86 Preliminary.

(1) The following provisions have effect for the purposes of this Part.

(2) In England and Wales the following are “principal litter authorities”—
   (a) a county council,
   [f1(aa) a county borough council,]
   (b) a district council,
   (c) a London borough council,
   (d) the Common Council of the City of London, and
   (e) the Council of the Isles of Scilly;
   but the Secretary of State may, by order, designate other descriptions of local
   authorities as litter authorities for the purposes of this Part; and any such authority
   shall also be a principal litter authority.

(3) In Scotland the following are “principal litter authorities”—
   [f2(a) a council constituted under section 2 of the Local Government etc. (Scotland)
   Act 1994]
   (c) a joint board.

(4) Subject to subsection (8) below, land is “relevant land” of a principal litter authority if,
   not being relevant land falling within subsection (7) below, it is open to the air and is
   land (but not a highway or in Scotland a public road) which is under the direct control
   of such an authority to which the public are entitled or permitted to have access with
   or without payment.
(5) Land is “Crown land” if it is land—
   (a) occupied by the Crown Estate Commissioners as part of the Crown Estate,
   (b) occupied by or for the purposes of a government department or for naval, military or air force purposes, or
   (c) occupied or managed by any body acting on behalf of the Crown;

is “relevant Crown land” if it is Crown land which is open to the air and is land (but not a highway or in Scotland a public road) to which the public are entitled or permitted to have access with or without payment; and “the appropriate Crown authority” for any Crown land is the Crown Estate Commissioners, the Minister in charge of the government department or the body which occupies or manages the land on the Crown’s behalf, as the case may be.

(6) Subject to subsection (8) below, land is “relevant land” of a designated statutory undertaker if it is land which is under the direct control of any statutory undertaker or statutory undertaker of any description which may be designated by the Secretary of State, by order, for the purposes of this Part, being land to which the public are entitled or permitted to have access with or without payment or, in such cases as may be prescribed in the designation order, land in relation to which the public have no such right or permission.

(7) Subject to subsection (8) below, land is “relevant land” of a designated educational institution if it is open to the air and is land which is under the direct control of the governing body of or, in Scotland, of such body or of the education authority responsible for the management of, any educational institution or educational institution of any description which may be designated by the Secretary of State, by order, for the purposes of this Part.

(8) The Secretary of State may, by order, designate descriptions of land which are not to be treated as relevant Crown land or as relevant land of principal litter authorities, of designated statutory undertakers or of designated educational institutions or of any description of any of them.

(9) Every highway maintainable at the public expense other than a trunk road which is a special road is a “relevant highway” and the local authority which is, for the purposes of this Part, “responsible” for so much of it as lies within its area is, subject to any order under subsection (11) below—
   (a) in Greater London, the council of the London borough or the Common Council of the City of London;
   (b) in England outside Greater London, the council of the district;
   (c) in Wales, the council of the county or county borough; and
   (d) the Council of the Isles of Scilly.

(10) In Scotland, every public road other than a trunk road which is a special road is a “relevant road” and the local authority which is, for the purposes of this Part, “responsible” for so much of it as lies within their area is, subject to any order under subsection (11) below, [the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

(11) The Secretary of State may, by order, as respects relevant highways or relevant roads, relevant highways or relevant roads of any class or any part of a relevant highway or relevant road specified in the order, transfer the responsibility for the discharge of the duties imposed by section 89 below from the local authority to the highway or roads authority; but he shall not make an order under this subsection unless—
(a) (except where he is the highway or roads authority) he is requested to do so by the highway or roads authority;

(b) he consults the local authority; and

(c) it appears to him to be necessary or expedient to do so in order to prevent or minimise interference with the passage or with the safety of traffic along the highway or, in Scotland, road in question;

and where, by an order under this subsection, responsibility for the discharge of those duties is transferred, the authority to which the transfer is made is, for the purposes of this Part, “responsible” for the highway, road or part specified in the order.

(12) [F6 Land is “relevant land within a litter control area of a local authority” if it is land included in an area designated by the local authority under section 90 below to which the public are entitled or permitted to have access with or without payment.]

(13) A place on land shall be treated as “open to the air” notwithstanding that it is covered if it is open to the air on at least one side.

(14) The Secretary of State may, by order, apply the provisions of this Part which apply to refuse to any description of animal droppings in all or any prescribed circumstances subject to such modifications as appear to him to be necessary.

(15) Any power under this section may be exercised differently as respects different areas, different descriptions of land or for different circumstances.
(3) This section does not apply to a place which is “open to the air” for the purposes of this Part by virtue of section 86(13) above if the public does not have access to it, with or without payment.

(4) It is immaterial for the purposes of this section whether the litter is deposited on land or in water.

(4A) No offence is committed under subsection (1) above where the depositing of the litter is—

(a) authorised by law; or
(b) done by or with the consent of the owner, occupier or other person having control of the place where it is deposited.

(4B) A person may only give consent under subsection (4A)(b) above in relation to the depositing of litter in a lake or pond or watercourse if he is the owner, occupier or other person having control of—

(a) all the land adjoining that lake or pond or watercourse; and
(b) all the land through or into which water in that lake or pond or watercourse directly or indirectly discharges, otherwise than by means of a public sewer.

(4C) In subsection (4B) above, “lake or pond”, “watercourse” and “public sewer” have the same meanings as in section 104 of the Water Resources Act 1991.

(4D) No proceedings may be instituted for an offence under subsection (1) which is a littering offence in respect of a vehicle within the meaning of section 88A(2) if—

(a) a penalty notice has been given under section 88A to the keeper of the vehicle in respect of which the offence was committed, and
(b) the fixed penalty has been paid or recovered in full.

(5) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) A local authority, with a view to promoting the abatement of litter, may take such steps as the authority think appropriate for making the effect of subsection (5) above known to the public in their area.

(7) In any proceedings in Scotland for an offence under this section it shall be lawful to convict the accused on the evidence of one witness.
87 Offence of leaving litter.

