

## **POLICY NOTE**

### **THE LITTER (FIXED PENALTIES) (SCOTLAND) ORDER 2013**

#### **SSI 2013/315**

The above instrument was made in exercise of the powers conferred by sections 33A(10) and 88(7) of the Environmental Protection Act 1990 and all other powers enabling them in that behalf. The instrument is subject to negative procedure.

#### **Policy Objectives**

Sections 33A and 88 of the Environmental Protection Act 1990 provide for the payment of a fixed penalty to discharge any liability to conviction for the flytipping and littering offences under sections 33 and 87 respectively of that Act.

This instrument increases the fixed penalty under section 33A (flytipping) from £50 to £200, and the fixed penalty under section 88 (littering) from £50 to £80. We are introducing these rises to:

- strengthen the deterrent effect recognising that the £50 level was set around a decade ago and inflation has eroded its value.
- reduce the gap between cost to the public purse of enforcement action and the income from Fixed Penalty Notices.
- introduce a higher level for flytipping, to recognise that it has the potential to significantly harm the environment, and that there are greater clean-up costs associated with it.

#### **Consultation**

The Scottish Government sought public and stakeholder views within ‘Towards a Litter-Free Scotland: Consultation on a strategy to tackle and prevent litter and flytipping’, from 4 July 2013 to 27 September 2013. The consultation sought views on a number of proposals to prevent litter and flytipping, including using Environmental Protection Act 1990 powers to raise the litter Fixed Penalty from £50 to £80, and the Flytipping Fixed penalty from £50 to £200.

A majority of those who responded to the consultation were in favour of increasing the fixed penalties.

A full list of those who responded to the consultation and who agreed to the release of this information will be attached to the consultation report that will, in due course, be published on the Scottish Government website.

#### **Impact Assessments**

There are no equality impact issues. This instrument increases the level of fixed penalty and does not alter the associated principles or delivery arrangements.

The Respondent Information Form for the 'Towards a Litter-Free Scotland' public consultation invited views on equalities issues to be factored into an Equalities Impact Assessment for the final National Litter Strategy.

## **Financial Effects**

The Cabinet Secretary for Rural Affairs and the Environment confirms that no BRIA is necessary. The instrument is not expected to have significant financial effects on the Scottish Government, local government or on business.

Scottish Government  
Environment & Forestry Directorate  
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