

**2013 No. 315**

**ENVIRONMENTAL PROTECTION**

**The Litter (Fixed Penalties) (Scotland) Order 2013**

*Made* - - - - *5th November 2013*  
*Laid before the Scottish Parliament* *7th November 2013*  
*Coming into force* - - *1st April 2014*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 33A(10) and 88(7) of the Environmental Protection Act 1990(a) and all other powers enabling them to do so.

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Litter (Fixed Penalties) (Scotland) Order 2013 and comes into force on 1st April 2014.

(2) This Order extends to Scotland only.

**Interpretation**

**2.** In this Order, the “1990 Act” means the Environmental Protection Act 1990.

**Amount of fixed penalties**

**3.** For the amount of £50 specified as the amount of fixed penalty in—

- (a) section 33A(9) of the 1990 Act, there is substituted the amount of £200; and
- (b) section 88(6) of the 1990 Act(b), there is substituted the amount of £80.

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(a) 1990 c.43. Section 33A was inserted by section 55 of the Antisocial Behaviour etc. (Scotland) Act 2004 asp 8 (the “2004 Act”). Section 88 has been relevantly amended by section 56 of the 2004 Act, and by S.S.I. 2003/268. 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) The amount of fixed penalty specified in section 88(6) was increased from £10 to £25 by S.I. 1996/3055, and from £25 to £50 by S.S.I. 2003/268.

**Revocation**

4. The Litter (Fixed Penalty) (Scotland) Order 2003<sup>(a)</sup> is revoked.

St Andrew's House,  
Edinburgh  
5th November 2013

*RICHARD LOCHHEAD*  
A member of the Scottish Government

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<sup>(a)</sup> S.S.I. 2003/268.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Sections 33A and 88 of the Environmental Protection Act 1990 provide for the payment of a fixed penalty to discharge any liability to conviction for the waste (including littering and flytipping) and littering offences under sections 33 and 87 respectively of that Act.

This Order increases the fixed penalty under section 33A from £50 to £200, and the fixed penalty under section 88 from £50 to £80.

A business and regulatory impact assessment has not been prepared for this Order as no impact upon business is foreseen.

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