(1) If any person throws down, drops or otherwise deposits in, into or from any place to which this section applies, and leaves, any thing whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any place to which this section applies, he shall, subject to subsection (2) below, be guilty of an offence.

(2) No offence is committed under this section where the depositing and leaving of the thing was—
   (a) authorised by law, or
   (b) done with the consent of the owner, occupier or other person or authority having control of the place in or into which that thing was deposited.

(3) This section applies to any public open place and, in so far as the place is not a public open place, also to the following places—
   (a) any relevant highway or relevant road and any trunk road which is a special road;
   (b) any place on relevant land of a principal litter authority;
   (c) any place on relevant Crown land;
   (d) any place on relevant land of any designated statutory undertaker;
   (e) any place on relevant land of any designated educational institution;
   (f) any place on relevant land within a litter control area of a local authority.

(4) In this section “public open place” means a place in the open air to which the public are entitled or permitted to have access without payment; and any covered place open to the air on at least one side and available for public use shall be treated as a public open place.

(5) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) A local authority, with a view to promoting the abatement of litter, may take such steps as the authority think appropriate for making the effect of subsection (5) above known to the public in their area.

(7) In any proceedings in Scotland for an offence under this section it shall be lawful to convict the accused on the evidence of one witness.
88 Fixed penalty notices for leaving litter. E+W

(1) Where on any occasion an authorised officer of a litter authority finds a person who he has reason to believe has on that occasion committed an offence under section 87 above in the area of that authority, he may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

(2) Where a person is given a notice under this section in respect of an offence—
   (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice; and
   (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.

(3) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—
   (a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence;
   (b) the amount of the fixed penalty; and
   (c) the person to whom and the address at which the fixed penalty may be paid; and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).

(4) Where a letter is sent in accordance with subsection (3) above payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(5) The form of notices under this section shall be such as the Secretary of State may by order prescribe.

(6) The fixed penalty payable in pursuance of a notice under this section is payable to the litter authority whose authorised officer gave the notice.

(6A) The amount of a fixed penalty payable in pursuance of a notice under this section—
   (a) is the amount specified by a principal litter authority in relation to its area (whether the penalty is payable to that or another authority), or
   (b) if no amount is so specified, is—
      (i) in England, £100, or
      (ii) in Wales, £75.]
(6B) The reference in subsection (6A) above to a principal litter authority does not include an English county council for an area for which there is also a district council.

(7) The litter authority to which a fixed penalty is payable under this section may make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the authority.[

(8) In any proceedings a certificate which—
   (a) purports to be signed by or on behalf of—
      (i) in England and Wales, the chief finance officer of the litter authority; or
      (ii) in Scotland, the proper officer; and
   (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
      shall be evidence of the facts stated.

[8A] If an authorised officer of a litter authority proposes to give a person a notice under this section, the officer may require the person to give him his name and address.

(8B) A person commits an offence if—
   (a) he fails to give his name and address when required to do so under subsection (8A) above, or
   (b) he gives a false or inaccurate name or address in response to a requirement under that subsection.

(8C) A person guilty of an offence under subsection (8B) above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.[

(9) For the purposes of this section the following are “litter authorities”—
   (a) any principal litter authority, other than an English county council, a regional council or a joint board;
   (b) any English county council, regional council or joint board designated by the Secretary of State, by order, in relation to such area as is specified in the order (not being an area in a National Park);
   (c) the Broads Authority.
   (f) a parish or community council.[

(10) In this section—
   [authorised officer”, in relation to a litter authority, means—
      (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under this section;
      (b) any person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform that function; and
      (c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices;]
   “chief finance officer”, in relation to a litter authority, means the person having responsibility for the financial affairs of the authority;

...
The appropriate person may by regulations prescribe conditions to be satisfied by a person before a parish or community council may authorise him in writing for the purpose of giving notices under this section.

F19 “proper officer” means the officer who has, as respects the authority, the responsibility mentioned in section 95 of the Local Government (Scotland) Act 1973 (financial administration).

[F20(11) The appropriate person may by regulations prescribe conditions to be satisfied by a person before a parish or community council may authorise him in writing for the purpose of giving notices under this section.]

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**Textual Amendments**

**Extent Information**

**E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

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**Changes to legislation:** Environmental Protection Act 1990, Cross Heading: Provisions relating to litter is up to date with all changes known to be in force on or before 29 June 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes
Fixed penalty notices for leaving litter.

(1) Where an authorised person or a constable has reason to believe that a person has committed an offence under section 87 above...

(2) Where a person is given a notice under this section in respect of an offence—
   (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice; and
   (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.

(3) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—
   (a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence;
   (b) the amount of the fixed penalty; and
   (c) the person to whom and the address at which the fixed penalty may be paid; and,
   and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
(4) Where a letter is sent in accordance with subsection (3) above payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(5) The form of notices under this section shall be such as the Secretary of State may by order prescribe.

[4] A fixed penalty payable in pursuance of a notice under this section shall be payable

[7] where the notice is given by an officer of a litter authority authorised as mentioned in paragraph (a) of the definition of “authorised person” in subsection (10) below, to that litter authority;

(b) where the notice is given by an officer of Loch Lomond and The Trossachs National Park Authority authorised as mentioned in paragraph (b) of that definition, to that Authority.]

The fixed penalty payable . . . in pursuance of a notice under this section shall, subject to subsection (7) below, be £80; and as respects the sums received by—

(a) a litter authority, those sums if received by an authority in Scotland, shall accrue to the litter authority;

(b) Loch Lomond and The Trossachs National Park Authority, shall accrue to that Authority.

The Secretary of State may by order substitute a different amount (not exceeding level 2 on the standard scale) for the amount for the time being specified as the amount of the fixed penalty in subsection (6) above.

