

Port Louis (Collection and Disposal of Refuse) Regulations 1996

GN 101/1996

Regulations made by the Municipal Council of Port Louis under Sections 51, 141 and 142 respectively of the Local Government Act 1989 as subsequently amended

1. These regulations may be cited as the Port Louis (Collection and Disposal of Refuse) Regulations 1996.

2. In these regulations-

"animal carcass" means the dead body Of any animal, bird or poultry;

"building" includes any house, hut, shed or roofed enclosure, whether used for the purpose of human habitation or otherwise; and any structure, support of foundation connected with the foregoing;

"Cleanse" in relation to public streets and public places includes the weeding and the removal Of any accumulation of earth or other substances;

"Council" means the Municipal Council of Port Louis;

"disposal facility" includes a refuse disposal ground or any place used for the deposit of refuse or waste;

"footway" includes footways and verandah-ways at the side of streets;

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

"house" includes dwelling-house, warehouse, Office, shop, school, and any other building in which persons are employed;

"industrial waste" means any waste whether solid, liquid or gaseous produced in the course of or is the waste product of any trade, business, manufacture or building construction, and includes toxic industrial waste;

"nuisance" means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing or which is or is likely to be injurious or dangerous to health or property;

"occupier" means the person in occupation of any premises or having the charge, management or control thereof either on his own account or as agent or any person, but does not include a lodger; and in relation to any part of any premises, different parts of which are occupied by different persons, means the persons in occupation or having the charge, management or control of that part;

"officer" means the Chief Inspector or any inspector of the Health Department of the Municipal Council of Port Louis;

“owner”

(a) in relation to any premises, means the person for the time being receiving the rent of the premises, whether on his own account or as agent or trustee or as receiver, or who would receive the same if the premises were let to a tenant;

(b) in relation to any premises where budding works are carried out, includes the developer;

“premises” means messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed whether built or not, whether vacant or constructed upon, whether public or private, whether used for residential, commercial, industrial, professional or trade purposes, situated within the district of Port Louis;

“private street” means any street, not being a public street and includes any alley, footpath, etc.;

“public place” means any place whether privately owned or not, to which the public has access;

“public street” means any street over which the public has right of way and any street vested in the Government or a local authority;

“receptacle” means any bin, or recipient, whether fixed or movable designed to collect refuse;

“refuse” includes household, garden, yard, agricultural; animal or whatever kind of refuse which has to be disposed of,

“sanitary conveniences” includes latrines, toilets, urinals and water closets;

“street” includes any road, fly-over, Square, foot-Way, back-lane or passage, whether a thoroughfare or not, over which the public has a right of way, and also the way over any public bridge, and also includes rood, car park, field, grass verge, footway or passage, open court or open alley used or intended to be used as a means of access to two or more buildings, whether the public has a right of way thereover or not, and all channels, drains, ditches, and reserves at the side of any street, shall be deemed to be part of the street;

“toxic industrial waste” means any industrial waste which owing to its nature, composition, or quantity constitutes a danger to human health or the environment or which contains or may produce pathogens of transmissible diseases;

“trade premises” mean premises in the district of Port Louis on which a trade, business, profession, calling or activity is being carried out and include premises used for residential purposes and where any trade is also being carried out therein;

“vehicles” means any vehicle whether mechanically propelled or otherwise and includes a barrow and a cart;

“waste” includes:

(a) any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process;

(b) any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled, and for the purpose of these regulations anything which is discarded or, otherwise dealt with as if it were waste, shall be presumed to be waste unless the contrary is proved; and

(c) litter or any hand-held package;

“workplace” means any premises or place used for any industrial, trade, commercial or manufacturing purposes and includes all construction sites, work sites and farms.

Amended by [\[GN No. 189 of 2004\]](#)

3. (1) No person shall

(a) deposit, drop, or throw, or cause, allow or permit to be deposited any dust, dirt, paper, ash, carcass, refuse, box, barrel, bale or any other waste in a street or any other public place;

(b) keep, leave or cause any article, or thing whatsoever in any place where it or particles therefrom have passed or are likely to pass into any public place;

(c) place, scatter, spill or throw any blood, brine, noxious liquid, swill or any other offensive or filthy matter of any kind in such manner so as to run or fall in any public place; or

(d) throw or leave behind any bottle, can, food container, food wrapper, glass, particles of food or any of other article or thing in any public place;.

(2) No person shall drop, deposit or throw any refuse or any other matter or thing in any drain, reservoir, river, stream or watercourse or upon the bank of any of the same or in any part of the sea abutting on the foreshore.

