

**Changes to legislation:** Environmental Protection Act 1990, Cross Heading: Fixed penalty notices is up to date with all changes known to be in force on or before 26 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

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3A

#### FREE DISTRIBUTION OF PRINTED MATTER ON DESIGNATED LAND

##### Textual Amendments

- F1** Sch. 3A inserted (E.W.) (6.4.2006 for E. and 15.3.2007 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 23\(2\)](#), 108; S.I. 2006/795, [art. 2\(3\)](#), Sch. 2; S.I. 2006/2797, [art. 4\(j\)](#)

##### *Fixed penalty notices*

- 7 (1) This paragraph applies where on any occasion it appears to an authorised officer of a principal litter authority that a person has committed an offence under paragraph 1 above on any land designated by the authority under this Schedule.
- (2) The authorised officer may give that person a notice offering him the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the principal litter authority.
- (3) Subsections (2) to (5) of section 88 above apply in relation to notices given under this paragraph as they apply to notices under that section.
- (4) The amount of the fixed penalty payable to a principal litter authority under this paragraph—
- (a) is the amount specified by the authority in relation to its area; or
  - [<sup>F2</sup>(b) if no amount is so specified, is—
    - (i) in England, £100, or
    - (ii) in Wales, £75.]
- (5) The principal litter authority to which a fixed penalty is payable under this paragraph may make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the authority.
- (6) In any proceedings a certificate which—
- (a) purports to be signed on behalf of the chief finance officer of a principal litter authority, and
  - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
- is evidence of the facts stated.
- (7) If an authorised officer of a principal litter authority proposes to give a person a notice under this paragraph, the officer may require the person to give him his name and address.
- (8) A person commits an offence if—

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- (a) he fails to give his name and address when required to do so under sub-paragraph (7) above; or
  - (b) he gives a false or inaccurate name or address in response to a requirement under that sub-paragraph.
- (9) A person guilty of an offence under sub-paragraph (8) above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) In this paragraph, “chief finance officer”, in relation to a principal litter authority, means the person having responsibility for the financial affairs of that authority.]

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**Textual Amendments**

- F2** Sch. 3A para. 7(4)(b) substituted (1.4.2018) by [The Environmental Offences \(Fixed Penalties\) \(England\) Regulations 2017 \(S.I. 2017/1050\)](#), regs. 1(2), **6(2)**

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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. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)