

# **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 11: Policing etc**

#### **Independent Police Complaints Commission**

#### ***Section 154: Littering from vehicles***

458. **Section 154** inserts a new section 88A into the Environmental Protection Act 1990, which confers on the Secretary of State a power to make regulations providing for the keeper of a vehicle (who would be presumed to be the registered keeper if the vehicle is registered) to pay a civil fixed penalty in a case where a littering offence has been committed in respect of the vehicle. Subsection (6) of new section 88A provides a power to make consequential amendments to Part 4 of the Environmental Protection Act 1990 and/or Part 2 of the London Local Authorities Act 2007. Regulations under the new section 88A would be subject to the affirmative procedure on the first use of the power. Any subsequent regulations dealing with the amount of the fixed penalty notice or making consequential amendments to Part 4 of the Environmental Protection Act 1990 or Part 2 of the London Local Authorities Act 2007 would also be subject to the affirmative procedure (subsection (3) of new section 88A). Otherwise, regulations under the new power would be subject to the negative procedure.
459. Subsections (3) and (5) of new section 88A set out the various matters which must or may be included in the regulations, including the amount of the fixed penalties (or how the amount is to be determined), the period for paying a fixed penalty (and for payment within this period to discharge any liability for conviction for the littering offence), provision for the issue of a written notice to the keeper, the persons authorised to issue a penalty notice, rights to make representations and bring appeals, and enforcement. Subsection (4) provides that authority to give a fixed penalty notice can only be given to a “litter authority” or its officers. The “litter authority” is the body responsible for keeping the land where the offence occurred clear of litter and refuse, for example, the local authority or Highways Agency.
460. **Section 184(1)** provides for this section to extend to England and Wales, although the power to make regulations under new section 88A of the Environmental Protection Act 1990 is limited to littering offences in England.