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Litter Act 1979

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry for Cities, Environment, Regions, and Transport.

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An Act to make better provision for the abatement and control of litter

1 Short Title

This Act may be cited as the Litter Act 1979.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

depositing, in relation to litter, includes—

(a) casting, placing, throwing, or dropping litter; and

(b) allowing litter to be cast, thrown, dropped, or to escape, from any motor vehicle or trailer

infringement offence means any offence specified under section 15(1)

litter includes any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature

Litter Control Officer or **Officer** means any person appointed or deemed to have been appointed as such under section 5 or section 6

Litter Warden or **Warden** means any person appointed as such under section 8

occupier, in relation to any land or premises, means any lessee, licensee, or other occupant of the land, and includes the owner or the agent of the owner where there is no apparent occupier

private land means every place other than a public place

public authority means—

(a) a territorial authority, the New Zealand Transport Agency, the Wellington Regional Water Board, the Auckland Harbour Bridge Authority, a harbour board, an airport authority within the meaning of section 2 of the Airport Authorities Act 1966, an airport operator within the meaning of section 5 of the Civil Aviation Act 2023, and an administering body within the meaning of section 2 of the Reserves Act 1977:

(b) in relation to any cemetery, any persons for the time being holding office as trustees of that cemetery under the Burial and Cremation Act 1964:

(c) all other bodies or classes of bodies which by any Act, or by the Governor-General by Order in Council (*see* subsection (2)), are from time to time declared to be public authorities for the purposes of this Act

public place includes—

(a) every motorway, road, street, private street, footpath, access way, service lane, court, mall, and thoroughfare:

(b) any public reserve within the meaning of section 2 of the Reserves Act 1977 to which the public generally has access, whether with or without payment of any fee, and any reserve under that Act classified as a nature reserve or a scientific reserve:

(c) any park, garden, or other place of public recreation to which the public has access, whether with or without payment of any fee:

(d) any beach or foreshore, or the bank of any river or stream, or the margin of any lake, to which the public traditionally has access, whether with or without payment of any fee:

(e) any waters to which the public traditionally has access, whether with or without payment of any fee, for bathing or other recreational purposes:

(f) every wharf, pier, or jetty (whether under the control of a harbour board or not) to which the public has access:

(g) any conservation area within the meaning of the Conservation Act 1987:

(h) any aerodrome within the meaning of section 5 of the Civil Aviation Act 2023:

(i) any cemetery within the meaning of section 2 of the Burial and Cremation Act 1964:

(j) any land vested in or controlled by any local authority (within the meaning of section 5(1) of the Local Government Act 2002) or the Crown, being land that is not occupied pursuant to any lease, licence, or other authority by any private person:

(k) any national park constituted under the National Parks Act 1980:

(l) any other place whether public or private in the open air, including any walkway within the meaning of section 4 of the Outdoor Access Act 2008, to which the public has access, whether with or without payment of any fee,—

but does not include any site for the disposal of litter, or any receptacle installed in any such public place pursuant to this Act or any other Act

territorial authority means a territorial authority within the meaning of the Local Government Act 2002

traffic officer means an enforcement officer under the Land Transport Act 1998.

(2) An order under paragraph (c) of the definition of public authority in subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1968 No 134 s 2

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(1) **depositing** paragraph (b): amended, on 28 June 2006, by section 4 of the Litter Amendment Act 2006 (2006 No 24).

Section 2(1) **Litter Control Council**: repealed, on 17 December 1985, by section 2(2) of the Litter Amendment Act 1985 (1985 No 185).

Section 2(1) **public authority** paragraph (a): amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **public authority** paragraph (a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 2(1) **public authority** paragraph (a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **public authority** paragraph (a): amended, on 1 April 1981, by section 80(1) of the National Parks Act 1980 (1980 No 66).

Section 2(1) **public authority** paragraph (c): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1) **public place** paragraph (g): substituted, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **public place** paragraph (h): replaced, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **public place** paragraph (j): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **public place** paragraph (k): amended, on 1 April 1981, by section 80(1) of the National Parks Act 1980 (1980 No 66).

Section 2(1) **public place** paragraph (l): amended, on 10 July 2026, by section 358 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Section 2(1) **public place** paragraph (l): amended, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

Section 2(1) **territorial authority**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **traffic officer**: substituted, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

Section 2(2): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

3 Act to bind the Crown

This Act shall bind the Crown.

