



# Circular Economy (Scotland) Act 2024

## 2024 asp 13

PROSPECTIVE

### *Littering from vehicles: civil penalties*

#### **18 Littering from a vehicle**

- (1) The Environmental Protection Act 1990 is modified as follows.
- (2) After section 88B insert—

#### **“88C Littering from a vehicle: Scottish civil penalty regime**

- (1) An authorised officer of a litter authority may impose a civil penalty charge on the keeper of a vehicle if satisfied on the balance of probabilities that—
  - (a) an offence of leaving litter under section 87 (“an act of littering”) has been committed from the vehicle, and
  - (b) the vehicle was on land within the litter authority’s area at the time that the act of littering was committed.
- (2) For the purposes of this section, the keeper of a vehicle—
  - (a) means the person by whom the vehicle is kept at the time when an act of littering occurs, and
  - (b) in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper.
- (3) The keeper's liability to pay a civil penalty charge notice to the authority arises when an authorised officer of a litter authority gives to the keeper written notice requiring payment of the charge (“a civil penalty charge notice”).
- (4) No civil penalty charge notice may be given—
  - (a) after the end of the period of 3 months beginning with the day on which the act of littering in question occurred, or
  - (b) if action has been taken under section 87 or section 88 against a person in respect of the same act of littering, regardless of—
    - (i) whether or not the person is the vehicle’s keeper,

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024, Cross Heading: Littering from vehicles: civil penalties. (See end of Document for details)*

- (ii) whether or not the action is ongoing,
- (iii) the outcome of the action.

- (5) The Scottish Ministers may by regulations make provision—
- (a) for the amount that may be imposed as a civil penalty charge,
  - (b) for discounts and surcharges,
  - (c) as to the purposes for which sums received by an authority by way of civil penalty charge may be used,
  - (d) about the form and content of a civil penalty charge notice,
  - (e) about the procedure to be followed in giving a civil penalty charge notice,
  - (f) conferring rights to make representations about and to bring an appeal against a civil penalty charge notice,
  - (g) about the circumstances in which a civil penalty charge notice may or must be cancelled,
  - (h) about the procedure to be followed in cancelling a civil penalty charge notice,
  - (i) about the refund of sums paid by way of civil penalty charge,
  - (j) about exemptions from liability,
  - (k) whether and how an authority must keep and publish accounts in respect of sums received by way of civil penalty charge.

- (6) In this section—

an “authorised officer” means an employee of a litter authority who is authorised in writing by the authority for the purposes of imposing civil penalty charges under this section,

“litter authority” means—

- (a) a local authority,
- (b) Loch Lomond and the Trossachs National Park Authority, or
- (c) such other person as may be specified in regulations by the Scottish Ministers,

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994,

“registered keeper”, in relation to a registered vehicle, means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994,

“registered vehicle” means a vehicle which is registered under that Act, “vehicle” means a mechanically-propelled vehicle or a vehicle designed or adapted for towing by a mechanically-propelled vehicle.

#### **88D Littering from a vehicle: consequences of civil penalty charge notice under section 88C**

- (1) No action may be taken under section 87 or section 88 against a person in respect of an act of littering for which a civil penalty charge notice has been given and paid in full, regardless of whether or not the person who paid it is the vehicle’s keeper.
- (2) After the end of the period of 28 days beginning with the day on which a civil penalty charge notice is given, any unpaid amount of the charge may

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be recovered in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff for any sheriffdom.”.

- (3) In section 160A, in the table in subsection (2), after the entry relating to section 47B(1) (as inserted by section 13(3)) insert—

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“88C(5) (littering from a vehicle: Scottish any regulations under that subsection.”.  
civil penalty regime)

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**Commencement Information**

**11** S. 18 not in force at Royal Assent, see [s. 27](#)

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