

Rodrigues Regional Assembly (Dumping and Waste Carrier's) Regulations, 2005

RodriguesGN No. 1 of 2005

LEGAL SUPPLEMENT

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THE RODRIGUES REGIONAL ASSEMBLY DUMPING AND WASTE CARRIER'S REGULATIONS, 2005

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

1. These regulations may be cited as the **Rodrigues Regional Assembly (Dumping and Waste Carrier's) Regulations, 2005**.

2. In these regulations -

"authorised officer" means an Enforcement Officer of the Environment Unit of the Commission, a Police Officer, a Health Officer or any other Public Officer designated by the Commissioner;

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

"Commissioner" means the Commissioner responsible for the subject of environment;

"Commission" means the Commission responsible for the subject of environment;

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

"hazardous waste" has the same meaning as in the Environment Protection (Standards for Hazardous Wastes) Regulations, 2001 (GN 157/2001);

"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;

"permitted waste" means waste, accepted at a landfill or controlled waste disposal site as specified in the Fifth Schedule;

"plate" means a waste carrier's registration plate;

"river" includes rivulets, streams and canals;

"transfer station" means a place identified by the Commissioner for the temporary disposal of waste before collection and transfer to the waste disposal site;

"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, provided it is not hazardous waste;

"waste carrier" means -

- (a) a vehicle licenced under regulation 4; or
- (b) a vehicle owned by the Rodrigues Regional Assembly for the purpose of transporting waste;

"waste disposal site" means the Grenade Dumping Site or any other site approved by the Commissioner and specified in the First Schedule and in a carrier's licence.

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;
- (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 and a volume of more than 1m³ 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 Departmental Head in the form specified in the Second Schedule.

(3) (a) The Departmental Head 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 payable in respect of a vehicle owned by the Rodrigues Regional Assembly.

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 thereunder;

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

(iii) these regulations;

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

6. Where the Commissioner 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. No person shall carry-

(a) waste in a vehicle in such a way that the waste falls off or is likely to fall off the vehicle;

(b) any leachate in a vehicle in such a way that the leachate trickles or is likely to trickle from the vehicle on a road.

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;

- (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 Commissioner may, in the public interest, dispense a person from compliance with regulations 4(1) and 8(1) for a maximum period of 7 days.
10. (1) Any person carrying waste of a total weight exceeding 50 kilograms and of a volume of more than 1m³ in a waste carrier shall have in his possession a written authorisation from the Departmental Head of the Commission to use a waste disposal site or any other site approved by the Commissioner for that purpose.
- (2) Every person driving or in charge of a waste carrier shall produce, on demand, the waste carrier's licence of the vehicle 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 authorised officer or 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 Commissioner for that purpose.
12. (1) Where any person unlawfully deposits waste at a place other than a waste disposal site or any other site approved by the Commissioner for that purpose, the authorised officer may -
- (a) request that person to remove the waste unlawfully deposited within such time as may be determined by him; or
- (b) cause the waste unlawfully deposited to be removed and recover from that person the costs for such removal.
- (2) The costs referred to in paragraph (1) shall be recovered as a debt due to the Rodrigues Regional Assembly.

13. (1) Any person who -

- (a) contravenes these regulations;
- (b) fails to comply with any of the conditions of the licence as laid down in Sections 7, 8, 10(1) and (2);
- (c) fails to comply with a request made under regulation 12 (1)(a),

shall commit an offence and shall on conviction be liable –

(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 10,000 rupees;
- (B) in respect of a second or subsequent offence, to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 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 imprisonment for a term not exceeding one year.

(iii) for an offence under regulations 4(1), 7(a), 7(b), 8(1),8(2), 8(3)(a) and (b), 10(1) and 10(2).

- (A) in respect of a first offence, to a fine of not less than 1,000 rupees and not more than 5,000 rupees;
- (B) in respect of a second or subsequent offence, to a fine of not less than 3,000 rupees and not more than 10,000 rupees and to 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. A licence issued under the Local Government (Dumping and Waste Carrier's) Regulations 1997 to any vehicle in Rodrigues shall-
- (a) be deemed to have been issued under these regulations; and
 - (b) remain valid for the period for which it was issued.
15. These regulations shall come into operation on 30 October, 2005.

Made by the Rodrigues Regional Assembly on 19 July, 2005.

FIRST SCHEDULE

(regulation 2)

WASTE DISPOSAL SITE

1. Grenade Disposal site
2. Any other site approved by the Commissioner and specified in a waste carrier's licence.

SECOND SCHEDULE

(regulation 4(2))

APPLICATION FORM FOR WASTE CARRIER LICENCE

I, Mr/Mrsresiding
 athereby
 apply for a Waste Carrier Licence in respect of the following vehicle:

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

FEEES 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/Mrsauthorizing
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 shall bear 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 not carry during any particular trip more than one type of waste, as..... defined in condition No. 7.
9. The waste carrier shall always be maintained in a clean and proper state.
10. Additional site approved by the Commissioner and which may be used by waste carrier.....

Date.....

.....
Departmental Head

PERMITTED WASTE ACCEPTED AT WASTE DISPOSAL SITE

- 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 waste contractors and government scavengers 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 include expired, damaged, contaminated and confiscated goods, but exclude chemical waste.
- Tannery waste, which comprises solid waste from tanneries comprising mainly tannery off cuts but excluding infectious materials.
- 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).
- 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).