

FILTH AND LITTER RULES

Rules made or deemed to have been made under ss.70 and 337.

Revoked
Subsidiary
[1981/109]

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[1981/109]

Revoked by LN 1994/060

The following Rules and their corresponding amendments have all been consolidated under the Filth and Litter Rules.

	Relevant current provisions
Earth Closets Rules , of 16.9.1896	
amended by	
Regs. of 28.5.1970	
LN. 1978/055	
Litter Rules	
amended by	
LN. 1982/003	
Nuisance Rules , of 19.10.1915	
amended by	
Rules. of 29.8.1941	r.7
Regs. of 28.5.1970	rr.5-7 and 10
LN. 1978/058	r.11

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Amending enactments to the consolidated Rules	Relevant current provisions	Commencement date
LN. 1988/003	rr.2, 12, 13 and 17(1) and (2)	1.2.1988
1991/080	rr.9A, 25, 26 and Sch.	1.6.1991

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26. *Revoked.*

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Preliminary

Title.

1. These Rules may be cited as the Filth and Litter Rules.

Interpretation.

2. In these Rules, unless the context otherwise requires—

“bulky dry trade refuse” includes trade refuse that is dry cardboard;

“inner city area” means the area comprising—

- (a) Town Range northwards from its junction with Convent Place, Governor's Street, Engineer Lane, Main Street from its junction with Engineer Lane to its junction with Casemates Hill, Casemates Hill, Line Wall Road from its junction with Casemates Hill to its junction with John Mackintosh Square, John Mackintosh Square, Main Street southwards from John Mackintosh Square to Convent Place and Convent Place ; and
- (b) Main Street southwards from Convent Place to Southport Gates; and
- (c) the area enclosed by the places specified in paragraph (a) ; and
- (d) the entrances of all streets, lanes, paths, ways and steps opening on to any place specified in any of paragraphs (a), (b) and (c)—

being in every case a public place.

Refuse for Collection

Collection of refuse from inner city area.

3. No person shall place refuse in the inner city area for collection at any time other than between the hours of 10 p.m. and 9. 30 a.m.

Removal of uncollected refuse.

4. (1) Where any refuse that is placed for collection in accordance with rule 3 has for any reason not been collected by the time of 12 noon next following the time at which it is so placed, the person by whom it has been placed for collection shall remove it from the inner city area.

(2) Subrule (1) shall not apply to any case in which the Chief Environmental Health Officer permits the refuse to remain in the inner city area.

Place for collection.

5. No person shall place refuse in the inner city area for collection in any place other than a place immediately outside or as near as practicable to the premises from which it has been taken.

Mode of placing refuse for collection.

6. (1) No person shall place for collection any refuse otherwise than in covered dustbins or sealed plastic bags, or in some other suitable containers of a kind approved for the purpose by the Cleansing Superintendent of the Public Works Department.

(2) Notwithstanding subrule (1) but subject to subrule (1) of rule 4, bulky dry trade refuse may be placed otherwise than in containers if it is flattened or compacted in a neat and tidy manner.

Dangerous items.

7. Notwithstanding rule 6, no person shall place for collection any broken glass or any refuse that may be dangerous to any person items. unless the refuse is contained in such a manner as to protect any person handling it against the risk of danger.

Loose building materials.

8. (1) No person shall place any loose building material otherwise than in a container that is adequate to hold the material and is effective to prevent it falling or spilling on to the ground.

(2) No person shall place any loose building material otherwise than for the purposes of being incorporated into works of construction, repair, redecoration, renovation or improvement in the vicinity of the place at which it is placed.

(3) No person by whom any loose building material is placed shall allow it to remain as loose building material in that area for any unreasonable period of time.

(4) For the purposes of subrule (3), what is an unreasonable period of time is to be determined as a matter of fact having regard to the nature and complexity of the works to be undertaken, the convenience of the public and

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of persons owning or occupying premises in the vicinity, and to all the other circumstances of the case.

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Private Removal of Filth, etc.

Rubbish not to be deposited on road during removal.

9. (1) The occupier of any premises who removes or causes to be removed any filth, dust, ashes, manure or rubbish produced upon his premises, shall not, in the process of removal, deposit such filth, dust, ashes, manure or rubbish, or cause or allow such filth, dust, ashes, manure or rubbish to be deposited upon any footway, pavement or carriageway. For the purpose of such removal, he shall in every case use or cause to be used a suitable vessel or receptacle, cart or carriage properly constructed so as to prevent the escape of the contents thereof.

(2) If in the process of such removal any person slops or spills or causes or allows to fall upon any footway, pavement or carriageway any such filth, dust, ashes, manure or rubbish, he shall forthwith remove such filth, dust, ashes, manure or rubbish from the place whereon the same may have been slopped or spilled or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

Responsibility for receptacle temporary placed to receive refuse and the adjacent area.

