

**ORDINANCE**  
**OF THE STATES OF ALDERNEY**

ENTITLED

**The Alderney Refuse Disposal (Alderney) Ordinance, 1981**

\*

*[CONSOLIDATED TEXT]*

**NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from the Greffier, The Court of Alderney, Queen Elizabeth II Street, Alderney, GY9 3TB.*

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\* Alderney Ordinance No. IV of 1981; as amended by the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997).

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ARRANGEMENT OF SECTIONS

1. Abatement of litter.
2. Wrongful use of litter bins, etc.
3. Dumping of refuse.
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(Made on the 4th July, 1981.)

## **The Alderney Refuse Disposal (Alderney) Ordinance, 1981**

**THE STATES**, in pursuance of their Resolution of the fourth day of July, nineteen hundred and seventy-nine, hereby order: –

### **Abatement of litter.**

1. (1) If any person throws down, knowingly drops or otherwise deposits in, into or from any public place in the open air, and leaves, 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, then, unless that depositing and leaving was authorised by law or was done with the consent of the occupier or other person or authority having the control of the place in or into which that thing was deposited, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 2 on the uniform scale].

(2) For the purposes of this section, any covered place open to the air on at least one side and available for public use shall be treated as being a place in the open air.

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### **NOTE**

*In section 1, the words and figure in square brackets in subsection (1) were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.*

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### **Wrongful use of litter bins, etc.**

2. (1) A person shall not place or leave with intent to abandon any household or trade refuse in a bin, basket or other receptacle provided in any public

place by or with the approval of the Committee.

(2) A person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 2 on the uniform scale].

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**NOTE**

*In section 2, the words and figure in square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.*

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**Dumping of refuse.**

3. (1) A person shall not place or leave with intent to abandon any refuse or any thing which by being abandoned may become refuse –

- (a) in any public place unless such refuse or thing is and may lawfully be placed in a bin, basket or other receptacle provided by or with the approval of the Committee,
- (b) in any other place of which he is not the occupier unless that place is not visible from a public place and such refuse or thing is, with the consent of the occupier of that place, placed or left in a suitable container or place intended for the receipt of refuse.

(2) An occupier of any land shall not permit any person to place or leave with intent to abandon any refuse or any thing which by being abandoned may become refuse in any place on that land which is visible from a public place

unless such refuse or thing is placed or left in a suitable container or place intended for the receipt of refuse.

(3) A person who contravenes the foregoing provisions of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 2 on the uniform scale] or to imprisonment for a term not exceeding two months or to both such fine and such imprisonment.

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**NOTE**

*In section 3, the words and figure in square brackets in subsection (3) were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.*

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**Offer of refuse for collection in suitable containers.**

4. (1) A person who offers refuse for collection under any arrangements made by or on behalf of the States shall –

- (a) so offer the same in a dustbin or other container in good order and condition,
- (b) ensure, so far as is reasonably practicable, that while such refuse is awaiting collection the dustbin or other container is properly covered or closed in such manner as the Committee may from time to time by order prescribe.

(2) For the purposes of paragraph (a) of subsection (1) of this section –

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- (a) a dustbin in which refuse is offered for collection –
  - (i) shall be made of metal or plastic or of both metal and plastic, and
  - (ii) shall be of a capacity not exceeding three and one quarter cubic feet, and
  - (iii) shall, at all times while such refuse is awaiting collection, be covered by a properly fitting lid or cover,
  
- (b) any other container in which refuse is offered for collection –
  - (i) shall be in the form of a sack specially designed for the purpose of the collection of refuse and made of two ply wet strength paper, sewn at the bottom and glued at the seams with high wet strength adhesive, and
  - (ii) shall be of a capacity not exceeding four and one half cubic feet, and
  - (iii) shall, at all times while such refuse is awaiting collection, be stapled, tied or otherwise securely fastened at the neck.

(3) A person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not

exceeding [level 1 on the uniform scale].

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**NOTE**

*In section 4, the words and figure in square brackets in subsection (3) were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.*

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**Accessories and abettors.**

5. A person who knowingly and wilfully aids, abets, counsels, procures or commands the commission of an offence punishable under this Ordinance shall be liable to be dealt with, charged, tried and punished as a principal offender.

**Interpretation.**

6. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"**the Committee**" means the States [General Services Committee],

"**occupier**" in relation to any land means the person who, not being the owner of that land, is in or is entitled to actual possession of the land or, if there be no such person, the owner of the land; and the expression "**occupied**" shall be construed accordingly,

"**owner**" in relation to any land means –

- (a) the beneficial owner, if that land is not held in trust,
- or

- (b) the trustees, if that land is held in trust,

"public places" includes any place to which the public are entitled or permitted to have access without payment and any place in the ownership or possession of the States of Alderney.

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**NOTES**

*In section 6, the words in square brackets in the definition of the expression "the Committee" were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 19, with effect from 2nd April, 1997.*

*The functions of the Public Works Committee under this Ordinance were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 19, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.*

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**Repeal.**

7. The Anti-Dumping and Litter Ordinance, 1949<sup>a</sup>, is hereby repealed.

**Citation and Commencement.**

8. (1) This Ordinance may be cited as the Alderney Refuse Disposal (Alderney) Ordinance, 1981.

(2) This Ordinance shall come into force on the 4<sup>th</sup> day of July, nineteen hundred and eighty-one.

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<sup>a</sup> No. 5 of 1949.