

Subsidiary Legislation made under s.4 and ss.56, 70 and 337 of the Public Health Act.

Litter and Nuisance Rules and Regulations 1994

LN.1994/060

		<i>Commencement</i>	1.8. 1994
Amending enactments	Relevant current provisions	Commencement date	
LN. 2018/025	r. 3(5)(a)	25.1.2018	
2023/138	rr. 2, 3(2), 3A, 6, 14(2)	5.6.2023	

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ARRANGEMENT OF RULES

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SCHEDULE

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Title and commencement.

1. These rules and regulations may be cited as the Litter and Nuisance Rules and Regulations 1994, and shall come into effect on the 1st day of August 1994.

Interpretation.

2. In these rules and regulations, unless the context otherwise requires –

“Authority” means a Litter Authority as defined in section 2 of the Litter Control Act 1990;

“recyclable waste” means waste that is—

- (a) glass;
- (b) cans;
- (c) plastics;
- (d) paper;
- (e) card (including cardboard); or
- (f) carton packaging for liquids,

and recyclable waste of the same type (such as glass) is referred to as a “recyclable waste stream;

“proper container” means a container for the receipt of refuse, which container shall have been approved by the Authority for the purposes of rule 3(4).

Placing and collection of refuse.

3.(1) Subject to sub-rule (2), no person shall place refuse for collection at any time other than between the hours of 10.00p.m. and 4.00 a.m. from Sundays to Fridays.

(2) No person shall place refuse for collection in Main Street, from its junction with Casemates Hill to its junction with Southport Gates at any time other than between the hours of 7.00 p.m. and 8.00 p.m. from Sundays to Fridays.

(3) Subject to sub-rule (4), no person shall place refuse for collecting in any place other than in such a place, manner and container as may be authorised by the Authority.

(4) Where the Authority has, by notice in the Gazette, specified a street or public place for the purpose of this sub-rule, no refuse shall be placed for collection in that street or public place except in the proper container.

(5) Where the Authority specifies a street or public place for the purposes of sub-rule (4), the Authority shall –

- (a) *deleted.*
- (b) publish the notice so specifying in the Gazette and in a local newspaper not less than 7 days prior to the date on which the notice shall take effect; and
- (c) demarcate in green the area in which the proper container is to be placed or provide an area in which to house the proper container.

Placing and collection of recyclable waste.

3A.(1) This rule applies where the Authority has made available a proper container for a particular recyclable waste stream.

(2) No person shall without reasonable excuse deposit any waste, including any recyclable waste, in a proper container designated for a particular recyclable waste stream to which that waste does not belong.

(3) For the avoidance of doubt, in accordance with rule 14, a contravention of this rule shall constitute depositing or leaving litter, or dangerous litter or hazardous waste as the case may be, and the provisions of the Litter Control Act, 1990 shall apply.

Removal of uncollected refuse.

4.(1) Subject to sub-rules (2) and (3), where any refuse that is placed for collection in accordance with rule 3 has, for any reason, not been collected by the time of 12 noon next following the time at which it is so placed, the person by whom it has been placed for collection shall remove it.

(2) Sub-rule (1) shall not apply to any case in which the Authority permits the refuse to remain.

(3) Sub-rule (1) shall not apply in respect of refuse deposited in a proper container in accordance with rule 3(4).

Mode of placing refuse for collection.

5.(1) No person shall place any refuse either for collection or in a proper container otherwise than in sealed plastic bags of a kind approved by the Authority.

(2) Notwithstanding sub-rule (1), a person may put refuse for collection in a covered dustbin or other suitable container provided that the dustbin or container and the mode of placing refuse in them are approved by the Authority.

(3) Where rule 3(4) applies, no person shall deposit any refuse outside the proper container or in such a manner in the proper container that it is likely to fall or spill from the proper container.

Dangerous refuse and hazardous waste.

6.(1) Notwithstanding rule 5, no person shall place for collection any broken glass or any refuse that may be dangerous to any person, unless the refuse is contained in such a manner as to protect any person handling it, against the risk of danger.

(2) No person shall place for collection any waste described as having properties which would render it hazardous waste as defined in Part II, Schedule 11A of the Public Health Act.

Loose building materials.

7.(1) No person shall place any loose building material in any street or public place except they have a permit issued for that purpose by the Authority.

