



Environmental Protection Act 1990

1990 CHAPTER 43

PART IV

LITTER ETC

Provisions relating to litter

88 Fixed penalty notices for leaving litter. **E+W**

- (1) Where on any occasion an authorised officer of a litter authority finds a person who he has reason to believe has on that occasion committed an offence under section 87 above in the area of that authority, he may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
- (2) Where a person is given a notice under this section in respect of an offence—
 - (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice; and
 - (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.
- (3) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—
 - (a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence;
 - (b) the amount of the fixed penalty; and
 - (c) the person to whom and the address at which the fixed penalty may be paid;and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent

Changes to legislation: Environmental Protection Act 1990, Section 88 is up to date with all changes known to be in force on or before 28 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

- (4) Where a letter is sent in accordance with subsection (3) above payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (5) The form of notices under this section shall be such as the Secretary of State may by order prescribe.
- [^{F1}(6) The fixed penalty payable in pursuance of a notice under this section is payable to the litter authority whose authorised officer gave the notice.
- (6A) The amount of a fixed penalty payable in pursuance of a notice under this section—
 - (a) is the amount specified by a principal litter authority in relation to its area (whether the penalty is payable to that or another authority), or
 - [^{F2}(b) if no amount is so specified, is—
 - (i) in England, £100, or
 - (ii) in Wales, £75.]
- (6B) The reference in subsection (6A) above to a principal litter authority does not include an English county council for an area for which there is also a district council.
- (7) The litter authority to which a fixed penalty is payable under this section 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.]
- (8) In any proceedings a certificate which—
 - (a) purports to be signed by or on behalf of—
 - (i) in England and Wales, the chief finance officer of the litter authority; or
 - (ii) in Scotland, the proper officer; and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
 shall be evidence of the facts stated.
- [^{F3}(8A) If an authorised officer of a litter authority proposes to give a person a notice under this section, the officer may require the person to give him his name and address.
- (8B) A person commits an offence if—
 - (a) he fails to give his name and address when required to do so under subsection (8A) above, or
 - (b) he gives a false or inaccurate name or address in response to a requirement under that subsection.
- (8C) A person guilty of an offence under subsection (8B) above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]
- (9) For the purposes of this section the following are “litter authorities”—
 - (a) any principal litter authority, other than [^{F4}an English county] council [^{F5}, a regional council] or a joint board;
 - (b) any [^{F6}English] county council [^{F7}, regional council] or joint board designated by the Secretary of State, by order, in relation to such area as is specified in the order (not being an area in a National Park);
 - ^{F8}(c)
 - ^{F8}(d)

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent

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- (e) the Broads Authority.
- [^{F9}(f) a parish or community council.]

(10) In this section—

[^{F10}“authorised officer”, in relation to a litter authority, means—

- (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under this section;
- (b) any person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform that function; and
- (c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices;]

“chief finance officer”, in relation to a litter authority, means the person having responsibility for the financial affairs of the authority;

^{F11}
...
^{F11}
...

“proper officer” means the officer who has, as respects the authority, the responsibility mentioned in section 95 of the ^{M1}Local Government (Scotland) Act 1973 (financial administration).

[^{F12}(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.]

