

POLICY NOTE

THE LITTER (FIXED PENALTY NOTICES) (SCOTLAND) ORDER 2014

SSI 2014/321

The above instrument was made by Scottish Ministers in exercise of the powers conferred by section 88(5) of the Environmental Protection Act 1990 and all other relevant powers enabling them to do so. The instrument is subject to negative procedure.

Policy Objectives

Section 88 of the Environmental Protection Act 1990 provides for the payment of a fixed penalty, to discharge any liability to conviction, for the littering offence under section 87 of that Act.

The instrument revokes and replaces the Litter (Fixed Penalty Notices) (Scotland) Order 2004. From 1 April 2015, it updates the previous fixed penalty notice form to reflect changes made by the Regulatory Reform (Scotland) Act 2014 (“the 2014 Act”) and the Litter (Fixed Penalties) (Scotland) Order 2013 (“the 2013 Order”), and makes other minor updates. In particular, the notice has been changed to:

- add Loch Lomond and the Trossachs National Park Authority to the list of organisations with authority to issue litter fixed penalty notices, reflecting amendments made to section 88 by the 2014 Act;
- replace references to ‘authorised officer’ with ‘authorised person’ to reflect amendments made to section 88 by the 2014 Act’ which will come into force on 1 April 2015. An “authorised person” may be an authorised officer of a local authority or an authorised officer of Loch Lomond and the Trossachs National Park Authority, or any such other persons as may be specified by order made by the Scottish Ministers;
- update the amount of the fine from £50 to £80 to reflect changes made by the 2013 Order.

Consultation

These are minor and consequential updates so no separate public consultation was carried out. The Scottish Government has informally consulted on the updated notice with Zero Waste Scotland, Police Scotland, practitioners in several local authorities and Loch Lomond and the Trossachs National Park who are all content.

Impact Assessments

There are no equality impact issues as a consequence of updating this notice.

Financial Effects

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

Scottish Government
Environment & Forestry Directorate
November 2014