4 Responsibility for promotion of litter control

Keep New Zealand Beautiful Incorporated shall be the body primarily responsible for the promotion of litter control in New Zealand.

Section 4: substituted, on 17 December 1985, by section 2(1) of the Litter Amendment Act 1985 (1985 No 185).

Litter Control Officers

5 Litter Control Officers

(1) Every public authority may from time to time, either alone or jointly with another public authority or other public authorities, appoint any suitable person or persons (whether already employed by an authority or not) to be a Litter Control Officer to exercise the powers and duties conferred on the Officer by this Act—

(a) within the district or districts of the public authority or public authorities which appointed him and within any other area or place under the control of that authority or those authorities; or

(b) if the appointing authority or authorities think fit, within such part or parts of their district or districts or other areas or places under their control as they may specify in his warrant of appointment supplied under subsection (3).

(2) Every such appointment shall be on such terms concerning remuneration and other conditions of employment as the appointing authority or authorities may determine.

(3) The authority shall supply to every Officer appointed by it a written warrant evidencing the appointment, and the production of that warrant shall be sufficient proof of the appointment.

(4) Every Officer shall, on the termination of his appointment, whether by removal from office or by resignation, surrender to the authority employing him his warrant of appointment.

Compare: 1968 No 134 s 4; 1970 No 80 s 2

Section 5(3): substituted, on 19 March 1990, by section 2(1) of the Litter Amendment Act 1990 (1990 No 9).

Section 5(4): amended, on 19 March 1990, by section 2(2) of the Litter Amendment Act 1990 (1990 No 9).

6 Other Litter Control Officers

(1) The following persons shall by virtue of their office be deemed to have been appointed as Litter Control Officers:

(a) every constable:

(b) every traffic officer while he is acting in the exercise of his powers or the discharge of his duties in any place where he is authorised to exercise his jurisdiction as a traffic officer:

(c) every warranted officer within the meaning of the Conservation Act 1987:

(d) every officer within the meaning of section 93(5) of the Reserves Act 1977 while he is acting in the exercise of his powers or the discharge of his duties in any public, nature, or scientific reserve (being in each case a reserve to which this Act applies) in respect of which he is for the time being authorised to act:

(e) every harbourmaster appointed under Part 3A of the Maritime Transport Act 1994 or pursuant to the Lake Taupo Regulations 1976 while acting in the exercise of his powers or the discharge of his duties in the harbour in respect of which he was appointed:

(f) every enforcement officer and honorary enforcement officer within the meaning of the Outdoor Access Act 2008 while that officer is acting in the exercise of his or her powers and the discharge of his or her duties on any walkway:

(g) any officer appointed pursuant to section 196 or section 197 of the Fisheries Act 1996, and any ranger appointed pursuant to section 38 of the Wildlife Act 1953:

(h) every ranger appointed under section 40 of the National Parks Act 1980 while he is acting in the exercise of his powers and the discharge of his duties in any national park in respect of which he is authorised to act:

(i) every warranted officer and honorary warranted officer who is warranted for the purposes of the Te Urewera Act 2014, while acting in the exer-

cise and performance of powers and duties conferred and imposed by the Te Urewera Act 2014.

(2) The production by any person of a warrant of appointment or other evidence that he holds an office mentioned in subsection (1) shall be sufficient evidence that he is an Officer for the purposes of this Act.

(3) The Governor-General may, from time to time by Order in Council, appoint other persons, whether in groups or classes, to be Litter Control Officers; and may in like manner revoke or vary any appointment so made.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1968 No 134 s 5; 1975 No 31 s 49

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives, unless it relates exclusively to an individual (in which case a transitional exemption applies under Schedule 1 of the Legislation Act 2019)	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 6(1)(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 6(1)(c): substituted, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 6(1)(e): amended, on 23 October 2013, by section 90 of the Maritime Transport Amendment Act 2013 (2013 No 84).

Section 6(1)(f): substituted, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

Section 6(1)(f): amended, on 10 July 2026, by section 358 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Section 6(1)(g): amended, on 1 October 2001, pursuant to section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

Section 6(1)(h): substituted, on 1 April 1981, by section 80(1) of the National Parks Act 1980 (1980 No 66).

