

Island of Guernsey

Ordinance of the States **III**

Made 11th March, 1959.
Coming into Operation .. 16th March, 1959.

1959

The Refuse Disposal Ordinance, 1959

THE STATES, in pursuance of their Resolution of the twenty-ninth day of May, nineteen hundred and fifty-seven, hereby order:—

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

Interpreta-
tion.

“the Board” means the States Board of Administration;

“the Committee” means the States Public Thoroughfares Committee;

“the Douzaine” means the Douzaine of any parish;

“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 place” means any place to which the public are entitled or permitted to have access without payment;

“refuse dump” means a dump consisting of any organic matter (whether waste or dead animal), rubble, old metal, glass, china, earthenware, tin, cartons, paper or other rubbish.

Abatement
of litter.

2. (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 be liable on conviction to a fine not exceeding ten pounds.

(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.

Wrongful
use of litter
bins, etc.

3. (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 Board, the Committee or the Douzaine for the deposit therein of litter.

(2) A person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and be liable on conviction to a fine not exceeding ten pounds.

Dumping of
refuse.

4. (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 Board, the Committee or the Douzaine for the deposit therein of any litter;
- (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 be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

5. (1) A person shall not without written permission in that behalf of the Constables of the parish in which any quarry is situated throw, drop or otherwise deposit into or in that quarry or the precincts thereof any refuse or any thing which by being abandoned may become refuse.

Dumping of
refuse in
quarries.

(2) A person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a term

not exceeding six months or to both such fine and such imprisonment.

Collection of refuse.

6. (1) A person who offers refuse for collection under any arrangements made by or on behalf of the States or the Douzaine shall so offer the same in a dust-bin or other suitable metal container and shall ensure so far as is reasonable that while such refuse is awaiting collection the dust-bin or container is at all times covered with a properly fitting lid or cover.

(2) A person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and be liable to a fine not exceeding five pounds.

Power of Board to order destruction, removal, covering or screening of refuse dumps.

7. (1) Where a refuse dump on any land is visible from a public place, and the Board is of opinion that the refuse dump is unsightly, the Board may, by order signed by the President of the Board, require the occupier of that land to destroy, remove, cover or screen the dump within the thirty days next following the day of the making of the order and subject to such conditions if any as may be specified in the order.

(2) The power conferred by subsection (1) of this section to make any order shall be construed as including a power exercisable in the like manner to vary or revoke the order.

(3) The President of the Board shall, as soon as may be after the making of an order under the foregoing provisions of this section, serve the order on the occupier of the land to which the order relates.

Service of orders.

8. (1) An order required by subsection (3) of the last preceding section to be served on the occupier of any land may be served—

(a) on any person by delivering it to him, by leaving it or by sending it in a prepaid

registered letter addressed to him at his usual or last known place of abode;

- (b) on any body corporate by leaving it at or by sending it in a prepaid registered letter to its registered office if situated in the Island or if it is not so situated its principal or last known principal place of business in the Island.

(2) Where two or more persons are the occupiers of any land to which an order under section seven of this Ordinance relates, service of that order on one of those persons in accordance with the foregoing provisions of this section shall, for the purposes of this Ordinance, be deemed to be service on all of those persons.

(3) Where the occupier of any land to which an order under section seven of this Ordinance relates is an infant or a person under guardianship, the order shall be served on the guardian of that infant or person, as the case may be, and in any case where there is no guardian the Board may apply to the Royal Court, sitting as an Ordinary Court, for the appointment of a guardian to act as such under and for the purposes of this Ordinance.

9. The occupier of any land to which an order made under section seven of this Ordinance relates shall have a right of appeal to the Royal Court against the making of such order or any condition specified therein or against both such order and any condition specified therein.

Appeals
against
orders made
by the
Board.

10. If an appeal under the last preceding section is not made during the thirty days next following the day of the serving of the order or if such an appeal, having been made, is dismissed by the Royal Court and the occupier of the land to which the order relates does not comply with the provisions of the order the

Power of
Board where
appeal is not
entered or is
dismissed.

