act to prevent the deposit or attempted deposit of litter in any public place in which he is authorised to act (r.23).

- ❖ Further any person who wilfully obstructs a litter prevention warden while acting in the execution of any of the powers or duties or without lawful excuse fails within a reasonable time to comply with the requirement of a warden or refuses to give litter prevention warden his true name and place of residence; or gives a false name or place of residence; or personates or falsely pretends to be a warden; or 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, or gives or agrees to give or offer 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 liable on summary conviction to a fine of \$30,000.00 (r. 26).
- ❖ Litter prevention wardens are empowered with power of arrest without warrant if a person is guilty of offences of disposing litter in a public place, interference with the litter prevention warden in execution of his duties or interference with receptacles for litter.
- ❖ Litter prevention wardens are also authorised to serve notices on person guilty of the offence of litter premises (r.6) requiring him forthwith in the case of dead animals, carrion or other litter considered by the local authority or the litter prevention wardens to be dangerous to health or life, and in any other case within such time as may be limited by the notice) to remove the litter so as to restore the premises to a condition satisfactory (r. 9). A person who fails to comply with this notice is liable on summary conviction to a fine of \$20,000.00.
- ❖ Litter prevention wardens are empowered to serve notices on a person guilty of leaving any derelict vehicle in a public place requiring the offender within thirty-six hours of such notice to remove the derelict vehicle so as to restore the public place to a condition satisfactory to the local authority or litter prevention warden (r.12). A person who fails to comply with this notice is liable on summary conviction to a fine of \$30,000.00. They are also empowered to remove of derelict vehicle and dispose of it in a manner that it sees fit (r.14).

Fixed penalty procedure:

Although all of the offences created under these regulations can be prosecuted by the summary jurisdiction procedure, the litter prevention wardens are empowered to issue a ticket (a prescribed notice) in writing charging the offender with the commission of either the offences of depositing litter in a public place, disposal of litter from motor vehicle or trailer or failure of owner of bus to provide receptacle for litter ;and offering him the opportunity of the discharge of any liability to conviction of such offence by payment of a fixed penalty and 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 (r.33).



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SATURDAY 16TH NOVEMBER, 2013

THE OFFICIAL GAZETTE 16TH NOVEMBER, 2013
LEGAL SUPPLEMENT — B

GUYANA

No. 7 of 2013

REGULATIONS

MADE UNDER

THE ENVIRONMENTAL PROTECTION ACT 1996

(NO. 11 OF 1996)

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IN THE EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 68 OF
THE ENVIRONMENTAL PROTECTION ACT 1996

I MAKE THE FOLLOWING REGULATIONS:-

PART I

PRELIMINARY

Short title

1. These Regulations may be cited as the Environmental Protection (Litter Enforcement) Regulations 2013.

Interpretation

2. In these Regulations, unless the context otherwise requires—

(a) “approved site” means a site established—

- (i) by the Minister;
- (ii) by a public authority with the approval of the Minister;
- (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.

(b) “bus” means any vehicle having seating capacity for more than six persons and which is used for the carriage of persons for hire or reward.

(c) “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.

(d) "Court" means Magistrate's Court.

(e) "deposit" in relation to litter, it includes the casting of or placing of or allowing to flow or fall.

(f) "derelict vehicle" means a vehicle or part of a vehicle in a public place which, by reason of its condition, appears to a litter prevention warden to have been abandoned and any motor vehicle that is left in a public place that does not carry a current licence issued by the Licencing Authority shall be presumed to be a derelict vehicle until the contrary is proved.

(g) "domestic waste" means waste from a private dwelling or residential home or from a school or other educational establishment.

(h) "gender" where one gender is used, it shall include or be interpreted to mean the other gender.

(i) "industrial waste" means waste from premises forming part of any factory 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.

(j) "litter" means any solid or liquid material or product or combination of solid and 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, 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*.

(k) "litter prevention warden" or "warden" means a person appointed as a litter prevention warden in accordance with section 20 or section 21 of this Regulation.

