

# LITTER PROHIBITION

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# Litter Prohibition Act 1983

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# Litter Prohibition Act 1983

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## TABLE OF AMENDMENTS

The Litter Prohibition Act 1983 No 6 was certified and commenced on 14 October 1983 (GN No 441/1983; Gaz 53/1983).

<b>Amending Legislation</b>	<b>Certified</b>	<b>Date of Commencement</b>
Interpretation (Consequential Amendments) Act 2011 No 18	3 November 2011	3 November 2011
Litter Prohibition (Amendment) Act 2014 No 11	20 August 2014	20 August 2014
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021



An Act to make provision for the abatement of litter.

Enacted by the Parliament of Nauru as follows:

## **1 Short title and commencement**

This Act may be cited as the *Litter Prohibition Act 1983* and came into effect on 14 October 1983.

## **1A Definition**

In this Act:

*'business premises'* means the building at which the business operates out of and includes, the inside of the building and the area in front and surrounding the building and within a 10 metre circumference as long as it is not encroaching on another property.

[s 1A insrt Act 11 of 2014 s 3 and Sch[1], opn 20 Aug 2014]

## **2 Prohibition of litter**

Subject to Section 7, a person who throws down, drops or otherwise deposits in, into or from any place in the open air anything whatsoever in such circumstances as to cause, contribute to, or tend to lead to, the defacement by litter, refuse or rubbish of any kind whatsoever of any place in the open air, unless that depositing and leaving was authorised by law or was authorised by the Minister under Section 6 is guilty of an offence and is liable to a fine of \$300 and for the purposes of this Section any covered place open to the air on at least one side shall be treated as being a place in the open air.

## **2A Obligation of registered business**

- (1) Every person who has a registered business, shall ensure that the business premises is free of any litter, refuse or rubbish of any kind whatsoever.
- (2) All rubbish shall be disposed of at the rubbish dump and no person who has a registered business shall dispose of rubbish by burning.
- (3) A person found to be in contravention of this Section is guilty of an offence and is liable to a fine of \$1,000.

[s 2A insrt Act 11 of 2014 s 3 and Sch[2], opn 20 Aug 2014]

## **3 Liability of the driver of a vehicle**

- (1) Where any offence under Section 2 is committed by a person while he or she is in a motor vehicle, the driver of such vehicle shall, notwithstanding anything contained in any other written law for the time being in force, be deemed to have connived in, or abetted, the commission of such offence and be liable to a fine of \$300:

Provided that where such motor vehicle is a public transport vehicle adopted to carry 10 or more passengers and carries a conductor, this subsection shall have effect as if for the word *'driver'* the word *'conductor'* was substituted therein.

- (2) For the purpose of this Section, the expression '*motor vehicle*' shall have the meaning as it has in the *Motor Traffic Act 2014*.

#### **4 Private persons to report the offence to the police**

A person in whose presence an offence under Section 2 has been committed, unless he or she has a reason to believe and does believe that the commission of the offence was witnessed by a police officer or has already been reported to the police by some other person, shall, without unnecessary delay report the commission of such offence to the police, and if he or she fails to report to the police as aforesaid, he or she shall be liable to a fine of \$300.

#### **5 Parental responsibility for conduct of child**

A parent of a child commits an offence if:

- (a) the child engages in conduct that would constitute an offence against this Act if the child were capable of being criminally responsible for the conduct;
- (b) the child is not capable of being criminally responsible for the conduct;
- (c) the child engages in the conduct in the presence of the parent; and
- (d) the parent does not take action to remedy the result of the child's conduct.

Maximum penalty: \$300.

[s 5 subst Act 18 of 2011 s 3 and Sch 1[18], opn 3 Nov 2011]

#### **6 Authorisation of depositing of certain things**

The Minister may, by notice in the Gazette, authorise the depositing and leaving of any thing in any place by or with the consent of the occupier or other person or authority having the control of that place if in all the circumstances the depositing of that thing in that place is a reasonable user of that place or a necessary or unavoidable concomitant of a reasonable user of that place.

#### **7 Dustbin, rubbish bins and their contents**

It is not an offence against the provisions of Section 2 for the occupier or any other person or authority having control of any place, or for the Republic or the Cabinet to deposit and leave on any land:

- (a) in the case of residential, commercial or industrial premises, such number of properly serviceable dustbins with tight-fitting lids as are reasonably required for the deposit of refuse from those premises;
- (b) in any place to which the public has access, properly serviceable rubbish bins; or
- (c) any thing in such a dustbin or rubbish bin.

#### **8 Powers of district constables**

For the purpose of this Act, the references in Section 18 of the *Criminal Procedure Act 1972* to a police officer shall be deemed to include reference to a district constable and the provisions of Sections 11, 14, 15 and 19 of that Act shall apply to any arrest made by a district constable in exercise of the authority conferred on him or her by this Section as though he or she were a police officer.

#### **9 Repeal and savings**

- (1) Section 15 of the *Public Health Ordinance 1925* is hereby repealed.



- (2) Notwithstanding any such repeal, any legal proceedings instituted for an offence under the said Section 15 before the commencement of this Act shall be continued and decided as if this Act had not come into force.