(3) No person shall drop, scatter, spill or throw away dirt, sand, earth, gravel, clay, loam, manure, refuse, claydust, shavings, stone, straw or any other thing or matter in any public or unoccupied privately-owned premises.

(4) No person shall after causing the construction, erection, alteration, demolition or reparation of any building or excavation of any building or excavation of any road, drain or trench, allow any dirt, sand, earth, cement, rocks, gravel or any other materials used in connection with these works or arising therefrom on the footpath, gutter, alley, street, drain, pavement, footway, public place, public or private street whether under the control of the Council or not.

4. (1) The occupier of any premises abutting upon any private street to which he has access or the right of access from such premises shall cause such portion of the street as fronts, adjoins or abuts on his premises and up to the centre thereof including footways to be properly swept and cleaned and refuse and filth of every sort found thereon to be collected and removed.

(2) The occupier of any premises shall cause the immediate vicinity of such premises, including footways, to be kept clean and free of refuse, filth or other matter or any accumulation of water.

Where the premises are not occupied, the duty specified under sub-sections (1) and (2) shall devolve upon the owner of the premises.

(3) The occupier of any premises, vacant premises or flat, shall

- (a) at all time keep the premises clean and free from all under growth;
and
- (b) refrain from dumping, or permit the dumping of any refuse, vehicle wreck, excavation or builder's rubble, or any other waste material on the premises.

5. Every occupier of a residential premises shall deposit or cause to be deposited any refuse or any waste material in the receptacle.

6. Every occupier of a flat shall deposit or cause to be deposited all refuse at ground level in a receptacle, as described under Regulation 5 whether used exclusively by him or in common to all occupiers of the flat.

7. The owner of a flat shall --

- (a) provide a receptacle as described under Regulation 5 for common use of all occupiers; and,
- (b) comply with Regulations 4 and 5 above.

8. Every occupier of a commercial or industrial premises shall :-

- (a) deposit his receptacle as described under Regulation 5 on the pavement as close as possible to his premises by 7.00 a.m.; and
- (b) remove the receptacle, after it has been emptied by the employees, agents or contractors of the Council.

9. Where any vehicle is used in disposing or dumping of refuse, waste or any other article in any public place, other than a public disposal facility established by or with the permission of the Council or on any land whether State land or otherwise or any unoccupied privately-owned premises, such vehicle may be seized by any public officer or any officer and removed to and detained in any police station, or in any other place as approved by the Council.

10. Any dealer in cakes, foodstuffs, fruits or other perishable goods shall secure such refuse in a plastic bag before depositing it in a receptacle.

- 11.** (a) Every occupier, or owner, or contractor or agent of any workplace shall dispose of his refuse as directed by the officer.
- (b) Any occupier, owner, contractor or agent may, upon request, have his refuse disposed of in accordance with an agreement to be made with the officer.
- (c) The agreement made as aforesaid in sub-paragraph (b) shall be made in writing signed by the occupier and the officer and shall include the appropriate fees mentioned in Regulation 31(4)
- (d) Such occupier or other person may upon prepayment of the prescribed fees be authorised to dispose of his refuse or waste to a disposal facility, provided that when disposing of the refuse or waste, he or his employee, agent or any person acting on his behalf shall obey such order or directions as shall be given by the person in charge of such disposal facility.

12. (1) The Council may cause any number of dustbins, bins or other receptacles wherein refuse may be temporarily deposited to be provided and placed in a proper and convenient location in public streets and private streets and in such other places as it may think fit and may cause vehicles to go around to collect the same.

(2) No person shall deposit or cause or permit to be deposited any dung, discarded eggs, nightsoil, human excretes, industrial waste, animal refuse or garden refuse in any such dustbin or receptacle.

13. (1) The Council may by notice in writing require any person upon whom any duty is cast under Regulations 7, 8 and 10 above, to sweep, cleanse, collect and remove the refuse, filth or other matter found thereon at such time or times as are stated in the notice.

(2) The Council may further by notice, in writing require any person at its own costs carrying on any trade, manufacture, or business or occupying any stable, cattle-shed or place for keeping sheep, goats, swine, or poultry, to remove periodically such refuse or waste to a disposal facility for disposal.

(3) Any person upon whom a notice has been served under subsections (1) and (2) above shall, if so required by any officer, furnish evidence that he has complied with the notice.

14. (1) The Council may, by notice in writing, require the owner or occupier of any premises to provide, construct or reconstruct at the expense of the owner or occupier and within such period as may be specified in the notice –

(a) dustbins or other convenient receptacles, which shall conform to such specification, as the Council may require, to be placed in appropriate locations within the premises of the occupier for the deposit of refuse and rubbish from those premises, and

(b) refuse bin centres or refuse bin compartments, which shall conform to such specifications as the Council may require, to be sited in appropriate situations within the premises as the Council thinks fit, and wherein or whereon shall be placed the dustbins and other receptacles referred to in paragraph (a).

