

THE LOCAL GOVERNMENT ACT

Regulations made by the Minister under section 156 A of

The Local Government Act 1989

1. These regulations may be cited as the Local Government (Dumping and Waste Carriers) Regulations 2003.

2. In these regulations -

“authorised officer” means an inspector of a local authority, a police officer, a road transport inspector, an enforcement officer of the Ministry or any other public officer designated by the Minister;

“carry” means to transport on a road from one place to another;

“hazardous waste” has the same meaning as in the Environment Protection (Standards for Hazardous Wastes) Regulations 2001;

“leachate” includes any liquid substance coming out from solid waste;

“licence” means a licence issued under regulation 4;

“litter” includes odds and ends, bits of paper, wrappings, remains of fruit, and any other such tiny matter discarded and left lying about;

“Ministry” means the Ministry responsible for the subject of local government;

“permitted waste” means waste, accepted at a landfill or a transfer station as specified in the Fifth Schedule;

“plate” means a waste carrier’s registration plate;

“river” includes rivulets, streams and canals;

“transfer station” means a site specified in Part I of the First Schedule;

“vehicle” means a motor vehicle and includes a trailer;

“waste” includes anything which is discarded or otherwise dealt with as if it were a waste and includes any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled other than hazardous waste.

“waste carrier” means –

- (a) a vehicle licensed under regulation 4; or
- (b) a vehicle owned by the Government or a local authority for the purpose of transporting waste.

“waste disposal site” means a site specified in Part II of the First Schedule;

3. No person shall –

- (a) deposit, cause or allow waste to be deposited at a place other than a transfer station or a waste disposal site or any other site approved for that purpose;
- (b) throw, drop or otherwise deposit or cause any littering in any street, road, drain, river or other public place other than in a space or bin specially provided for that purpose.

4. (1) No person shall carry waste of a weight in excess of 50 kilograms in a vehicle unless he holds a licence under these regulations.

(2) A person who wishes to obtain a licence for the purpose of paragraph (1) shall make an application to the Minister in the form specified in the Second Schedule.

- (3) (a) The Minister may, on payment of the fee specified in the Third Schedule, issue a licence in the form specified in the Fourth Schedule on such conditions as he thinks fit.
- (b) No fee shall be paid in respect of a vehicle owned by the Government or a local authority.

5. No licence shall be issued -

(a) to any person who has previously been convicted of an offence over the last 2 years under -

(i) the Environment Protection Act 1991 and regulations made under that Act;

(ii) the Environment Protection Act 2002 and regulations made under that Act;

(iii) these regulations;

(b) in relation to a vehicle not suitable for the purpose of carrying waste.

6. Where the Minister has reason to believe that the holder of a waste carrier licence has failed to comply with a condition of his licence he may, after having given the licence holder an opportunity to show cause in writing within a period of 30 days why his licence should not be revoked, revoke the licence.

7. (1) No person shall carry waste in a vehicle in such a way that the waste falls off or is likely to fall off the vehicle.

(2) No person shall allow any leachate to trickle from a vehicle on a public road by negligence, poor design or bad state of vehicle.

8. (1) Any person carrying waste in a waste carrier shall affix or cause to be affixed in a conspicuous position in front and at the rear of the carrier a plate.

(2) The plate shall be a metal plate of at least 60 cm in length and 15 cm in height, bearing the word "WASTE" followed by the number of the licence covering the vehicle, both the words and the figures being in red on a white background.

(3) No person shall affix, cause or permit to be affixed a plate –

(a) or anything that resembles a plate, on a vehicle other than a waste carrier;

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(b) in such a way as to interfere with the registration plate issued under the Road Traffic Act or to obstruct any lights or visual warning signs of the vehicle.

9. The Minister may, in the public interest, dispense a person from compliance with regulations 4(1) and 10(1) for a maximum period of 7 days.

10. (1) Any person carrying waste of a total weight exceeding 50 kilograms in a waste carrier shall have in his possession a written authorisation from the Ministry to use a transfer station or a waste disposal site or any other site approved by the Minister for that purpose.

