



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 6

THE ENVIRONMENT

Controlled waste and litter

57 Directions in respect of duty under section 89 of 1990 Act

- (1) Sections 89, 91 and 92 of the 1990 Act shall be amended as follows.
- (2) In section 89 (duties to keep land etc. free of litter), after subsection (6) there shall be inserted—
 - “(6A) The Scottish Ministers may give to any person subject to a duty imposed by subsection (1) or (2) above such directions as they consider necessary or expedient for securing compliance by such person with such duty.
 - (6B) A person to whom a direction is given under subsection (6A) shall comply with the direction.
 - (6C) A direction under subsection (6A) may—
 - (a) be given generally or to a specific person;
 - (b) make different provision for different persons and different cases or circumstances;
 - (c) include provision specifying, in relation to any factor by reference to which a person’s discharging of any such duty can be measured, standards to be met by the person.
 - (6D) The Scottish Ministers shall—
 - (a) cause—
 - (i) any direction under subsection (6A) above; and
 - (ii) any variation or revocation of such a direction, to be published; and

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- (b) cause copies of each such direction, variation or revocation to be made available to the public.”.
- (3) In section 91 (litter abatement orders: applications by aggrieved persons), in subsection (11)—
 - (a) after “A”, where it first occurs, there shall be inserted—
 - “(a) direction under section 89(6A); or”;
 - (b) the words “code of practice under section 89(7)” shall become paragraph (b); and
 - (c) after “a”, where it secondly occurs, there shall be inserted “direction or”.
- (4) In section 92 (litter abatement notices: litter authorities), in subsection (8)—
 - (a) after “A”, where it first occurs, there shall be inserted—
 - “(a) direction under section 89(6A); or”;
 - (b) the words “code of practice under section 89(7)” shall become paragraph (b); and
 - (c) after “a”, where it secondly occurs, there shall be inserted “direction or”.