



REPUBLIC OF NAURU

Litter Prohibition Act 1983

Act No. 6 of 1983

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Litter Prohibition Act 1983

Act No. 6 of 1983

An Act to make provision for the abatement of litter

Certified on 14 October 1983

Be it enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Litter Prohibition Act 1983*.

2 Prohibition of litter

Subject to section 7, any 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 three hundred dollars; 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.

3 Liability of the driver of a vehicle

- (1) Where any offence under section 2 is committed by a person while he is in a motor vehicle, the driver of such vehicle shall, notwithstanding anything contained in any other 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 three hundred dollars:

Provided that where such motor vehicle is a public transport vehicle adopted to carry ten 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 assigned to it in the *Motor Traffic Act 1937-73*.

4 Private persons to report the offence to the police

Any person in whose presence an offence under section 2 has been committed, unless he 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 fails to report to the police as aforesaid, he shall be liable to a fine of three hundred dollars.

5 Child not criminally responsible

- (1) A child is not criminally responsible for an offence under this Act unless it is proved that at the time of committing such offence he had the capacity to know that he ought not to have committed such offence.
- (2) Notwithstanding the provisions of the preceding subsection, a parent of a child who in his presence does any act which if done by a person other than a child would be an offence against this Act, is guilty of an offence and liable to a fine of three hundred dollars unless he forthwith takes appropriate action to remedy the situation created by the child's action.

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 Council¹, 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 by this Section as though he were a police officer.

9 Repeal and savings

- (1) Section 15 of the *Public Health Ordinance 1967* 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.

¹ From its commencement on 21 February 1972 until the commencement of the *Nauru Local Government Council Dissolution Consequential Amendments Act 1997* (Act No. 5 of 1997) on 13 June 1997, the *Interpretation Act 1971* provided in section 2(1), among other things, that '**Council**' means the Nauru Local Government Council'. This definition was deleted by Act No. 5 of 1997.

Section 2(7) of the *Interpretation Act 1971* (inserted by Act No. 4 of 1996) provides:

'Subject to the *Nauru Island Council Act 1992*, a reference to the Nauru Local Government Council established under the *Nauru Local Government Council Ordinance 1951-1967*, the Head Chief, the Deputy Head Chief, a Councillor of the Nauru Local Government Council in any written law, including the principal Act, means a reference to the Republic, the Cabinet, the Chairman of the Cabinet, or a Cabinet Minister as the case may be.'