



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 3

#### LITTER AND REFUSE

##### *Offence of dropping litter*

#### **19 Litter offence: fixed penalty notices**

- (1) Section 88 of the Environmental Protection Act 1990 (c. 43) (fixed penalty notices for leaving litter) is amended as follows.
- (2) For subsections (6) and (7) (amount of fixed penalty) substitute—
  - “(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 £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.”
- (3) After subsection (8) insert—

*Status: Point in time view as at 14/03/2006. This version of this provision has been superseded.*

*Changes to legislation: Clean Neighbourhoods and Environment Act 2005, Section 19 is up to date with all changes known to be in force on or before 23 January 2024. 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)*

“(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.”

(4) In subsection (9), at the end insert—

“(f) a parish or community council.”

(5) In subsection (10), for the definition of “authorised officer” substitute—

““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;”.

(6) After that subsection insert—

“(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.”

#### Commencement Information

- I1** S. 19(1) in force at 14.3.2006 for specified purposes for E. by S.I. 2006/795, art. 2(1), Sch. 1 (with art. 4)
- I2** S. 19(6) in force at 14.3.2006 for E. by S.I. 2006/795, art. 2(1), Sch. 1 (with art. 4)

**Status:**

Point in time view as at 14/03/2006. This version of this provision has been superseded.

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