

# ORDINANCE OF THE CHIEF PLEAS OF SARK

ENTITLED

## **The Refuse and Litter (Sark) Ordinance, 1983** \*

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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, La Chasse Murette, Sark, GY10 1SF.*

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\* No. 70; as amended by the Uniform Scale of Fines (Sark) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 320); the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017 (Sark Ordinance No. I of 2017).

# ORDINANCE OF THE CHIEF PLEAS OF SARK

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## **The Refuse and Litter (Sark) Ordinance, 1983**

### ARRANGEMENT OF SECTIONS

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*(Approved by Chief Pleas on 19th January, 1983.)*

## **The Refuse and Litter (Sark) Ordinance, 1983**

**THE CHIEF PLEAS OF SARK**, in exercise of the powers conferred upon them by subsection (1) of section eight of the Reform (Sark) Law, 1951<sup>a</sup>, and of all other powers enabling them in that behalf, and in pursuance of their Resolution of the thirtieth day of September, nineteen hundred and eighty-one, hereby order: –

### **Dumping of refuse in a public place.**

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

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<sup>a</sup> Ordres en Conseil Vol. XV, p. 215.

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**NOTE**

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

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**Dumping of refuse on beaches etc.**

2. (1) Without prejudice to the provisions of the last preceding section a person shall not without the written permission in that behalf of the Committee throw, drop, place, leave or otherwise deposit with intent to abandon any refuse on, in, into or from any beach, coast, cliff, bay, harbour, foreshore, islet and rock of this Island or on, in, into or from any land or the sea adjacent thereto or within the precincts thereof.

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

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**NOTE**

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

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**Abatement of litter.**

3. (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 1 on the Sark uniform scale].

(2) For the purpose 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 3, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Sark) Law, 1989, section 2(2), with effect from 1st November, 1989.*

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**Wrongful use of litter bins etc.**

4. (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 for the deposit therein of litter.

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

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**NOTE**

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

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**Interpretation.**

5. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"the Committee"** means the [Sark Douzaine],

**"this Island"** means the Island of Sark,

**"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,

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

- (a) where the land is the subject of saisie proceedings which have resulted in the making of an interim vesting order, the person in whose favour such order has been made,
- (b) where the land is not the subject of saisie proceedings but are the subject of a vested right of usufruct, the usufructuary,
- (c) where the land is not the subject of such saisie proceedings or of such right of usufruct –
  - (i) the beneficial owner, if that land is not held in trust, or
  - (ii) the trustees, if that land is held in trust,

**"public place"** means any place in this Island to which the public are entitled or permitted to have access without payment and includes any place in the ownership or possession of the Chief Pleas,

**"refuse"** includes any organic matter (whether waste or dead animal), rubble, old metal, glass, china, earthenware, tin, cartons, paper or other rubbish whatsoever.

(2) Any reference in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.

(3) The Interpretation (Guernsey) Law, 1948<sup>b</sup>, shall apply to the interpretation of this Ordinance as it applies to the interpretation of a Guernsey enactment.

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<sup>b</sup> Ordres en Conseil Vol. XIII, p. 355.

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**NOTES**

*In section 5, the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 7(d), Schedule 2, Part 1, paragraph 3, with effect from 14th January, 2017.*

*The functions, rights and liabilities of the Public Health Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Douzaine and its Chairman by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 1, Schedule 1, paragraph 7(d), Schedule 2, Part 1, paragraph 3, with effect from 14th January, 2017, subject to the savings and transitional provisions in section 3 of the 2017 Ordinance.*

*In accordance with the provisions of the Police Force (Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.*

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**Citation.**

6. This Ordinance may be cited as the Refuse and Litter (Sark) Ordinance, 1983.

**Commencement.**

7. This Ordinance shall come into force on the first day of April, nineteen hundred and eighty-three.