
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about littering from vehicles in England.

Regulations 4 and 5 make provision for a litter authority (which is defined in regulation 3) to give a penalty notice to a person who is the keeper of a vehicle. The litter authority must have reason to believe that a littering offence has been committed in respect of the vehicle on the authority's land.

Regulation 4(5) sets out circumstances in which a penalty notice must not be given (for example where a notice under section 88(1) of the Environmental Protection Act 1990 ("the EPA 1990") has been given to a person in respect of the same offence).

Regulation 6 makes provision about the amount of a fixed penalty. The amount of a fixed penalty in respect of a litter authority's land is the amount specified by the authority for fixed penalty notices for leaving litter. If no amount is specified, it is £100. If the fixed penalty is not paid within the fixed penalty payment period (which is defined in regulation 2), it increases by 100%.

A litter authority may make provision about early payment of a lesser amount, which discharges liability for the full amount of the fixed penalty (see regulation 6(6) to (8)). The lesser amount must not be less than £50.

Part 3 (exemptions) sets out the circumstances in which a keeper is not liable to pay a fixed penalty (for example where a notice under section 88(1) of the EPA 1990 is subsequently given to a person in respect of the same offence).

Part 4 (representations and appeals) confers a right on the person who is given a penalty notice to challenge it and sets out the procedure for this.

Part 5 (consequential amendment) contains an amendment to section 87 of the EPA 1990 with the effect that a prosecution may not be brought under that section against a person who threw etc. litter where a litter authority has required the keeper to pay a fixed penalty in respect of the offence and the penalty has been paid or recovered in full.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.