Section 6(1)(i): inserted, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 6(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

7 Powers and duties of Officers

(1) Every Officer appointed by a public authority who is for the time being in possession of his or her warrant of appointment, and every other Officer who is in possession of a warrant or other evidence of that Officer's authority to act as such, is authorised to enforce the provisions of this Act and may, without further authority than this section, summarily intervene to prevent any of the following:

(a) the deposit or attempted deposit of litter in any public place in which the Officer is authorised to act:

(b) the deposit or attempted deposit of litter from any such public place onto private land, if the Officer has good reason to believe the deposit or attempted deposit has been or is being made without the consent of the occupier of that private land:

(c) the wilful damage or attempted wilful damage of any litter receptacle in any such public place.

(2) Where any such Officer finds a person depositing litter (whether inadvertently or otherwise) in a public place in which he is authorised to act or from any such public place onto private land without the consent of the occupier of that private land, or has good cause to believe that a person has deposited litter (whether inadvertently or otherwise) in or onto any such place or land, the Officer may require that person to remove the litter from that place or land and to dispose of it in such a manner as the Officer may direct or as will not contravene the provisions of this Act.

(3) Where any such Officer has reasonable cause to believe litter has been deposited from any motor vehicle or trailer he may require the user or owner of the motor vehicle or trailer, on that motor vehicle or trailer being stationary, to give his name and place of residence and also the name and place of residence of any other person or persons whom the Officer has reason to believe deposited litter from that motor vehicle or trailer, and the user or owner of the motor vehicle or trailer shall on such demand give the information requested.

(4) An Officer may, if permitted or requested to do so by the occupier of any private land, enter that land if so required for the discharge of his duty.

(5) If any such Officer—

(a) finds a person committing an offence against—

(i) section 15 or section 16; or

(ii) section 11 of the Summary Offences Act 1981, if the offence relates to any litter receptacle in any such public place; or

(b) has good cause to believe that a person has committed such an offence,—

the Officer may require that person to state his or her name and address.

Compare: 1968 No 134 ss 6, 7

Section 7(1): substituted, on 19 March 1990, by section 4(1) of the Litter Amendment Act 1990 (1990 No 9).

Section 7(5): substituted, on 19 March 1990, by section 4(2) of the Litter Amendment Act 1990 (1990 No 9).

8 Litter Wardens

(1) Every public authority may from time to time, either alone or jointly with another public authority or public authorities, appoint in the same manner as is provided under section 5 for the appointment of Officers, any suitable person or persons (whether already employed by the authority or not) to be a Litter Warden, and may at any time revoke any such appointment so made.

(2) Every Warden may exercise all the duties of an Officer, except such as may be specified in his warrant of appointment, in such public places under the control or within the district or districts of the authority or authorities which appointed him as may be so specified.

(3) A Warden shall have all the powers and authorities of an Officer in carrying out his duties, but shall have no authority to act as an Officer for the purposes of section 10 or to issue an infringement notice under section 14.

(4) The Governor-General may, from time to time by Order in Council, appoint any persons, whether in groups or classes, to be Wardens; and may in like manner revoke or vary any appointment so made.

(5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives, unless it relates exclusively to an individual (in which case a transitional exemption applies under Schedule 1 of the Legislation Act 2019)	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 8(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Powers and duties of public authorities and others

9 Receptacles to be provided in public places

(1) Every person, public authority, and department of State shall at all times provide and maintain in every public place under his or its control or management where litter is likely to be deposited, such number of litter receptacles of suitable construction and design for the temporary deposit of litter as may reasonably be necessary to keep the place free from litter.

(2) Where litter generated on or attributable to any particular land or premises is likely to be carried or to otherwise escape from that land or those premises onto a public place, the public authority in control of the public place or within whose district it is situated may require the occupier of the land or premises to take all reasonable steps to prevent such litter being carried or escaping onto the public place.

(3) Where it can be shown that excessive litter is attributable to or emanates from any particular land or premises, the public authority in whose district or jurisdiction that land or premises is situated may require the occupier of the land or premises to provide and maintain such number of litter receptacles of suitable construction or design in any public place adjacent to or within the vicinity of the land or premises for the temporary deposit of litter as may reasonably be necessary to ensure that the public place may be kept free of that litter.

