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STATUTORY INSTRUMENTS

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**2021 No. 1357**

**The Littering From Vehicles Outside London (Keepers:  
Civil Penalties) (Amendment) Regulations 2021**

**Insertion of regulation 7A**

6. After regulation 7, insert—

**“Invalid notices**

7A.—(1) This regulation applies where—

- (a) a county court makes an order under regulation 7,
- (b) the person against whom it is made makes a witness statement complying with paragraph (2), and
- (c) that witness statement is, within the period of 21 days beginning with the date on which notice of the county court’s order is served on the maker of the witness statement, served on the county court which made the order.

(2) The witness statement must state that the person making it—

- (a) did not receive the penalty notice in question,
- (b) made representations to the litter authority under regulation 14 but did not receive a notice of rejection from that litter authority,
- (c) appealed to an adjudicator under regulation 16 against the rejection by that litter authority of representations made by that person under regulation 14 and—
  - (i) no response to the appeal was received,
  - (ii) the appeal had not been determined by the time that the enforcement notice had been served, or
  - (iii) the appeal was determined in that person’s favour, or
- (d) has paid the fixed penalty to which the enforcement notice relates.

(3) Where it appears to the court, on the application of a person on whom an enforcement notice has been served, that it would be unreasonable in the circumstances of that person’s case to insist on the witness statement being served within the period mentioned in paragraph (1)(c), the court may allow such longer period for service of the witness statement as it considers appropriate.

(4) Where a witness statement is served under paragraph (1)(c), or within such longer period as may be allowed under paragraph (3)—

- (a) the order of the court is to be treated as revoked,
- (b) the enforcement notice is to be treated as cancelled,
- (c) in the case of a witness statement containing such a statement as is mentioned in paragraph (2)(a), the penalty notice to which the enforcement notice relates is to be treated as cancelled, and

- (d) the court must serve written notice of the effect of service of the witness statement on the person making it and on the litter authority concerned.
- (5) Where a witness statement is served by a person (P) containing a statement referred to in paragraph (2)(a) in respect of a penalty notice (the original penalty notice), the litter authority may give P a fresh penalty notice in respect of the littering offence the original penalty notice related to.
  - (6) A fresh penalty notice referred to in paragraph (5) must not be given—
    - (a) after the end of the period of 14 days beginning with the day on which the notice referred to in paragraph (4)(d) is served on the litter authority, or
    - (b) if the original penalty notice was not given by the litter authority in accordance with the procedural requirements set out in regulations 4 and 8.
  - (7) Where a witness statement contains such a statement as is mentioned in paragraph (2)(b) or (c)(i) or (ii), the litter authority may refer the case to an adjudicator, who may give such directions as the adjudicator considers appropriate.
  - (8) In this regulation, “witness statement” means a statement which is a witness statement for the purposes of the Civil Procedure Rules 1998 and which is supported by a statement of truth in accordance with Part 22 of those Rules.”.