

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 2,608, Thursday 9th May, 1991,

LEGAL NOTICE No. 80 OF 1991.

PUBLIC HEALTH ACT. FILTH AND LITTER (AMENDMENT) RULES, 1991.

In exercise of the powers conferred on him by section 70 of the Public Health Act, and of all other enabling powers, the Governor has made the following rules

Title and commencement.

1. These rules may be cited as the Filth and Litter (Amendment) Rules, 1991 and shall come into effect on the 1st day of June 1991.

New Rule 9A.

2. The Filth and Litter Rules (hereinafter called "the principal Rules") are amended by inserting after rule 9 the following new rule 9A—

"Responsibility for receptacle temporarily 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 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
- (b) 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."

Revocation and replacement of Rule 25.

3. Rule 25 of the principal Rules including the marginal note thereto is revoked and replaced by the following new Rule

"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 *ate months. "

New Schedule

4. The principal Rules are further amended by inserting a new Schedule as follows

"SCHEDULE

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 (i) 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."

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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 of an offence and liable on summary conviction to a fine of £500 and three months imprisonment.

Signed
Name

Name of Company
Date issued.".

Revocation of rule 26.

5. Rule 26 of the principal Rules is hereby revoked.

Dated this 9th day of May, 1991.

By Command,

A. CARTER,

Deputy Governor.