STATUTORY INSTRUMENTS

2021 No. 1357

ENVIRONMENTAL PROTECTION, ENGLAND

The Littering From Vehicles Outside London (Keepers: Civil Penalties) (Amendment) Regulations 2021

Made - - - -	*1st December 2021*
Laid before Parliament	*2nd December 2021*
Coming into force - -	*14th February 2022*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 88A of the Environmental Protection Act 1990(**1**).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Littering From Vehicles Outside London (Keepers: Civil Penalties) (Amendment) Regulations 2021.

(2) These Regulations come into force on 14th February 2022.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply in England.

Amendments to the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018

2. The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018(**2**) are amended as follows.

Amendment to regulation 2

3. In regulation 2 (interpretation), after the definition of "adjudicator", insert—

""enforcement notice" has the meaning given in regulation 6A(1);".

Insertion of regulation 6A

4. After regulation 6 (penalty amount and payment), insert—

(**1**) 1990 c. 43. Section 88A was inserted by section 154(2) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
(**2**) S.I. 2018/171.

"**Enforcement Notices**

6A.—(1) Where a fixed penalty is increased in accordance with regulation 6(3), the litter authority may serve a further notice (an "enforcement notice") on the person the penalty notice was given to setting out the amount of the fixed penalty that is due.

(2) A litter authority may cancel an enforcement notice at any time by informing the recipient in writing, and serve or cancel such further enforcement notices as it thinks fit.".

Amendment to regulation 7

5. In regulation 7(1) (recovery of unpaid amounts)—

(a) for "a penalty notice" substitute "an enforcement notice";

(b) for "within the fixed penalty payment period" substitute "before the end of the period of 14 days beginning with the day on which the enforcement notice is served.".

Insertion of regulation 7A

6. After regulation 7, insert—

"**Invalid notices**

7A.—(1) This regulation applies where—

(a) a county court makes an order under regulation 7,

(b) the person against whom it is made makes a witness statement complying with paragraph (2), and

(c) that witness statement is, within the period of 21 days beginning with the date on which notice of the county court's order is served on the maker of the witness statement, served on the county court which made the order.

(2) The witness statement must state that the person making it—

(a) did not receive the penalty notice in question,

(b) made representations to the litter authority under regulation 14 but did not receive a notice of rejection from that litter authority,

(c) appealed to an adjudicator under regulation 16 against the rejection by that litter authority of representations made by that person under regulation 14 and—

(i) no response to the appeal was received,

(ii) the appeal had not been determined by the time that the enforcement notice had been served, or

(iii) the appeal was determined in that person's favour, or

(d) has paid the fixed penalty to which the enforcement notice relates.

(3) Where it appears to the court, on the application of a person on whom an enforcement notice has been served, that it would be unreasonable in the circumstances of that person's case to insist on the witness statement being served within the period mentioned in paragraph (1)(c), the court may allow such longer period for service of the witness statement as it considers appropriate.

(4) Where a witness statement is served under paragraph (1)(c), or within such longer period as may be allowed under paragraph (3)—

(a) the order of the court is to be treated as revoked,

(b) the enforcement notice is to be treated as cancelled,