



CHAPTER L-22.

An Act respecting the Regulation, Control and Prevention of Litter.

- Short title 1. This Act may be cited as *The Litter Control Act*.
- Interpretation 2. In this Act:
- "approved container" (a) "approved container" means a container that is approved under section 6;
- "beverage" (b) "beverage" means beer, as defined by *The Liquor Act*, or carbonated soft drinks and includes any other liquor intended for human consumption by drinking that is designated by the regulations to be a beverage for the purpose of this Act;
- "container" (c) "container" means a vessel or receptacle that is made or produced for the purpose of holding a beverage;
- "minister" (d) "minister" means the member of the Executive Council to whom for the time being is assigned the administration of this Act;
- "vendor" (e) "vendor" means a person who sells or offers for sale by retail, wholesale or otherwise beverages in containers for consumption off the premises in which they are sold or offered for sale and includes the owner or lessee of premises in or upon which is located a vending machine that is used for the purpose of selling or offering for sale a beverage in a container for consumption off those premises;
- "waste" (f) "waste" means rubbish, slimes, tailings, garbage, refuse, scrap or any other waste products of any kind whatsoever. 1973, c. 59, s. 2.
- Prohibition respecting abandonment of waste, etc. 3.—(1) Subject to subsection (2), no person shall abandon or cause to be abandoned:
- (a) upon any land that is owned by another person;
 - (b) upon any land that is vested in Her Majesty in right of Saskatchewan or reserved or set aside for the use of the public; or
 - (c) into or upon any water;
- any manufactured article, processed material or any waste.
- (2) It shall not be an offence for a person to abandon or cause to be abandoned any manufactured article, processed material or any

waste in a receptacle provided for the purpose of receiving the manufactured article, processed material or waste, or on lands provided for the same purpose under the authority of any Act. 1973, c. 59, s. 3.

Offences and penalties for abandonment of waste, etc.

4.—(1) Every person who contravenes section 3 is guilty of an offence and liable on summary conviction to the penalties provided in this section.

(2) Where the offence is committed by an individual, the individual is liable:

(a) for the first offence, to a fine not exceeding \$200;

(b) for each subsequent offence, to a fine not exceeding \$500 and in default of payment to imprisonment for a term not exceeding two months.

(3) Where the offence is committed by a company, the company is liable:

(a) for the first offence, to a fine not exceeding \$2,000;

(b) for each subsequent offence, to a fine not exceeding \$5,000.

(4) Where a person has been convicted for a contravention of section 3, the convicting provincial magistrate may, in addition to or instead of any penalty prescribed pursuant to subsection (2) or (3), order that person to remove, at his own expense, every manufactured article or processed material and all waste that has been abandoned by any person on any land or premises described in the order and may, as part of the order, specify the time within which such removal shall be carried out by the person.

(5) For the purpose of giving the person bound by an order under subsection (4) reasonable notice of what he must do to comply with the order, the convicting provincial magistrate shall in the order describe with reasonable accuracy the area of land or the premises from which the person bound by the order is required to remove abandoned manufactured articles, processed material and waste and shall also specify the time within which the person bound by the order shall comply with the order if the order does not specify such time. 1973, c. 59, s. 4.

Penalties for non-compliance of order under section 4, etc.

5.—(1) Any person who fails to comply with an order made under subsection (4) of section 4 is guilty of an offence and liable on summary conviction to the penalties provided in section 15.

(2) The onus of proving compliance with an order made under subsection (4) of section 4 is upon the person bound by the order.

(3) Substantial compliance with an order made under subsection (4) of section 4 shall be deemed to be compliance with the order. 1973, c. 59, s. 5.

Approval of containers

6.—(1) The minister or a person authorized by him for the purpose may issue his approval of a container for such use as the minister or the person authorized by him may specify in the approval.

(2) An approval shall be deemed not to have been issued under subsection (1) unless the approval is in writing and has been signed by the minister or a person authorized by him for that purpose. 1973, c. 59, s. 6.

Payment for approved containers, etc.

7.—(1) Subject to subsections (3), (4) and (5), every vendor shall pay such sums as may be fixed by the regulations to any person who delivers to the vendor approved containers of a type in which a beverage is sold, offered for sale or distributed by the vendor in the premises at which the approved containers have been delivered to the vendor.

(2) A payment required by subsection (1) shall be made to the person who delivered the approved containers to the vendor and shall be made in legal tender.

(3) A vendor is required to accept only approved containers that can, by washing and sterilizing, be made fit for the purpose for which they were originally approved.

