



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 11

#### POLICING ETC

#### *Miscellaneous*

#### **154 Littering from vehicles**

- (1) The Environmental Protection Act 1990 is amended as follows.
- (2) After section 88 (fixed penalty notices for leaving litter) there is inserted—

#### **“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
  - (b) Part 2 of the London Local Authorities Act 2007.
- (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.”

(3) In section 161 (regulations, orders and directions), after subsection (2ZA) there is inserted—

“(2ZB) Subsection (2) does not apply to a statutory instrument containing regulations under section 88A if the regulations—

- (a) are the first set of regulations to be made under that section, or
- (b) include provision falling within subsection (3)(a) or (6) of that section.

(2ZC) A statutory instrument to which subsection (2) does not apply by virtue of subsection (2ZB) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”