In any proceedings a certificate which—

(a) purports to be signed by or on behalf of—

(i) in England and Wales, the chief finance officer of the litter authority; or

(ii) in Scotland, a proper officer; and

(b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

shall be evidence of the facts stated.

In subsection (8) above, “proper officer” means—

(a) in a case where a notice under this section is given as mentioned in paragraph (a) of subsection (5A) above, the officer who has, as respects the litter authority, the responsibility mentioned in section 95 of the Local Government (Scotland) Act 1973 (financial administration);

(b) in a case where a notice is given as mentioned in paragraph (b) of that subsection, the proper officer for that Authorityappointed under paragraph 12(3) of schedule 2 to the National Parks (Scotland) Act 2000.

If an authorised person proposes to give a person a notice under this section, the authorised person may require the person to give him his name and address.

A person commits an offence if he fails to give his name and address when required to do so under subsection (8B) above.

A person who commits an offence under subsection (8C) above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

For the purposes of this section the following are “litter authorities”—
(a) any principal litter authority, other than an English county council, a regional council or a joint board;
(b) any English county council, regional council or joint board designated by the Secretary of State, by order, in relation to such area as is specified in the order (not being an area in a National Park);
(c) the Broads Authority.

(10) In this section—
"authorised person” means—
(a) an officer of a litter authority who is authorised in writing by the authority for the purpose of issuing notices under this section in relation to an offence under section 87 above committed in the area of the authority;
(b) an officer of Loch Lomond and The Trossachs National Park Authority who is authorised in writing by the Authority for the purpose of issuing notices under this section in relation to an offence under section 87 above committed in the area designated as the National Park for which the Authority is established; or
(c) such other persons as may be specified by order made by the Scottish Ministers.

“chief finance officer”, in relation to a litter authority, means the person having responsibility for the financial affairs of the authority;

(10A) The Scottish Ministers may by order make such modifications of this section as they consider necessary or expedient in connection with the specification of a person by an order under paragraph (c) of the definition of “authorised person” in subsection (10) above.

(10B) An order under subsection (10A) above may include—
(a) provision applying any provision of this section to such a person with such modifications as may be specified in the order;
(b) provision for any such provision not to apply in relation to such a person.
F15 Words in s. 88(9)(b) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 167(12), Sch. 14; S.I. 1996/323, art. 4(1)(c)(d), Sch. 2

F16 S. 88(9)(c)(d) repealed (1.4.1997) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, Sch.

F19 Definitions in s. 88(10) repealed (1.4.1997) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, Sch.

F70 Words in s. 88(1) repealed (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 56(2)(a), 145(2); S.S.I. 2004/420, art. 3, Sch. 1

F71 Words in s. 88(1) substituted for words (1.4.2015) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 56(2)(c), 145(2); S.S.I. 2004/420, art. 3, Sch. 1

F72 Words in s. 88(1)(a) substituted (S.) (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 11(4)(a)(ii); S.S.I. 2014/160, art. 2(3)

F73 Words in s. 88(1) substituted (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 56(2)(b), 145(2); S.S.I. 2004/420, art. 3, Sch. 1

F74 Words in s. 88(1) substituted for words (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 11(4)(a)(ii); S.S.I. 2014/160, art. 2(3)

F75 S. 88(1A) inserted (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 56(3), 145(2); S.S.I. 2004/420, art. 3, Sch. 1

F76 S. 88(5A) inserted (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 56(4), 145(2); S.S.I. 2004/420, art. 3, Sch. 1

F77 S. 88(5A)(a)(b) substituted for words (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 11(4)(b); S.S.I. 2014/160, art. 2(3)

F78 By The Litter and Dog Fouling (Fixed Penalty) (Wales) Order 2004 (S.I. 2004/909), art. 2(b), it is provided (W.) (1.4.2004) that any surviving reference to £25 in s. 86(6) is hereby repealed

F79 Words in s. 88(6) repealed (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 56(5)(a), 145(2); S.S.I. 2004/420, art. 3, Sch. 1

F80 Sum in s. 88(6) substituted for words (1.4.2014) by The Litter (Fixed Penalties) (Scotland) Order 2013 (S.S.I. 2013/315), arts. 1(1), 3(b)

F81 Words in s. 88(6) renumbered as s. 88(6)(a) (S.) (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 11(4)(c)(i); S.S.I. 2014/160, art. 2(3)

F82 Words in s. 88(6) substituted for words (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 56(5)(b), 145(2); S.S.I. 2004/420, art. 3, Sch. 1

F83 Words in s. 88(6)(b) substituted for words (S.) (10.3.2008) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 80, 84, Sch. para. 8(b); S.S.I. 2008/42, art. 3(1), Sch.

F84 S. 88(6)(b) inserted (S.) (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 11(4)(c)(ii); S.S.I. 2014/160, art. 2(3)

F85 Words in s. 88(7) substituted for words (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 56(6), 145(2); S.S.I. 2004/420, art. 3, Sch. 1

F86 Words in s. 88(8)(a)(ii) substituted for words (S.) (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 11(4)(d); S.S.I. 2014/160, art. 2(3)

F87 S. 88(8A)-(8D) inserted (S.) (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 11(4)(e); S.S.I. 2014/160, art. 2(3)

F88 Words in s. 88(10) substituted for words (S.) (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 11(4)(f)(i); S.S.I. 2014/160, art. 2(3)

F89 Words in s. 88(10) substituted for words (S.) (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 11(4)(f)(ii); S.S.I. 2014/160, art. 2(3)

F90 S. 88(10A)(10B) inserted for words (S.) (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 11(4)(g); S.S.I. 2014/160, art. 2(3)

Modifications etc. (not altering text)

C5 S. 88 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), ss. 1(3)- (5), 31, Sch. 2 Pt. 2
C6  S. 88 extended (with modifications) (E.W.) (19.9.1995) by 1995 c. 25, ss. 70, 125(3), Sch. 9 para. 12(b) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
S. 88(2)-(8) applied (with modifications) (E.W.) (17.8.1996) by 1996 c. 20, ss. 4(2)(3), 8(2) (with s. 1) (as amended (1.4.2002) by S.I. 2002/425, art. 2)

C7  S. 88 extended (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, Sch. 4 Pt. 1 para. 1(2)(d); S.I. 2002/2750, art. 2(a)(ii)
S. 88 extended (2.12.2002) by Police Reform Act 2002 (c. 30), s. 41, Sch. 5 para. 1(2)(c); S.I. 2002/2750, art. 2(a)(iii)

Commencement Information


88A Littering from vehicles: civil penalty regime

(1) The Secretary of State may make regulations under which the keeper of a vehicle may be required to pay a fixed penalty to a litter authority where there is reason to believe that a littering offence in England has been committed in respect of the vehicle.