Board may enter on the land and destroy, remove, cover or screen the refuse dump.

Cost of
destroying,
removing,
covering or
screening
refuse dump.

11. Where in relation to any order made under section seven of this Ordinance monies have been disbursed by the Board for the purpose of meeting the cost of, and incidental to, destroying, removing, covering or screening a refuse dump the Board may at any time thereafter recover from the occupier of the land to which the order relates as a simple contract debt the amount so disbursed or the sum of ten pounds, whichever is the less.

States' refuse
tips.

12. (1) A person shall not enter any place occupied by the Board and for the time being used by the Board as a place where refuse may be deposited by the public—

- (a) except on such days and during such hours as may from time to time be prescribed by the Board for the deposit of refuse at that place; and
- (b) for the purpose of depositing refuse at that place;

unless he is authorised so to do by the Board or by any person acting on behalf of the Board.

(2) The Board shall cause a legible notice to be posted and maintained in a conspicuous position at any place to which subsection (1) of this section applies setting out in such manner as the Board shall deem proper—

- (a) the days on which and the hours during which refuse may for the time being be deposited at that place; and
- (b) the penalty which may be incurred by a person who contravenes the provisions of subsection (1) of this section.

(3) A person who contravenes the provisions of subsection (1) of this section shall be guilty of an

offence and be liable on conviction to a fine not exceeding ten pounds.

13. (1) Any person duly authorised in writing by the President of the Board may at any reasonable time enter on any land for the purpose of survey and examination where it appears to the President that the survey or examination is necessary in order to determine whether any powers under this Law should be exercised in respect of that land.

Power of entry on land.

(2) Any person authorised under this section to enter on any land shall, if so required, produce evidence of his authority before so entering and shall not demand admittance as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

(3) Any person who wilfully obstructs any person authorised to enter on land in pursuance of this Ordinance in the performance of anything which such person is by this Ordinance authorised to do shall be guilty of an offence and be liable on conviction to a fine not exceeding ten pounds.

14. 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.

Accessories and abettors.

15. The Ordinances set out in the first column of the Schedule to this Ordinance are hereby repealed to the extent specified in the second column of that Schedule.

Repeals.

16. (1) This Ordinance may be cited as the Refuse Disposal Ordinance, 1959.

Citation and commencement.

(2) This Ordinance shall come into force on the sixteenth day of March, nineteen hundred and fifty-nine.

SCHEDULE

Section sixteen

Ordinances repealed

<i>Ordinance</i>	<i>Extent of repeal</i>
The Ordinance entitled "Ordonnance Générale relative aux Routes, Rues et Chemins" of the twentieth day of January, eighteen hundred and forty.	Article fifty-eight.
The Ordinance entitled "Ordonnance Supplémentaire relative aux Routes, Rues et Chemins" of the thirteenth day of April, eighteen hundred and sixty-three.	Article two.
The Ordinance entitled "Ordonnance relative à l'exploitation des carrières à l'usage commun des habitants de la paroisse de Saint Martin" of the twenty-first day of January, eighteen hundred and ninety-five.	Article seven.
The Ordinance entitled "Ordonnance relative aux Carrières Réservées pour l'Usage Commun des Habitants de la Paroisse de la Forêt" of the sixteenth day of January, eighteen hundred and ninety-nine.	In Article five, the words "Il est défendu de déposer aucun déblai provenant des carrières sur aucun terrain dans les alentours appartenant à la paroisse sans la permission des Douzeniers préposés à cet effet par la Douzaine, mais".
The Ordinance entitled "Ordonnance relative au Dépôt d'Immondices dans les Carrières" of the sixth day of December, nineteen hundred and twenty-four.	The whole Ordinance.
The Ordinance entitled "Ordonnance par rapport à la Salubrité Publique" of the thirtieth day of November, nineteen hundred and thirty-five.	The whole Ordinance.
The Refuse Disposal Ordinance, 1950.	The whole Ordinance.

R. H. VIDELO,

Her Majesty's Greffier.