(4) Where any occupier fails to comply with any proper request of a public authority to take reasonable steps to prevent litter being carried or escaping under subsection (2) or to provide suitable litter receptacles in accordance with subsection (3), the authority itself may take those steps or provide and install those receptacles, and may recover the cost of so doing from the occupier as a debt due to the public authority.

(5) Every public authority shall also make appropriate provision for the emptying of the contents of litter receptacles situated within public places under its control or in its district and for the removal and disposal of those contents. The work shall be executed promptly, efficiently, and at regular and prescribed intervals to the satisfaction of the Medical Officer of Health appointed for the health district in which the public place is situated.

(6) *[Repealed]*

Compare: 1968 No 134 s 8

Section 9(6): repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

10 Territorial authority may require occupier of private land to clear litter

(1) Any territorial authority may serve or cause a Litter Control Officer appointed by it to serve, on its behalf, on the occupier of any private land or any land vested in or controlled by the Crown or any local authority (within the meaning of section 5(1) of the Local Government Act 2002) a notice in writing requiring the occupier, to the satisfaction of an Officer,—

(a) to clear away, or remove, from the land; or

(b) to clean up; or

(c) to screen, cover, or otherwise obscure from view—

such litter as may be specified in the notice within 14 days or such further time as may be so specified, being litter which, in the opinion of the territorial authority, tends to grossly deface or to defile the area in which the private land is sited.

(2) If, upon the representations of an occupier served with a notice under subsection (1), an Officer is satisfied that steps have been taken to comply with the requirements of the notice but the occupier has been prevented by reasonable

cause from completing the necessary work within the time specified, the Officer may extend the time specified for such further period as he thinks fit.

(3) Every person receiving a notice under subsection (1) may object to the requirements of the notice within 14 days after its receipt on the grounds that those requirements are unreasonable.

(4) Every objection shall be made in writing to the territorial authority by which or on behalf of which the notice was issued. The territorial authority shall appoint a time and place for hearing the objection, and shall give reasonable notice of that time and place to the objector who shall be entitled to be present and, if present at that time and place, to be heard.

(5) The territorial authority may, after hearing an objection, confirm, cancel, or vary the requirements of the notice, and shall, within 14 days after the hearing, give to the objector written notice of its decision.

(6) Subject to this section, every territorial authority, in hearing any objection under this section, may regulate its own procedure.

(7) Every objector dissatisfied with the decision of a territorial authority under this section may, within 14 days after receiving any notice under subsection (5), appeal against the decision to the District Court by way of originating application under the rules of that court.

(8) The court, on the hearing of the appeal, may confirm or reverse the decision appealed against or make such other order as the case requires, or may refer the matter back, together with its reasons for doing so, to the territorial authority for reconsideration.

(9) To the extent that any requirements of a notice under subsection (1) is the subject of an objection or appeal under this section, the notice shall be suspended until the objection or appeal is determined.

(10) Every occupier commits an offence who, having been served with a notice under this section,—

(a) fails to comply with that notice (not being a notice that has been suspended under subsection (9)) within the time specified in the notice or within the time as extended under subsection (2):

(b) fails to comply with any notice varied or confirmed by a territorial authority or a District Court Judge under this section within the time specified by the territorial authority or the District Court Judge.

(11) Every person who commits an offence against subsection (10) is liable on conviction,—

(a) in the case of a natural person, to a fine not exceeding $500 for each day on which the failure continues; or

(b) in the case of a corporation, to a fine not exceeding $2,000 for each day on which the failure continues.

Section 10(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 10(1): amended, on 19 March 1990, by section 5(1) of the Litter Amendment Act 1990 (1990 No 9).

Section 10(3): amended, on 19 March 1990, by section 5(2) of the Litter Amendment Act 1990 (1990 No 9).

Section 10(7): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 10(10)(a): amended, on 28 June 2006, by section 5(1) of the Litter Amendment Act 2006 (2006 No 24).

Section 10(10)(b): amended, on 28 June 2006, by section 5(1) of the Litter Amendment Act 2006 (2006 No 24).

Section 10(10)(b): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 10(11): substituted, on 19 March 1990, by section 5(3) of the Litter Amendment Act 1990 (1990 No 9).

Section 10(11): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 10(11)(a): amended, on 28 June 2006, by section 5(2)(a) of the Litter Amendment Act 2006 (2006 No 24).

