

Rodrigues Regional Assembly (Collection of refuse) Regulations 2008

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THE RODRIGUES REGIONAL ASSEMBLY (COLLECTION OF REFUSE) REGULATIONS 2008

**Regulations made by the Rodrigues Regional Assembly under section 31 of the
Rodrigues Regional Assembly Act 2001**

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PART I - PRELIMINARY

1. Short title

These regulations may be cited as the **Rodrigues Regional Assembly (Collection of refuse) Regulations 2008**.

2. Interpretation

In these regulations -

"Act" means the Rodrigues Regional Assembly Act 2001;

"Authorised Officer" means a Police Officer, an Enforcement Officer of the Environment Unit or any other Public Officer designated by the Departmental Head;

"Authority" means the Departmental Head of the Commission responsible for the subject of the Environment;

"Commission" means the Commission having responsibility for the subject of the Environment;

"Commissioner" means the Commissioner to whom responsibility for the subject of the Environment is assigned;

"Court" means the Court of Rodrigues;

"Departmental Head" means the Departmental Head of the Commission responsible for the subject of Environment;

"Flat" means an apartment or a block of flats;

"Hazardous waste" means waste, natural or artificial, whether in solid or liquid form, in the form of gas or vapour, declared as hazardous waste under section 42 of the Environment Protection Act 2002 and includes clinical waste;

"Occupier" means any person in physical occupation of any premises independently of his title, right or capacity;

"Owner" includes any person who receives, or is entitled to receive rent in respect of the occupation of the premises;

"Premises" means any land or building, whether vacant or constructed upon and whether is for residential, commercial, professional trade, hotel, tourist accommodation, bungalow or other purposes in the island of Rodrigues;

"Receptacle" means any bin or recipient, whether fixed or movable designed to collect refuse;

"Refuse" includes household refuse as well as yard refuse, agricultural waste and trash;

"Trade premises" means premises in the island of Rodrigues, on which a trade, hotel, restaurant, business, profession, manufacture or industry is carried out, even though the premises are also used for residential purposes.

PART II - GENERAL PROVISIONS FOR REFUSE COLLECTION

3. Cleanliness of premises

- (a) No person, Company, Corporation, Organization, Association shall deposit, or cause, or permit to be deposited any kind of household, commercial or trade refuse, vehicle wrecks or parts thereof, furniture, agricultural, building and excavation wastes, animal carcasses, litter or any other similar material on a street, pavement, wasteland, vacant premises, drain, canal, or any other public place.
- (b) The occupier of any premises or, in the case of vacant premises or a flat, the owner shall:-
 - (i) at all time keep the premises clean and free from all undergrowth; and
 - (ii) not dump, or cause, or permit the dumping of any kind of household or trade refuse, vehicle wrecks or parts thereof, furniture, agricultural, building and excavation wastes, animal carcasses, hazardous waste or other similar waste material on the premises.

4. Disposal of household refuse

- (1) Every occupier of residential premises shall deposit or cause to be deposited any refuse, or any other material, in a receptacle.
- (2) Every occupier of a flat shall deposit or cause to be deposited all refuse at ground level in a receptacle, as described under regulation 4(1), whether used exclusively by him or in common with all occupiers of the flat.
- (3) For the purpose of regulations at 4(1), 4(2) and 6(c) the receptacle shall be:-
 - (a) of such material, size and construction as may be reasonably practicable for the collection of refuse by the Authority;
 - (b) in the premises of the occupier and reasonably close to the main entrance;
 - (c) provided with a closed fitting lid; and
 - (d) periodically, or on a request by the authorised officer, cleaned and washed by the occupier.

5. Obligation of owner to provide receptacle and keep his premises clean

The owner of a flat, residential site, hotel, tourist accommodation, and restaurant shall:-

- (1) provide a receptacle, as described under regulation 4(3), for the common use of all occupiers; and
- (2) comply with regulations 3(b) and 4(1).

6. Disposal of refuse from trade premises

Every occupier of commercial premises, hotel, restaurant, campment shall:-

- (a) deposit his receptacle, as described in regulation 4(3), in a place not further than 5 meters from the road, in his premises;
- (b) remove the receptacle after it has been emptied by the Authority; and

- (c) any dealer in cakes, foodstuff shall secure such refuse in a plastic bag before depositing it in a receptacle.

7. Agreement with the Authority

- (1) Every occupier of trade premises shall dispose of his refuse as directed by the authorised officer.
- (2) Any occupier of trade premises may, upon request, have his refuse disposed of in accordance with an agreement to be made with the authorised officer.
- (3) The agreement under paragraph (2) shall be made in writing signed by the occupier and the officer and shall include the appropriate fees under regulation 11.