(2) A littering offence is committed in respect of a vehicle if an offence under section 87(1) occurs as a result of litter being thrown, dropped or otherwise deposited from the vehicle (whether or not by the vehicle's keeper).

(3) Regulations under this section must make provision—
   (a) setting the amount of fixed penalties or specifying how the amount is to be determined;
   (b) about the period within which fixed penalties must be paid;
   (c) for payment within that period of a fixed penalty imposed for a littering offence committed in respect of a vehicle to discharge any liability for conviction for the offence (whether on the part of the keeper or anybody else);
   (d) for a fixed penalty to be payable by the keeper of a vehicle only if a written notice is given to the keeper ("a penalty notice");
   (e) about the persons authorised to give penalty notices;
   (f) about the procedure to be followed in giving penalty notices;
   (g) about the form and content of penalty notices;
   (h) conferring rights to make representations about, and to bring appeals against, penalty notices.

(4) Provision under subsection (3)(e) may authorise a person to give a penalty notice for a littering offence committed in respect of a vehicle only if—
   (a) the person is under a duty under section 89(1) in respect of the land where the offence is committed (and that person is a “litter authority” in relation to a fixed penalty payable under the regulations), or
   (b) the person is an authorised officer of a litter authority,
   and regulations under this section may include provision about the meaning of “authorised officer”.

(5) Regulations under this section may include provision—
(a) for the enforcement of penalty notices (and such provision may in particular authorise an unpaid fixed penalty to be recovered summarily as a civil debt or as if payable under an order of a court if the court so orders);
(b) about the application of sums paid under penalty notices (and such provision may in particular authorise sums paid to a litter authority to be applied for the purposes of such functions of the authority as the regulations may specify);
(c) about the application of the regulations to keepers of vehicles in the public service of the Crown.

(6) Regulations under this section may, in consequence of any provision contained in the regulations, amend—
(a) this Part, or

(7) Regulations under this section may—
(a) make provision corresponding or similar to any provision made by or under section 88;
(b) make provision subject to exceptions;
(c) include saving, transitional, transitory, supplementary or consequential provision.

(8) Provision of the kind mentioned in subsection (7)(a) may include provision—
(a) conferring a discretion on a litter authority, subject to such constraints or limitations as the regulations may specify (whether or not of a corresponding or similar kind to those mentioned in section 97A(2));
(b) creating an offence of the kind mentioned in section 88(8B) and (8C), but may not include provision conferring power on a person to make orders or regulations.

(9) In this section—
“keeper”, in relation to a vehicle, means the person by whom the vehicle is kept at the time when the littering offence in question occurs, which in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper;
“litter authority” has the meaning given in subsection (4)(a);
“registered keeper”, in relation to a registered vehicle, means the person in whose name the vehicle is registered;
“registered vehicle” means a vehicle which is for the time being registered under the Vehicle Excise and Registration Act 1994;
“vehicle” means a mechanically-propelled vehicle or a vehicle designed or adapted for towing by a mechanically-propelled vehicle.]

Textual Amendments
F21 S. 88A inserted (E.W.) (25.10.2017) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 154(2), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2017/1018, art. 2

89 Duty to keep land and highways clear of litter etc.

(1) It shall be the duty of—
(a) each local authority, as respects any relevant highway or, in Scotland, relevant road for which it is responsible,
(b) the Secretary of State, as respects any trunk road which is a special road \[F22\] (other than one to which paragraph (ba)(i) applies) and any relevant highway or relevant road for which he is responsible,
\[F23\]

(ba) a strategic highways company as respects—

(i) any trunk road which is a special road for which it is the highway authority, and

(ii) any relevant highway for which it is responsible,

(c) each principal litter authority, as respects its relevant land,
(d) the appropriate Crown authority, as respects its relevant Crown land,
(e) each designated statutory undertaker, as respects its relevant land,
\[F24\]

and

(f) the governing body of each designated educational institution or in Scotland such body or, as the case may be, the education authority responsible for the management of the institution, as respects its relevant land,
\[F25\]

and

(g) the occupier of any relevant land within a litter control area of a local authority,

to ensure that the land is, so far as is practicable, kept clear of litter and refuse.

(2) Subject to subsection (6) below, it shall also be the duty of—

(a) each local authority, as respects any relevant highway or relevant road for which it is responsible,
(b) the Secretary of State, as respects any trunk road which is a special road \[F26\] (other than one to which paragraph (c)(i) applies) and any relevant highway or relevant road for which he is responsible,
\[F27\]

(c) a strategic highways company as respects—

(i) any trunk road which is a special road for which it is the highway authority, and

(ii) any relevant highway for which it is responsible,

to ensure that the highway or road is, so far as is practicable, kept clean.

(3) In determining what standard is required, as respects any description of land, highway or road, for compliance with subsections (1) and (2) above, regard shall be had to the character and use of the land, highway or road as well as the measures which are practicable in the circumstances.

(4) Matter of any description prescribed by regulations made by the Secretary of State for the purposes of subsections (1)(a) and (2) above shall be litter or refuse to which the duties imposed by those subsections apply as respects relevant highways or relevant roads whether or not it would be litter or refuse apart from this subsection.