Section 10(11)(a): amended, on 28 June 2006, by section 5(2)(b) of the Litter Amendment Act 2006 (2006 No 24).

Section 10(11)(b): amended, on 28 June 2006, by section 5(2)(c) of the Litter Amendment Act 2006 (2006 No 24).

Section 10(11)(b): amended, on 28 June 2006, by section 5(2)(d) of the Litter Amendment Act 2006 (2006 No 24).

11 Local or public authority may make grants, etc, for the abatement or prevention of litter

Any local authority within the meaning of section 5(1) of the Local Government Act 2002 or any public authority may, notwithstanding anything to the contrary in the enactment or instrument constituting it, from time to time for the purpose of abating or preventing litter—

(a) make grants of such amounts as it thinks fit to any organisation (not established for the purpose of making a profit):

(b) spend such sums of money as it thinks fit on any scheme or campaign for the abatement or prevention of litter.

Compare: 1968 No 134 s 9

Section 11: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

12 Public authorities may make bylaws

(1) Every public authority, whether alone or acting jointly for the purposes of this Act with another public authority or public authorities, may from time to time make such bylaws as it thinks fit to give effect to the provisions of this Act.

(2) Section 161A of the Local Government Act 2002 applies to all bylaws made under this section as if they were made by a local authority.

Section 12(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Infringement notices

13 Territorial authorities may adopt infringement notice provisions

(1) This section and section 14 shall be in force only within the district of a territorial authority which has adopted them pursuant to subsection (2).

(2) Any territorial authority which has appointed any Officer (other than a Warden) pursuant to this Act whether alone or jointly with another public authority or other public authorities or which has appointed any traffic officers may, by resolution, adopt the provisions of this section and section 14 to apply in respect of any infringement offence committed within its district.

(2A) A territorial authority may not pass a resolution under subsection (1) unless it has given at least 14 days' public notice of its intention to do so.

(3) Every resolution under subsection (2) shall specify the nature of the infringement offence or offences and the fee (in this section and in section 14 referred to as the **infringement fee**) payable in respect of any such offence.

(4) No infringement fee shall exceed $400.

(5) Where any person is alleged to have committed an infringement offence, that person may either—

(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be served with an infringement notice as provided in section 14.

(6) No infringement notice shall be issued by a Warden nor by any person deemed to be an Officer under section 6(1)(c), (d), (f), (h), or (j).

Section 13(2): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 13(2A): inserted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 13(3): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 13(4): amended, on 28 June 2006, by section 6 of the Litter Amendment Act 2006 (2006 No 24).

Section 13(5)(a): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

14 Infringement notices

(1) Where a Litter Control Officer observes a person committing an infringement offence or has reasonable cause to believe such an offence is being or has

just been committed by that person, an infringement notice in respect of that offence may be issued to that person by that Officer.

(2) An infringement notice may be served—

(a) by delivering it personally to the person who appears to have committed the infringement offence; or

(b) by sending it by post addressed to him at his last known place of residence or business.

(3) An infringement notice sent to a person by post pursuant to subsection (2)(b) shall be deemed to have been served on the person when it was so posted.

(4) Every infringement notice shall be in such form as the Governor-General may from time to time by Order in Council prescribe, and shall contain the following particulars:

(a) such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and

(b) the amount of the infringement fee for the offence; and

(c) the address at which the infringement fee may be paid; and

(d) the time within which the infringement fee may be paid; and

(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and

(f) a statement of the right of the person served with the notice to request a hearing; and

(g) a statement of the consequences if the person served with the notice does not pay the infringement fee and does not make a request for a hearing; and

(h) such other particulars as are prescribed.

(5) *[Repealed]*

(6) *[Repealed]*

(7) *[Repealed]*

(8) A territorial authority shall keep a record of every infringement notice issued pursuant to this section and of every payment made in respect of that notice for a period of at least 12 months from the date of issue or, as the case may be, of payment.

(9) For the purposes of this section, a territorial authority may delegate its powers and functions under this section to a committee of the territorial authority or to its chief executive but to no other person.