8. Service of Notice

- (1) An authorised officer may, where on account of the condition, construction, or location of the receptacle, there exists or is likely to be, pollution or a threat to public health, and having due regard to the situation of the premises, whether residential or commercial, serve a notice on the occupier requiring him to have his receptacle:-
 - (a) constructed with concrete or other impervious material;
 - (b) to be adequately ventilated;
 - (c) placed at proximity of the main entrance;
 - (d) provided with a means of access or cleaning and removing its contents without having it to be carried through any building; and
 - (e) provided with an outlet to a covered drain.
- (2) The occupier shall comply with the notice under paragraph (1) within three months of the service of the notice.

9. Duty of the owner to clean his vacant premises

(1) Where any vacant premises are:-

(a) partly or wholly, covered with undergrowth; or

(b) dumped with any kind of household or trade refuse, vehicle wrecks, or parts thereof, furniture, agricultural, building and excavation wastes, animal carcasses or any other material prejudicial to public health or conducive to pollution,

an authorized officer may serve on the owner a notice requiring him to cut down, remove, or dispose of the undergrowth or material to an approved dumping site.

(2) The owner shall comply with the requirements of the notice under paragraph (1) within one month of the service of the notice or within 48 hours in the case the refuse is constituting a health hazard.

10. Power of the Authority

On failure of the occupier or owner of a vacant premises to comply with the requirements of a notice served under regulation 9, the Authority may also be empowered to enter upon the said premises and cause all works necessary for the cleaning of the land, removal and disposal of all undergrowth, refuse, debris and any other material thereupon to be done and recover all sum spent by it for that purpose as a civil debt from the owner or occupier.

11. Payment of fee

For the purpose of removal of any kind of household or trade refuse, vehicle wrecks, or parts thereof, furniture, agricultural and excavation wastes, animal carcasses or any other waste or other material the Authority shall claim the fees as prescribed in Schedule.

PART III - MISCELLANEOUS

12. Offences and penalties

(1) On the failure of the owner or occupier to comply to the requirements of the notice under regulations 8 and 9, the latter shall be prosecuted and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and shall be ordered to clean the land within a delay to be fixed by the Court.

- (2) Any person who contravenes any of these regulations other than regulations 8 and 9 shall be prosecuted and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

13. Power of the Court

The Court may, in addition to a fine, make any other order it thinks just, having regard to the circumstances of the case and the situation of the person to secure compliance with the regulations infringed.

14. Commencement

These regulations shall come into force on 1st November, 2008.

Passed by the Rodrigues Regional Assembly on 5th August, 2008.

SCHEDULE
(regulation 11)

1. For the removal of refuse resulting from general cleaning of household premises-hire of lorry only,

For each trip by the lorry of the Commission Rs 2000

2. For the removal of refuse from trade premises:-

Per Service from Restaurant, Hotel, Tourist accommodation, Boarding house, Textile Factories or by an agreement made under regulations 7(2) & 7(3)

(i) 1 lorry load Rs 2000

(ii) Every additional lorry load Rs 1500

3. The fee payable for the removal of refuse from the following trade premises per month per premises. The fee shall be payable at the time of the renewal of the said licence.

	Scavenging Fee (per month) Rs
Bakery.....	150
Banker (Branch).....	1000
Beauty saloon/Beauty Parlor.....	100
Book seller, Librarian and/or Stationery shop.....	75
Bottler (non-alcoholic).....	200
Butcher Shop.....	25
Cinema Hall (Manager or Owner).....	100
Cold Room.....	100
Cold Storage.....	100
Dealer in Electronic appliances & accessories.....	100
Dealer in imported green or dried fruit.....	25
Dealer in Leather & saddle.....	20
Dealer in new motor vehicles & new motor vehicle spare parts.....	150
Dealer in second hand vehicles & second hand vehicle spare parts.....	100
Distributors of beer, cider, rums and other alcoholic beverages & liquors.	400

Distributors of non alcoholic beverages.....	90
General Retailer (Foodstuff, Non foodstuff, Food Stuff/Non Foodstuff)	75
Hotels.....	500
Keeper Boarding House.....	200
Manufacturer/sale/storage/packing and preparation of foodstuffs.....	75
Night Club Keeper.....	400
Restaurant.....	100
Restaurant/Night club.....	150
Retreating of tyres.....	75
Sales of poultry and eggs.....	25
Tin Smith.....	25
Tourist Accommodation (Gites, Table d'Hotes, Chambre d'Hotes)	150
Victualler	25
Warehouse.....	300
Wholesaler.....	200
Workshop bicycle, motor cycle and auto cycle.....	25
Workshop mechanical.....	100
Workshop metal welding	75
Slaughtering House.....	400