- (l) “local authority” includes Cleansing Officer of the Cleansing Department of the City Council, Neighbourhood Democratic Council, Regional Democratic Council and any other body identified by the Minister.
- (m) “medical waste” means any waste generated at health care facilities including waste which may be generated in diagnostic, treatment or from immunization of human being or animals.
- (n) “mine” and “quarry” have the same meaning as in the Guyana Geology and Mines Commission Act.
- (o) “Minister” means the Minister of Natural Resources and the Environment.
- (p) “Ministry” means the Ministry of Natural Resources and the Environment.
- (q) “Motor vehicle” means a mechanically propelled vehicle intended or adapted for the use on roads, but does not include a steam traction engine, steam roller or a vehicle constructed and intended for use exclusively on rails.
- (r) “Permanent Secretary” means the Permanent Secretary of the Ministry.
- (s) “person” includes a body corporate, an unincorporated association and a partnership.
- (t) “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 inter-lot drains in any private layout or otherwise as is determined by the Minister.
- (u) “public authority” includes—
- (i) any local authority;

- (ii) the Guyana Water Authority established under the Guyana Water Authority Act;
- (iii) the Transport and Harbours Department;
- (v) the administering body of any cemetery;
- (vi) any other authority established by an Act of Parliament;
- (vii) Environmental Protection Agency;
- (viii) Guyana Forestry Commission;
- (ix) Geology and Mines Commission; and
- (vi) all other bodies or classes which may be, from time to time, declared by Order of the President which shall be published in the *Gazette*, to be public authorities for the purposes of this Regulation.

(v) "public place" includes—

- (i) every motor way, road, street, parapet, 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 to which the public has access;
- (v) any forest land within the meaning of the Forests Act;
- (vi) any airport;
- (vii) any public burial ground; 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.

(w) "public health officer" means an officer attached to the Ministry of Health or to the Ministry of Local Government or to a local authority.

(x) "public transportation" means any motor vehicle, water vessel or dray carts used to transport people, goods or animals.

(y) "receptacle" means any bin or container of any sort provided in a public place, bus or taxi and which shall be used temporarily for the purpose of being collecting of the deposit of litter by members of the public

(z) "unsightly premises" means any premises or part of any premises upon which litter is deposited in such circumstances as to cause or contribute the defacement of the premises.

(aa) "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; and

(iii) domestic waste, medical waste, industrial waste or commercial waste, and for the purpose of this Regulation 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.

PART 11

OFFENCES

Depositing litter in a public place

3. (1) A person who, without reasonable excuse, deposits litter (advertently or inadvertently) in or on any public place, other than in a receptacle placed for the purpose of collecting it or at any approved site leaves such litter there, is guilty of an offence under this Regulations.
- (2) In a proceeding against a person for an offence under this Regulations, 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 the occupants of the motor vehicle or trailer is responsible for the said litter, the driver of the motor vehicle 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 and trailer were 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 Regulation is liable on summary conviction of:-
- (a) in the case of an individual, to a fine of fifty thousand dollars; or
 - (b) in the case of a body corporate to a fine of one hundred thousand dollars.

Littering from motor vehicle or trailer in motion

4 (1) A person who transports in or on a motor vehicle or trailer along a public place, any substance or material which is likely to fall off or blow off from the motor vehicle or trailer shall be guilty of an offence under this Regulations where, 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.

(2) A person who is guilty of an offence under this regulation is liable on summary conviction of:

(a) in the case of an individual to a fine of fifty thousand dollars;

(b) or in the case of a body corporate to a fine of one hundred thousand dollars.

Owner of public transportation to provide receptacle for litter

5. (1) The owner of every type of public transportation 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 in contravention of subsection (1) herein shall be guilty of an offence under this regulation and shall be liable on summary conviction to a fine of fifteen thousand dollars.

Offence and penalty for a person littering private premises

6. (1) A person who throws down, drops or otherwise deposits or leaves litter in or on any premises owned or occupied by another person without the consent of that other person, shall be in contravention of this regulation and shall be guilty of an Offence and the proof whereof shall lie on the person charged.

(2) A person who is charged for contravening subsection (1) herein shall be guilty of an offence under this regulation and on a summary conviction, shall be liable to a fine of thirty thousand dollars or six months imprisonment.

Abetment of offences against regulation 3, 4 or 6

7. A person who causes or knowingly permits any other person to commit an offence under regulation 3, 4, or 6 herein, shall be guilty of an offence and may be proceeded against and convicted for the same offence, either together with the principal offender or before or after the principal offender's conviction, and the same punishment as such principal offender shall apply.

