

MEMO FOR CABINET BY THE MINISTER OF HEALTH  
'ON THE NECESSITY OF MORE RIGOROUS PROVISIONS RELATING TO  
REFUSE AND LITTER.

National concern has been expressed at the increase in illegal dumping of refuse and rubbish and at the extent of litter defacing the streets and beaches. The events of the past few months, moreover, have accentuated the need for cooperation between the departments concerned and have underlined the limitations of the Litter Act and of the relevant provisions in the Code of Police Laws.

It is recommended that changes in the law be made which would impose stiffer penalties on commission of such abuses and that additional provisions be introduced to enlarge the scope of existing legislation. The Bills, herewith attached, are being proposed with this end in view and should be regarded as one single attempt at making these Islands tidier.

The matter is at present governed by the Code of Police Laws and by the Litter Act, 1963. However, the relative provisions of the Code of Police Laws (namely, sections 31 and 108) prohibit only the throwing of refuse or rubbish onto any debris and the keeping of the like material in any place. Consequently, the throwing of refuse or rubbish in any place other than onto debris is not prohibited by the said Code, nor is the dumping of material. As regards the provisions of the Litter Act, these deal with the throwing, etc., of refuse, rubbish, etc., in a public place - but there is nothing to prohibit such throwing, etc., in, say, a private field lining the road.

The new subsection (2) of section 108 of the said Code, as it appears on the attached draft Bill, is intended to prohibit the throwing or dumping of refuse or rubbish in any place whatsoever, as well as the dumping of any other material in any open space unless such space is covered by an "ad hoc" licence to be issued by the Commissioner of Police.

However, as the draft Bill stands, it is not proposed to grant any such licence unless the dumping forms part of or is ancillary to the business of the applicant, such as a scrap merchant or a car breaker.

It is considered necessary to repeal the Litter Act, 1963: those provisions which relate to the defacement by litter of any place in the open air are being retained in the new Bill though with some modifications. The relative draft Bill will make it unlawful for any person to sort over refuse deposited for collection or while being transported and to unlawfully remove or otherwise interfere with any receptacle for litter provided by Government or with any dustbin.

This draft Bill, moreover, contains an innovation for Malta in that it empowers the Minister of Health to enforce the use of standard dustbins - and he may, by order, apply such enforcement to the whole Island, or to sections thereof, and to certain types of premises (e.g. restaurants, trade premises, etc.).

It is proposed to constitute a Public Cleansing Advisory Committee to advise the Minister of Health on any matter relating to public cleansing. The purpose behind it is the co-ordination of the effort and know-how of the various Departments concerned in keeping Malta clean. It is suggested that this Committee be made up of the Superintendent of Public Health, as Chairman (in view of his intimate and inherent responsibility for public cleanliness generally) and, as members, of the Director of Public Works, the Commissioner of Police, the Chairman of the Malta Government Tourist Board, and such other persons as the Minister of Health will appoint. The above authorities may be substituted by their respective representative.

Occasion has been taken to increase the penalty to be inflicted to a minimum of £2 and, besides, to provide for the sequestration (on the demand of the prosecution) of the vehicle used in any contravention

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against the provisions of law relating to the throwing, dumping, collecting, etc. of any refuse, rubbish or any other material.

The Honourable Ministers are asked to agree to the proposed Bills which have already been vetted by the Crown Advocate General.

7th October, 1967.

A B I L L

entitled

AN ACT to make provision for the abatement of Litter.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the House of Representatives of Malta, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title. 1. This Act may be cited as the Litter Act, 1967

Interpretation 2. In this Act, unless the context otherwise requires -

"Malta" has the same meaning as is assigned to it in section 126 of the Constitution of Malta;

"Minister" means the Minister responsible for public health;

"place in the open air" includes any covered place open to the air on at least one side and available for public use.

Leaving of litter. 3. No person shall throw down, drop or otherwise deposit in, into or from any place in the open air to which the public are entitled or permitted to have access without payment, and leave, any thing whatsoever in such circumstances as to cause, contribute to, or tend to lead to, the defacement by litter of any place in the open air, unless such depositing and leaving was lawfully authorised.

Deposit of refuse for collection. 4. No person shall deposit and leave in any place in the open air any dustbin, used box, bottle, tin, carton or other container, or any paper, straw or other material used for packing for the purpose of its collection unless such depositing is made at a time reasonably approximate to, and before, the time at which refuse collection ordinarily occurs in such place.

Sorting of refuse. 5. It shall not be lawful for any person to sort any refuse deposited for collection at any place or while being transported after collection.

Unlawful  
removal of  
receptacle  
etc.

6. No person shall unlawfully remove or otherwise interfere with any receptacle for litter provided by the Government in any street or other public place or with any dustbin deposited for collection at any place.

Constitution  
of Public  
Cleansing  
Advisory  
Committee.

