

2023 No. 335

ENVIRONMENTAL PROTECTION

The Fly-tipping (Fixed Penalty) (Scotland) Order 2023

Made - - - - *8th November 2023*

Laid before the Scottish Parliament *10th November 2023*

Coming into force - - *1st January 2024*

The Scottish Ministers make the following Order in exercise of the power conferred by section 33A(10) of the Environmental Protection Act 1990(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Fly-tipping (Fixed Penalty) (Scotland) Order 2023 and comes into force on 1 January 2024.

Amendment of the Environmental Protection Act 1990

2. In section 33A(9) of the Environmental Protection Act 1990(b), for “£200” substitute “£500”.

Amendment of the Litter (Fixed Penalties) (Scotland) Order 2013

3. Omit Article 3(a) of the Litter (Fixed Penalties) (Scotland) Order 2013(c).

LORNA SLATER

Authorised to sign on behalf of the Scottish Ministers

St Andrew’s House,
Edinburgh
8th November 2023

(a) 1990 c. 43. Section 33A was inserted by section 55 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8).
(b) Section 33A(9) was amended by S.S.I. 2013/315.
(c) S.S.I. 2013/315.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 33A of the Environmental Protection Act 1990 (“the 1990 Act”) provides for a fixed penalty notice procedure for an offence under section 33 in respect of a contravention of subsection 1(a) (for unauthorised deposit of controlled waste) or (1)(c) (for keeping or managing controlled waste in a manner likely to cause pollution of the environment or harm to human health). These offences are commonly referred to as fly-tipping. Payment of the fixed penalty in pursuance of a notice under section 33A of the 1990 Act operates to discharge any liability to conviction for an offence under section 33.

This Order increases the fixed penalty amount specified in section 33A(9) from £200 to £500.

A business and regulatory impact assessment has not been prepared for this Order as no impact upon business is foreseen.

© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the King’s Printer for Scotland.

£5.78

<http://www.legislation.gov.uk/id/ssi/2023/335>

ISBN 978-0-11-105850-3



9 780111 058503