



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 6

THE ENVIRONMENT

Controlled waste and litter

56 Litter: power of constables to issue fixed penalty notices

- (1) Section 88 of the 1990 Act (fixed penalty notices for litter) shall be amended as follows.
- (2) In subsection (1)—
 - (a) the words “on any occasion” and “finds a person who he” shall be repealed;
 - (b) for “has on that occasion” there shall be substituted “ that a person has ”;
 - (c) the words from “an”, where it first occurs, to “authority”, where it secondly occurs, shall become paragraph (a) of that subsection; and
 - (d) after “authority”, where it secondly occurs, there shall be inserted “; or
 - (b) a constable has reason to believe that a person has committed an offence under that section.”.
- (3) After subsection (1) there shall be inserted—

“(1A) Where a constable gives a notice under this section to a person, he shall, no later than 24 hours after the giving of the notice, send a copy of it to the litter authority in whose area the offence was committed.”.
- (4) After subsection (5) there shall be inserted—

“(5A) A fixed penalty payable in pursuance of a notice under this section shall be payable to the litter authority in whose area the offence was committed.”.
- (5) In subsection (6)—
 - (a) the words “to a litter authority” are repealed; and
 - (b) for “the”, where it thirdly occurs, there shall be substituted “ a litter ”.

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Section 56 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (6) In subsection (7), after “amount”, where it first occurs, there shall be inserted “ (not exceeding level 2 on the standard scale) ”.
- (7) In subsection (8)(a)(ii), after “officer” there shall be inserted “ for the litter authority in whose area the offence was committed ”.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 85B inserted by [2014 asp 14 s. 21\(1\)](#)