

L.C.B.L. 27/1/94

**LOCAL COUNCILS ACT, 1993
(ACT NO. XV OF 1993)**

Skips (Hamrun Local Council) Bye-Laws, 1994

IN exercise of the powers conferred by section 34 of the Local Councils Act, 1993, and in conformity with the provisions of subsection (8) of section 35 of this Act, the Hamrun Local Council has made the following Bye-Laws:—

Citation and
commencement.

1.1 These Bye-Laws may be cited as the Skips (Hamrun Local Council) Bye-Laws, 1994.

1.2 These Bye-Laws shall come into force one month after their publication in the Gazette.

Definitions.

2. In these Bye-Laws, unless the context otherwise requires:—

“Council” means the Hamrun Local Council;

“domestic refuse” means household waste from private dwellings including flats or residential homes, but does not include waste or refuse of a commercial or industrial nature;

“skip” means any skip supplied by or under the authority of the Council and placed in a public place within the Hamrun locality boundary, and includes skips intended to be used by the public for the deposit of domestic refuse.

Placement
of skips.

3.1. No person, other than the Council, shall have power to place any skip in any public place within the Hamrun locality boundary.

3.2 The Council may however authorise in writing any person to place a skip during such times and at such places and under such other terms and conditions as may be stipulated in the written authority annexed in the Schedule to these Bye-Laws.

3.3 There shall be payable on application to the Council by the person granted an authority under this section a fee of 40 cents per day for every skip.

3.4 Any person who contravenes any provision of this article, or who fails to comply with any of the conditions stipulated in the written authority, shall be guilty of a contravention.

Misuse
of skips.

4. No person shall:—

4.1 cause any damage to any skip or obliterate any markings printed on or affixed to any skip; or

4.2 after using the skip, leave its lid open; or

4.3 use the skip for any purpose other than that it is intended for; or

4.4 when the skip is full, deposit any refuse in a manner that the lid of the skip will not close properly; or

4.5 when depositing such refuse, spill any refuse outside the skip; or

4.6 throw or deposit any refuse near the skip; or

4.7 deposit in the skip any refuse, object or substance which is not of a domestic nature; or

4.8 deposit in the skip any bulky article, or liquid, or any refuse, object or substance which the skip is not intended to receive; or

4.9 remove the skip from where it is placed; or

4.10 after the 1 January, 1996, deposit in a skip any refuse which is not contained in a closed bag, of a type and material approved by the Council.

5.1 Any person who contravenes or fails to comply with any of the provisions of section 4 hereof shall be deemed to have committed a contravention and shall, on conviction, be liable, unless a higher penalty is applicable under any other law:

Offences and penalties.

5.1.1 for a first offence to a fine (*ammenda*) of twenty Maltese liri; and

5.1.2 for a second or subsequent offence to a fine (*ammenda*) of thirty Maltese liri.

5.2 In the case of a contravention under section 3 of these Bye-Laws, a person shall be liable, on conviction, to a fine (*ammenda*) of thirty Maltese liri, and in the case of a continuing offence, to a further fine (*ammenda*) of five Maltese liri for each day during which the offence continues.

5.3 The imposition of a penalty under this section shall be without prejudice to the right of the Council to recover any civil damages caused by the commission of the contravention under these Bye-Laws.

6. The Council may terminate the authority given in terms of these Bye-Laws if it is satisfied that any of the terms and conditions under which the said authority was given has not been complied with or if there is a substantial change in circumstances which in the opinion of the Council render it necessary to withdraw the authority.

SCHEDULE

(Section 3.2)

HAMRUN LOCAL COUNCIL

IN exercise of the powers conferred by section 3 of the Skips (Hamrun Local Council) Bye-Laws, 1994, the Hamrun Local Council is hereby authorising

of _____
to place _____ skip/s within the Hamrun locality boundary under the following terms and conditions:—

1. The skip shall be of a size, type and colour to be approved in writing by the Council.
2. No markings shall be printed or affixed to the skip unless authorised by the Council in writing.
3. There shall be printed or affixed to the skip such markings as may be indicated by the Council in writing.
4. The skip/s shall be placed on the site/s indicated by the Council on the attached site plan provided by the same Council.
5. The authorised person shall cause the skip to be emptied every _____ or when it is full, whichever is the earlier.
6. The Skips (Hamrun Local Council) Bye-Laws, 1994 shall apply with respect to all skips within the Hamrun locality.
7. The authorised person shall take out an adequate insurance policy, acceptable to the Council, against third party liability and to indemnify the Council against any claims, arising out of, or in relation to, the placement of any such skip.
8. Subject to earlier termination for non-compliance of the above terms or conditions this authority shall be valid for a period of _____ commencing on _____.
9. This authority is subject to the payment of a fee of Lm _____.

Mayor

Secretary