
EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the form of notices under section 88 of the Environmental Protection Act 1990. A notice under section 88 may be given by an authorised person or a constable to a person who the authorised person or constable has reason to believe has committed an offence under section 87 of the Act (offence of leaving litter). The effect of giving the notice is that no proceedings shall be instituted for the offence before the expiration of fourteen days following the date of the notice, and that a person who pays the fixed penalty within that period shall not be convicted of the offence.

The Order revokes and replaces the Litter (Fixed Penalty Notices) (Scotland) Order 2004. It reflects amendments, coming into force on 1st April 2015, made by the Regulatory Reform (Scotland) Act 2014 to the effect that notices can be issued by “authorised persons”, being authorised officers of a litter authority, authorised officers of Loch Lomond and The Trossachs National Park Authority, or such other persons as may be specified by order made by the Scottish Ministers.