



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 3

LITTER AND REFUSE

Offence of dropping litter

19 Litter offence: fixed penalty notices

- (1) Section 88 of the Environmental Protection Act 1990 (c. 43) (fixed penalty notices for leaving litter) is amended as follows.
- (2) For subsections (6) and (7) (amount of fixed penalty) substitute—
 - “(6) The fixed penalty payable in pursuance of a notice under this section is payable to the litter authority whose authorised officer gave the notice.
 - (6A) The amount of a fixed penalty payable in pursuance of a notice under this section—
 - (a) is the amount specified by a principal litter authority in relation to its area (whether the penalty is payable to that or another authority), or
 - (b) if no amount is so specified, is £75.
 - (6B) The reference in subsection (6A) above to a principal litter authority does not include an English county council for an area for which there is also a district council.
 - (7) The litter authority to which a fixed penalty is payable under this section may make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the authority.”
- (3) After subsection (8) insert—

“(8A) If an authorised officer of a litter authority proposes to give a person a notice under this section, the officer may require the person to give him his name and address.

(8B) A person commits an offence if—

- (a) he fails to give his name and address when required to do so under subsection (8A) above, or
- (b) he gives a false or inaccurate name or address in response to a requirement under that subsection.

(8C) A person guilty of an offence under subsection (8B) above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

(4) In subsection (9), at the end insert—

“(f) a parish or community council.”

(5) In subsection (10), for the definition of “authorised officer” substitute—

““authorised officer”, in relation to a litter authority, means—

- (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under this section;
- (b) any person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform that function; and
- (c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices;”.

(6) After that subsection insert—

“(11) The appropriate person may by regulations prescribe conditions to be satisfied by a person before a parish or community council may authorise him in writing for the purpose of giving notices under this section.”