SCOTTISH STATUTORY INSTRUMENTS

2004 No. 427

ENVIRONMENTAL PROTECTION

The Litter (Fixed Penalty Notices) (Scotland) Order 2004

Made - - - -	*29th September 2004*
Laid before the Scottish Parliament	*30th September 2004*
Coming into force - -	*5th November 2004*

The Scottish Ministers, in exercise of the powers conferred by section 88(5) of the Environmental Protection Act 1990(**a**) ("the 1990 Act") and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Litter (Fixed Penalty Notices) (Scotland) Order 2004 and shall come into force on 5th November 2004.

(2) This Order extends to Scotland only.

Form of fixed penalty notice

2. A notice offering the opportunity of discharging any liability to conviction for an offence committed under section 87 of 1990 Act by payment of a fixed penalty shall be in the form prescribed in the Schedule to this Order.

Revocation of Order

3. The Litter (Fixed Penalty Notices) Order 1991(**b**) insofar as it applies to Scotland shall be revoked.

ROSS FINNIE
A member of the Scottish Executive

St Andrew's House,
Edinburgh
29th September 2004

(**a**) 1990 c.43; section 88 was amended by the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), section 56. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(**b**) S.I. 1991/111.

SCHEDULE

OFFENCE OF LEAVING LITTER

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

The Environmental Protection Act 1990, section 88

Alleged offender:

Address;

I, (**a**), an authorised officer/a constable (delete as necessary) of (**b**) have reason to believe that on (**c**) you committed an offence of leaving litter, under section 87 of the Environmental Protection Act 1990, in the area of (**d**). This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty. The circumstances alleged to constitute the offence are as follows:

No proceedings will be taken for this offence before the expiration of fourteen days following the date of this notice. You will not be liable to conviction for the offence if you pay the fixed penalty during that period of fourteen days.

The amount of the fixed penalty is (**e**). It may be paid to (**f**) at the following address. (**g**) .

Payment may be made by pre-paying and posting to (**f**) at (**g**) a letter containing the amount of the penalty. Payment may be in cash, or by a cheque, postal order or money order made payable to (**f**). (If you are sending cash you are advised to send it by registered post). Payment made in this way will be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post. Alternatively payment may be made in person or by any other method.

Signature of authorised officer/or constable……

Date……

(**a**) Insert name of authorised officer or constable.
(**b**) Insert name of litter authority or police force.
(**c**) Insert date on which offence is alleged to have been committed.
(**d**) Insert name of area of litter authority or place where the offence is alleged to have been committed.
(**e**) Insert amount of £50 or any different amount for the time being specified by the Scottish Ministers under section 88(7) of the Environmental Protection Act 1990.
(**f**) Insert title or name of the person to whom the fixed penalty is to be paid.
(**g**) Insert address at which payment is to be made.

Letter which may be used for payment by post

I enclose with this letter the amount of , being the fixed penalty for an offence of leaving litter under section 87 of the Environmental Protection Act 1990.

Signature……

Name in capitals…… Date……..

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. Notices under section 88 may be given by an authorised officer of a litter authority or a constable to a person who there is reason to believe has committed an offence under section 87 of that 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.

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