Increased penalty for subsequent offence

8. (1) A person who, having been convicted of an offence under regulation 3, 4, 6, 7, 23(5) or 24 and is again subsequently convicted of an offence under regulation 3, 4, 6, 7, 23(5) or 24, shall be liable to double the amount of the maximum fine attached to the offence.

(2) A person having been convicted of an offence under subsection (1), who fails to pay the double fine attached within the specified time period, shall be liable to imprisonment for a period of up to three months.

Local authority and litter prevention wardens may enforce removal of litter

9. (1) Without prejudice to any proceedings for an offence committed under regulation 6 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 or litter prevention wardens, may give notice (whether orally or in writing) to the person so littering 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 or the said litter prevention wardens, 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 or the litter prevention warden.

(2) Notice may be served on a person either personally or by being sent by registered post to a person's 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 a person resident in Guyana not later than the seventh day succeeding the date when posted, and in the case of persons not so resident, not later than the thirtieth day succeeding the date on which the notice by

was posted, and in proving such service, it shall be sufficient to establish 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 twenty thousand dollars and to a further fine of five thousand dollars for every day during which the contravention 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.

Power to enter premises

10. (1) Subject to the provisions of this regulation, any authorized officer of a local authority or any litter prevention warden may, on producing if so required, some duly authenticated document showing his authority, where such identification is required to be shown, enter any premises at all reasonable hours for the purpose of regulation 9.

(2) Subject to the provisions of this regulation any authorized officer of a local authority or any litter prevention warden may, on producing if so required, some duly authenticated document showing his authority, where such identification is required to be shown, enter any premises at all reasonable hours for the purpose of regulation 10.

(3) An authorised officer or litter prevention warden entering any premises by virtue of this regulation, may take with him such other persons as may be necessary, and on leaving any premises which he has so entered, shall leave the said premises as effectively secured against trespassers as he found it.

(4) Every person who hinders, molests, prevents or interferes with any other person's right to do acts that he is authorised to do by virtue of this Regulations and because of that hindrance, molestation, prevention or interference, causes the authorised person's inability to act accordingly, is liable on summary conviction to a fine of twenty thousand dollars.

Power of local authority and litter prevention warden to remove derelict vehicles

11. (1) Without prejudice to any proceedings for an offence committed under regulation 3 or 6 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 or contribute to the defacement of that place, the local authority or the litter prevention warden, may give notice to the person so leaving or causing the same to be left on that place, thereby requiring the person causing or contributing to the defacement of the premises to remove the derelict vehicle within forty-eight hours of such notice so as to restore the public place to a condition satisfactory to the local authority or litter prevention warden.

(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 thirty thousand dollars and to a further fine of five thousand dollars for every day during which the non compliance continues after conviction, and the local authority or litter prevention warden may, without prejudice to its right to take proceedings for a fine in respect of such failure, 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 of local authority and litter prevention warden to remove derelict vehicles

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

Disposal of derelict vehicles

13. (1) Subject to subsection (2), where a local authority or litter prevention warden removes any derelict vehicle in pursuance of the foregoing provisions of this Regulations, the local authority or litter prevention warden 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 or litter prevention warden in pursuance of subsection (1), the derelict vehicle is claimed by a person who satisfies the local authority or litter prevention warden that he is its owner of the derelict vehicle and pays the local authority or litter prevention warden any expenses incurred in respect of its removal and storage fee, the local authority or litter prevention warden shall permit the person claiming the derelict

vehicle to remove the said vehicle from its custody during such period as may be specified by the local authority or litter prevention warden.

(3) Where the local authority or litter prevention warden 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 or litter prevention warden that at the time of such sale he was the owner of the derelict vehicle, the local authority or litter prevention warden 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 or litter prevention warden that more than one person is or was its owner at the relevant time, any one of them or both of them, jointly, as the local authority or litter prevention warden thinks fit, shall be treated as its owner/s for the purposes of subsection (3).

Indemnity

14. Where an authorised officer of a local authority or litter prevention warden removes any litter from a premises or place in pursuant of the foregoing provisions of this Regulations, no action, suit or other cause shall lie against the authorised officer, the local authority or litter prevention warden, unless it is shown that such removal was motivated by malice or fraud.

