



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 3

#### LITTER AND REFUSE

##### *Offence of dropping litter*

#### **18 Extension of litter offence to all open places**

In section 87 of the Environmental Protection Act 1990 (c. 43) (offence of leaving litter), for subsections (1) to (4) substitute—

- “(1) A person is guilty of an offence if he throws down, drops or otherwise deposits any litter in any place to which this section applies and leaves it.
- (2) This section applies to any place in the area of a principal litter authority which is open to the air, subject to subsection (3) below.
- (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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.”