(5) It shall be the duty of a local authority, when discharging its duty under subsection (1) (a) or (2) above as respects any relevant highway or relevant road, to place and maintain on the highway or road such traffic signs and barriers as may be necessary for giving warning and preventing danger to traffic or for regulating it and afterwards to remove them as soon as they cease to be necessary for those purposes; but this subsection has effect subject to any directions given under subsection (6) below.

(6) In discharging its duty under subsection (1)(a) or (2) above to keep clear of litter and refuse or to clean any relevant highway or relevant road for which it is responsible, the
local authority shall comply with any directions given to it by the highway or roads
authority with respect to—
(a) the placing and maintenance of any traffic signs or barriers;
(b) the days or periods during which clearing or cleaning shall not be undertaken
or undertaken to any extent specified in the direction;
and for the purpose of enabling it to discharge its duty under subsection (1)(a) or (2)
above as respects any relevant highway or relevant road the local authority may apply
to the highway authority or roads authority for that authority to exercise its powers
under \[F28\] section 14(1) or (2) of the \[M2\] Road Traffic Regulation Act 1984 (temporary
prohibition or restriction of traffic).

\[F29\] (6A) The Scottish Ministers may give to any person subject to a duty imposed by
subsection (1) or (2) above such directions as they consider necessary or expedient for
securing compliance by such person with such duty.

(6B) A person to whom a direction is given under subsection (6A) shall comply with the
direction.

(6C) A direction under subsection (6A) may—
(a) be given generally or to a specific person;
(b) make different provision for different persons and different cases or
circumstances;
(c) include provision specifying, in relation to any factor by reference to which a
person’s discharging of any such duty can be measured, standards to be met
by the person.

(6D) The Scottish Ministers shall—
(a) cause—
(i) any direction under subsection (6A) above; and
(ii) any variation or revocation of such a direction,
to be published; and
(b) cause copies of each such direction, variation or revocation to be made
available to the public.]

(7) The Secretary of State shall prepare and issue a code of practice for the purpose of
providing practical guidance on the discharge of the duties imposed by subsections
(1) and (2) above.

(8) Different codes of practice may be prepared and issued under subsection (7) above
for different areas.

(9) The Secretary of State may issue modifications of, or withdraw, a code issued under
subsection (7) above; but where a code is withdrawn, he shall prepare and issue a new
code under that subsection in substitution for it.

(10) Any person subject to any duty imposed by subsection (1) or (2) above shall have
regard to the code of practice in force under subsection (7) above in discharging that
duty.

(11) A draft code prepared under subsection (7) above shall be laid before both Houses of
Parliament and shall not be issued until after the end of the period of 40 days beginning
with the day on which the code was so laid, or if the draft is laid on different days,
the later of the two days.
(12) If, within the period mentioned in subsection (11) above, either House resolves that the code the draft of which was laid before it should not be issued, the Secretary of State shall not issue that code.

(13) No account shall be taken in reckoning any period of 40 days for the purposes of [3F3 subsection (11) above] of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(13A) Subsections (11) to (13) shall not apply in respect of a draft code prepared under subsection (7) above which relates only to Scotland and such a code shall be laid before the Scottish Parliament and shall not be issued until after the end of the period of 40 days beginning with the day on which the code was so laid.

(13B) If within the period mentioned in subsection (13A) above the Scottish Parliament resolves that the code, the draft of which was laid before it, should not be issued the Scottish Ministers shall not issue that code.

(13C) No account shall be taken in reckoning any period of 40 days for the purposes of subsection (13A) above of any time during which the Scottish Parliament is dissolved or is in recess for more than 4 days.

(14) In this section “traffic sign” has the meaning given in section 64(1) of the [3M Road Traffic Regulation Act 1984].

Textual Amendments

F22 Words in s. 89(1)(b) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), Sch. 1 para. 111(2) (a); S.I. 2015/481, reg. 2(a)

F23 S. 89(1)(ba) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), Sch. 1 para. 111(2)(b); S.I. 2015/481, reg. 2(a)

F24 Word in s. 89(1)(c) inserted (6.3.2007 for E. and 18.1.2008 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 106, 108, Sch. 4 para. 5; S.I. 2007/390, art. 2(a); S.I. 2007/3371, art. 2(a)

F25 S. 89(1)(g) and preceding word repealed (6.3.2007 for E. and 15.3.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 107, 108, Sch. 5 Pt. 2; S.I. 2006/2797, art. 4(oo); S.I. 2007/390, art. 2(c)

F26 Words in s. 89(2)(b) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), Sch. 1 para. 111(3) (a); S.I. 2015/481, reg. 2(a)

F27 S. 89(2)(c) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), Sch. 1 para. 111(3)(b); S.I. 2015/481, reg. 2(a)

F28 Words in s. 89(6) substituted (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), s. 2(a)(7); S.I. 1992/1218, art. 2.

F29 S. 89(6A)-(6D) inserted (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 57(2), 145(2); S.S.I. 2004/420, art. 3, Sch. 1

F30 Words in s. 89(13) substituted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. 1 para. 102(4)(a)

F31 S. 89(13A)-(13C) inserted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. 1 para. 102(4)(b)

Modifications etc. (not altering text)

C8 S. 89(1)(a) modified by S.I. 1991/719, reg. 3(1)

C9 S. 89(1)(c) modified by s.l. 1991/719, reg. 3(2)

C10 S. 89(1)(f) modified by S.l. 1991/719, reg. 3(3)

C11 S. 89(2) modified by S.I. 1991/719, reg. 3(4)
Litter control areas.

(1) The Secretary of State may, by order, prescribe descriptions of land which may be designated under subsection (3) below as, or as part of, a litter control area.

(2) The power of the Secretary of State to prescribe descriptions of land under subsection (1) above includes power to describe land by reference to the ownership or occupation of the land or the activities carried on on it.