(4) Where the regulations set out a maximum number of approved containers that a person may deliver to a vendor within a period of time specified by the regulations, the vendor shall be required to pay only for a number of approved containers that does not exceed the maximum number set out by the regulations.

(5) Where a wholesaler supplies beverages in approved containers to a person for the purpose of sale by that person:

(a) the wholesaler and that person may agree that a payment required by subsection (1) may be made by the wholesaler to that person by some means other than legal tender;

(b) the wholesaler and that person may by express or implied agreement agree that approved containers may be delivered to the wholesaler, or his agent or employee, at some place other than premises of the wholesaler. 1973, c. 59, s. 7.

Depots

8.—(1) Any vendor or number of vendors who sell beverages in approved containers may, subject to the regulations, establish a depot in the locality where the beverages are sold to which approved containers may be brought by persons.

(2) A depot mentioned in subsection (1) shall be established in a locality convenient to all persons of the locality and shall be operated by an agent of the vendor or number of vendors who shall accept approved containers brought to him by persons and shall pay to the persons sums required under section 7 to be paid for the containers. 1973, c. 59, s. 8.

Notice by vendor respecting payment for approved containers

9.—(1) The minister may prescribe a notice to be used for the purpose of informing persons of any provision or provisions of this Act or the regulations.

(2) Where the minister has prescribed a notice under subsection (1), every vendor who sells by retail sale beverages in approved containers shall post the prescribed notice in a conspicuous place at or near the place in his premises where such beverages are sold or exhibited for sale. 1973, c. 59, s. 9.

Agreement to receive approved containers

10. Where a wholesaler supplies beverages in approved containers to a person for the purpose of sale by that person, there shall be deemed to be an agreement between that person and the wholesaler providing:

(a) where any person has delivered to that person approved containers of the type in which a beverage is sold, offered for sale or distributed by the wholesaler, that person shall receive those approved containers on behalf of the wholesaler and shall deliver them to the wholesaler;

(b) that person and the wholesaler shall comply with the provisions of section 7. 1973, c. 59, s. 10.

Certain agreements void

11. Every agreement, express or implied, that has been entered into or is hereafter entered into whereby a person agrees to sell, offer for sale, distribute, exhibit for sale or advertise for sale a beverage in a container that is not an approved container is void. 1973, c. 59, s. 11.

Prohibition respecting sale, use, etc., of containers

12.—(1) No vendor shall sell, offer to sell or distribute a beverage in a container other than an approved container.

(2) No vendor shall use an approved container for a use other than the use specified by the minister or the person authorized by him under section 6. 1973, c. 59, s. 12.

Certain sales, etc., prohibited

13. Subject to section 14, no person shall sell, offer to sell or give containers that are not approved containers. 1973, c. 59, s. 13.

Use of approved containers

14. Every vendor who is engaged in the business of producing beverages for sale in approved containers may use any approved container that has been brought to a vendor that is fit for the purpose for which it was originally approved. 1973, c. 59, s. 14.

Offences and penalties

15.—(1) Subject to section 4, every person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to the penalties provided in this section.

(2) Where the offence is committed by an individual, the individual is liable:

(a) for the first offence:

(i) to a fine not exceeding \$500;
(ii) to imprisonment for a term not exceeding two months;
or
(iii) to a fine not exceeding \$500 and to imprisonment for a term not exceeding two months and in default of payment to imprisonment for an additional term not exceeding two months;

(b) for each subsequent offence:

(i) to a fine not exceeding \$1,000 and in default of payment to imprisonment for a term not exceeding three months;
(ii) to imprisonment for a term not exceeding three months; or
(iii) to a fine not exceeding \$1,000 and to imprisonment for a term not exceeding three months and in default of payment to imprisonment for an additional term not exceeding three months.

(3) Where the offence is committed by a company, the company is liable:

(a) for the first offence, to a fine not exceeding \$2,000;

(b) for each subsequent offence, to a fine not exceeding \$5,000.

(4) Every director, officer or agent of a company who directed, authorized, assented to, acquiesced in or participated in the commission of an offence by the company is guilty of an offence and liable on summary conviction:

(a) for a first offence, to a fine not exceeding \$1,000;

(b) for each subsequent offence, to a fine not exceeding \$5,000;

whether or not the company has been prosecuted or convicted. 1973, c. 59, s. 15.

