

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2

CONTRAVENTION OF SECTION 33 OF THE ENVIRONMENTAL PROTECTION ACT 1990 (“THE 1990 ACT”)

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

The Environmental Protection Act 1990, section 33A

Alleged offender:

Address:

I, <sup>(a)</sup>, an authorised person/a constable (delete as necessary) of <sup>(b)</sup> have reason to believe that on <sup>(c)</sup> you committed an offence, under section 33(1) <sup>(d)</sup> of the Environmental Protection Act 1990, at <sup>(e)</sup>. This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty. The circumstances alleged to constitute the offence are as follows: <sup>(f)</sup>

No proceedings will be taken for this offence before the expiration of fourteen days following the date of this notice. You will not be liable to conviction for the offence if you pay the fixed penalty during that period of fourteen days.

The amount of the fixed penalty is <sup>(g)</sup>. It may be paid to <sup>(h)</sup> at the following address: <sup>(i)</sup>.

Payment may be made by pre-paying and posting to <sup>(h)</sup> at <sup>(i)</sup> a letter containing the amount of the penalty. Payment may be in cash or by a cheque, postal order or money order made payable to <sup>(h)</sup> (if you are sending cash you are advised to send it by registered post). Payments made in this way will be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post. Alternatively, payment may be made in person or by any other method.

Signature of authorised person/constable.....

Date.....

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- <sup>(a)</sup> Insert name of authorised person or constable.
  - <sup>(b)</sup> Insert name of local authority, Loch Lomond and The Trossachs National Park Authority, or, as the case may be, Police Scotland.
  - <sup>(c)</sup> Insert date on which offence is alleged to have been committed.
  - <sup>(d)</sup> Insert whether this is a contravention of section 33(1)(a) or 33(1)(c) of the 1990 Act.
  - <sup>(e)</sup> Insert place where offence is alleged to have been committed.
  - <sup>(f)</sup> Insert such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence.
  - <sup>(g)</sup> Insert amount of £200, or any different amount for the time being specified by the Scottish Ministers under section 33A(10) of the 1990 Act.
  - <sup>(h)</sup> Insert details of the person to whom the fixed penalty is to be paid.
  - <sup>(i)</sup> Insert address at which payment is to be made.

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**Letter which may be used for payment by post**

I enclose with this letter the amount of \_\_\_\_\_, being the fixed penalty for an offence under section 33(1) of the Environmental Protection Act 1990.

Signature.....

Name in Capitals.....

Date.....