
DRAFT STATUTORY INSTRUMENTS

2018 No.

**The Littering From Vehicles Outside London
(Keepers: Civil Penalties) Regulations 2018**

PART 3

Exemptions

Public service vehicles and licensed taxis etc.

12.—(1) A person who is the keeper of a vehicle is not liable to pay a fixed penalty for a littering offence committed in respect of the vehicle if—

- (a) the vehicle is of a kind listed in paragraph (2), and
- (b) the person who committed the offence was, at the time of the offence, a passenger in the vehicle.

(2) The kinds of vehicle are—

- (a) a public service vehicle, within the meaning of section 1 of the Public Passenger Vehicles Act 1981(1);
- (b) a hackney carriage licensed under section 37 of the Town Police Clauses Act 1847(2) or section 6 of the Metropolitan Public Carriage Act 1869(3);
- (c) a vehicle in respect of which a private hire vehicle licence is in force within the meaning given by section 6(6) of the Private Hire Vehicles (London) Act 1998(4);
- (d) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976(5) (licensing of private hire vehicles);
- (e) a vehicle licensed under section 5 of the Plymouth City Council Act 1975(6) (licensing of private hire vehicles).

Discharge of liability where action taken against person who littered

13. The liability of a person who is the keeper of a vehicle to pay a fixed penalty for a littering offence in respect of the vehicle is discharged if—

- (a) a notice under section 88(1) of the EPA 1990 is subsequently given to a person in respect of the same offence (whether or not the person is the vehicle's keeper), or

(1) 1981 c.14. Section 1 was amended by Schedule 8 to the Transport Act 1985 (c.67).

(2) 10 and 11 Vict c.89.

(3) 1869 c.115. Section 6 was substituted by paragraph 5(3) of Schedule 20 to the Greater London Authority Act 1999 (c.29) and amended by S.I. 2014/560.

(4) 32 and 33 Vict c.115.

(5) 1976 c.57. Section 48 was amended by paragraph 16 of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c.54).

(6) 1975 c.xx.

- (b) a prosecution is subsequently brought against a person under section 87 of the EPA 1990 in respect of the same offence (whether or not the person is the vehicle's keeper and whether or not the prosecution is successful).