(10) An order under subsection (4) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 14(2)(b): amended, on 1 November 1987, by section 17 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 14(3): substituted, on 1 November 1987, by section 17 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 14(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 14(4): substituted: on 1 November 1987, by section 17 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 14(5): repealed, on 1 November 1987, by section 17 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 14(6): repealed, on 1 November 1987, by section 17 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 14(7): repealed, on 1 November 1987, by section 17 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 14(9): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 14(10): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

14A Entitlement to infringement fees

A territorial authority may retain the infringement fee received by it for an infringement offence if the infringement notice was issued by a Litter Control Officer appointed by the territorial authority.

Section 14A: inserted, on 28 June 2006, by section 7 of the Litter Amendment Act 2006 (2006 No 24).

Offences and penalties

15 Deposit of litter in public place or on private land

(1) Every person commits an offence and is liable on conviction, in the case of an individual, to a fine not exceeding $5,000 or, in the case of a body corporate, to a fine not exceeding $20,000, who deposits any litter or, having deposited any litter, leaves it—

(a) in or on a public place; or

(b) in or on private land without the consent of its occupier.

(1A) Subsection (1) is subject to subsection (2).

(2) Where any person commits an offence against subsection (1), and the litter deposited is of such a nature as is likely to endanger any person or to cause

physical injury or disease or infection to any person coming into contact with it (being in particular any bottle whether broken or not, glass, article containing glass, sharp or jagged material, or any substance of a toxic or poisonous nature) that person is liable on conviction—

(a) in the case of an individual, to imprisonment for a term not exceeding 1 month, or to a fine not exceeding $7,500, or to both; or

(b) in the case of a body corporate, to a fine not exceeding $30,000.

Compare: 1968 No 134 s 10

Section 15(1): substituted, on 28 June 2006, by section 8(1) of the Litter Amendment Act 2006 (2006 No 24).

Section 15(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 15(1A): inserted, on 28 June 2006, by section 8(1) of the Litter Amendment Act 2006 (2006 No 24).

Section 15(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 15(2)(a): amended, on 28 June 2006, by section 8(2)(a) of the Litter Amendment Act 2006 (2006 No 24).

Section 15(2)(b): amended, on 28 June 2006, by section 8(2)(b) of the Litter Amendment Act 2006 (2006 No 24).

16 Wilful breaking of bottles or glass

Every person commits an offence, and is liable on conviction to imprisonment for a term not exceeding 1 month or to a fine not exceeding $7,500, or to both, who wilfully breaks any bottle, or any glass, or any article made of glass, in or on any public place without lawful authority or without the express consent of the public authority having the control or management of the public place, or in or on any private land without lawful authority or without the express consent of the occupier of the private land.

Compare: 1968 No 134 s 11

Section 16: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 16: amended, on 28 June 2006, by section 9 of the Litter Amendment Act 2006 (2006 No 24).

17 Offences in respect of Officers

(1) Every person commits an offence, and is liable on conviction to a fine not exceeding $1,500, who—

(a) wilfully obstructs a Litter Control Officer while acting in the execution of any of the powers or duties conferred on him by this Act:

(b) fails within a reasonable time to comply with the requirement of a Litter Control Officer exercising the power conferred on him by section 6 or section 7:

(c) after being required to disclose his true name and place of residence by a Litter Control Officer acting pursuant to the power conferred on him by section 6 or section 7—

(i) refuses to disclose his true name or place of residence; or

(ii) gives a false name or place of residence; or

(iii) gives such a general description of his place of residence as is illusory for the purpose of discovery:

(d) personates or falsely pretends to be a Litter Control Officer.

(2) In this section, the term **Litter Control Officer** includes a Warden.

Compare: 1968 No 134 s 12

Section 17(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 17(1): amended, on 28 June 2006, by section 10(1) of the Litter Amendment Act 2006 (2006 No 24).

Section 17(1)(b): amended, on 28 June 2006, by section 10(2) of the Litter Amendment Act 2006 (2006 No 24).

18 Liability of officers of body corporate

If a body corporate commits an offence against section 15, every director, manager, secretary, or other similar officer of the body corporate, and every person purporting to act in any such capacity, shall also be guilty of that offence if the act or omission constituting the offence occurred with his knowledge and consent.

Compare: 1968 No 134 s 13

19 Offences punishable on summary conviction

[Repealed]

Section 19: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

19A Strict liability for certain offences

(1) In prosecuting an offence against a provision of this Act (other than an offence against section 16 or 17(1)(a)), the prosecution does not need to prove that the defendant intentionally committed the offence.

(2) This section is for the avoidance of doubt.