9A.(1) A person who causes a receptacle for the purpose of receiving and containing filth, dust, ashes, manure or rubbish to be placed temporarily on any footway, pavement or carriageway or on an area adjacent thereto such that it is possible for any other person to have access to that receptacle enabling such person to deposit therein filth, dust, ashes, manure or rubbish or any other matter, shall take all such steps as are reasonably practicable to ensure that—

- (a) the contents of the receptacle do not fall, spill or otherwise leave the receptacle such as to cause a nuisance in the place where the receptacle is temporarily deposited;
- (b) the area adjacent to the receptacle is kept free of filth, dust, ashes, manure or rubbish,

and it shall not affect the liability of a person under this rule that the filth, dust, ashes, manure or rubbish causing the nuisance or present in the adjacent area was deposited by any other person.

(2) A person who supplies receptacles intended to be temporarily placed to receive and contain filth, dust, ashes, manure or rubbish on any

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footway, pavement or carriageway or area adjacent thereto, shall at the time when he agrees to supply such receptacle,

- (a) issue to a person to whom he agrees so to supply a notice in the form provided for in the Schedule setting out the liabilities of that person under sub-rule (1) and advising that person of the penalties for failing to comply with that sub-rule;
- (b) retain a copy of the notice issued under paragraph (a) and
- (c) make any such copy available to an authorised officer.

(3) A person who causes a receptacle for the purpose of receiving and containing filth, dust, ashes, manure or rubbish to be placed temporarily on any footway, pavement or carriageway or on an area adjacent thereto, shall not allow that receptacle so to remain for any unreasonable period of time.

(4) For the purposes of sub-rule (3), what is an unreasonable period of time is to be determined as a matter of fact having regard to the size of the receptacle and the volume of a nature of the material deposited therein, the convenience of the public and of persons owning or occupying premises in the vicinity, and to all other circumstances of the case.

A properly constructed receptacle to be used in the removal of rubbish.

10. (1) Every person who, for the purpose of depositing any filth, dust, ashes, manure or rubbish upon any lands or premises, or for the purpose of depositing any dust, ashes, manure or rubbish in any receptacle provided by the Government for the temporary deposit and collection of dust, ashes, manure or rubbish, shall remove such filth, dust, ashes, manure or rubbish from any premises, or from any cart, carriage or other means of conveyance across or along any footway, pavement or carriageway, shall use a suitable vessel or receptacle properly constructed so as to prevent the escape of the contents thereof and shall adopt such other precautions as may be necessary to prevent any such filth, dust, ashes, manure or rubbish from being slopped or spilled, or from falling in the process of removal upon such footway, pavement or carriageway.

(2) If in the process of such removal, any such filth, dust, ashes, manure or rubbish be slopped or spilled or fall upon such footway, pavement or carriageway, such person shall forthwith remove such filth, dust, ashes, manure or rubbish from the place whereon the same may have been slopped or spilled or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

Properly constructed cart to be used in the conveyance of rubbish.

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11. (1) Every person who shall convey any filth, dust, ashes, manure or rubbish through or along any street shall use a properly constructed cart or carriage or other means of conveyance so as to prevent the escape of the contents thereof, and if a mule, horse or donkey be used for conveyance the baskets, sacks or capachos shall be covered or closed.

(2) If in this process of such conveyance any such filth, dust, ashes, manure or rubbish be slopped or spilled, or fall upon any carriageway or elsewhere in such street, the person responsible for conveying the same shall forthwith remove such filth, dust, ashes, manure or rubbish from the place whereon the same may have been slopped or spilled or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

Filth, etc., shall not be imported.

12. No person shall import or bring into Gibraltar by land or by sea any manure, filth, refuse, damaged cargo or perishable material, or offensive or decomposed material, except with and by the previous permission of the Chief Environmental Health Officer and then only subject to such restrictions and conditions as he may impose when giving such permission.

Filth used for land manuring shall be forth- with dug into the ground.

13. Every person who, for any purpose of agriculture or horticulture, or other purpose shall deposit or cause to be deposited upon any lands or premises in Gibraltar any manure or any filth, shall, with all reasonable despatch, cause such manure or filth to be ploughed or dug into the ground or to be covered with a sufficient layer of earth, ashes or other suitable substance, or shall adopt such other, precautions as may be reasonably necessary in the judgment of the Chief Environmental Health Officer to prevent the emission of noxious or offensive effluvia from such manure or filth, or the breeding of flies therein.

Keeping of Animals

Restriction on keeping swine.

14. No person shall keep any swine in any premises in Gibraltar without authority given in writing by the Government:

Provided that authority shall not be given to keep any swine or pigstye in any dwelling-house.

Avoidance of pollution.

15. The occupier of any premises shall not keep any cattle or animals of any kind, or deposit the dung of any cattle or other animals, in such a situation

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or in such manner as to pollute any water supplied for use, or used, or likely to be used by man for drinking or domestic purposes or for manufacturing drinks for the use of man, or any water used or likely to be used in any dairy.

Disposal of dung.

16. (1) Every occupier of a building or premises wherein or whereon any horse or other beast of draught or burden or any cattle may be kept shall provide, in connection with such building or premises, a suitable receptacle in which shall be placed at least once a day all dung, manure, soil, filth or other offensive or noxious matter which may, from time to time, be produced in the keeping of any such animal in such building or upon such premises.

