

I assent.

(L.S.)

AGATHA BARBARA  
President

26th October, 1984

## ACT No. XIX of 1984

*AN ACT further to amend the Litter Act, 1968.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Litter (Amendment) Act, 1984 and shall be read and construed as one with the Litter Act, 1968 hereinafter referred to as the "principal Act". Short title.

2. Section 9 of the principal Act shall be amended as follows: Amendment of section 9 of the principal Act.  
(a) immediately after subsection (1) thereof there shall be inserted the following new subsection:

"(1A) If in an offence to which subsection (1) of this section 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 five hundred Maltese liri but not exceeding one thousand Maltese liri."

(b) for subsection (3) thereof there shall be substituted the following:

"(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 subsections (1) and (1A) of this section, 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.”;

(c) immediately after subsection (3) thereof there shall be inserted the following new subsections:

“(3A) If the offender is not the owner of the vehicle mentioned in subsection (3) of this section 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 subsections (1), (1A) and (3) of this section.

(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 subsections (1), (1A) and (3) of this section, 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.”.

Addition of new section 9B to the principal Act.

3. Immediately after section 9A of the principal Act there shall be added the following new section:

“Power to make regulations.

9B. 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 section, which penalties shall, unless a higher punishment is provided therefor in this Act, not exceed a fine (*multa*) of one hundred Maltese liri for each offence.”.

Addition of new section 9C to the principal Act.

4. Immediately after section 9B of the principal Act there shall be added the following new section 9C:

“Power of Court to order removal of litter.

9C. 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.”.

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Passed by the House of Representatives at Sitting No. 199 of the 24th October, 1984.

DANIEL MICALLEF  
*Speaker*

C. MIFSUD  
*Clerk to the House of Representatives*