7. (1) There shall be a Public Cleansing Advisory Committee (hereinafter referred to as "the Committee"), which shall be composed of the Superintendent of Public Health, or his representative, as Chairman, and of the Director of Public Works, the Commissioner of Police and the Chairman of the Malta Government Tourist Board, or their respective representative, as members. The Minister may also appoint to sit on the Committee, under such terms and conditions as he may determine, such other persons as shall appear to him to be fit.

(2) It shall be the duty of the Committee to advise the Minister on any matter relating to public cleansing and on any other matter which may come within the scope of this Act.

Standard  
dustbin.

8. (1) The Minister may by order prohibit the depositing of any refuse in any place for collection unless in one or more covered dustbins of such material, size and construction as approved by the Superintendent of Public Health.

(2) Any such order may refer to the whole of Malta or to any one or more localities thereof, and it may be limited to certain categories of premises only.

(3) Any order made under this section may be followed by another order amending, deleting or substituting any previous order.

(4) If any such order is not complied with by any person, the Minister may, at the charge and expense of such person, provide him with the required number of approved dustbins, without prejudice to any criminal proceedings which may be taken.

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(5) Any such order shall not come into effect before one month after its publication.

Penalties

9. (1) If any person contravenes any of the provisions of this Act, other than Section 4, or contravenes any order made under section 8 hereof, he shall be guilty of an offence and shall be liable, on conviction, to a fine (ammenda) of not less than two pounds.

(2) If any person contravenes the provision of Section 4 of this Act, he shall be guilty of an offence and shall be liable, on conviction, to a fine (ammenda) of not less than one pound.

(3) If any vehicle has been used in the commission of an offence against the provisions of section 3 of this Act, the Court shall, at the demand of the prosecution and in addition to the punishment prescribed under subsection (1) of this section, order the sequestration of such vehicle for a period of not less than one week but not exceeding two months.

(4) When any person has been found guilty of an offence against the provisions of section 6 of this Act, the Court may, by the same judgment, and on proof of the damage suffered, order the offender to pay to the owner of the receptacle or dustbin in question, by way of damages, a sum not exceeding ten pounds, and any such order shall be of the same force and effect and be executed in the same manner as if it had been given in a civil action duly instituted between such owner and the offender.

Repeal  
and saving.

10. The Litter Act, 1963, is hereby repealed without prejudice to any proceedings taken or to be taken thereunder.

OBJECTS AND REASONS

The object of this Bill is to substitute the present law dealing with the abatement of litter by more rigorous provisions.

A B I L L  
entitled

AN ACT further to amend the Code of Police Laws,  
Cap. 13.

BE IT ENACTED by the Queen's most Excellent  
Majesty, by and with the advice and consent of the  
House of Representatives of Malta, in this present  
Parliament assembled, and by the authority of the  
same, as follows:-

Short title

1. This Act may be cited as the Code of Police  
Laws (Amendment) (No.2) Act, 1967, and shall be read  
and construed as one with the Code of Police Laws  
hereinafter referred to as "the principal law".

Amendment of  
Section 108  
of the  
principal  
law.

2. For subsection (2) of section 108 of the  
principal law there shall be substituted the following:-

"(2) (i) Subject to the provisions of this  
Code, no person may throw or dump in any place  
any refuse or rubbish or may keep or suffer to  
be kept in any place any accumulation of  
refuse or rubbish, or of dirty, polluted or  
stagnant water, or of sewage, dung or other foul  
matter:

Provided that the provisions of this paragraph  
shall not apply to any refuse thrown or dumped by any  
scavenger or collector of refuse in the employment  
of the Government, in the proper exercise of his  
duties, in any place provided for the purpose by  
the Superintendent of Public Health or kept in any  
such place.

(ii) No person may dump or keep or suffer  
to be dumped any other material in any open space unless  
such space is surrounded by a wall at least eight foot  
high and is covered by a licence issued by the  
Commissioner of Police who, in granting such licence, may  
impose any such conditions as he may deem fit:

Provided that no such licence shall  
be granted unless the dumping of such material forms  
part of or is ancillary to the business of the  
applicant."

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Amendment of section 314 of the principal law. 3. Section 314 of the principal law shall be amended as follows:-

- (a) for the words "Saving the provisions of sections 21 and 537 of the Criminal Code, and any special provision of this Code" in subsection (1) thereof there shall be substituted the words "Saving the provisions of sections 21 and 537 of the Criminal Code, the provision of the next following subsection, and any other special provision of this Code"; and
- (b) immediately after subsection (1) thereof there shall be added the following new subsection:-

"(1) When any person is found guilty of a contravention of any of the provisions of paragraph (a) of subsection (1) of section 31, section 32 or any regulations made thereunder, subsection (2) of section 108, section 176 or section 209 of this Code, he shall be liable to a fine (amenda) of not less than two pounds and, moreover, if any vehicle has been used in the commission of the offence, the Court shall, at the demand of the prosecution, order the sequestration of such vehicle for a period of not less than one week but not exceeding two months."

#### OBJECTS AND REASONS

The object of this Bill is to provide more rigorously against the unlawful collection, dumping or other disposal of refuse, rubbish or other material.