

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 4487 of 5 July, 2018**

LEGAL NOTICE NO. 152 OF 2018.

LITTER CONTROL ACT, 1990

**LITTER CONTROL (FIXED PENALTY) (AMENDMENT)
REGULATIONS 2018**

In exercise of the powers conferred on it by section 4 of the Litter Control Act, 1990 and all other enabling powers, the Government has made the following Regulations–

Title.

1. These Regulations may be cited as the Litter Control (Fixed Penalty) (Amendment) Regulations 2018.

Commencement.

2. These Regulations come into operation on the same day as the Litter Control (Amendment) Act 2018.

Amendment to the Litter Control (Fixed Penalty) Regulations 1990.

3.(1) The Litter Control (Fixed Penalty) Regulations 1990 are amended in accordance with this regulation.

(2) For regulation 8(1) substitute the following–

“8.(1) Where an authorised officer, having reason to believe that any person is committing or has committed an offence to which section 6(1) of the Act applies, seeks to issue a notice to that person, it shall be an offence for that person–

(a) to fail to supply his name and address to the authorised officer;

(b) to refuse to accept or in any way deface or damage the notice.”.

(3) For the Schedule substitute the following–

“SCHEDULE

SERIAL No.....

**NOTICE OF FIXED PENALTY
LITTER AUTHORITY**

NOTE: it is an offence for anyone liable for the undermentioned offence(s) to refuse to supply his name or address or to refuse to accept this Notice or in any way deface or damage this Notice.

**SECTION 6 OF THE LITTER CONTROL ACT, 1990
NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY**

PART 1

Name: _____

Address: _____

Particulars of Offence: _____

I have reasonable cause to believe that the offence stated hereunder as identified by a tick, particulars of which are given above, was being or had been committed on by the above named person.

PART A:-

- (a)Section 5 of the Litter Control Act, 1990 (“litter”) £70
- (b)Section 5 of the Litter Control Act, 1990 (“dangerous litter”) £250

(To be completed by the authorised officer. Please tick as appropriate.)

Signature _____ Rank _____ Date _____

Authority _____

If before the end of 14 days from the above date, the sum of, in the case of an offence in respect of litter, £70 and, in case of an offence in respect of dangerous litter, £250 (being the fixed penalty for the offence) is paid to the Clerk of the Magistrates' Court, no proceedings will be taken for the offence and any liability to conviction for the offence will be discharged. Payment must be made to the Magistrates' Court whereupon a receipt for the payment will be given. Part payment will not be accepted by the Clerk. The person paying the fixed penalty must forward Part 2 of the Notice with the remittance. This Notice is deemed to have been issued by—

- handing it to;
- addressing it to and leaving it at the last known address of; or
- sending it by registered post at the last known address of,

the person liable for the offence indicated above, on
..... (Date).

(perforate here)-----

SERIAL No.....

PART 2

To the Clerk of the Magistrates' Court.

I enclose the sum of £70/£250 as mentioned in Part 1 of the Notice representing payment of the fixed penalty of the offence under—

PART B:-

- (a)Section 5 of the Litter Control Act, 1990 (“litter”) £70
- (b)Section 5 of the Litter Control Act, 1990
 (“dangerous litter”) £250

Date of Issue: _____

(To be completed by the authorised officer. Please tick as appropriate.)

NAME: (IN BLOCK LETTERS) _____

ADDRESS: (IN BLOCK LETTERS) _____

”.

(4) The Litter Control (Animal Droppings) Regulations 1990 are hereby revoked.

Dated 5th July, 2018.

Prof. J CORTES,
Minister with responsibility for the Environment,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Litter Control (Fixed Penalty) Regulations 1990 and revoke the Litter Control (Animal Droppings) Regulations 1990.