Continuing offences and penalties

15. Where under regulation 9, 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.

PART III

SPECIAL POWERS OF COURT ONCONVICTING OFFENDERS

Offender may be ordered to clean area

16. (1) Without limiting the powers conferred on litter prevention wardens and the local authority by this Regulations, where any person is convicted of an offence under regulation 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 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 and is therefore liable in addition to any penalty imposed under the said regulation 3, to a fine of thirty 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

17. (1) Where a Court convicts a person of an offence under regulation 3, the Court 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 the Court 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

18. In sentencing a person convicted of an offence under these Regulations, the Court shall take into consideration not only the purpose of the Regulations 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

19. A local authority or litter prevention warden, 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 these Regulations.

LITTER PREVENTION WARDENS**Appointment of litter prevention wardens by public authority**

20. (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, in order to exercise the duties conferred on them by this Regulations and which is under the control of the Authority.

(2) Subject to subsection (3), every appointment under subsection (1) shall be on such terms of reference 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 his office at any time, or he may, at any time, resign his office by giving one month's 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 Certificate of Appointment which shall bear the seal of the Authority as evidence of the appointment, and the production of that Certificate 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 Certificate of

Appointment and any uniform or badge of office that may have been issued to him by that Authority.

Appointment of litter prevention wardens

21 (1) The Minister may, from time to time, publish in the *Gazette*, the appointment of persons holding any specified class of office, to be litter prevention wardens in an honorary capacity for the purposes of this Regulation.

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

(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 be removed from office by the Minister at any time, and may at any time resign his office by one month's notice in writing addressed to the Permanent Secretary.

(4) The Permanent Secretary shall supply to every warden appointed under subsection (1), a Certificate of Appointment signed by the Permanent Secretary, or a person acting under his authority, as evidence of the appointment, and the production of that certificate 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 Certificate 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, by virtue of their offices, shall be deemed to be litter prevention wardens for the purposes of this Act:

(a) every member of the Guyana Police Service established by the Police Act;

(b) every public health inspector whether he is attached to the Ministry of Health or employed by a local authority whilst 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 Guyana and in any other case in the district in respect of which he was appointed;

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

- (e) every mining officer appointed for the purposes of the Mining Act;
- (e) every harbour master appointed under the Transport and 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; and
- (f) every officer of the environmental protection agency appointed by virtue of the Environmental Protection Act, 1996.

Powers and duties of litter prevention wardens

22. (1) Every litter prevention warden, if for the time being in uniform or in possession of a Certificate of Appointment or other sufficient evidence of his authority as a litter prevention warden, is authorised to enforce the provisions of this Regulation 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 advertently or inadvertently) in a public place in which the warden has authority to act, or has good cause to believe that a person has deposited any litter in any such place, the warden may require that person 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 regulation 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 Regulations by initiating a prosecution against that person; or

(b) issue a litter removal order to that person as is prescribed in Form A in the Schedule herein 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.

(4) If any litter prevention warden finds a person committing an offence under regulation 4, 6, 7 or 23 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 Regulation by initiating and commencing a prosecution against that person.

(5) Where a warden issues a litter removal order under paragraph (b) of subsection (3) herein 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.

Management of Litter Prevention Wardens

23. All Litter Prevention Wardens shall report to that body that the Minister designates by publication in the Gazette, as the body responsible for the general management of the Litter Prevention Wardens and that body shall be responsible for monitoring the enforcement of the duties of the Litter Prevention Wardens under these Regulations.

Unightly premises and clean-up order

24. (1) Where a litter prevention warden considers any premises, when viewed from a public road, street or highway, to be unightly premises or seriously detrimental to the amenities of the neighbourhood by reason of litter, the warden may issue a cleanup 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.

(2) The 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;

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

(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) Where a person to whom a clean-up order is issued is of the view that order is unfair or unjust for any reason, he 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 as is set out 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.

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

(6) Notwithstanding the provisions of subsection (4) where a person fails to comply with the requirements of a cleanup order under this regulation, 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 cleanup order was issued.

(7) The Minister may, in relation to any particular county of Guyana, delegate the exercise of the power to review the reasons for a clean-up order vested in him by this regulation to the Permanent Secretary or to any other person whom the Minister considers appropriate.

(8) For the purpose of carrying this regulation into effect, the Minister and any person or persons authorised for that purpose on behalf of the , 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 regulation.

