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AN ACT

An Act to amend the Littering Act 1982.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

1           Section 1. Short title.

2                     This Act may be cited as Littering (Amendment) Act 1986.

3           Section 2. Amendment of Section 2.

4                     Section 2 of the Littering Act 1982 (P.L. 1982-2) referred  
5 to as the "principal enactment" is hereby amended:

6                     (a) by the addition of the following words after  
7                             the definition of the word "littering";  
8                     "person" means a person, firm, partnership or  
9                             corporation and includes every owner, director,  
10                            partner or manager of such firm, partnership or  
11                            corporation."

12                    (b) by the addition of the following words after  
13                            the definition of the word "public place";  
14                    "vehicle" means any kind of conveyance and includes  
15                            a bicycle, motor cycle, motor car, taxi cab,  
16                            van, pickup truck or heavy vehicle."

17           Section 3. Amendment of Section 4.

18                    Section 4 of the principal enactment is hereby repealed and  
19 the following new Section is substituted therefor:

20                    "Section 4. Prohibition of littering.

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- 1                   (1) A person who commits Littering,
- 2                   (a) in a public road or public place; or
- 3                   (b) on any private land near or adjacent to
- 4                   any public road or public place; or
- 5                   (c) on or in a beach, the foreshore or the
- 6                   lagoon; or
- 7                   (d) the sea, in such a way that the thing
- 8                   dumped, thrown away, placed or left can be
- 9                   reasonably expected to be carried to land
- 10                  or into the lagoon, shall be guilty of an
- 11                  offence and shall, upon conviction, be
- 12                  liable to a fine not less than \$50 and not
- 13                  exceeding \$1,000 or to a term of imprison-
- 14                  ment not exceeding six months or both;
- 15                  and in addition the court may order him to
- 16                  remove and properly dispose of any thing
- 17                  dumped, thrown away, placed or left.
- 18                  (2) Any person who abets, assists, associates
- 19                  himself or be concerned in the commission
- 20                  of an offence under Subsection (1) shall be
- 21                  guilty of an offence and shall be liable to
- 22                  like punishment as in Subsection (1).
- 23                  (3) In the case where the offence committed under
- 24                  Subsection (1) is by any occupant of a vehicle,
- 25                  the occupant who committed the act, if known,

1 and the driver of such vehicle shall be guilty  
2 of the same offence and shall be liable to like  
3 punishment as in Subsection (1)."

4 Section 4. Amendment of Section 5.

5 Section 5 of the principal enactment is hereby repealed and  
6 the following new Section is substituted therefor:

7 "Section 5. Power of arrest and removal of litter.

- 8 (1) A police officer, or a peace officer appointed  
9 under Section 51(1) of the Local Government  
10 Act 1980 (P.L. 1981-2) notwithstanding the  
11 provisions of that section, may arrest without  
12 a warrant any person who is committing or has  
13 committed an offence under this Act, and may  
14 seize and remove, or destroy or otherwise  
15 dispose of anything dumped, thrown away, placed  
16 or left in the commission of such offence.
- 17 (2) The owner or occupier of any private property  
18 on or in which anything is dumped, thrown  
19 away, placed or left in contravention of this  
20 act may seize, remove and destroy or otherwise  
21 dispose of the thing so dumped, thrown away,  
22 placed or left.
- 23 (3) Any expense incurred by any person referred  
24 to in Subsections (1) or (2) in the seizure,  
25 removal, destroying or otherwise disposing of

1 anything so dumped, thrown away, placed or  
2 left, may be recovered from the person who has  
3 committed any such act, as a debt due to him  
4 from such person."

5 Certificate

6 I hereby certify:

7 (1) that the above Nitijela Bill No. 102 N.D.-1 has been passed  
8 by the Nitijela of the Marshall Islands on the 3rd day of December,  
9 1986; and

10 (2) that I am satisfied that Nitijela Bill No. 102 N.D.-1 has  
11 been passed in accordance with the Constitution of the Marshall Islands  
12 and the Rules of the Nitijela.

13 I hereby place my signature before the Clerk of the Nitijela this 6th  
14 day of January, 1987.

15

16 /s/ Andrew Hisaiah  
17 Andrew Hisaiah, Vice Speaker  
18 Nitijela of the Marshall Islands

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19 Attest:

20

21 /s/ Rufina N. Jack  
22 Rufina N. Jack, Clerk  
Nitijela of the Marshall Islands