



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 6

THE ENVIRONMENT

Controlled waste and litter

56 Litter: power of constables to issue fixed penalty notices

- (1) Section 88 of the 1990 Act (fixed penalty notices for litter) shall be amended as follows.
- (2) In subsection (1)—
- (a) the words “on any occasion” and “finds a person who he” shall be repealed;
 - (b) for “has on that occasion” there shall be substituted “that a person has”;
 - (c) the words from “an”, where it first occurs, to “authority”, where it secondly occurs, shall become paragraph (a) of that subsection; and
 - (d) after “authority”, where it secondly occurs, there shall be inserted “; or
 - (b) a constable has reason to believe that a person has committed an offence under that section.”.
- (3) After subsection (1) there shall be inserted—
- “(1A) Where a constable gives a notice under this section to a person, he shall, no later than 24 hours after the giving of the notice, send a copy of it to the litter authority in whose area the offence was committed.”.
- (4) After subsection (5) there shall be inserted—
- “(5A) A fixed penalty payable in pursuance of a notice under this section shall be payable to the litter authority in whose area the offence was committed.”.
- (5) In subsection (6)—
- (a) the words “to a litter authority” are repealed; and
 - (b) for “the”, where it thirdly occurs, there shall be substituted “a litter”.

Status: This is the original version (as it was originally enacted).

- (6) In subsection (7), after “amount”, where it first occurs, there shall be inserted “(not exceeding level 2 on the standard scale)”.
- (7) In subsection (8)(a)(ii), after “officer” there shall be inserted “for the litter authority in whose area the offence was committed”.