

**ANTIGUA AND BARBUDA**



**LITTER CONTROL AND PREVENTION REGULATIONS, 2019**

**STATUTORY INSTRUMENT**

**2019, No. 33**

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**LITTER CONTROL AND PREVENTION REGULATIONS, 2019**

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**ANTIGUA AND BARBUDA**  
**LITTER CONTROL AND PREVENTION REGULATIONS, 2019**  
**2019, No. 33**

**1. Short Title**

These Regulations may be cited as the Litter Control and Prevention Regulations 2019.

**2. Form of Notice of opportunity to pay fixed penalty**

A notice under section 8 of the Litter Control and Prevention Act offering the opportunity of the discharge of any liability to conviction of an offence to which that section applies by payment of a fixed penalty (in these Regulations referred to as a “Notice”) shall be in the form set out in the Schedule or a form to the like effect and shall be completed in triplicate by the Litter Prevention Warden at the time he or she gives the Notice.

**3. Copy of Notice to be forwarded to the Clerk of the Magistrate**

A copy of a Notice given under section 7 shall as soon as practicable be forwarded by or on behalf of the Litter Prevention Warden giving the Notice to the Clerk of the Magistrate to whom the fixed penalty is payable. The remaining copy shall be retained in the Notice Book from which the notice was issued.

**4. Contents of a Notice**

A Notice shall provide that any payment of a fixed penalty shall be made to the Clerk of the Magistrate for the magisterial district in which the offence specified by the Notice is alleged to have been committed.

**5. Manner of paying fixed penalty**

(1) The person paying a fixed penalty shall either forward with the remittance of or tender of the penalty, Part 2 of the relevant notice or identify the notice by specifying its serial number.

(2) If, owing to the failure of the person paying a fixed penalty to comply with the provisions of paragraph (1), the Clerk of Magistrate is unable to identify the relevant notice, the Clerk of the Magistrate shall, as soon as practicable, return the remittance to that person and he shall do so in every case where-

- (a) payment is remitted otherwise than by cash, certified cheque, bankers draft or money order; or
- (b) the amount is not the exact amount of the fixed penalty.

(3) Where any payment is made in accordance with these Regulations, it shall be of the amount specified in the notice or where payment is made in respect of more than one notice of the total of the amounts specified in the notices.

(4) Any such amount or amounts shall be paid to the Clerk of the Magistrate specified in the relevant notice or notices.

## **6. Return of irregular payment**

Where any amount is paid otherwise than in accordance with these Regulation the Clerk of the Magistrate shall return it to the payer.

## **7. Attendance in the Magistrate's Court**

(1) The Person liable to pay the fixed penalty shall in default of payment attend the Magistrate's court of the district in which the offence was committed on the date and at the time specified in Part I of the Schedule, as a defendant in the matter to which the notice relates.

(2) The date of attendance in Magistrate's Court shall be twenty-one (21) days after the last day for payment of fixed penalty.

(3) if in any case the date for th attendance in the Magistrate's Court as prescribed by subregulations (1) and (2) fall on any day on which there is no sitting of the Magistrate's Court at the time and place so specified, the date for attendance thereat shall be the following day appointed for the sitting of the Magistrate's Court in the same place.

## **8. When Clerk of Magistrate not to accept penalty**

The Clerk of the Magistrate shall not accept payment of the fix penalty after the last day for payment of the fixed penalty.

## **9. Acknowledgement of receipt of fixed penalty**

Subject to the foregoing provisions of these Regulations, a clerk of the Magistrate shall, as soon as practicable after payment of a fixed penalty has been made to him, deliver to or cause to be sent to the payer a receipt for the payment.

## **10. Reward**

A Person who assists with or provides information leading to the detention, apprehension or conviction of any person who commits an offence under the Act is eligible for a reward of twenty-five percent (25%) of the fine, imposed on the offender.

**SCHEDULE**

**Regulation 2**

**Serial No.....**  
**(of Notice)**

**THE LITTER CONTROL AND PREVENTION ACT**

**(Section 8)**

**NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY**

**PART I**

**TAKE NOTICE** that I .....

Have reason to believe that on the ..... of

..... the offence, particulars of which are given

below, was being or had been committed.

.....  
Litter Prevention Warden

The fixed penalty for the offence is One Thousand Dollars (\$1000.00), in the case of an individual or Five Thousand Dollars (\$5000.00) in the case of a corporate body. If this amount is paid or remitted to the clerk of the Magistrate at the Magistrate’s Court at

*The Supplementary Appropriation Act, 2015*

.....  
.....  
.....

(insert address of clerk of Magistrate)

Within ten (10) days from the date of this notice no proceedings will be taken and liability to conviction of the offence will be discharged.

In paying the fixed penalty the following conditions shall be observed:

1) The fixed penalty shall be accompanied by this notice, and payment must be of the exact amount shown on the notice.

2) Where payment of the fixed penalty is made otherwise than in conformity with these Regulations, the clerk of the Magistrate shall as soon as practicable after payment return the amount paid to the sender, and proceedings in respect of the alleged offence shall continue.

3) Payment may be made by cash, certified cheque, bank draft or money order. If you fail to pay the fixed penalty before the end of ten (10) days from the above date you are hereby required to attend the Magistrate’s Court for District..... On the..... day of ..... 20..... at 9 o’clock in the forenoon at the under mentioned address as the defendant in the matter in respect of which this notice was issued.

.....  
.....  
(state name address of Court)

This notice was given  
at.....  
.....  
(state location)

on ..... day of ..... 20..... at .....  
a.m/p.m. on the..... day of.....  
you.....  
contrary to.....  
(state provision contravened – Section 17 (1) or 18 (1))

.....  
Litter Prevention Warden

**Part 2**

Serial No.....  
(of Notice)

To the clerk of Magistrate

.....  
(insert address)  
.....

I enclose the sum of One Thousand Dollars, in the case of an individual or Five Thousand dollars in the case of a body corporate as payment of the fixed penalty of the offence mentioned in part I of this Notice.

Name.....  
(in block capitals)

.....  
Signature of person served with Notice

Made by Minister this..... day of....., 20.....

.....  
Minister of Health