Section 19A: inserted, on 28 June 2006, by section 11 of the Litter Amendment Act 2006 (2006 No 24).

19B Defences to strict liability offences

(1) It is a defence in any prosecution referred to in section 19A if the defendant proves—

(a) that the act or omission of the defendant was due to an event—

(i) beyond the defendant's control (including natural disaster, mechanical failure, and sabotage); and

(ii) that could not reasonably have been foreseen or provided against by the defendant; or

(b) that—

(i) the act or omission of the defendant was taken or occurred in an emergency and was reasonably necessary for—

(A) protecting the safety and welfare of a person; or

(B) preventing serious damage to property; and

(ii) after the emergency, the defendant took all reasonable steps to remove the litter or, as the case may be, comply with any notice or requirement in relation to the litter.

(2) The defences set out in this section are the only defences available to a defendant.

Section 19B: inserted, on 28 June 2006, by section 11 of the Litter Amendment Act 2006 (2006 No 24).

Special powers of convicting court

20 Offender may be ordered to clear area

(1) Without limiting the powers conferred on Litter Control Officers by this Act, where any person is convicted of an offence against section 10 or section 15 or section 16 the court may, instead of or in addition to imposing a penalty, order the offender, under the supervision and to the satisfaction of a person nominated by the court, to clear up and remove the deposited litter within such period and to such place as may be specified in the order; and on the making of any such order the court shall further order that, if the offender fails to comply with the order, he be liable, in addition to any penalty imposed under the said section 10 or section 15 or section 16, to a fine not exceeding $500.

(2) Where the order is complied with to the satisfaction of the person nominated by the court that person shall give or send to the offender a statement in writing to that effect.

(3) Where an offender fails to comply with any such order, any District Court Judge, on the application of the person nominated by the court to supervise the clearing and removal of the litter, may issue a summons requiring the offender to show cause why the fine imposed by the order should not be enforced.

(4) On the hearing of the summons to show cause, the court may make such order as it thinks fit.

Compare: 1968 No 134 s 15

Section 20(3): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

21 Cost of removing litter

Where a court convicts a person of an offence against section 15 or section 16, it may, if it thinks fit, in addition to imposing a penalty, order the offender to pay by way of compensation to the public authority having the control or management of the public place or, as the case may be, the occupier of the private land where the offence was committed such sum as it considers reasonable to cover the cost of the removal of the litter; and the amount so awarded shall be deemed to be a judgment debt due to the authority or occupier from the offender and may be enforced in any manner in which a judgment or order of the court for the payment of a civil debt may be enforced.

Compare: 1968 No 134 s 16

Miscellaneous provisions

22 Repeals, revocations, and amendment

(1) The following enactments are hereby repealed:

(a) the Litter Act 1968:

(b) the Litter Amendment Act 1970:

(c) *Amendment(s) incorporated in the Act(s)*.

(2) The Litter Order 1969 and the Litter Order 1973 are hereby revoked.

(3) *Amendment(s) incorporated in the Act(s)*.

Schedule
Form of infringement notice

[Repealed]

s 14(4)

Schedule: repealed, on 1 November 1987, by section 17 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Notes

1 General

This is a consolidation of the Litter Act 1979 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41): section 358

Civil Aviation Act 2023 (2023 No 10): section 486

Secondary Legislation Act 2021 (2021 No 7): section 3

District Court Act 2016 (2016 No 49): section 261

Te Urewera Act 2014 (2014 No 51): section 138

Maritime Transport Amendment Act 2013 (2013 No 84): section 90

Criminal Procedure Act 2011 (2011 No 81): section 413

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1)

Walking Access Act 2008 (2008 No 101): section 82

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)

Litter Amendment Act 2006 (2006 No 24)

Local Government Act 2002 (2002 No 84): section 262

Land Transport Act 1998 (1998 No 110): section 215(1)

Fisheries Act 1996 (1996 No 88): section 314(1)(v)

Litter Amendment Act 1990 (1990 No 9)

Summary Proceedings Amendment Act 1987 (1987 No 165): section 17

Conservation Act 1987 (1987 No 65): section 65(1)

Litter Amendment Act 1985 (1985 No 185)

National Parks Act 1980 (1980 No 66): section 80(1)

District Courts Amendment Act 1979 (1979 No 125): section 18(2)

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