Offences in respect of litter prevention wardens

25. A person shall be liable on summary conviction to a fine of \$30 000 where he is found guilty of one of the following offences:—

(a) wilfully obstructs a litter prevention warden whilst he is acting in the execution of any of the powers or duties conferred on him by this Regulations;

(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 regulation 22; 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 regulation 22—

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

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

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

(e) offers violence to, or assaults, threatens, or intimidates, uses threatening language behaves in a threatening manner to any warden whilst the said is acting in the exercise of his powers or the discharge of his duties under this Regulations;

(f) gives or agrees to give or offer to a warden any gift or consideration as an inducement as a 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.

Interference with receptacles for litter

26. Any person who wilfully removes or otherwise tampers with a receptacle is liable to a fine of fifteen thousand dollars on summary conviction.

Instituting proceedings for offences

27. (1) A litter prevention warden shall have the power to institute proceedings for any offence under this Regulation 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 Regulation committed in the district of the authority or on land controlled or managed by them.

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

Neighbourhood Democratic Council and Regional Democratic Council to provide receptacles in public places

28. (1) Every Neighbourhood Democratic Council and Regional Democratic Council 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 Council 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 Chairman of the Neighbourhood Democratic Council appointed for the district in which the place is situated.

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

Power of Arrest

29. Any person who commits an offence under regulations 3, 7, 25 or 26 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 and the offenders shall be dealt with according to law.

Offence by a body corporate

30. If a body corporate commits an offence under this Regulations, the company secretary of the body corporate or 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 or without his knowledge.

Minister may designate officers of the Ministry to carry out the provisions of this Regulation

31. (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 Regulation; including those provisions that authorise a local authority to enforce the removal of litter and a litter prevention warden, to act in accordance with regulation 32, and any person so appointed shall for the purposes of this Regulation, have, throughout Guyana, all the powers, authority and

immunities conferred upon or enjoyed by a local authority or by a litter prevention warden under this Regulation.

(2) A person designated under subsection (1) herein shall, whilst carrying out his duties in pursuance of this regulation, 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

32. (1) Notwithstanding anything in any of the foregoing provisions of this Regulation and without prejudice to his right to take any other steps under the authority of this Regulation, where a litter prevention warden finds a person on any occasion committing or has just reason to believe that a person has committed an offence under either subsection (1) or subsection (3) of regulation 3 or under regulation 4 or 5, that warden may give that person 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 regulation 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 alternatively, 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 Chief Clerk 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 Jurisdiction (Procedure) Act.

(3) Where the fixed penalty is duly paid in accordance with such notice, the person on whom such notice is served shall 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 regulation in respect of an offence, proceedings shall not commence 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 regulation 3, 4, or 5 and the word "convicted" shall be construed in like manner.
- (6) Payment of a fixed penalty under this regulation shall be made to the Chief Clerk of the 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 Jurisdiction (Procedure) 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 Chief Clerk of the Magisterial, district by a date specified in the certificate shall, if the certificate purports to be signed by the said Chief Clerk, 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 regulation 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 Chief Clerk of the Magisterial District 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 fifteen thousand 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 Jurisdiction (Procedure) Act.

Fixed Penalty Procedure

33. (1) A notice issued under regulation 32 above, offering the opportunity of the discharge of any liability to conviction of an offence to which that regulation applies by payment of a fixed penalty (hereinafter in these Regulations referred to as "a Notice") shall be in the Form D 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.
- (2) A copy of a Notice given under the said regulation 32 shall, as soon as practicable be forwarded, by or on behalf of the litter prevention warden giving the Notice, to the Chief Clerk of the Magistrate District to whom the fixed penalty is payable. The remaining copy shall be retained in the Notice Book from which the notice was issued.
- (3) A Notice shall provide that any payment of a fixed penalty shall be made to the Chief Clerk of the Magisterial District in which the offence specified by the Notice is alleged to have been committed.
- (4) (i) 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.
- (ii) If, owing to the failure of the person paying a fixed penalty to comply with the provisions of subsection (4) (i), the Chief Clerk of the Magisterial District is unable to identify the relevant notice, the Clerk of the Magisterial District 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 manager's cheque, bankers draft or money order; or
- (b) the amount is not the exact amount of the fixed penalty.
- (5) 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.
- (6) Any such amount or amounts as aforesaid shall be paid to the Chief Clerk of the Magisterial District specified in the relevant notice or notices.
- (7). Where any amount is paid otherwise than in accordance with these Regulations the Clerk of the Magisterial District shall return it to the payer.

