



Refuse Disposal (Amenity) Act 1978

1978 CHAPTER 3

Control of dumping

2 Penalty for unauthorised dumping.

- (1) Any person who, without lawful authority,—
- (a) abandons on any land in the open air, or on any other land forming part of a [^{F1}highway][^{F1}road], a motor vehicle or anything which formed part of a motor vehicle and was removed from it in the course of dismantling the vehicle on the land; or
 - (b) abandons on any such land any thing other than a motor vehicle, being a thing which he has brought to the land for the purpose of abandoning it there,
- shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding [^{F2}£100][^{F2}level 4 on the standard scale] or in the case of a second or subsequent conviction to a fine of an amount not exceeding [^{F2}£200][^{F2}level 4 on the standard scale] or imprisonment for a term not exceeding three months or both.
- (2) For the purposes of subsection (1) above, a person who leaves any thing on any land in such circumstances or for such a period that he may reasonably be assumed to have abandoned it or to have brought it to the land for the purpose of abandoning it there shall be deemed to have abandoned it there or, as the case may be, to have brought it to the land for that purpose unless the contrary is shown.
- (3) In Scotland, an offence under this section may be prosecuted in any court of summary jurisdiction within the meaning of [^{F3}section 307(1) of the Criminal Procedure (Scotland) Act 1995] having jurisdiction in the place where the offence was committed.

Textual Amendments

- F1** S. 2(1): "road" substituted (S.) for "highway" by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 157(2), [Sch. 9 para. 78\(2\)](#)
- F2** Words "level 4 on the standard scale" substituted (S.) for "£100" and "£200" by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. [289E–289G](#)

Changes to legislation: Refuse Disposal (Amenity) Act 1978, Section 2 is up to date with all changes known to be in force on or before 03 April 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) [View outstanding changes](#)

F3 Words in s. 2(3) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 15**

Modifications etc. (not altering text)

- C1** S. 2(1): **Criminal Justice Act 1982 (c. 48, SIF 39:1)**, **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)
- C2** S. 2(1): **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1)**, **s. 289E** (in relation to liability on first and subsequent convictions) applies (S.)

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Changes and effects yet to be applied to :

- s. 2(1) words substituted by [2003 c. 44 Sch. 26 para. 25](#)