(2) Where any dustbins or receptacle has been provided under subsection (1), the Council may, by notice in writing, require the owner or occupier of any premises concerned to convey, as often as may be necessary, refuse from such premises to a disposal facility.

15. (1) The owner of a building or part thereof served by a refuse lift which is wholly or partly used for the conveyance of refuse or by a refuse chute or chute chamber shall be responsible for the maintenance, repair or replacement of such lift, chute or chute chamber.

(2) The Council may, by notice in writing, require the owner of a building or part thereof served by a refuse lift, refuse chute or chute chamber to maintain repair or replace the refuse lift, refuse chute or chute chamber or both, or to change the dimensions of such refuse lift, refuse chute or chute chamber as the Council may consider necessary.

16. (1) No owner or occupier of any dwelling-house or premises shall-

- (a) keep or allow to be kept otherwise than in some proper receptacle, refuse or any noxious or offensive matter in any part of such house or premises;
- (b) allow such receptacles to be in a filthy or noxious state, or
- (c) neglect or fail to remove the refuse or noxious or offensive matter from such receptacle and to cleanse the same.

(2) The receptacle referred to in sub section (1) shall be placed at such times and places as may be directed by the Council.

17. All refuse, waste and filth of every sort and any matter or thing collected by the employees, contractors or agents of the Council from streets, buildings or any premises or place or brought by any person to any public disposal facility shall be the property of the Council which may sell or dispose of the same as it thinks fit.

18. (1) The Council may provide, acquire, construct and maintain disposal facilities for the deposit, disposal and treatment of refuse or waste as it may consider necessary and may make available such facilities to any person upon payment of any fees or charges as may be prescribed.

(2) The Council may refuse to accept any refuse or waste brought to any public disposal facility without assigning any reason therefor or may accept refuse or waste of such description or kind upon such terms and conditions it may consider necessary.

19. (1) No person shall dispose or cause or permit to be disposed of refuse or industrial waste in or at any place except in or at a public disposal facility or at a disposal facility established with the permission of the Council under Section 18(1).

(2) For the purpose of these Regulations, a person is said to dispose of industrial waste if he, burns, sells, gives away, discards, dumps, incinerates, deposits, processes, recycles, throws or treats such waste and "disposal" shall be construed accordingly.

20. The occupier of any work place where industrial waste is being produced shall keep or store the waste disposal in a proper and efficient manner so as not to create a nuisance or to cause any risk, harm or injury to persons or animals or is likely to pollute the environment.

21. (1) The Council may, by notice in writing, require the occupier of any work place to remove periodically industrial waste from such premises to a disposal facility.

(2) The Council may, by notice in writing, require any occupier upon whom a notice has been served under subsection (1) to furnish evidence that the industrial waste from the premises has been disposed of at a disposal facility in accordance with the notice.

22. The Council may, by notice in writing require the occupier of any work place to recycle or treat any industrial, waste produced in those premises at his own expense before it is brought to any public disposal facility for disposal.

23. (1) No toxic industrial waste or the residue from the treatment thereof shall be brought to any public disposal facility for disposal or treatment without the written permission of the Council.

(2) An application for the written permission referred to in subsection (1) shall be made to the Council giving details of the nature and composition of the toxic industrial waste and the residue thereof.

24. Where it is established that the quantity of toxic industrial waste produced in any work place is or is likely to be excessive or unduly toxic, the Council may by notice require the occupier of such premises to –

- (a) alter the method of operation or process used in such premises;
- (b) alter, install, repair or replace any device, equipment or plant used in such premises;
- (c) use other materials or substances other than those used in such premises; or
- (d) take such other steps as may be necessary to reduce the quantity or toxicity of such waste.

25. (1) No person shall carry on the business of collecting, transporting, storing refuse or industrial waste without the prior approval of the Council.

(2) Any person who collects or transports refuse or industrial waste shall ensure that the refuse or waste or liquid from such refuse or waste is not dropped, scattered or spilled onto any public place.

26. The Council may take such steps as it may consider necessary to remove or abate all nuisance of a public nature and may, if it considers that the circumstances so warrant, proceed at law against any person committing any such nuisance.

27. (1) An officer may-

- (a) 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-
- (b) 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.
 - (i) constructed with concrete or other impervious materials;
 - (ii) adequately ventilated'.
 - (iii) placed at proximity of the main entrance,

- (iv) provided with a means of access for cleaning and removing its contents without having it to be carried through any building; and
- (v) provided with an outlet to a covered drain.

