



# Environment Act 2021

## 2021 CHAPTER 30

### PART 3

#### WASTE AND RESOURCE EFFICIENCY

##### *Waste enforcement and regulation*

#### **68 Littering enforcement**

- (1) Part 4 of the Environmental Protection Act 1990 is amended as follows.
- (2) In Section 88 (fixed penalty notices for leaving litter), for subsection (11) substitute—
  - “(11) The appropriate person may by regulations provide that—
    - (a) an authorised officer of a litter authority must meet such conditions as may be prescribed in the regulations;
    - (b) if an authorised officer of a litter authority fails to meet any such condition, the authority must revoke the officer’s authorisation.
  - (12) Regulations under subsection (11) may make different provision for different cases.
  - (13) Before making regulations under subsection (11), the appropriate person must consult such persons as the appropriate person thinks appropriate.”
- (3) After section 88A insert—

#### **“88B Guidance on littering enforcement in England and Wales**

- (1) The appropriate person may issue guidance to litter authorities on the exercise of littering enforcement functions by those authorities and authorised officers of those authorities.
- (2) A litter authority must have regard to that guidance when exercising any of its littering enforcement functions.

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*Changes to legislation: There are currently no known outstanding effects  
for the Environment Act 2021, Section 68. (See end of Document for details)*

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- (3) The appropriate person may revise any guidance issued under this section at any time.
- (4) Before issuing guidance, or revised guidance, under this section the appropriate person must consult such persons as the appropriate person thinks appropriate.
- (5) The Secretary of State must lay before Parliament and publish guidance, and any revised guidance, issued by the Secretary of State under this section.
- (6) The Welsh Ministers must lay before Senedd Cymru and publish guidance, and any revised guidance, issued by the Welsh Ministers under this section.
- (7) In this section—

“authorised officer”, in relation to a litter authority, means a person who is an authorised officer in relation to that authority for the purposes of—

- (a) section 88 (fixed penalty notices for littering, see subsection (10) of that section),
- (b) section 88A (fixed penalty notices for littering from vehicles in England, see subsection (4) of that section), or
- (c) Schedule 3A (distribution of free printed matter, see paragraph 8 of that Schedule);

“littering enforcement function” means—

- (a) any function of a litter authority, or of an authorised officer of that authority, conferred by or under sections 87 to 88A or Schedule 3A, or
- (b) any function exercised for purposes connected with any of those sections or that Schedule.”

- (4) In section 98(1A) (definition of appropriate person), in paragraph (b) for “National Assembly for Wales” substitute “Welsh Ministers”.

**Commencement Information**

- I1** S. 68 not in force at Royal Assent, see [s. 147\(3\)\(4\)](#)
- I2** [S. 68](#) in force at 1.4.2023 for E. by [S.I. 2023/381](#), [reg. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Environment Act 2021, Section 68.