

Subsidiary Legislation made under s.4.

Litter Control (Fixed Penalty) Regulations 1990

LN.1990/107

		<i>Commencement</i>	9.8.1990
Amending enactments	Relevant current provisions		Commencement date
LN. 1990/119	r. 8(2)		6.9.1990
1990/122	r. 8(2)		6.9.1990
1993/121	Sch.		8.8.1993
1994/003	rr. 2(2), 8(2), Sch.		10.1.1994
2013/087	Sch.		13.6.2013
2018/152	r. 8(1), Sch.		15.11.2018

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This version is out of date

ARRANGEMENT OF REGULATIONS

Regulation

1. Title.
2. Form of notice.
3. Copy to Clerk of Magistrates' Court.
4. Identification of notice.
5. Payment in full only.
6. Criminal proceedings.
7. Issue of receipt.
8. Criminal Offences.

SCHEDULE

Title.

1. These regulations may be cited as the Litter Control (Fixed Penalty) Regulations 1990.

Form of notice.

2.(1) A notice issued under section 6(1) of the Act offering the opportunity of the discharge of any liability to conviction for an offence to which that section applies by payment of a fixed penalty (the “notice”) shall be in the form prescribed in the Schedule to these regulations.

(2) A notice, specifying an alleged offence, shall contain a reference to the section of the Act, or, as the case may be, regulation creating the offence and shall specify whether the alleged offence is in relation to litter or dangerous litter.

Copy to Clerk of Magistrates’ Court.

3. A copy of any notice given under section 6(1) shall, as soon as practicable, be forwarded by or on behalf of the authorised officer of a Litter Authority, to the Clerk of the Magistrates’ Court.

Identification of Notice.

4.(1) The person paying a fixed penalty shall either forward with the remittance, Part II of the relevant notice or identify the notice by specifying its serial number.

(2) If, owing to the failure of the person paying the fixed penalty to comply with the provisions of sub-regulation (1), the Clerk of the Magistrates Court is unable to identify the relevant notice, the Clerk shall, as soon as practicable return the remittance to that person.

Payments in full only.

5. If less than the full amount of a fixed penalty is tendered by a person to the Clerk of the Magistrates’ Court in payment of the fixed penalty, the Clerk shall, as soon as practicable, return to the person the amount so tendered.

Criminal proceedings.

6.(1) Where criminal proceedings in respect of the act or omission constituting the offence specified in a notice are instituted by an authorised officer of a Litter Authority, notification thereof shall, as soon as possible, be given by or on behalf of that authorised officer to the Clerk of the Magistrates’ Court.

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(2) The Clerk shall not, after receiving the said notification, accept payment of the fixed penalty to which the notice relates.

Issue of receipt.

7. Subject to the foregoing provisions of these regulations the Clerk of the Magistrates' Court shall, as soon as practicable after payment of a fixed penalty has been made to him –

- (a) send to the payer a receipt for the payment; and
- (b) inform the Litter Authority whose authorised officer issued the notice.

Criminal offences.

8.(1) Where an authorised officer, having reason to believe that any person is committing or has committed an offence to which section 6(1) of the Act applies, seeks to issue a notice to that person, it shall be an offence for that person–

- (a) to fail to supply his name and address to the authorised officer;
- (b) to refuse to accept or in any way deface or damage the notice.

(2) A person found guilty of an offence under sub-regulation (1) shall be liable on summary conviction to a fine at level 1 on the standard scale or a term of imprisonment not exceeding 3 months or to both such fine and imprisonment.

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SCHEDULE

SERIAL No.....

NOTICE OF FIXED PENALTY
LITTER AUTHORITY

NOTE: it is an offence for anyone liable for the undermentioned offence(s) to refuse to supply his name or address or to refuse to accept this Notice or in any way deface or damage this Notice.

SECTION 6 OF THE LITTER CONTROL ACT, 1990
NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

PART 1

Name:
Address:
Particulars of Offence:

I have reasonable cause to believe that the offence stated hereunder as identified by a tick, particulars of which are given above, was being or had been committed on by the above named person.

- PART A:-
(a) Section 5 of the Litter Control Act, 1990 ("litter") £70
(b) Section 5 of the Litter Control Act, 1990 ("dangerous litter") £250

(To be completed by the authorised officer. Please tick as appropriate.)

Signature Rank Date
Authority

If before the end of 14 days from the above date, the sum of, in the case of an offence in respect of litter, £70 and, in case of an offence in respect of dangerous litter, £250 (being the fixed penalty for the offence) is paid to the Clerk of the Magistrates' Court, no proceedings will be taken for the offence and any liability to conviction for the offence will be discharged. Payment must be made to the Magistrates' Court whereupon a receipt for the payment will be given. Part payment will not be accepted by the Clerk. The person paying the fixed penalty must forward Part 2 of the Notice with the remittance. This Notice is deemed to have been issued by-

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- handing it to;
- addressing it to and leaving it at the last known address of; or
- sending it by registered post at the last known address of,

the person liable for the offence indicated above, on (Date).

(perforate here)-----

SERIAL No.....

PART 2

To the Clerk of the Magistrates' Court.

I enclose the sum of £70/£250 as mentioned in Part 1 of the Notice representing payment of the fixed penalty of the offence under—

PART B:-

- (a)Section 5 of the Litter Control Act, 1990 (“litter”) £70
- (b)Section 5 of the Litter Control Act, 1990
 (“dangerous litter”) £250

Date of Issue: _____

(To be completed by the authorised officer. Please tick as appropriate.)

NAME: (IN BLOCK LETTERS) _____
ADDRESS: (IN BLOCK LETTERS) _____