

## CHAPTER 1 ABATEMENT OF LITTER ACT

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• Act • Subsidiary Legislation •

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### ACT

Act No. 35 of 1973

### Amended by

Act No. 10 of 1990

### ARRANGEMENT OF SECTIONS

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## CHAPTER 1 ABATEMENT OF LITTER ACT

### **An Act to control and punish the depositing of litter.**

[Act No. 35 of 1973 amended by Act No. 10 of 1990.]

[31st May, 1974.]

#### **1. Short title**

This Act may be cited as the Abatement of Litter Act.

#### **2. Interpretation**

In this Act—

“person” includes a body corporate and an unincorporated association and a partnership;

“premises” includes vacant private land, a natural water course and a boundary or interlot drain in any private layout;

“Sanitary Authority” means the Sanitary Authority constituted under the Public Health Act, Chapter 263.

#### **3. Offences in connection with litter**

(1) A person who throws down, drops, leaves, or otherwise deposits anything whatsoever in such circumstances as to cause, or contribute to, or tend to lead to the defacement by litter—

- (a) of any place in the open air to which the public are entitled or permitted to have access without payment;
- (b) of any premises or Government land,

is guilty of an offence and liable, on summary conviction, to a fine of one thousand five hundred dollars and to imprisonment for six months.

(2) A person who causes any other person to contravene the provisions of subsection (1) is guilty of an offence and liable, on summary conviction, to a fine of one thousand five hundred dollars and to imprisonment for six months.

(3) In any proceedings against a person in respect of an offence under this section it is a defence to prove that the throwing, dropping, leaving or otherwise depositing of the thing was authorised by law or, in the case of an employee, was done on the direction of his or her employer being the owner or occupier or other person or authority having the control of the place in or into, on or onto which that thing was deposited.

(4) In any proceedings against a person in respect of an offence under this section it is a defence to prove that the Government or the owner or occupier of the Government land, place or premises undertook responsibility for the removal of the litter if the person in question entered under a contract or was an invitee.

(5) For the purposes of subsection (1), any covered place open to the air on at least one side and available for public use shall be treated as being a place in the open air.

(6) In the case of a second or subsequent offence against any of the provisions of this section a person is liable to a fine of three thousand dollars and to imprisonment for six months.

#### **4. Matters which courts must consider**

In sentencing a person convicted of an offence under section 3, the court shall take into consideration not only the purpose of this Act but also the nature of the litter and any resulting risk of injury to persons or animals or of damage to property.

#### **5. Sanitary Authority may enforce removal of litter**

(1) Without prejudice to any proceedings for an offence committed under section 3, where anything is left in or on any Government land, place or premises in contravention thereof the Sanitary Authority may give notice to the person leaving the thing or causing the thing to be left or to the owner or occupier of such Government land, place or premises requiring him or her, within such time as is specified in the notice, not being less than seven days, to remove the thing to the satisfaction of the Sanitary Authority.

(2) Notice may be served on a person either personally or by being sent by post to his or her last known business or private address or may be posted up in a conspicuous position on the place or premises at which the litter has been left.

(3) A notice sent by post shall be deemed to have been served, in the case of persons resident in Grenada, not later than the fifteenth day succeeding the day when posted, and in the case of persons not so resident not later than the thirtieth day succeeding the day on which the notice would have been received in the ordinary course of post, and in proving such service it shall be sufficient to prove 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 guilty of an offence and liable, on summary conviction, to a fine of one thousand five hundred dollars and to a further fine of three hundred dollars for

every day during which the offence is continued after conviction, and the Sanitary Authority may, without prejudice to its right to take proceedings for a fine in respect of such failure, by its officers and employees enter the premises and remove the litter left or caused to be left and may recover summarily as a civil debt the expenses reasonably incurred by them in so doing from the person in default.

**6. Power to enter premises**

(1) Subject to the provisions of this section any authorised officer of a Sanitary Authority may, on producing if so required some duly authenticated document showing his or her authority, enter any premises at all reasonable hours for the purpose of section 5.

(2) Admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the owner or occupier of the premises.

(3) If it is shown to the satisfaction of a Justice of the Peace on sworn information in writing—

- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or that the owner or occupier is temporarily absent, or that the case is one of urgency, or that a notice of intended entry would defeat the object of the entry; and
- (b) that there is reasonable ground for entry for the purpose of section 5,

the Justice may by warrant under his or her hand authorise a Sanitary Authority by any authorised officer to enter the premises, if need be by force, except that such a warrant shall not be issued unless the Justice is satisfied either that notice of the intention to apply for a warrant has been given to the owner or occupier of the premises, or that the premises are unoccupied, or that the owner or occupier of the premises is temporarily absent or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(4) An authorised officer entering any premises by virtue of this section, or of a warrant issued under subsection (3), may take with him or her such other persons as may be necessary, and on leaving any unoccupied premises which he or she has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he or she found them.

(5) Every warrant granted under subsection (3) shall continue in force until the purpose for which the entry is necessary has been satisfied.

(6) Every person who hinders or molests or interferes with any person doing anything that he or she is authorised to do or who prevents or attempts to prevent any person from doing any such thing is guilty of an offence and liable, on summary conviction, to a fine of one thousand five hundred dollars and to imprisonment for six months.

**7. Continuing offences and penalties**

Where under section 5(4) a fine 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 direction given by the court and where the court has fixed such a period a fine shall not be imposed in respect of any day before the expiration of that period.

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**CHAPTER 1  
ABATEMENT OF LITTER ACT**

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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