CHAPTER 206

LITTER ACT

To make provisions for the abatement of litter.

(27th February, 1968)*

ACT VIII of 1968, as amended by Acts: LIII of 1975, III of 1978, XIII of 1983 and XIX of 1984; and Legal Notice 411 of 2007.

Short title.

1. The short title of this Act is the Litter Act.

Interpretation.

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

"Malta" has the same meaning as is assigned to it by article 124 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, anything 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 authorized.

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 any dustbin deposited for collection at any place.

Constitution of Public Cleansing Advisory Committee. *Amended by: III. 1978.2.*

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 representative of the Minister of tourism, the Commissioner of Police or his representative and the Director of Public Works or his 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.

**See* Government Notice No. 161 of the 27th of February, 1968.

(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 article may be followed by another amending, deleting or substituting any previous order.

(4) Any such order shall come into effect after the expiry of one month from its publication or at such later date as the Minister may establish.

Penalties.
Amended by: LIII. 1975.2; XIII. 1983.5; XIX. 1984.2; L.N. 411 of 2007.

9. (1) If any person contravenes any of the provisions of this Act, other than article 4, or contravenes any order made under article 8 hereof, he shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than twenty-three euro and twenty-nine cents (23.29).

(1A) If in an offence to which subarticle (1) applies an offender dumps refuse, swill or litter of such size or in such quantity or accumulation as, taken by itself, is sufficient to lead to defacement of any place in the open air, he shall be liable, on conviction, to a fine (*multa*) of not less than one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37).

(2) If any person contravenes the provisions of article 4 of this Act, he shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than eleven euro and sixty-five cents (11.65).

(3) If any vehicle has been used in the commission of an offence against the provisions of article 3 of this Act, the court shall, at the demand of the prosecution and in addition to the punishment prescribed under subarticles (1) and (1A), order the sequestration of such vehicle for a term of not less than two months but not exceeding one year and the suspension for an equal term of any driving licence held by the offender, during which period the vehicle shall be at the risk of the owner:

Provided that where any person who has not participated in the offence, has a claim to such vehicle the sequestration shall only be ordered if the court is satisfied that no such claim is thereby prejudiced.

(3A) If the offender is not the owner of the vehicle mentioned in subarticle (3) but has acted under the instructions of such owner or where such owner had the power to prevent the commission of the offence does not do so, the owner shall be liable, on conviction, to

the punishment laid down in subarticles (1), (1A) and (3).

(3B) If the circumstances, in which any unlawfully dumped material is found, indicate the owner or other person responsible for such material immediately prior to its dumping, such owner or person shall be deemed to have deposited that material and shall be liable to the punishment laid down in subarticles (1), (1A) and (3), unless he proves that he did not know of the commission of the offence, or although he knew of it did not have the power to prevent it.

(4) When any person has been found guilty of an offence against the provisions of article 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 twenty-three euro and twenty-nine cents (23.29), 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.

Special procedure in certain cases. *Added by: III. 1978.3. Amended by: XIII. 1983.5; L.N. 411 of 2007.*

10. (1) Notwithstanding any other law providing for the trial and punishment of offences, where any person commits an offence against any of the provisions of this Act or of any order made thereunder, the following provisions of this article shall apply.

(2) Any Police officer and any Health Inspector in whose opinion any such offence has been committed may hand over to the offender a notice containing a general description of the offence.

(3) Where any notice has been handed over as is provided in subarticle (2), the person referred to in the said notice may pay at the Department of Health in Valletta or at Victoria, Gozo, within seven days, a fine of eleven euro and sixty-five cents (11.65) in respect of each offence referred to in each such notice.

(4) Where any fine imposed under subarticle (3) is not paid within the aforementioned period, ordinary proceedings in respect of the offence may be taken in accordance with the provisions of this Act and of the Criminal Code. Cap. 9.

(5) The payment of any such fine shall, for all intents and purposes of law, be deemed to be an admission of the commission of the offence.

Power to make regulations. *Added by: XIX. 1984.3. Amended by: L.N. 411 of 2007.*

10A. The Minister may make regulations for the better enforcement of the provisions of this Act, and without prejudice to the generality of this provision, may:

(*a*) prescribe areas where dumping of refuse or waste may lawfully be carried out;

(*b*) prescribe conditions or manner subject to which any aforesaid activities may be lawfully carried out;

(*c*) prescribe the manner in which locally produced swill may be collected and disposed;

(*d*) provide for any matter incidental or supplementary to any of the foregoing provisions;

(*e*) prescribe the penalties for any contravention against any regulations made under the provisions of this article, which penalties shall, unless a higher punishment is provided therefor in this Act, not exceed a fine (*multa*) of two hundred and thirty-two euro and ninety-four cents (232.94) for each offence.

Power of court to order removal of litter.
Added by: XIX. 1984.4.

10B. Where the offence relates to dumping, the court shall in addition to any penalty which may be imposed in accordance with this Act, also order the offender to remove from the place where the offence has taken place all the material, in respect of which he is found guilty, within a time sufficient for the purpose, to be fixed by the court, and that in default of compliance with that order such material be removed by the Police at the expense of the offender, in which case he may be made to refund the expense as a civil debt.