

**ANTIGUA AND BARBUDA**



**LITTER (AMENDMENT) BILL, 2018**

**NO. OF 2018**



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**AN ACT** to amend the Litter Act, Cap. 250 to increase the fines for committing various acts of littering and for other connected matters.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short title**

This Act may be cited as the Litter (Amendment) Act, 2018.

**2. Interpretation**

In this Act—

“principal Act” means the Litter Act, Cap. 250.

**3. Amendment of section 2**

The principal Act is amended in section 2 by inserting the following definition immediately after the definition of “premises”—

““public place” includes—

- (a) any public highway, street, road, square, court, alley, land, bridleway, foot-path, parade;
- (b) any public garden, park or open square to which the public has access without payment of any fees;
- (c) every theatre, place of public entertainment of any kind, or other place of general resort, admission to which is obtained by payment, or to which the public has access;
- (d) any bridge, wharf or other similar structure to which the public has access;

- (e) any forest reserve so declared under section 5 of the Forestry Act, Cap. 178;
- (f) any airport and airport facilities within the meaning of section 2 of the Airport Authority Act;
- (g) any public burial ground within the meaning of the Burial Ground Act; and
- (h) any other place to which the public the public has access as may be prescribed.”

#### **4. Amendment of section 3**

The principal Act is amended in section 3 by—

- (a) inserting the following new subsection immediately after subsection (1)—

“(1A) A person commits an offence if that person transports waste and litter which was generated from a construction site and deposits such waste and litter to a site or area which is not approved or designated for the depositing of such waste or litter.”

- (b) repealing subsection (6) and substituting the following new subsection—

“(6) A person who is guilty of an offence under this section is liable—

- (a) in the case of an individual, on summary conviction—
  - (i) to a fine of three thousand dollars (\$3000); and
  - (ii) suspension of the driver’s licence of that person for six months; or
  - (iii) to imprisonment for 1 year.
- (b) or in the case of a body corporate on summary conviction to a fine of five thousand dollars (\$5000)”

#### **5. Amendment of section 4**

The principal Act is amended in section 4 by repealing subsection (2) and substituting the following—

“(2) A person who is guilty of an offence under this section is liable—

- (a) in the case of an individual, on summary conviction—
  - (i) to a fine of three thousand dollars (\$3000); and
  - (ii) suspension of the driver’s licence of that person for a period of six months; or
  - (iii) to imprisonment for 1 year.

- (b) in the case of a body corporate on summary conviction to a fine of five thousand dollars (\$5000)”

**6. Amendment of section 5**

The principal Act is amended in section 4 by repealing subsection (2) and substituting the following—

“(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of one thousand (\$1000) dollars and to suspension of the driver’s licence of that person for a period of six months.”

**7. Amendment of section 6**

The principal Act is amended by repealing section 6 and substituting the following—

“6. A person commits an offence if that person deposits and leaves any litter in any premises owned or occupied by another without the consent of that person, the proof whereof lies on the person charged, and is liable on summary conviction to a fine of three thousand dollars (\$3000) and may, subject to section 8 of this Act, be ordered to clean up such waste or litter, or to imprisonment for 1 year.

**8. Insertion of section 6A**

The principal Act is amended by inserting immediately after section 6 the following new section—

**“6A. Storage and disposal of commercial waste by business owners**

(1) A person who operates a business in Antigua and Barbuda shall not deposit, store or dispose of any commercial waste or litter on the business premises, street, sidewalk or other public area which connects to the place of business unless such waste or litter is properly deposited, stored or disposed of in an appropriate receptacle.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars (\$5000) and may, subject to section 8 of this Act, be ordered to clean up such waste or litter, or to imprisonment for 1 year.

**9. Amendment of section 12**

The principal Act is amended in section 12 by repealing subsection (5) and substituting the following—

“(5) A person who owns or controls any premises which is the subject of a clean-up order and fails to comply with the requirements of such a clean-up order, whether or not a request was made to have the order reviewed under subsection (3), is liable on summary conviction to a fine of three thousand dollars (\$3000).”

#### **10. Amendment of section 14**

The principal Act is amended by repealing section 14 and substituting the following—

“**14.** An authorised person who wilfully removes, destroys or otherwise tampers with a receptacle commits an offence and is liable on summary conviction to a fine of one thousand dollars or to six months imprisonment.”

#### **11. Amendment of section 18**

The principal Act is amended in section 18 by—

(a) repealing subsection (9) and substituting the following new subsection—

“(9) The fixed penalty for an offence shall be five hundred dollars (\$500) in the case of an individual and one thousand dollars (\$1000) in the case of a body corporate.

(b) inserting the following new paragraph after paragraph (c) in subsection 11—

“(d) for prescribing an appropriate reward for any member of the public who provides the authorities with accurate information of acts in contravention of this Act.”

#### **12. Consequential amendment**

The Vehicles and Road Traffic Act is amended by inserting immediately after subsection (2) of section 70 the following new subsection—

“(2) The Traffic Commissioner shall order the suspension of the driver’s licence of a person who has been summarily convicted of an offence involving the use of a vehicle under the Litter Act, Cap. 250.”



### **EXPLANATORY MEMORANDUM**

This primary objective of this Bill is to review the penalties and increase the fines originally prescribed under the Litter Act, Cap. 250. It has become critical that the penalties ascribed to the commission of various offences is reviewed due to the increasing incidences of littering within Antigua and Barbuda.

For the purpose of achieving these objectives, the following sections of the principal Act were amended: 2, 3, 4, 5, 6, 12, 14 and 18.

Clause 3 of the Bill amends the Interpretation section of the principal Act by inserting a definition of “public place”.

Clause 4 inserts a provision under section 3 to address the issue of persons depositing litter which has been generated from construction sites in areas not approved for such deposits. This clause also amends the penalty provision by increasing the fine and jail time if a person has been convicted under this section.

Clauses 5, 6 and 7 amend sections 4, 5 and 6 respectively by increasing the fines originally prescribed under these sections in the principal Act.

Clause 8 inserts a new section after section 6 and this is aimed specifically at business owners who have been littering their premises and other public areas which connect to their places of business.

Clauses 9, 10 and 11 amend sections 12, 14 and 18 by increasing the original fines. Section 18 is also amended by the insertion of a provision which allows the Minister through the making of regulations, to prescribe a reward that may be given to members of the public who provide information to the authorities regarding acts of littering.

Clause 12 consequentially amends the Vehicles and Road Traffic Act, Cap. 460 empowering the Traffic Commissioner to suspend the licence of a person who has been convicted of an offence committed with the use of a vehicle under the Litter Act.

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**Honourable Molwyn Joseph**

*Minister of Health, Wellness  
and the Environment.*