



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

226A

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No. 74A

No. 89A

THE NATIONAL SOLID WASTE MANAGEMENT ACT

THE NATIONAL SOLID WASTE MANAGEMENT (PUBLIC CLEANLINESS) REGULATIONS, 2003

In exercise of the power conferred upon the Minister under section 53 of the National Solid Waste Management Act, 2001 and of every other power hereunto enabling, the following Regulations are hereby made:—

1. These Regulations may be cited as the National Solid Waste Management (Public Cleanliness) Regulations, 2003.

2. A notice offering the discharge of any liability to conviction of an offence to which section 53(2) of the Act applies by payment of a fixed penalty (hereinafter referred to as a "fixed penalty notice") shall be in the form set out as Form 1 in the First Schedule.

Form 1
First
Schedule

3.—(1) An authorized officer may, pursuant to section 53 of the Act, require any person served with a fixed penalty notice to state his name and address and produce proof of identity for inspection.

(2) A person who fails to comply with a requirement made under paragraph (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars.

(3) An authorized officer may arrest a person who, without reasonable excuse, fails to comply with a requirement made under paragraph (1) and forthwith take the person before a police officer or to the nearest police station.

(4) Where a fixed penalty notice is served on any person, the Authority may, at any time before the commencement of proceedings against that person in respect of the offence specified in the notice and, whether or not an order has been applied for but before such order has been made, withdraw the notice.

4. A certificate under section 53(5) that payment of a fixed penalty was or was not made to the Authority or to a body designated under subsection 53 (4) of the Act by a date specified in the certificate shall be in the form set out as Form 2 in the First Schedule.

5. There shall be payable in respect of the offence specified in column 1 of the Second Schedule the fixed penalty specified in relation thereto in column 2 of the Second Schedule.

Form 2
First
Schedule

Second
Schedule

FIRST SCHEDULE (Regulations 2, 4 and 5)

Form 1

JAMAICA

NATIONAL SOLID WASTE MANAGEMENT AUTHORITY

FIXED PENALTY NOTICE

(under section 53 (2))

FRONT OF FORM

Serial No. of Notice: _____

Take notice that I have cause to believe that on the _____ day
of _____, 200__ at *(enter location)* at or about *(enter time)* you:

Surname (Last)

First

Middle

Street Address: _____

Parish _____

committed one or more of the following offences contrary to the provisions of the National Solid Waste Management Act, 2001, for which I allege that you are liable, namely:—

Alleged offence
(Please tick)

- | <i>Section</i> | <i>Offence</i> |
|-----------------------------------|--|
| <input type="checkbox"/> 46(1)(a) | Throwing, dropping or otherwise depositing and leaving any litter in any public place. |
| <input type="checkbox"/> 46(1)(b) | Erecting, displaying (whether by writing, marking or otherwise), depositing or affixing anything in a public place or on any building, wall, fence or structure abutting or adjoining a public place, in such circumstance as to cause, contribute to or tend to the defacement of that place, building, wall, fence or structure, as the case may be. |
| <input type="checkbox"/> 46(2) | On behalf of some other person employing or recruiting you for the purpose, erecting, displaying (whether by writing, marking or otherwise), depositing or affixing anything in a public place or on any building, wall, fence or structure |

abutting or adjoining a public place, in such circumstance as to cause, contribute to or tend to the defacement of that place, building, wall, fence or structure, as the case may be.

47 Throwing, dropping, or otherwise depositing or leaving any litter in any premises owned or occupied by another person without the consent of that person.

48 Wilfully breaking any bottle or any glass or any article made of glass in or on any public place without lawful authority or reasonable excuse the details of which are set out as follows—

Particulars of offence(s): _____

Date of offence(s): _____

Place of offence(s): _____

Brief description of the act(s) which constitute the offence(s): _____

However, if before the _____ day of _____, 200__ (insert date being a date before the expiration of twenty-one days) you pay the fixed penalty of _____ at [Authority] [collectorate] [court] proceedings will not be taken for the offence and you shall not be liable to conviction of the offence. Payments should be made in accordance with the instructions overleaf.

You may notify the Authority in writing that you wish to dispute liability for the offence(s) within 14 days of the date of service of this notice.

If you do not pay the fixed penalty or if you notify the Authority that you wish to dispute liability in accordance with this Notice, an application will be made to the Resident Magistrate for an order that you pay the fixed penalty and additional sum of _____ by way of costs.

Dated this _____ day of _____, 20__.

Signature of authorized officer.

BACK OF FORM

How to pay fixed penalty:

Payment may be made in cash at the [Authority] [collectorate] [court].

To: [full name and address]

I enclose the sum of \$ _____ as payment of the fixed penalty for the offence mentioned in this Notice.

Surname (Last)

First

Middle

Street Address

Parish

Form 2

JAMAICA

NATIONAL SOLID WASTE MANAGEMENT AUTHORITY

FIXED PENALTY CERTIFICATE

(under section 53 (5))

Serial No. of Fixed Penalty Notice: _____

I hereby certify that payment of the fixed penalty of _____
was made/not made to the [Authority] [collectorate] [court] by the _____
day of _____, 20__.

Proper Officer,
Authority.

SECOND SCHEDULE		
<i>Schedule of Fixed Penalty</i>		(Regulation 5)
<i>Column 1</i>		<i>Column 2</i>
<i>Offence</i>		<i>Fixed Penalty</i>
1. Throwing, dropping or otherwise depositing and leaving any litter in any public place		\$2,000.00
2. Erecting, displaying (whether by writing or marking or otherwise), depositing or affixing anything in a public place or on any building, wall, fence or structure abutting or adjoining a public place, in such circumstances as to cause, contribute to or tend to the defacement of that place, building, wall, fence or structure, as the case may be		\$3,000.00
3. Employing or recruiting person(s) who erect, display (whether by writing or marking or otherwise) depositing or affixing anything in a public place or on any building, wall, fence or structure abutting or adjoining a public place in such circumstances as to cause, contribute or tend to the defacement of that place, building, wall, fence or structure, as the case may be		\$10,000.00
4. Throwing, dropping or otherwise depositing or leaving any litter in any premises owned or occupied by another person without the consent of that person		\$5,000.00
5. Wilfully breaking any bottle or any glass or any article made of glass in or on any public place without lawful authority or reasonable excuse		\$5,000.00

Dated this 21st day of July, 2003.

PORTIA SIMPSON MILLER,
Minister of Local Government, Community Development and Sport.