(3) Any principal litter authority other than an English county council, a regional council or a joint board may, in accordance with the following provisions of this section, by order designate any land in their area as, or as part of, a litter control area.

(4) No order under subsection (3) above designating any land shall be made unless the authority is of the opinion that, by reason of the presence of litter or refuse, the condition of the land is, and unless they make a designation order is likely to continue to be, such as to be detrimental to the amenities of the locality.

(5) The power to make a designation order under subsection (3) above shall be excluded from the functions to which section 101 of the Local Government Act 1972 (functions capable of delegation) applies.

(6) An authority proposing to make a designation order in relation to any land shall—
   (a) notify persons who appear to the authority to be persons who will be affected by the proposed order;
   (b) give them an opportunity to make representations about it within the period of twenty-one days beginning with the service of the notice; and
   (c) take any representations so made into account in making their decision.

(7) A designation order under subsection (3) above shall identify the land to which it applies and shall be in such form as the Secretary of State may by order prescribe.
Summary proceedings by persons aggrieved by litter.

(1) A magistrates’ court may act under this section on a complaint made by any person on the ground that he is aggrieved by the defacement, by litter or refuse, of—

(a) any relevant highway;
(b) any trunk road which is a special road;
(c) any relevant land of a principal litter authority;
(d) any relevant Crown land;
(e) any relevant land of a designated statutory undertaker; [F36 or]
(f) any relevant land of a designated educational institution; [F37 or]
(g) any relevant land within a litter control area of a local authority.]

(2) A magistrates’ court may also act under this section on a complaint made by any person on the ground that he is aggrieved by the want of cleanliness of any relevant highway or any trunk road which is a special road.

(3) A principal litter authority shall not be treated as a person aggrieved for the purposes of proceedings under this section.

(4) Proceedings under this section shall be brought against the person who has the duty to keep the land clear under section 89(1) above or to keep the highway clean under section 89(2) above, as the case may be.

(5) Before instituting proceedings under this section against any person, the complainant shall give to the person not less than five days written notice of his intention to make the complaint and the notice shall specify the matter complained of.

(6) If the magistrates’ court is satisfied that the highway or land in question is defaced by litter or refuse or, in the case of a highway, is wanting in cleanliness, the court may, subject to subsections (7) and (8) below, make an order (“a litter abatement order”) requiring the defendant to clear the litter or refuse away or, as the case may be, clean the highway within a time specified in the order.

(7) The magistrates’ court shall not make a litter abatement order if the defendant proves that he has complied, as respects the highway or land in question, with his duty under section 89(1) and (2) above.
(8) The magistrates’ court shall not make a litter abatement order where it appears that the matter complained of is the result of directions given to the local authority under section 89(6) above by the highway authority.

(9) A person who, without reasonable excuse, fails to comply with a litter abatement order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale together with a further fine of an amount equal to one-twentieth of that level for each day on which the offence continues after the conviction.

(10) In any proceedings for an offence under subsection (9) above it shall be a defence for the defendant to prove that he has complied, as respects the highway or land in question, with his duty under section 89(1) and (2) above.

(11) A

(a) direction under section 89(6A); or

(b) code of practice under section 89(7)

shall be admissible in evidence in any proceedings under this section and if any provision of such a direction or code appears to the court to be relevant to any question in the proceedings it shall be taken into account in determining that question.

(12) Where a magistrates’ court is satisfied on the hearing of a complaint under this section—

(a) that, when the complaint was made to it, the highway or land in question was defaced by litter or refuse or, as the case may be, was wanting in cleanliness, and

(b) that there were reasonable grounds for bringing the complaint,

the court shall order the defendant to pay such reasonable sum to the complainant as the court may determine in respect of the expenses incurred by the complainant in bringing the complaint and the proceedings before the court.

(13) In the application of this section to Scotland—

(a) for any reference to a magistrates’ court there shall be substituted a reference to the sheriff;

(b) for any reference to a complaint there shall be substituted a reference to a summary application, and “complainant” shall be construed accordingly;

(c) for any reference to the defendant there shall be substituted a reference to the person against whom the proceedings are taken;

(d) for any reference to a highway and a relevant highway there shall be substituted a reference to a road and a relevant road; and

(e) for any reference to a highway authority there shall be substituted a reference to a roads authority,

and any person against whom proceedings are brought may appeal on a point of law to the Court of Session against the making of a litter abatement order.

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**Textual Amendments**

F36 Word in s. 91(1)(c) inserted (E.W.) (6.3.2007 for E. and 18.1.2008 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 106, 108, Sch. 4 para. 6; S.I. 2007/390, art. 2(a); S.I. 2007/3371, art. 2(a)
Summary proceedings by litter authorities. E+W

Textual Amendments
F41 Ss. 92-94A repealed (20.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 21 (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(ii)

Summary proceedings by litter authorities. S

Extent Information
E6 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments
F41 Ss. 92-94A repealed (20.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 21 (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(ii)

Litter clearing notices

Textual Amendments
F41 Ss. 92-94A repealed (20.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 21 (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(ii)

Appeals against litter clearing notices
F41  
Ss. 92-94A repealed (20.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 21 (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(ii)

F42  
93  
Street litter control notices.

(1) A principal litter authority in Scotland other than a joint board may, with a view to the prevention of accumulations of litter or refuse in and around any street or open land adjacent to any street, issue notices ("street litter control notices") imposing requirements on occupiers of premises in relation to such litter or refuse, in accordance with this section and section 94.

(2) If the authority is satisfied, in respect of any premises which are of a description prescribed under section 94(1)(a) and have a frontage on a street in their area, that—

(a) there is recurrent defacement by litter or refuse of any land, being part of the street or open land adjacent to the street, which is in the vicinity of the premises,

(b) the condition of any part of the premises which is open land in the vicinity of the frontage is, and if no notice is served is likely to continue to be, detrimental to the amenities of the locality by reason of the presence of litter or refuse, or

(c) there is produced, as a result of the activities carried on on the premises, quantities of litter or refuse of such nature and in such amounts as are likely to cause the defacement of any part of the street, or of open land adjacent to the street, which is in the vicinity of the premises,

the authority may serve a street litter control notice on the occupier or, if the premises are unoccupied, on the owner of the premises.

