
CHAPTER 250

**THE LITTER (FIXED PENALTY PROCEDURE)
REGULATIONS**

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Regulation

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S.I. 41/1984.
S.I. 16/1985.

THE LITTER ACT

**THE LITTER (FIXED PENALTY PROCEDURE)
REGULATIONS, MADE UNDER SEC-
TION 18 (11) OF THE LITTER ACT.**

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- 1.** These Regulations may be cited as the Litter (Fixed Short title.
Penalty Procedure) Regulations.

Form of Notice
of opportunity to
pay fixed
penalty.

2. A notice under section 18 of the Litter Act offering the opportunity of the discharge of any liability to conviction of an offence to which that section applies by payment of a fixed penalty (in these Regulations referred to as a "Notice") shall be in the form set out in the Schedule or a form to the like effect and shall be completed in triplicate by the litter prevention warden at the time he gives the Notice.

Copy of Notice
to be forwarded
to Clerk of the
Magistrate.

3. A copy of a Notice given under section 18 shall, as soon as practicable be forwarded by or on behalf of the litter prevention warden giving the Notice to the Clerk of the Magistrate to whom the fixed penalty is payable. The remaining copy shall be retained in the Notice Book from which the notice was issued.

Contents of a
Notice.

4. A Notice shall provide that any payment of a fixed penalty shall be made to the Clerk of the Magistrate for the magisterial district in which the offence specified by the Notice is alleged to have been committed.

Manner of
paying fixed
penalty.

5. (1) The person paying a fixed penalty shall either forward with the remittance of or tender of the penalty, Part 2 of the relevant notice or identify the notice by specifying its serial number.

(2) If, owing to the failure of the person paying a fixed penalty to comply with the provisions of paragraph (1), the Clerk of the Magistrate is unable to identify the relevant notice, the Clerk of the Magistrate shall, as soon as practicable, return the remittance to that person and he shall do so in every case where—

(a) payment is remitted otherwise than by cash, certified cheque, bankers draft; or money order or

(b) the amount is not the exact amount of the fixed penalty.

(3) Where any payment is made in accordance with these Regulations, it shall be of the amount specified in the notice or where payment is made in respect of more than one notice of the total of the amounts specified in the notices.

(4) Any such amount or amounts shall be paid to the Clerk of the Magistrate specified in the relevant notice or notices.

6. Where any amount is paid otherwise than in accordance with these Regulations the Clerk of the Magistrate shall return it to the payer. Return of irregular payment.

7. (1) The person liable to pay the fixed penalty shall in default of payment attend the Magistrate's court of the district in which the offence was committed on the date and at the time specified in Part I of the Schedule, as a defendant in the matter to which the notice relates. Attendance in the Magistrate's Court. Schedule Part I.

(2) The date for attendance in the Magistrate's court shall be twenty-one days after the last day for payment of the fixed penalty.

(3) If in any case the date for attendance in the Magistrate's court as prescribed by subregulations (1) and (2) falls on any day on which there is no sitting of the Magistrate's court at the time and place so specified, the date for attendance thereat shall be the next following day appointed for the sitting of the Magistrate's court in the same place.

8. The Clerk of the Magistrate shall not accept payment of the fixed penalty after the last day for payment of the fixed penalty. When clerk of Magistrate not to accept penalty.

9. Subject to the foregoing provisions of these Regulations, a clerk of the Magistrate shall, as soon as practicable after payment of a fixed penalty has been made to him, deliver to or cause to be sent to the payer a receipt for the payment. Acknowledgement of receipt of fixed penalty.

SCHEDULE

Regulation 2.

Serial No
(of Notice)

THE LITTER ACT

(Section 18)

Notice of Opportunity to Pay Fixed Penalty

PART I

TAKE NOTICE that I
have reason to believe that on the
of the offence,
particulars of which are given below, was being or had been committed.

.....
Litter Prevention Warden.

The fixed penalty for the offence is fifty dollars (\$50.00)
If this amount is paid or remitted to the clerk of the Magistrate at the Magistrate's
Court at

.....
(insert address of clerk of the Magistrate)

within ten (10) days from the date of this notice no proceedings will be taken
and liability to conviction of the offence will be discharged.

In paying the fixed penalty the following conditions shall be observed:

- (1) The fixed penalty shall be accompanied by this notice, and payment must be of the exact amount shown on the notice.
- (2) A clerk of the Magistrate will not accept a fixed penalty required to be paid to another clerk of the Magistrate.
- (3) Where payment of the fixed penalty is made otherwise than in conformity with the Litter (Fixed Penalty Procedure) Regulations, the clerk of the Magistrate shall as soon as practicable after payment return the amount paid to the sender, and proceedings in respect of the alleged offence shall continue.

- (4) Payment may be made by cash, certified cheque, banker's draft or money order.

If you fail to pay the fixed penalty before the end of ten (10) days from the above date you are hereby required to attend the Magistrate's Court on the day of 19 at 9:00 o'clock in the forenoon at the under mentioned address as the defendant in the matter in respect of which this notice was issued.

.....
(state name and address of Court)

This notice was given at.....
(State location)

on 19..... at a.m./p.m.
(state date) (state time)

Particulars of Offence

at a.m./p.m. on the day of
..... 19..... at
..... you

contrary to
(state provision contravened)

.....
Signature of Litter Prevention Warden.

LAWS OF ANTIGUA AND BARBUDA

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CAP. 250)

Litter

PART 2

Serial No
(*of notice*)

To the clerk of the Magistrate

.....
(*insert address*)

.....

I enclose the sum of fifty dollars (\$50.00) as payment of the fixed penalty for the offence mentioned in Part I of this Notice.

Name
(*in block capitals*)

.....
Signature of Person served with Notice.

Made by the Minister this 1st day of December, 1984.