(2) Every driver or person in charge, of a waste carrier, shall produce, on demand, the waste carrier licence to any authorised officer.

(3) Any authorised officer who on reasonable ground suspects that a vehicle, other than a waste carrier, is being used to carry waste may stop the vehicle for verification.

11. (1) An authorised officer may, on reasonable suspicion that an offence is being or has been committed under these regulations, for the purpose of the enquiry or for production as evidence or exhibit in Court –

(a) seize the vehicle;

(b) secure any article or sample of any article being carried on the vehicle.

(2) Where a vehicle carrying waste has been detained under paragraph (1), the owner of the vehicle or holder of the licence shall cause the waste to be disposed of at a transfer station or waste disposal site or any other site approved by the Minister for that purpose.

12. Where any person unlawfully deposits waste at a place other than a transfer station, a waste disposal site or any other site approved for that purpose, the authorised officer may -

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- (a) request that person to remove the waste unlawfully deposited within such time as may be determined by him; or
- (b) cause the removal of the waste unlawfully deposited and recover from that person the expenses incurred for the removal of the waste.

13. (1) Any person who -

- (a) contravenes these regulations;
- (b) fails to comply with any of the conditions of the licence

shall commit an offence and shall, on conviction, be liable –

- (a) (i) for an offence under regulation 3(a) -
 - (A) in respect of a first offence, to a fine of not less than 5,000 rupees and not more than 15,000 rupees;
 - (B) in respect of a second or subsequent offence, to a fine not exceeding 25,000 rupees and to an imprisonment for a term not exceeding 5 years;
- (ii) for an offence under regulation 3(b) -
 - (A) in respect of a first offence, to a fine of not less than 500 rupees and not more than 2,000 rupees;
 - (B) in respect of a second or subsequent offence, to a fine not exceeding 10,000 rupees and to an imprisonment for a term not exceeding one year;
- (iii) for an offence under any other regulation -
 - (A) in respect of a first offence, to a fine of not less than 1,000 rupees and not more than 5,000 rupees;

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(B) in respect of a second or subsequent offence, to a fine not exceeding 10,000 rupees and to an imprisonment for a term not exceeding one year.

(2) The Court may, in addition to any punishment imposed under paragraph (1), order the forfeiture of any vehicle, object and thing used in the commission of the offence.

14. The Local Government (Dumping and Waste Carriers) Regulations 1997 are revoked.

15. A licence issued under the Local Government (Dumping and Waste Carriers) Regulations 1997 shall –

- (a) be deemed to have been issued under these regulations; and
- (b) remain valid for the period for which it was issued.

16. These regulations shall come into operation on 10 February.2003.

Made by the Minister on 27.01.2003.

FIRST SCHEDULE

(regulation 2)

PART 1 - Transfer Stations

1. Roche Bois Transfer Station
2. La Brasserie Transfer Station
3. St. Martin Transfer Station
4. Poudre d'Or Transfer Station

PART II - Waste Disposal Site

1. Mare Chicose Landfill

SECOND SCHEDULE

(regulation 4(2))

APPLICATION FORM FOR WASTE CARRIER LICENCE

I, Mr/Mrs
residing at
..... hereby
apply for a Waste Carrier Licence in respect of the following vehicle:

1. *Type of Vehicle* *Registration Mark* *Max Gross Weight*
.....

2. Type of waste it is proposed to carry in the vehicle:
.....

3. I am the owner/lessee of the abovementioned vehicle.

4. I enclose a true and faithful copy of –

 (i) a certificate of the National Transport Authority in relation to the
 vehicle;

 (ii) the deed of purchase showing my ownership of the vehicle/the
 lease agreement or other document relating to my title over the vehicle.

Date:

Signature of the Applicant

5. In case of renewal, please state previous Waste Carrier Licence
No.

State name and address of the owner of the vehicle if he is not the applicant.

Name:.....