(2) The occupier shall comply with the notice under para.(1) within three months of the service of the notice.

28. (l) (a) Where any vacant premises are-

- (i) partly, or wholly, covered with undergrowth, or
- (ii) dumped with any refuse, vehicle wreck, excavation or builder's rubble, household furniture or any other material prejudicial to public health or conducive to pollution, an officer may serve on the owner a notice requiring him to cut down, remove or dispose of, the undergrowth or material,
- (iii) dumped with any refuse, vehicle wreck, excavation or builder's rubble, household furniture or any other material prejudicial to public health or conducive to pollution, an officer may serve on the owner a notice requiring to fence with concrete block a wall of not less than 2 mts high the said land or premises.

(2) The owner or the occupier shall comply with the requirements of the notice under paragraph (1) within one month of the service of the notice.

Amended by [GN No. 169 of 1998]

29. On the failure of the owner or occupier to comply with the requirements of the notice mentioned in Regulations 27 and 28, the Council shall-

- (a) be empowered to enter upon the said land/premises and cause all works necessary for the cleaning of the land and removal and disposal of all undergrowth, refuse, wreck, rubble, furniture and, any other material thereon to be done;
- (b) be empowered to enter the said land or premises and cause all wall construction works to be carried out so as to ensure the future sound upkeep and preserve them from refuse dumpings and soilage; and,
- (c) recover sums spent by it for that purpose as a civil debt from the owner or occupier.

30. (1) For the removal of household refuse, trade refuse, vehicle wrecks, excavation or builder's rubbles, household furniture, the Council shall claim the fees as prescribed in the schedule to this regulation. The fees shall be paid yearly and at the start of each financial year.

(2) Professionals and classified trades, as listed at D in the schedule, will be exempted from the payment of a trade refuse fee.

- (3) The Council shall also have the right to levy a trade refuse fee on trader who are paying their licence fee to other authorities and to whom a scavenging service is offered by The Municipal Council of Port Louis.

Amended by [\[GN No. 189 of 2004\]](#)

31. (1) The occupier or tenant of any trade premises in the town of Port Louis shall deposit or cause to be deposited all trade refuse from such premises in a dustbin or other receptacle, specially provided by the occupier or tenant for that purpose.

- (2) The dustbin or receptacle shall be kept on the premises of the occupier or tenant as close as possible to the footway.

(3) (a) There shall be a daily service, except on public holidays in the central part of Port Louis.

(b) There shall be a tri-weekly service outside the central part of Port Louis either on Mondays, Wednesdays and Fridays or on Tuesdays, Thursdays and Saturdays, except when any of these days is a public holiday.

(4) In this regulation "any street in the central part of the Town" means any street within the area of the town of Port Louis limited as follows -

- (1) by Marine Road to Abattoir Road
- (2) by Abattoir Road from Marine Road to Fanfaron Marsh
- (3) by Fanfaron Marsh from Abattoir Road to Magon Stieet.
- (4) by Magon Street from Fanfaron Marsh to Sir Virgil Naz Street
- (5) by Sir Virgil Naz Street from Magon Street to Jules Koenig Street
- (6) by Jules Koenig Street from Sir Virgil Naz Street to Georges Guibert Street
- (7) by Georges Guibert Street from Jules Koenig Street to Poudriere Street,
- (8) by Poudriere Street from Georges Guibert Street to Mere Barthelemy Street,
- (9) by Mere Barthelemy Street from Poudriere Street to St Georges Street
- (10) by St Georges Street from Mere Barthelemy Street to Barracks Street
- (11) by Barracks Street from St Georges to Jemmapes Street
- (11) by Jemmapes Street from Barracks Street to Lord Kitchner Street
- (12) by Lord Kitchner Street from Jemmapes Street to Caudan Street
- (13) by Caudan Street from Lord Kitchner Street to the sea.

Amended by [\[GN No. 189 of 2004\]](#)

32. (1) Subject to paragraph (2), any person contravening any of these regulations shall commit an offence and shall on conviction, be liable to a fine not exceeding Rs 10,000.

(2) All contraventions under the present regulations shall be prosecuted by the Inspectorate department in case the offence has been detected by an officer of such department.

(3) The Court may, in addition to a fine, make any 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.

33. Sections 113, 114 and 114A of the Municipality Regulations 1908 (G.N. 60 of 1908) as amended by G.N. 80 of 1960 and Act No. 22 of 1968 are repealed.

34. These Regulations shall be deemed to have come into operation on 1 January, 1996.