(2) The Authority may refuse a permit of the kind mentioned in sub-rule (1) or may in the permit impose such conditions as it thinks fit in relation to the manner, location, type of container and time during which such materials may be placed in the street or public place.

Rubbish not to be deposited on road during removal.

8.(1) The occupier of any premises who removes or causes to be removed any rubbish, dust, ashes, manure, litter or other waste matter produced upon his premises, shall not, in the process of removal, deposit such rubbish, dust, ashes, manure, litter or other waste matter or cause or allow such rubbish, dust, ashes, manure, litter or other waste matter to be deposited upon any footway, pavement or street, and for the purposes of such removal he shall, in every case, use or cause to be used a suitable vessel or receptacle, cart or carriage properly construed so as to prevent the escape of the contents thereof and approved for the purpose by the Authority.

(2) If in the process of such removal any person slops or spills or causes or allows to fall upon the footway, pavement or street any such rubbish, dust, ashes, manure, litter or other waste matter, he shall forthwith remove such rubbish, dust, ashes, manure, litter or other waste

matter from the place where on the same way have been slopped or spilled or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

Responsibility for receptacle temporarily placed to receive refuse and the area adjacent thereto.

9.(1) A person who causes a receptacle for the purpose of receiving and containing rubbish, dust, ashes, manure, litter or other waste matter to be placed temporarily on any footway, pavement or street or on an area adjacent thereto such that it is possible for any other person to have access to that receptacle enabling such person to deposit therein rubbish, dust, ashes, manure, litter or other waste matter or any other matter, shall take all such steps as are reasonably practicable to ensure that –

- (a) the contents of the receptacle do not fall, spill or otherwise leave the receptacle such as to cause a nuisance in the place where the receptacle is temporarily deposited;
- (b) the area adjacent to the receptacle is kept free of rubbish, dust, ashes, manure, litter or other waste matter,

and it shall not affect the liability of a person under this rule that the rubbish, dust, ashes, manure, litter or other waste matter causing the nuisance or present in the adjacent area, was deposited by any other person.

(2) A person who supplies receptacles intended to be temporarily placed to receive and contain rubbish, dust, ashes, manure, litter or other waste matter on any footway, pavement or street or area adjacent thereto, shall, at the time when he agrees to supply such receptacle –

- (a) issue to a person to whom he agrees so to supply a notice in the form provided for in the Schedule setting out the liabilities of that person under sub-rule (1) and advising that person of the penalties for failing to comply with that sub-rule;
- (b) retain a copy of the notice issued under paragraph (a); and
- (c) make any such copy available to the Authority.

(3) A person who causes a receptacle for the purposes of receiving and containing rubbish, dust, ashes, manure, litter or other waste matter to be placed temporarily on any footway, pavement or street or on an area adjacent thereto, shall not allow the receptacle so to remain beyond the period of time specified in the notice provided for in Schedule 1.

(4) For the purposes of sub-rule (3), what is an unreasonable period of time is to be determined as a matter of fact having regard to the size of the receptacle and the volume and

nature of the material deposited therein, the convenience of the public and of persons owning or occupying premises in the vicinity and to all other circumstances of the case.

A properly constructed receptacle to be used in the removal of rubbish.

10.(1) Every person who, for the purpose of depositing any rubbish, dust, ashes, manure, litter or other waste matter upon any lands or premises, or for the purpose of depositing any rubbish, dust, ashes, manure, litter or other waste matter in any receptacle provided by the Government for the temporary deposit and collection of rubbish, dust, ashes, manure, litter or other waste matter, shall remove such rubbish, dust, ashes, manure, litter or other waste matter from any premises, or from any cart, carriage or other means of conveyance across or along any footway, pavement or street, shall use a suitable vessel or receptacle properly constructed so as to prevent the escape of the contents thereof and approved for the purpose by the Authority and shall adopt such other precautions as may be necessary or as directed by the Authority to prevent any such rubbish, dust, ashes, manure, litter or other waste matter from being slopped or spilled or from falling in the process of removal upon such footway, pavement or street.

(2) If in the process of such removal, any such rubbish, dust, ashes, manure, litter or other waste matter be slopped or spilled or fall upon such footway, pavement or street, such person shall forthwith remove such rubbish, dust, ashes, manure, litter or other waste matter from the place where on the same way have been slopped or spilled or may have fallen and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

Properly constructed cart to be used for the conveyance of rubbish.

