



Environmental Protection Act 1990

1990 CHAPTER 43

PART IV

LITTER ETC

Provisions relating to litter

87 Offence of leaving litter. **E+W**

- [^{F1}(1) A person is guilty of an offence if he throws down, drops or otherwise deposits any litter in any place to which this section applies and leaves it.
- (2) This section applies to any place in the area of a principal litter authority which is open to the air, subject to subsection (3) below.
- (3) This section does not apply to a place which is “open to the air” for the purposes of this Part by virtue of section 86(13) above if the public does not have access to it, with or without payment.
- (4) It is immaterial for the purposes of this section whether the litter is deposited on land or in water.
- (4A) No offence is committed under subsection (1) above where the depositing of the litter is—
- (a) authorised by law; or
 - (b) done by or with the consent of the owner, occupier or other person having control of the place where it is deposited.
- (4B) A person may only give consent under subsection (4A)(b) above in relation to the depositing of litter in a lake or pond or watercourse if he is the owner, occupier or other person having control of—
- (a) all the land adjoining that lake or pond or watercourse; and
 - (b) all the land through or into which water in that lake or pond or watercourse directly or indirectly discharges, otherwise than by means of a public sewer.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent

Changes to legislation: Environmental Protection Act 1990, Section 87 is up to date with all changes known to be in force on or before 14 September 2023. 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

(4C) In subsection (4B) above, “lake or pond”, “watercourse” and “public sewer” have the same meanings as in section 104 of the Water Resources Act 1991.]

[^{F2}(4D) No proceedings may be instituted for an offence under subsection (1) which is a littering offence in respect of a vehicle within the meaning of section 88A(2) if—

- (a) a penalty notice has been given under section 88A to the keeper of the vehicle in respect of which the offence was committed, and
- (b) the fixed penalty has been paid or recovered in full.]

(5) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) A local authority, with a view to promoting the abatement of litter, may take such steps as the authority think appropriate for making the effect of subsection (5) above known to the public in their area.

(7) In any proceedings in Scotland for an offence under this section it shall be lawful to convict the accused on the evidence of one witness.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F1** S. 87(1)-(4C) substituted (E.W.) (7.6.2005) for s. 87(1)-(4) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 18, 108(4)(b)**
- F2** [S. 87\(4D\)](#) inserted (E.W.) (1.4.2018) by [The Littering From Vehicles Outside London \(Keepers Civil Penalties\) Regulations 2018 \(S.I. 2018/171\)](#), regs. 1(2), **21**

Modifications etc. (not altering text)

- C3** S. 87 applied (with modifications) (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\)](#), **ss. 1(3)-(5), 31, Sch. 2 Pt. 1**
- C4** S. 87 applied (20.9.2000) by [2000 c. vii](#), **ss. 1(1), 21**

Commencement Information

- I1** S. 87 partly in force; s. 87 not in force at Royal Assent see s. 164(2); s. 87(1) (2) (3)(a)-(e) (4)-(6) in force (E.W.) 13.2.1991 by [S.I. 1991/96](#), **art. 3**
- S. 87(7) in force at 1.4.1991; s. 87(1)(2)(3)(a)-(e) (4)-(6) in force (S.) 1.4.1991 and s. 87(3)(f) in force 1.6.1991 see s. 164(3) and [S.I. 1991/1042](#), **arts. 2, 3**

87 Offence of leaving litter. **S**

(1) If any person throws down, drops or otherwise deposits in, into or from any place to which this section applies, and leaves, any thing whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any place to which this section applies, he shall, subject to subsection (2) below, be guilty of an offence.

(2) No offence is committed under this section where the depositing and leaving of the thing was—

- (a) authorised by law, or

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- (b) done with the consent of the owner, occupier or other person or authority having control of the place in or into which that thing was deposited.
- (3) This section applies to any public open place and, in so far as the place is not a public open place, also to the following places—
 - (a) any relevant highway or relevant road and any trunk road which is a special road;
 - (b) any place on relevant land of a principal litter authority;
 - (c) any place on relevant Crown land;
 - (d) any place on relevant land of any designated statutory undertaker;
 - (e) any place on relevant land of any designated educational institution;
 - (f) any place on relevant land within a litter control area of a local authority.
- (4) In this section “public open place” means a place in the open air to which the public are entitled or permitted to have access without payment; and any covered place open to the air on at least one side and available for public use shall be treated as a public open place.
- (5) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) A local authority, with a view to promoting the abatement of litter, may take such steps as the authority think appropriate for making the effect of subsection (5) above known to the public in their area.
- (7) In any proceedings in Scotland for an offence under this section it shall be lawful to convict the accused on the evidence of one witness.

Extent Information

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Modifications etc. (not altering text)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34D and cross-heading inserted by [2016 anaw 3 s. 66\(1\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 45AA45AB inserted by [2016 anaw 3 s. 65](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)