(8). (i) 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 D. as a defendant in the matter to which the notice relates.

(ii) 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.

(iii) If in any case, the date for attendance in the said Magistrate's Court as prescribed by subsection (i) and (ii) above 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.

(9). The Chief Clerk of the Magisterial District shall not accept payment of the fixed penalty after the last day for payment of the fixed penalty.

(10). Subject to the foregoing provisions of these Regulations, a Chief Clerk of the Magisterial District 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.

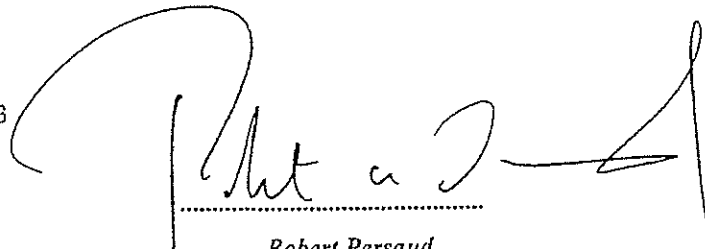
Police officers to assist

34. It shall be the duty of all officers and constables of the Guyana Police Force to assist in carrying the provisions of these Regulations into effect.

Powers of the Minister

35. The Minister shall have the power to change, amend and or alter any provision of this regulation in order to achieve the aims and objectives of this Litter Prevention Regulations and such changes, amendments or alterations shall be published in the *Gazette*

Dated this 30th day of October, 2013

A handwritten signature in black ink, appearing to read 'Robert Persaud', written over a horizontal dotted line. The signature is stylized and cursive.

Robert Persaud

Minister of Natural Resources and the Environment

REGULATION 22

FORM A

LITTER REMOVAL ORDER

To:.....of.....
.....

TAKE NOTICE that pursuant to regulation 22 of the Environmental Protection (Litter and Discharge of Waste Enforcement) Regulations 2013, 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

(insert official seal)

REGULATION 24

FORM B

CLEAN-UP ORDER

To:.....of.....

.....

TAKE NOTICE that pursuant to regulation 24 of Environmental Protection (Litter and Discharge of Waste Enforcement) Regulations 2013, 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 persons authorised under these regulations and the costs of the work done will be debt due to the Environmental Protection Agency by you.

This clean-up order may be reviewed by the Minister of Natural Resources and the Environment if a written request for a review is made within 7 days of the date shown below to:

Minister of Natural Resources and the Environment,
Ministry of Natural Resources and the Environment,
Guyana Geology and Mines Compound
Brickdam,
Georgetown,
Guyana

Dated this day of 20.....

.....
Litter Prevention Warden

REGULATION 24

FORM C

DECISION OF MINISTER AFTER REVIEWING AN APPEAL 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 Minister of Natural Resources and the Environment, find that.....

(OPTIONS—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.

Where the CLEAN UP ORDER is to be varied, the following shall be applied to you:

.....
.....
.....

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 Natural Resources and the Environment

REGULATION 33

FORM D

Serial No.
(of Notice)

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

PART I

TAKE NOTICE that I,in my capacity as have just reason to believe that on the day ofthe offence, particulars of which are given below, was being or had been committed.

.....
Litter Prevention Warden

The fixed penalty for the offence is FIFTEEN THOUSAND DOLLARS (\$15000)

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

(insert address of the Chief Clerk)

within ten (10) days from the date of this notice, no proceedings will be taken against you 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 Chief Clerk of Court will not accept a fixed penalty required to be paid to another district's Chief Clerk of the Court.

(3) Where payment of the fixed penalty is made otherwise than in conformity with regulation 33 of these Regulations, the Chief Clerk of Court shall, as soon as is 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 manager's 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 theday of 20..... at
..... you

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

.....
Signature of Litter Prevention Warden

PART 2

Serial No.

(of Notice)

To the Chief Clerk of Court

.....

(insert address)

.....

I enclose the sum of fifteen thousand dollars (\$15,000.00) as payment of the fixed penalty for the offence mentioned in Part 1 of this Notice.

Name

(in block capitals)

Address.....

(insert address)

.....

Signature of Person served with notice