Certain documents, etc., receivable in evidence

16. In any prosecution for an offence against this Act or the regulations or in any proceedings under section 17, an entry from a document in a file or record of any department, board, commission or agency of the Government of Saskatchewan or a copy of such document, certified to be a true copy of the entry or document by the custodian of the document, shall be received as evidence of the entry or document and of the matters, transactions and accounts therein contained without proof of the signature or appointment of the custodian. 1973, c. 54, s. 16.

Attorney General may apply for certain injunctions

17.—(1) Where it appears to the Attorney General that a person is contravening any of the provisions of this Act or the regulations he may, whether or not the person has been prosecuted or convicted, apply to a judge of the Court of Queen's Bench in chambers for an injunction enjoining that person against contravening the

provisions of the Act or the regulations and upon such application the judge may grant such injunction or make such order as he thinks fit.

(2) An appeal lies to the Court of Appeal for a decision of a judge of the Court of Queen's Bench made under subsection (1).

(3) The rules of the Court of Queen's Bench or of the Court of Appeal apply to proceedings under subsection (1) or (2), as the case may be. 1973, c. 59, s. 17.

Proof of certain convictions

18. Proof of the conviction of a person for a contravention of this Act or the regulations may be made by filing a copy of the conviction, duly certified by the judge or proper officer of the court that made the conviction to be a true copy, and such copy shall be received in evidence in any cause, matter or proceeding of the contents of the original document without proof of the signature of the judge or proper officer who certified the copy or of the appointment of the proper officer. 1973, c. 59, s. 18.

Evidence

19. In any prosecution for a contravention of this Act or the regulations or in any proceedings under section 17:

(a) the certificate of an analyst appointed under *The Liquor Act* stating that he has analyzed or examined a beverage or container produced to him for that purpose and stating the result of his analysis or examination is *prima facie* evidence of the facts set forth in the certificate without proof of the signature or appointment of the person purporting to have signed the certificate;

(b) a label attached to a container by a vendor or any description on a container placed by or on behalf of a vendor purporting to describe the contents of the container to be a beverage is *prima facie* evidence of that fact so stated in the label or by the description. 1973, c. 59, s. 19.

Consent required for certain prosecutions

20. No prosecution other than a prosecution for a contravention of section 3 shall be instituted without the consent in writing of the minister. 1973, c. 59, s. 20.

Application of Act and regulations to Liquor Board and Liquor Licensing Commission

21. This Act and the regulations apply to the Liquor Board and the Liquor Licensing Commission insofar as necessary to carry out this Act and the regulations according to their true intent and where the provisions of this Act or the regulations conflict with the provisions of any other Act or the regulations made thereunder the provisions of this Act or the regulations govern. 1973, c. 59, s. 21.

Regulations

22. The Lieutenant Governor in Council may make regulations:

(a) fixing the sum to be paid for approved containers brought to vendors by persons;

- (b) classifying vendors;
- (c) classifying approved containers;
- (d) prescribing a maximum number of approved containers that any person may deliver to any vendor during a specified period of time, and specifying that period of time;
- (e) designating any liquid intended for human consumption by drinking to be a beverage for the purpose of this Act;
- (f) excluding any vendor or class of vendors or approved containers or class of approved containers from the application of this Act or any provision of this Act;
- (g) excluding any geographic area of the province defined in the regulations from the application of this Act or any provision of this Act;
- (h) prescribing the manner in which containers shall be destroyed or otherwise disposed of;
- (i) respecting any matter or thing that in the opinion of the Lieutenant Governor in Council is necessary for the administration of this Act or the administration of *The Liquor Licensing Act* in accordance with the spirit of this Act;
- (j) prescribing the manner in which applications shall be made for approvals of containers and also prescribing information that shall be provided by the applicants upon the making of such applications and the forms that shall be used by them when the applications are made;
- (k) regulating and controlling the establishment and operation of depots mentioned in section 8. 1973, c. 59, s. 22.

Enforcement officers, powers

23. — (1) Officers of the department appointed under *The Provincial Parks, Protected Areas, Recreation Sites and Antiquities Act* and wildlife officers appointed under *The Game Act* shall be enforcement officers for the purposes of enforcing this Act and the regulations.

(2) An enforcement officer has the powers and is subject to the duties of a peace officer. 1976, c. 31, s. 1.

Time limitation on prosecution

24. No prosecution for an offence against this Act or the regulations shall be commenced after two years from the date of the commission of the alleged offence. 1976, c. 31, s. 1.

REGINA, SASKATCHEWAN:
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1978
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