11.(1) Every person who shall convey any rubbish, dust, ashes, manure, litter or other waste matter through or along any street, shall use a properly constructed cart or carriage or other means of conveyance so as to prevent the escape of the contents thereof and approved for the purpose by the Authority.

(2) If in the process of such conveyance, any such rubbish, dust, ashes, manure, litter or other waste matter be slopped or spilled or fall upon any street or elsewhere in such street, the person responsible for conveying the same shall forthwith remove such rubbish, dust, ashes, manure, litter or other waste matter from the place where on the same may have been slopped or spilled or may have fallen and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

Rubbish etc shall not be imported.

12. No person shall import or bring into Gibraltar by land or by sea any rubbish, manure, refuse, damaged cargo or perishable material or offensive or decomposed material except with and by the previous permission of the Authority and then only subject to such restrictions and conditions it may impose when giving such permission:

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Provided that in respect of garbage from a vessel in the waters of the Port, section 49(2) of the Port Act shall apply in respect of the importation into Gibraltar and disposal of such garbage.

Deposit of manure.

13. Every person who, for any purpose of agriculture or horticulture or for other purpose shall deposit or cause to be deposited upon any lands or premises in Gibraltar any manure, shall, with all reasonable despatch, cause such manure to be plowed or dug into the ground or to be covered with a sufficient layer of earth, ashes or other suitable substance or shall adopt such other precautions as may be reasonably necessary of the judgment of the Authority to prevent the emission of noxious or offensive effluvia from such manure or the breeding of flies therein.

Offences.

14.(1) Subject to sub-regulation (2), a person who contravenes any provision of these rules and regulations is guilty of an offence and is liable on summary conviction to a fine at level 3 on the standard scale and to imprisonment for a term of 3 months.

(2) Depositing refuse otherwise than in accordance with these rules and regulations may constitute depositing or leaving litter, or dangerous litter or hazardous waste as the case may be, (and in the case of depositing refuse falling within rule 6 shall, in any case, constitute dangerous litter or hazardous waste), and the provisions of the Litter Control Act 1990 shall apply in respect of such depositing or leaving, and where a person is given a notice under section 6 of that Act, the provisions of that section shall apply to any proceedings under sub-regulation (1) as if they were proceedings under that Act.

Application of Part II of the Public Health Act.

15. Where a failure to comply with the provisions of these rules and regulations results in a statutory nuisance falling within section 81(c) of the Public Health Act, the Authority shall have, in respect of such nuisance, the powers of the Government under Part II of the Act in respect of that nuisance.

Revocation of Filth and Litter Rules.

16. The Filth and Litter Rules are hereby revoked.

SCHEDULE

Rule 9(2)

FORM OF NOTICE

Responsibility of any receptacle temporarily placed to receive the refuse and the area adjacent to that receptacle.

Dear (enter name of person to whom notice is issued)

I am required by rule 9(2) of the Litter and Nuisance Rules 1994 to advise you of your responsibilities in relation to the receptacle I have agreed to supply to you.

Rule 9(1) of the Litter and Nuisance Rules 1994 provides that –

“A person who causes a receptacle for the purpose of receiving and containing rubbish, dust, ashes, manure, litter or other waste matter to be placed temporarily on any footway, pavement or street or an area adjacent thereto such that it is possible for any other person to have access to that receptacle enabling such person to deposit therein, rubbish, dust, ashes, manure, litter or other waste matter or any other matter, shall take all such steps as are reasonably practicable to ensure that -

- (a) the contents of the receptacle do not fall, spill or otherwise leave the receptacle such as to cause a nuisance in the place where the receptacle is temporarily deposited;
- (b) the area adjacent to the receptacle is kept free of rubbish, dust, ashes, manure, litter or other waste matter,

and it shall not affect the liability of a person under this rule that the rubbish, dust, ashes, manure, litter or other waste matter causing the nuisance, or present in the adjacent area, is deposited by another person.”

The rules further provide that the receptacle must not be allowed to remain in any place beyond the period of time specified in this notice. That period is _____ days.

Failure to comply with these obligations may render you guilty of an offence and liable on summary conviction to a fine of £500 and three months imprisonment.