



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Collection, disposal or treatment of controlled waste

[^{F1}46C Penalties under section 46A: procedure regarding notices of intent and final notices

- (1) Before requiring a person to pay a fixed penalty under section 46A, an authorised officer must serve on the person notice of intention to do so (a “notice of intent”) in accordance with subsections (2) to (4).
- (2) A notice of intent must contain information about—
 - (a) the grounds for proposing to require payment of a fixed penalty,
 - (b) the amount of the penalty that the person would be required to pay, and
 - (c) the right to make representations under subsection (3).
- (3) A person on whom a notice of intent is served may make representations to the authorised officer as to why payment of a fixed penalty should not be required.
- (4) Representations under subsection (3) must be made within the period of 28 days beginning with the day service of the notice of intent is effected.
- (5) In order to require a person to pay a fixed penalty under section 46A, an authorised officer must serve on the person a further notice (the “final notice”) in accordance with subsections (6) to (8).
- (6) A final notice may not be served on a person by an authorised officer before the expiry of the period of 28 days beginning with the day service of the notice of intent on the person was effected.
- (7) Before serving a final notice on a person, an authorised officer must consider any representations made by the person under subsection (3).

Changes to legislation: *Environmental Protection Act 1990, Section 46C is up to date with all changes known to be in force on or before 22 May 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*

- (8) The final notice must contain information about—
- (a) the grounds for requiring payment of a fixed penalty,
 - (b) the amount of the penalty,
 - (c) how payment may be made,
 - (d) the period within which payment is required to be made (which must not be less than the period of 28 days beginning with the day service of the final notice is effected),
 - (e) any provision giving a discount for early payment made by virtue of section 46B(2),
 - (f) the right to appeal under section 46D, and
 - (g) the consequences of not paying the penalty.]

Textual Amendments

F1 Ss. 46A-46D inserted (26.3.2015 for specified purposes, 15.6.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 58(3)**, 115(2)(c); S.I. 2015/994, art. 8

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