Address:

Signature:

THIRD SCHEDULE

(regulation 4(3))

FEES FOR WASTE CARRIER LICENCE

Licence	Fees
	Rs
1. For one year	1000
2. For one day	100

FOURTH SCHEDULE

(regulation 4(3))

PART I

WASTE CARRIER LICENCE

This Waste Carrier Licence is issued to Mr/Mrs
authorizing the use as Waste Carrier of the vehicle bearing NTA registration number
.....

Conditions of licence

1. This licence is valid for the period to
(one day/ one year).
2. The waste carrier shall operate from hrs. to hrs.
3. The vehicle basket (open caisson) raised with metal sheeting shall
.....
4. The vehicle basket shall be covered with a proper tarpaulin during conveyance
of waste.
5. The bottom of the vehicle basket shall be provided with an appropriate device
to contain leachate.
6. The vehicle bears both in front and at the rear a metal plate of at least 60 cm in
length and 15 cm in height, bearing the word "WASTE" followed by the number
.....

The word and the figures shall be in red on a white background.

7. This Licence is valid for the haulage of:

Type A Waste : (Bulky)

Type B Waste : (Construction and Demolition)

Type C Waste : (Green)

Type D Waste:(All other wastes excluding A, B, C and hazardous)

8. The waste carrier shall carry in a single trip only one type of waste, as
defined in condition no. 7.
9. The waste carrier shall always be maintained in a clean and proper state.

Date:
.....

Permanent Secretary
Ministry of Local Government

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FIFTH SCHEDULE

(regulation 2)

PART A – PERMITTED WASTE AT TRANSFER STATIONS

- Domestic/household waste, which includes household junk waste, solid waste delivered from, educational, community and public institutions.
- Commercial waste, which includes solid waste from offices, shops and premises for a trade or business.
- Industrial waste, which includes solid waste/residue from an industrial, manufacturing, processing undertaking but excluding commercial or chemical waste and waste which falls into other categories.
- Construction waste, which includes solid waste from construction activities (such as demolition, site formation, building, renovation etc) and from construction waste recycling.
- Market waste, which comprises solid waste from markets.
- Street/public cleansing waste, which comprises solid waste collected by the municipal councils from streets, public places and public cleansing activities.
- Marine waste, which comprises solid waste, collected from marine waters and vessels, but excluding chemical waste.
- Incinerator ash, which comprises solid residues from municipal waste and clinical waste incinerators.
- Dewatered sludge, which comprises treated sludge from sewage and water treatment works, with water content not exceeding 70% by weight, which may contain metals in the form of metal oxides (and to be subject to the Hazardous waste provisions).
- Condemned goods, which includes expired, damaged, contaminated and confiscated goods, but excluding chemical waste.
- Tannery waste, which comprises solid waste from tanneries comprising mainly tannery offcuts but excluding infectious materials.

PERMITTED WASTE AT LANDFILL

Type 1: As per Part A of the Fifth Schedule

Type 2:

- Cemented asbestos (and to be subject to the Hazardous waste provisions).
- Animal waste that comprises mainly solid manure and other waste generated by livestock.
- Treated or stabilized livestock waste that is mainly spent litter and manure compost.
- Abattoir waste, which includes solid and semi-solid waste, generated from abattoirs and slaughterhouses.
- Animal carcasses.
- Excremental waste, which is mainly night soil, sludge from septic tanks and aqua privies.
- Chemical waste containers, which comprise used or broken empty containers contaminated with chemical waste (and to be subject to the Hazardous waste provisions).
- Waste lead/acid batteries, which comprise discrete loads of, expired, damaged, off-specification or scrap batteries, mainly from manufacturers, suppliers and the scrap trade (and to be subject to the Hazardous waste provisions).
- Any material contaminated with any congener of polychlorinated dibenzo-furan (and to be subject to the Hazardous waste provisions).
- Any material contaminated with any congener of polychlorinated dibenzo-p-dioxin (and to be subject to the Hazardous waste provisions).