

2005 No. 3223

ENVIRONMENTAL PROTECTION, ENGLAND

**The Litter (Fixed Penalty Notices) Order 1991 and the Dog
Fouling (Fixed Penalties) Order 1996 (Revocation) (England)
Order 2005**

<i>Made</i> - - - -	<i>21st November 2005</i>
<i>Laid before Parliament</i>	<i>23rd November 2005</i>
<i>Coming into force</i> - -	<i>16 December 2005</i>

The Secretary of State, in exercise of the powers conferred upon her by section 88(5) of the Environmental Protection Act 1990(a) (as applied by section 4(2) of the Dogs (Fouling of Land) Act 1996(b) in relation to the revocation effected by article 2(b) of this Order), makes the following Order:

Citation, commencement and application

1. This Order—

- (a) may be cited as the Litter (Fixed Penalty Notices) Order 1991 and the Dog Fouling (Fixed Penalties) Order 1996 (Revocation) (England) Order 2005;
- (b) comes into force on 16th December 2005;
- (c) applies in England only.

Revocations

2. The following are hereby revoked—

- (a) the Litter (Fixed Penalty Notices) Order 1991(c), and
- (b) the Dog Fouling (Fixed Penalties) Order 1996(d).

21st November 2005

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

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- (a) 1990 c.43; the relevant functions of the Secretary of State insofar as they relate to Scotland were transferred to the Scottish Ministers by section 53(c) of the Scotland Act 1998 (c.46), and insofar as they relate to Wales were transferred to the National Assembly for Wales by article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
 - (b) 1996 c.20; the relevant functions of the Secretary of State insofar as they relate to Wales were transferred to the National Assembly for Wales by article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999.
 - (c) S.I. 1991/111; the order was revoked in relation to Scotland by S.S.I. 2004/427.
 - (d) S.I. 1996/2763; article 3 of the order was revoked in relation to England by S.I.2002/425.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in England only and comes into force on 16th December 2005.

The Order revokes, in so far as they apply in England, the Litter (Fixed Penalty Notices) Order 1991 (S.I. 1991/111) and the Dog Fouling (Fixed Penalties) Order 1996 (S.I. 1996/2763) (*article 2*). Those Orders prescribed the form of the fixed penalty notices capable of being issued by the authorised officers of litter authorities (for the purposes of section 88 of the Environmental Protection Act 1990) and of local authorities (for the purposes of section 4 of the Dogs (Fouling of Land) Act 1996) to persons whom they reasonably believed to have committed an offence under section 87 (leaving litter) of the Act of 1990 or under section (3) (being in charge of a dog which defecates on designated land and failing to remove the faeces) of the Act of 1996.

A Regulatory Impact Assessment has not been prepared in respect of this Order.

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