

SCOTTISH STATUTORY INSTRUMENTS

2013 No. 315

ENVIRONMENTAL PROTECTION

The Litter (Fixed Penalties) (Scotland) Order 2013

Made - - - - *5th November 2013*
Laid before the Scottish
Parliament - - - - *7th November 2013*
Coming into force - - *1st April 2014*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 33A(10) and 88(7) of the Environmental Protection Act 1990(1) and all other powers enabling them to do so.

PROSPECTIVE

Citation, commencement and extent

1.—(1) This Order may be cited as the Litter (Fixed Penalties) (Scotland) Order 2013 and comes into force on 1st April 2014.

(2) This Order extends to Scotland only.

Commencement Information

I1 Art. 1 in force at 1.4.2014, see [art. 1\(1\)](#)

Interpretation

2. In this Order, the “1990 Act” means the Environmental Protection Act 1990.

Commencement Information

I2 Art. 2 in force at 1.4.2014, see [art. 1\(1\)](#)

(1) [1990 c.43](#). Section 33A was inserted by section 55 of the Antisocial Behaviour etc. (Scotland) Act [2004 asp 8](#) (the “2004 Act”). Section 88 has been relevantly amended by section 56 of the 2004 Act, and by [S.S.I. 2003/268](#). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act [1998 \(c.46\)](#).

Status: This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Litter (Fixed Penalties) (Scotland) Order 2013*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Amount of fixed penalties

3. For the amount of £50 specified as the amount of fixed penalty in—
 - (a) section 33A(9) of the 1990 Act, there is substituted the amount of £200; and
 - (b) section 88(6) of the 1990 Act⁽²⁾, there is substituted the amount of £80.

Commencement Information

I3 Art. 3 in force at 1.4.2014, see [art. 1\(1\)](#)

Revocation

4. The Litter (Fixed Penalty) (Scotland) Order 2003⁽³⁾ is revoked.

Commencement Information

I4 Art. 4 in force at 1.4.2014, see [art. 1\(1\)](#)

St Andrew's House,
Edinburgh
5th November 2013

RICHARD LOCHHEAD
A member of the Scottish Government

(2) The amount of fixed penalty specified in section 88(6) was increased from £10 to £25 by [S.I. 1996/3055](#), and from £25 to £50 by [S.S.I. 2003/268](#).

(3) [S.S.I. 2003/268](#).

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PROSPECTIVE

EXPLANATORY NOTE

(This note is not part of the Order)

Sections 33A and 88 of the Environmental Protection Act 1990 provide for the payment of a fixed penalty to discharge any liability to conviction for the waste (including littering and flytipping) and littering offences under sections 33 and 87 respectively of that Act.

This Order increases the fixed penalty under section 33A from £50 to £200, and the fixed penalty under section 88 from £50 to £80.

A business and regulatory impact assessment has not been prepared for this Order as no impact upon business is foreseen.

Status:

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Changes to legislation:

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Changes and effects yet to be applied to :

- art. 1 coming into force by [S.S.I. 2013/315 art. 1\(1\)](#)
- art. 2 coming into force by [S.S.I. 2013/315 art. 1\(1\)](#)
- art. 3 coming into force by [S.S.I. 2013/315 art. 1\(1\)](#)
- art. 3(a) omitted by [S.S.I. 2023/335 art. 3](#)
- art. 4 coming into force by [S.S.I. 2013/315 art. 1\(1\)](#)