(3) A notice shall, subject to section 94(2), (3) and (4)—

(a) identify the premises and state the grounds under subsection (2) on which it is issued;

(b) specify an area of open land which adjoins or is in the vicinity of the frontage of the premises on the street;

(c) specify, in relation to that area or any part of it, such reasonable requirements as the authority considers appropriate in the circumstances;

and, for the purposes of paragraph (b), an area which includes land on both sides of the frontage of the premises shall be treated as an area adjoining that frontage.

(4) In this section and section 94—

“notice” means a street litter control notice;

“open land” means land in the open air;
“the premises”, in relation to a notice, means the premises in respect of which the notice is issued;
“specified area” means the area specified in a notice under subsection (3) (b); and
“street” means a relevant highway, a relevant road or any other highway or road over which there is a right of way on foot.]
95 Public registers.

(1) It shall be the duty of each principal litter authority other than an English county council, a regional council or a joint board to maintain, in accordance with this section, a register containing copies of—
   
   (a) all orders made by the authority under section 90(3) above; and
   
   (b) all street litter control notices issued under section 93(1) above.

(2) Where the requirements of a street litter control notice are varied or added to on an appeal under section 94(7) above a copy of the order making the variation or addition shall be included in the register.

(3) Copies of the orders and notices required to be kept in the register shall be so kept for so long as the order or notice is in force.

(4) It shall be the duty of each authority maintaining a register under this section—

   (a) to secure that the register is available, at all reasonable times, for inspection by the public free of charge; and

   (b) to afford to members of the public facilities for obtaining copies of the documents kept in the register, on payment of reasonable charges.

(5) A register under this section need not be kept in documentary form.

96 Application of Part II.

(1) This section applies to litter and refuse collected—

   (a) by any authority or person in pursuance of section 89(1) above;
(b) by a principal litter authority in pursuance of section 92(9) [\text{F49} or 92C(3)] above; or

(c) by any person in pursuance of section 93 above.

(2) The Secretary of State may make regulations providing that prescribed provisions of Part II shall have effect, with such modifications (if any) as may be prescribed—

(a) as if references to controlled waste or controlled waste of a prescribed description included references to litter and refuse to which this section applies or any description of such litter and refuse;

(b) as if references to controlled waste or controlled waste of a prescribed description collected under section 45 above included references to litter and refuse collected as mentioned in subsection (1) above or any description of such litter and refuse.

(3) The powers conferred by this section are exercisable in relation to litter and refuse to which it applies whether or not the circumstances are such that the litter or refuse would be treated as controlled waste apart from this section and this section is not to affect the interpretation of the expressions defined in section 75 above.

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**Textual Amendments**

\text{F49} Words in s. 96(1)(b) inserted (E.W.) (6.3.2007 for E. and 18.1.2008 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 106, 108, Sch. 4 para. 9; S.I. 2007/390, art. 2(a); S.I. 2007/3371, art. 2(a)

**Modifications etc. (not altering text)**

\text{C12} S. 96 applied (19.9.2007) by London Local Authorities Act 2007 (c. ii), ss. 1(3)-(5), 22(7) (with s. 22(10))

\text{C13} S. 96 applied (19.9.2007) by London Local Authorities Act 2007 (c. ii), ss. 1(3)-(5), 20(7) (with s. 20(10))

**Commencement Information**

\text{I8} S. 96 wholly in force; s. 96 not in force at Royal Assent see s. 164(2); s. 96(2)(3) in force at 14.1.1991 by S.I. 1991/96, art. 2; s. 96(1) in force at 1.4.1991 by S.I. 1991/1042, art. 2

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**97 Transitional provision relating to section 89.**

(1) The Secretary of State may, for the purposes of the transition to the duties imposed by section 89 above on local authorities and educational bodies, by regulations, make provision—

(a) modifying that section, or

(b) modifying Part I of the Local Government Act 1988 (competition rules for functional work or works contracts).

(2) Regulations under this section may make different provision for different descriptions of authorities, different areas or other different circumstances or cases.

(3) In this section—

“educational bodies” means the governing bodies and education authorities mentioned in section 89(1)(f) above; and

“local authorities” means the local authorities mentioned in section 89(1) (a) and (c) and (2)(a) above.
Fixed penalty notices: supplementary

(1) The appropriate person may by regulations make provision in connection with the powers conferred under—
   (a) section 88(6A)(a) and (7) above;
   (b) section 94A(4)(a) and (5) above;
   (c) paragraph 7(4)(a) and (5) of Schedule 3A.

(2) Regulations under subsection (1) may (in particular)—
   (a) require an amount specified under section 88(6A)(a), 94A(4)(a) or paragraph 7(4)(a) of Schedule 3A to fall within a range prescribed in the regulations;
   (b) restrict the extent to which, and the circumstances in which, an authority can make provision under section 88(7), 94A(5) or paragraph 7(5) of Schedule 3A.

(3) The appropriate person may by order substitute a different amount for the amount for the time being specified in section 88(6A)(b), 94A(4)(b) or paragraph 7(4)(b) of Schedule 3A.

(4) Regulations or an order under this section may make different provision for different purposes.

Exclusion of liability

(1) None of the persons mentioned in subsection (2) below is to have any liability to an occupier or owner of land for damages or otherwise (whether at common law or otherwise) arising out of anything done or omitted to be done in the exercise or purported exercise of the power in section 92(9), 92A(9) or 92C(3) above.

(2) Those persons are—
   (a) the principal litter authority and any employee of the authority; and
   (b) in the case of the power in section 92C(3) above, any person authorised by the authority under that provision and the employer or any employee of that person.

