



REPUBLIC OF NAURU

## Litter Prohibition Act 1983

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**As in force from 20 August 2014**

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This consolidation comprises Act No. 6 of 1983 as amended and in force from 20 August 2014 (being, at the time the consolidation was prepared on 26 September 2014, the date of commencement of the most recent amendment).

The notes section at the end of the consolidation includes a reference to the law by which each amendment was made. The Table of Amendments in the notes section sets out the legislative history of individual provisions.

The operation of amendments that have been incorporated in the text of the consolidation may be affected by application provisions that are set out in the notes section at the end of the consolidation

This consolidation is prepared and published in a legislation database by the Department of Justice and Border Control under the *Legislation Publication Act 2011*.

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REPUBLIC OF NAURU

**Litter Prohibition Act 1983**

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**Act No. 6 of 1983**

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An Act to make provision for the abatement of litter

*Certified on 14 October 1983*

Be it enacted by the Parliament of Nauru as follows:

**1 Short title**

This Act may be cited as the *Litter Prohibition Act 1983*.

**1A Definitions**

**'business premises'** means the building at which the business operates out of and includes, the inside of the building and the area in front and surrounding the building and within a 10 metre circumference as long as it is not encroaching on another property.

**2 Prohibition of litter**

Subject to section 7, any person who throws down, drops or otherwise deposits in, into or from any place in the open air anything whatsoever in such circumstances as to cause, contribute to, or tend to lead to, the defacement by litter, refuse or rubbish of any kind whatsoever of any place in the open air, unless that depositing and leaving was authorised by law or was authorised by the Minister under section 6 is guilty of an offence and is liable to a fine of three hundred dollars; and for the purposes of this section any covered place open to the air on at least one side shall be treated as being a place in the open air.

- 2A** (1) Every person who has a registered business, must ensure that the business premises is free of any litter, refuse or rubbish of any kind whatsoever.
- (2) All rubbish shall be disposed of at the rubbish dump and no person who has a registered business shall dispose of rubbish by burning.

- (3) A person found to be in contravention of this section is guilty of an offence and is liable to a fine of one thousand dollars.

**3 Liability of the driver of a vehicle**

- (1) Where any offence under section 2 is committed by a person while he is in a motor vehicle, the driver of such vehicle shall, notwithstanding anything contained in any other law for the time being in force, be deemed to have connived in, or abetted, the commission of such offence and be liable to a fine of three hundred dollars:

Provided that where such motor vehicle is a public transport vehicle adopted to carry ten or more passengers and carries a conductor, this subsection shall have effect as if for the word 'driver' the word 'conductor' was substituted therein.

- (2) For the purpose of this section, the expression '*motor vehicle*' shall have the meaning assigned to it in the *Motor Traffic Act 1937-73*.

**4 Private persons to report the offence to the police**

Any person in whose presence an offence under section 2 has been committed, unless he has a reason to believe and does believe that the commission of the offence was witnessed by a police officer or has already been reported to the police by some other person, shall, without unnecessary delay report the commission of such offence to the police, and if he fails to report to the police as aforesaid, he shall be liable to a fine of three hundred dollars.

**5 Parental responsibility for conduct of child**

A parent of a child commits an offence if:

- (a) the child engages in conduct that would constitute an offence against this Act if the child were capable of being criminally responsible for the conduct; and
- (b) the child is not capable of being criminally responsible for the conduct; and
- (c) the child engages in the conduct in the presence of the parent; and
- (d) the parent does not take action to remedy the result of the child's conduct.

Maximum penalty: \$300.

**6 Authorisation of depositing of certain things**

The Minister may, by notice in the Gazette, authorise the depositing and leaving of any thing in any place by or with the consent of the occupier or other person or authority having the

control of that place if in all the circumstances the depositing of that thing in that place is a reasonable user of that place or a necessary or unavoidable concomitant of a reasonable user of that place.

## **7 Dustbin, rubbish bins and their contents**

It is not an offence against the provisions of section 2 for the occupier or any other person or authority having control of any place, or for the Republic or the Council<sup>1</sup>, to deposit and leave on any land:

- (a) in the case of residential, commercial or industrial premises, such number of properly serviceable dustbins with tight-fitting lids as are reasonably required for the deposit of refuse from those premises;
- (b) in any place to which the public has access, properly serviceable rubbish bins; or
- (c) any thing in such a dustbin or rubbish bin.

## **8 Powers of district constables**

For the purpose of this Act, the references in section 18 of the *Criminal Procedure Act 1972* to a police officer shall be deemed to include reference to a district constable; and the provisions of sections 11, 14, 15 and 19 of that Act shall apply to any arrest made by a district constable in exercise of the authority conferred on him by this Section as though he were a police officer.

## **9 Repeal and savings**

- (1) Section 15 of the *Public Health Ordinance 1967* is hereby repealed.
- (2) Notwithstanding any such repeal, any legal proceedings instituted for an offence under the said section 15 before the commencement of this Act shall be continued and decided as if this Act had not come into force.

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<sup>1</sup> From its commencement on 21 February 1972 until the commencement of the *Nauru Local Government Council Dissolution Consequential Amendments Act 1997* (Act No. 5 of 1997) on 13 June 1997, the *Interpretation Act 1971* provided in section 2(1), among other things, that '**Council**' means the Nauru Local Government Council'. This definition was deleted by Act No. 5 of 1997.

Section 2(7) of the *Interpretation Act 1971* (inserted by Act No. 4 of 1996) provides:

'Subject to the *Nauru Island Council Act 1992*, a reference to the Nauru Local Government Council established under the *Nauru Local Government Council Ordinance 1951-1967*, the Head Chief, the Deputy Head Chief, a Councillor of the Nauru Local Government Council in any written law, including the principal Act, means a reference to the Republic, the Cabinet, the Chairman of the Cabinet, or a Cabinet Minister as the case may be.'

## Notes for Litter Prohibition Act 1983

### Table of Constituent Legislation

#### Acts

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Short title	Number	Certification	Commencement
<i>Litter Prohibition Act 1983</i>	1983/06	14.10.1983	14.10.1983
<i>Interpretation (Consequential Amendments) Act 2011</i>	2011/18	03.11.2011	03.11.2011
<i>Litter Prohibition (Amendment) Act 2014</i>	2014/11	20.08.2014	20.08.2014

#### Table of Amendments

ad. = added or inserted      am. = amended      rep. = repealed      rs. = repealed and substituted

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Provision Affected	How Affected
Section 1A	Ad. by Act 2014/11
Section 2A	Ad. by Act 2014/11
Section 5	Rs. by Act 2011/18