

**2023 No. 770**

**ENVIRONMENTAL PROTECTION, ENGLAND AND WALES**

**The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023**

<i>Made</i> - - - -	<i>6th July 2023</i>
<i>Laid before Parliament</i>	<i>10th July 2023</i>
<i>Coming into force</i> - -	<i>31st July 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by—

- (a) sections 33ZA(10A), 34ZA(9A) and 97A(1) and (2) of the Environmental Protection Act 1990 (and for section 97A, the Secretary of State is, for England, the appropriate person as defined in section 98(1A)(a) of that Act)(a), and
- (b) section 43A(4) and (5) of the Anti-social Behaviour Act 2003 (and for that section, the Secretary of State is, for England, the appropriate person as defined in section 47(1) of that Act)(b).

**Citation, commencement, extent and application**

**1.**—(1) These Regulations may be cited as the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 and come into force on 31st July 2023.

- (2) These Regulations extend to England and Wales.
- (3) These Regulations apply in relation to England.

**Amendment of the Environmental Offences (Fixed Penalties) (England) Regulations 2017**

**2.**—(1) The Environmental Offences (Fixed Penalties) (England) Regulations 2017(c) are amended as follows.

- (2) For regulation 5 substitute—

**“5.** —(1) The amount of a fixed penalty capable of being specified by either of the following under the corresponding section is not less than £65 and not more than £500—

- (a) a principal litter authority under section 88(6A)(a) of the Environmental Protection Act 1990;

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(a) 1990 c. 43. Section 33ZA was inserted by S.I. 2016/334 and amended by section 69 of the Environment Act 2021. Section 34ZA was inserted by S.I. 2018/1227 and amended by section 69 of the Environment Act 2021 (c. 30). Section 97A was inserted by section 24 of the Clean Neighbourhoods and Environment Act 2005 (c. 16) (“the CNEA 2005”). The definition of “appropriate person” was inserted by section 26 of that Act.

(b) 2003 c. 38. Section 43A was inserted by section 28 of the CNEA 2005 and amended by S.I. 2017/1050.

(c) S.I. 2017/1050.

(b) a relevant local authority under section 43A(1)(a) of the Anti-social Behaviour Act 2003.

(2) The amount of a fixed penalty capable of being specified by a principal litter authority under paragraph 7(4)(a) of Schedule 3A to the Environmental Protection Act 1990 is not less than £65 and not more than £150.”

### **Amendment of the Environmental Protection Act 1990**

3.—(1) The Environmental Protection Act 1990 is amended as follows.

(2) In section 33ZA(9)(a), for “£400” substitute “£1000”.

(3) In section 34ZA(8), for “£400” substitute “£600”.

*Rebecca Pow*

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

6th July 2023

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Environmental Offences (Fixed Penalties) (England) Regulations 2017 and the Environmental Protection Act 1990.

Regulation 2 substitutes regulation 5 of the Environmental Offences (Fixed Penalties) (England) Regulations 2017 to increase the upper limit of fixed penalty notices for littering, graffiti and fly-posting offences from £150 to £500.

Regulation 3 amends the Environmental Protection Act 1990 to increase the upper limit of fixed penalty notices for unauthorised deposit of controlled waste and household waste duty of care offences, from £400 to £1000 and £600 respectively.

A full regulatory impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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