(3) Subsection (1) above does not apply—
   (a) if the act or omission is shown to be in bad faith;
   (b) to liability arising out of a failure to exercise due care and attention;
   (c) so as to prevent an award of damages in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998.

(4) This section does not affect any other exemption from liability (whether at common law or otherwise).]
Textual Amendments

F51 S. 97B inserted (E.W.) (6.4.2006 for E. and 15.3.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 25, 108; S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 4(l)

98 Definitions.

(1) The following definitions apply for the interpretation of this Part.

[F52] (1A) “Appropriate person” means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the National Assembly for Wales.]

(2) “Educational institution”, in relation to England and Wales, means—

[F53] (a) ......................................................

(b) the Open University;

(c) any institution which provides higher education or further education (or both) which is full-time education being an institution which—

(i) is maintained by grants made by the Secretary of State under [F54] section 485 of the Education Act 1996];

(ii) ......................................................

(iii) is maintained by a [F55] local authority as defined in section 579(1) of the Education Act 1996];

[F56] (d) any institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992]

[F57] (e) any city technology college [F58, city college for the technology of the arts or [F59 Academy]];

[F60] (f) any community, foundation or voluntary school;

[F60] (g) any community or foundation special school.]

(3) “Educational institution”, in relation to Scotland, means—

(a) any university within the meaning of the Education Reform Act 1988 funded by the Universities Funding Council under section 131 of that Act;

(b) the Open University;

[F61] (c) any educational establishment (not being a school) within the meaning of section 135(1) of the Education (Scotland) Act 1980 for the provision of any form of further education for the management of which establishment an education authority is responsible;

(cc) any college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 managed by a board of management established under Part I of that Act;]

[F62] (d) a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992;

[F63] (da) any institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992]

(e) a technology academy within the meaning of section 68(1) of the 1989 Act;

(f) a public school as defined in section 135(1) of the [F64 Education (Scotland) Act 1980 (“the 1980 Act”)];

(g) a grant-aided school as defined in section 135(1) of the 1980 Act;
[(h) a self-governing school within the meaning of section 1(3) of the 1989 Act.]

(4) “Joint board”, in relation to Scotland, has the meaning given by section 235(1) of the Local Government (Scotland) Act 1973.

(5) “Highway” (and “highway maintainable at the public expense”), [“highway authority”,] “special road” and “trunk road”, in relation to England and Wales, have the same meaning as in the Highways Act 1980 and “public road”, “special road” and “trunk road”, in relation to Scotland, have the same meaning as in the Roads (Scotland) Act 1984.

[(5A) “Litter” includes—
(a) the discarded ends of cigarettes, cigars and like products, and
(b) discarded chewing-gum and the discarded remains of other products designed for chewing.]

[(5B) Strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015.]

(6) “Statutory undertaker” means—
(a) any person authorised by any enactment to carry on any railway, light railway, tramway or road transport undertaking;
(b) any person authorised by any enactment to carry on any canal, inland navigation, dock, harbour or pier undertaking; or
(c) any relevant airport operator (within the meaning of Part V of the Airports Act 1986).

[(6A) In subsection (6) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.]
Changes to legislation: Environmental Protection Act 1990, Cross Heading: Provisions relating to litter is up to date with all changes known to be in force on or before 29 June 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F62 S. 98(3)(d) substituted (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(2), Sch. 9, para. 13(b); S.I. 1992/817, art. 3(2), Sch. 1
F63 S. 98(2)(da) inserted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), Sch. 8 Pt. II para. 95(c); S.I. 1992/831, art. 2, Sch. 3.
F64 Words in s. 98(3)(f) substituted (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37) s. 62(2), Sch. 9 para. 13(c); S.I. 1992/817, art. 3(2), Sch. 1
F65 S. 98(3)(h) repealed (S.) (31.12.2004) by 2000 asp 6, ss. 60(2), 61(2), Sch. 3; S.S.I. 2004/528, art. 2
F66 Words in s. 98(5) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), Sch. 1 para. 112(2); S.I. 2015/481, reg. 2(a)
F67 S. 98(5A) inserted (E.W.) (7.6.2005) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 27, 108(4)(c)
F68 S. 98(5B) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), Sch. 1 para. 112(3); S.I. 2015/481, reg. 2(a)
F69 S. 98(6A) inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), sch. 3 para. 40(8); S.S.I. 2014/160, art. 2(1)(2), sch.

Modifications etc. (not altering text)

Commencement Information
I9 S. 98 partly in force; s. 98 not in force at Royal Assent see s. 164(2); s. 98(1) (2) (5) (6) in force (E.W) 13.2.1991 by S.I. 1991/96, art. 3
S. 98(3)(4) in force 1.4.1991; s. 98(1)(5)(6) in force (S.) 1.4.1991 see s. 164(3) and S.I. 1991/1042, art. 2

Marginal Citations
M5 1973 c. 65.
M6 1980 c. 66.
M7 1984 c. 54.
M8 1986 c. 31.
Changes to legislation:
Environmental Protection Act 1990, Cross Heading: Provisions relating to litter is up to date with all changes known to be in force on or before 29 June 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- Pt. 2A amendment to earlier affecting provision S.I. 2006/1379, reg. 3-17, Sch. by S.I. 2019/24 reg. 5
- Pt. 2A amendment to earlier affecting provision S.I. 2006/2988, regs. 3-17, Sch. by S.I. 2019/114 reg. 2
- s. 33(2D) inserted by S.S.I. 2019/26 reg. 12(2)
- s. 34D and cross-heading inserted by 2016 aw 3 s. 66(1)
- s. 45AA45AB inserted by 2016 aw 3 s. 65
- s. 71(5)(6) inserted by 2016 c. 25 Sch. 2 para. 4
- s. 75A inserted by S.I. 2019/620 reg. 5(4)
- s. 161(2AA)(2AB) inserted by 2016 aw 3 s. 69(4)