

Subsidiary Legislation made under s.4.

**Litter Control (Forms and Notices) Regulations 1990****LN.1990/108**

		<i>Commencement</i>	<b>9.8.199</b>
Amending enactments	Relevant current provisions	Commencement date	
LN. 1994/002	Schs. 1-2		10.1.1994

**1990-31**

Litter Control

**1990/108** Litter Control (Forms and Notices) Regulations 1990

---

**ARRANGEMENT OF REGULATIONS**

Regulation

1. Title.
2. Designation Orders
3. Litter Abatement Notice.

**SCHEDULE 1**

**SCHEDULE 2**

**Title.**

1. These regulations may be cited as the Litter Control (Forms and Notices) Regulations 1990.

**Designation Orders.**

2.(1) Where a Litter Authority proposes to issue a designation order under sub-section (3) of section 7 of the Act, the notification required by sub-section (5) of that section shall be in the form prescribed in Part 1 of Schedule 1 to these regulations.

(2) Where a Litter Authority issues a designation order under section 7(3) of the Act, such order shall be in the form prescribed in Part 2 of Schedule 1 of these regulations.

**Litter Abatement Notice.**

3.(1) Where a Litter Authority serves a notice in accordance with section 9(1) of the Act, such notice (a “litter abatement notice”) shall be in the form prescribed in Part 1 of Schedule 2 to these regulations.

(2) Where a Litter Authority proposes to exercise its powers of removal under section 9(6) of the Act, a notice in the form prescribed in Part 2 of Schedule 2 to these regulations shall be issued.

**1990-31**

## Litter Control

**1990/108 Litter Control (Forms and Notices) Regulations 1990**

---

### SCHEDULE 1

Regulation 2.

#### PART 1

#### LITTER CONTROL ACT 1990

To  
being the  
of

WHEREAS the Litter Authority proposes to designate the land described in the Schedule to this notice as a litter control area;

AND WHEREAS it appears to the said Litter Authority that you are a person affected by this proposal;

NOTICE IS HEREBY GIVEN YOU that, in accordance with section 7 of the Litter Control Act 1990, you may make written representation about the said proposal to the Commissioner of Police, Central Police Station, Irish Town, Gibraltar, within seven days of the service of this notice.

Dated the        day of                      20 .

LITTER AUTHORITY

#### **Schedule**

Description of land proposed to be designated as a litter control area:

NOTES:

- (i) Any representations made by you shall be taken into account by the Litter Authority in making their decision.
- (ii) It shall be the duty of the occupier or owner of any relevant land within a litter control area to ensure that the said land is kept clear of litter and refuse.
- (iii) Failure to maintain the land clear of refuse and litter may result in a litter abatement notice being served imposing either or both of the following –

- (a) a requirement that the litter or refuse be cleared within a time specified in the notice;
- (b) the prohibition on permitting land to be defaced by litter or refuse.
- (iv) Failure to comply with the said notice may lead, on summary conviction, to a fine at level 4 on the standard scale and to a further fine of one twentieth of the amount at level 4 on the standard scale for each day on which the offence continues after conviction.

**PART 2**

**LITTER CONTROL ACT 1990**

**LITTER CONTROL AREA (DESIGNATION) NOTICE 20 .**

In exercise of the powers contained in section 7(3) of the Litter Control Act 1990, the land forming a part or the whole of the area prescribed by the Commissioner of Police in the Legal Notice No.     of 20 , and described below, is designated as a litter control area.

Dated this     day of             20 .

LITTER AUTHORITY

**1990-31**

**Litter Control**

**1990/108 Litter Control (Forms and Notices) Regulations 1990**

---

**SCHEDULE 2**

**PART 1**

Regulation 3.

**LITTER CONTROL ACT 1990**

To  
being the  
of

**LITTER ABATEMENT NOTICE**

**WHEREAS** the Litter Authority is satisfied that the above-mentioned land, being land designated under section 7(3) of the Litter Control Act 1990, as, or as part of, a litter control area, is defaced by litter or refuse or defacement by litter or refuse is likely to recur:

**NOTICE IS HEREBY GIVEN YOU** that, in accordance with section 9 of the said Litter Control Act, the said Authority does hereby require you within                      days from the service of this notice to –

- (a) clear all litter or refuse from the said land; and
- (b) take such steps as may be necessary to prevent the said land from being defaced by litter or refuse and for that purpose to:

Dated this     day of                      20 .

LITTER AUTHORITY

NOTES:

- (i) The person served with this notice may appeal against the notice to the Magistrates' Court within the period of seven days beginning with the date on which the notice was served.
- (ii) A person who, without reasonable excuse, fails to comply with or contravenes the requirements of the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding the amount at level 4 on the standard scale and to a further fine of one twentieth of the

amount at level 4 on the standard scale for each day on which the offence continues after the conviction.

- (iii) If any person fails to comply with this notice, the Litter Authority may, where it considers it necessary in the interests of the amenities of the neighbourhood, remove the litter or refuse in respect of which the notice was issued and any person subsequently convicted in this respect shall be liable to the Authority for the reasonable cost of such removal.

**PART 2**

**LITTER CONTROL ACT 1990**

To  
being the  
of

**WHEREAS** a litter abatement notice was served on you on

**AND WHEREAS** you have failed to comply with the requirements of the said notice;

**NOTICE IS HEREBY GIVEN YOU** that the Litter Authority consider it necessary in the interests of the amenities of the neighbourhood to remove the litter or refuse in respect of which the notice was issued and, in accordance with section 9(6) of the Litter Control Act 1990, shall, by their authorised representatives, remove the said litter or refuse on \_\_\_\_\_ and the cost of so doing shall be recoverable from you in accordance with section 9(6) of that Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 .

LITTER AUTHORITY

NOTES:

Any person subsequently convicted under section 9(5) of the Litter Control Act 1990 for failure to comply with the requirements of a litter abatement notice in respect of this litter or refuse shall be liable to the Litter Authority for the reasonable cost of such removal, in addition to such fine, not exceeding the amount at level 4 on the standard scale, as the court may impose for failure to comply with the said notice.