
STATUTORY INSTRUMENTS

1991 No. 111

ENVIRONMENTAL PROTECTION

The Litter (Fixed Penalty Notices) Order 1991

Made - - - - *24th January 1991*
Laid before Parliament *28th January 1991*
Coming into force - - *13th February 1991*

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred on them by section 88(5) of the Environmental Protection Act 1990(1) and of all other powers enabling them in that behalf, hereby make the following Order:—

1. This Order may be cited as the Litter (Fixed Penalty Notices) Order 1991 and shall come into force on 13th February 1991.

2. A notice offering the opportunity of discharging any liability to conviction for an offence committed under section 87 of the Environmental Protection Act 1990 by payment of a fixed penalty shall be in the form prescribed in the Schedule to this Order.

23rd January 1991

Michael Heseltine
Secretary of State for the Environment

23rd January 1991

David Hunt
Secretary of State for Wales

24th January 1991

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

OFFENCE OF LEAVING LITTER NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY SCHEDULE

OFFENCE OF LEAVING LITTER NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

The Environmental Protection Act 1990, section 88

Alleged offender:

Address:

I, (a), an authorised officer of (b), have reason to believe that on (c) you committed an offence of leaving litter, under section 87 of the Environmental Protection Act 1990, in the area of (d). This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty. The circumstances alleged to constitute the offence are as follows:

No proceedings will be taken for this offence before the expiration of fourteen days following the date of this notice. You will not be liable to conviction for the offence if you pay the fixed penalty during that period of fourteen days.

The amount of the fixed penalty is (e). It may be paid to (f) at the following address: (g).

Payment may be made by pre-paying and posting to (f) at (g) a letter containing the amount of the penalty. Payment may be in cash, or by a cheque, postal order or money order made payable to (f). (If you are sending cash you are advised to send it by registered post.) Payment made in this way will be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post. Alternatively, payment may be made in person or by any other method.

Signature of authorised officer

Date

Notes

- (a) Insert name of authorised officer.
(b) Insert name of litter authority.
(c) Insert date on which offence is alleged to have been committed.
(d) Insert name of area of litter authority.
(e) Insert amount of £10, or any different amount for the time being specified by the Secretary of State under section 88(7) of the Environmental Protection Act 1990.
(f) Insert title or name of the person to whom the fixed penalty is to be paid.
(g) Insert address at which payment is to be made.

Letter which may be used for payment by post

I enclose with this letter the amount of , being the fixed penalty for an offence of leaving litter under section 87 of the Environmental Protection Act.

Signature.....

Name in capitals.....

Date2.....

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the form of notices under section 88 of the Environmental Protection Act 1990. Notices under section 88 may be given by an authorised officer of a litter authority to a person who he has reason to believe has committed an offence under section 87 of that Act (offence of leaving litter). The effect of giving the notice is that no proceedings shall be instituted for the offence before the expiration of fourteen days following the date of the notice, and that a person who pays the fixed penalty within that period shall not be convicted of the offence.