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DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

The Littering From Vehicles Outside London  
(Keepers: Civil Penalties) Regulations 2018

PART 2

Penalties and enforcement

**Penalty notices**

4.—(1) A litter authority may give a penalty notice to a person who is the keeper of a vehicle if the condition in paragraph (3) is met.

(2) A penalty notice is a written notice requiring the person to pay a fixed penalty (see regulation 6).

(3) The condition is that the litter authority has reason to believe that a littering offence has been committed in respect of the vehicle on the authority's land.

(4) The authority's land is the land in respect of which the litter authority is under a duty under section 89(1) of the EPA 1990 (duty to keep land clear of litter etc.).

(5) A penalty notice must not be given—

- (a) after the end of the period of 35 days beginning with the day on which the littering offence in question occurred,
- (b) if a notice under section 88(1) of the EPA 1990 (which relates to fixed penalty notices for leaving litter) has been given to a person in respect of the same offence (whether or not the person is the vehicle's keeper), or
- (c) if a prosecution has been brought against a person under section 87 of the EPA 1990 (offence of littering) in respect of the same offence (whether or not the person is the vehicle's keeper and whether or not the prosecution has concluded or was successful).

(6) A litter authority may cancel a penalty notice at any time by informing the recipient in writing.

(7) Part 3 (exemptions) sets out circumstances in which a person is not liable to pay a fixed penalty.