



Environmental Protection Act 1990

1990 CHAPTER 43

PART IV

LITTER ETC

Provisions relating to litter

[^{F1}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.

Status: Point in time view as at 25/10/2017.

Changes to legislation: Environmental Protection Act 1990, Section 88A is up to date with all changes known to be in force on or before 15 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)

- (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;

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“vehicle” means a mechanically-propelled vehicle or a vehicle designed or adapted for towing by a mechanically-propelled vehicle.]

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Textual Amendments

- F1** S. 88A inserted (E.W.) (25.10.2017) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 154\(2\), 185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2017/1018, art. 2

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