(2) He shall cause such receptacle to be constructed so that the bottom or floor thereof shall not in any case be lower than the surface of the ground adjoining such receptacle and shall also cause it to be constructed in such a manner and of such materials as to permit of effective cleansing and to be maintained at all times in such a condition as to prevent any escape of the contents thereof, or any soakage therefrom into the ground or into the wall of any building.

(3) He shall cause such receptacle to be furnished with a suitable cover and, when not required to be open, to be kept properly covered.

(4) He shall likewise provide in connection with such building or premises a sufficient drain constructed in such a manner and of such materials and maintained at all times in such a condition as effectually to convey all urine or liquid filth or refuse therefrom into a sewer, cesspool or other proper receptacle.

(5) He shall once at least in every week thoroughly cleanse or cause to be thoroughly cleansed such building or premises.

(6) He shall, three times at least in every week, remove or cause to be removed from the receptacle provided in accordance with the requirements of this rule all dung, manure, soil, filth or other offensive or noxious matters produced in or upon such building or premises and deposited in such receptacle and thoroughly cleanse or cause to be thoroughly cleansed such receptacle after removal of all dung, manure, soil or filth therefrom.

Animals suffering from contagious disease.

17.(1) The owner or keeper of any horse, cow or other animal suffering or suspected to be suffering from any infectious or contagious disease shall at once report the case to the Chief Environmental Health Officer in order that

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he may take such steps as may be necessary to prevent such suspected or diseased animal from endangering the public health.

(2) The Chief Environmental Health Officer shall inform the Specialist in Community Medicine whenever he receives a notification under this rule.

Earth Closets

Cleansing of earth closets with fixed receptacle.

18. The occupier of any premises shall, once at least in every two months, cleanse every earth closet belonging to such premises and furnished with a fixed receptacle for faecal matter and with suitable means or apparatus for the frequent and effectual application of dry earth to such matter.

Cleansing of earth closets with moveable receptacle.

19. The occupier of any premises shall, once at least in every week, cleanse every earth closet belonging to such premises and furnished with a movable receptacle for faecal matter and suitable means or apparatus for the frequent and effectual application of dry earth to such matter.

Cleansing of Privies.

20. The occupier of any premises shall, once at least in every week, cleanse every privy belonging to such premises and furnished with either a movable or fixed receptacle for faecal matter.

Cleansing of dry ashpits.

21. The occupier of any premises shall once at least in every week, cleanse every ashpit belonging to such premises and used only as receptacle for ashes, dust and dry refuse.

Cleansing of privy ashpits.

22. The occupier of any premises shall, once at least in every week, cleanse every ashpit belonging to such premises and used in connection with a privy as a receptacle for faecal matter, together with ashes, dust and dry refuse.

Cleansing of cesspools.

23. The occupier of any premises shall, once at least in every three months, cleanse every cesspool belonging to such premises.

Cleanly maintenance of all sanitary appliances.

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24. The occupier of any premises shall keep and maintain clean, and in good working order, every urinal, slop-sink, kitchen-sink, refuse receptacle, gully trap or catchpit, latrine, water closet or privy, or dung pit, unless the landlord shall have covenanted with the occupier to perform such services, in which case the liability imposed by this rule upon the occupier shall devolve upon the landlord.

Offences

Offences.

25. A person who contravenes any provision of these rules is guilty of an offence and is liable on summary conviction to a fine at level 3 on the standard scale and to imprisonment for a term of three months.

26. *Revoked.*

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Rule 9A(2)

FORM OF NOTICE.

Responsibility for (a) any receptacle temporarily placed to receive refuse; and (b) the area adjacent to that receptacle.

Dear [*enter name of person to whom notice is issued*],

I am required by Rule 9A(2) of the Filth and Litter Rules to advise you of your responsibilities in relation to the receptacle I have agreed to supply to you.

Rule 9A (1) of the Filth and Litter Rules provides that—

“A person who causes a receptacle for the purpose of receiving and containing filth, dust, ashes, manure or rubbish to be placed temporarily on any footway, pavement or carriageway or an area adjacent thereto such that it is possible for any other person to have access to that receptacle enabling such person to deposit therein filth, dust, ashes, manure or rubbish or any other matter. shall take all such steps as are reasonably practicable to ensure that—

- (a) the contents of the receptacle do not fall, spill or otherwise leave the receptacle such as to cause a nuisance in the place where the receptacle is temporarily deposited;
- (b) the area adjacent to the receptacle is kept free of filth, dust, ashes, manure or rubbish,

and it shall not affect the liability of a person under this rule that the filth, dust, ashes, manure or rubbish causing the nuisance, or present in the adjacent area, is deposited by another person.”

The rules further provides that the receptacle must not be allowed to remain in place for any unreasonable period of time.

Failure to comply with these obligations may render you guilty to an offence and liable on summary conviction to a fine of £500 and three months imprisonment.

Signed
Name

Name of company
Date issued