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F1** S. 88(6)(6A)(6B)(7) substituted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 15.3.2007 in so far as not already in force for W.) for s. 88(6)(7) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 19\(2\)](#), 108; S.I. 2006/768, [art. 3](#); S.I. 2006/795, [art. 2\(3\)](#), Sch. 2 (with [art. 4\(3\)\(a\)](#)); S.I. 2006/2797, [art. 4\(f\)](#) (with [art. 10\(3\)\(a\)](#)); S.I. 2007/739
- F2** S. 88(6A)(b) substituted (1.4.2018) by [The Environmental Offences \(Fixed Penalties\) \(England\) Regulations 2017 \(S.I. 2017/1050\)](#), [regs. 1\(2\)](#), [6\(1\)](#)
- F3** S. 88(8A)-(8C) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 15.3.2007 in so far as not already in force for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 19\(3\)](#), 108; S.I. 2006/768, [art. 3](#); S.I. 2006/795, [art. 2\(3\)](#), Sch. 2 (with [art. 4\(3\)\(a\)](#)); S.I. 2006/2797, [art. 4\(f\)](#) (with [art. 10\(3\)\(a\)](#)); S.I. 2007/739
- F4** Words in s. 88(9)(a) substituted (1.4.1996) by 1994 c. 19, s. 22(3), [Sch. 9 para. 17\(8\)\(a\)](#) (with s. 54(7), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, [art. 3](#), [Sch. 1](#).
- F5** Words in s. 88(9)(a) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 167(12), [Sch. 14](#); S.I. 1996/323, [art. 4\(1\)\(c\)\(d\)](#), [Sch. 2](#)

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent

Changes to legislation: Environmental Protection Act 1990, Section 88 is up to date with all changes known to be in force on or before 28 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

- F6** Word in s. 88(9)(b) inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 17(8)(b)** (with s. 54(7), **Sch. 17 para. 22(1), 23(2)**); S.I. 1996/396, art. 3, **Sch. 1**.
- F7** Words in s. 88(9)(b) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 167(12), Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F8** S. 88(9)(c)(d) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**
- F9** S. 88(9)(f) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 15.3.2007 in so far as not already in force for W.) by **Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 19(4), 108**; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, **Sch. 2** (with art. 4(3)(a)); S.I. 2006/2797, **art. 4(f)** (with art. 10(3)(a)); S.I. 2007/739
- F10** In s. 88(10) definition of "authorised officer" substituted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 15.3.2007 in so far as not already in force for W.) by **Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 19(5), 108**; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, **Sch. 2** (with art. 4(3)(a)); S.I. 2006/2797, **art. 4(f)** (with art. 10(3)(a)); S.I. 2007/739
- F11** Definitions in s. 88(10) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**
- F12** S. 88(11)-(13) substituted for s. 88(11) (1.4.2023 for E.) by **Environment Act 2021 (c. 30), ss. 68(2), 147(3)(4)** (with s. 144); S.I. 2023/381, reg. 2(a)

Modifications etc. (not altering text)

- C3** S. 88 applied (with modifications) (19.9.2007) by **London Local Authorities Act 2007 (c. ii), ss. 1(3)-(5), 31, Sch. 2 Pt. 2**
- C4** S. 88 extended (with modifications) (E.W.) (19.9.1995) by 1995 c. 25, ss. 70, 125(3), **Sch. 9 para. 12(b)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
S. 88(2)-(8) applied (with modifications) (E.W.) (17.8.1996) by 1996 c. 20, **ss. 4(2)(3), 8(2)** (with s. 1) (as amended (1.4.2002) by S.I. 2002/425, **art. 2**)
- C5** S. 88 extended (2.12.2002) by **Police Reform Act 2002 (c. 30), s. 38, Sch. 4 Pt. 1 para. 1(2)(d)**; S.I. 2002/2750, **art. 2(a)(ii)**
S. 88 extended (2.12.2002) by **Police Reform Act 2002 (c. 30), s. 41, Sch. 5 para. 1(2)(c)**; S.I. 2002/2750, **art. 2(a)(iii)**

Commencement Information

- I1** S. 88 wholly in force at 13.2.1991; s. 88 not in force at Royal Assent, see s. 164(2); s. 88(7)(9)(b) in force at 14.1.1991 and s. 88(1)-(4)(6)(8)(9)(a)(c)-(e)(10) in force for E.W. at 13.2.1991 by S.I. 1991/96, **arts. 2, 3**; s. 88(1)-(4)(6)(8)(9)(a)(c)(d)(10) in force for S. at 1.4.1991 by S.I. 1991/1042, **art. 2**

Marginal Citations

- M1** 1973 c. 65.

88 Fixed penalty notices for leaving litter. **S**

(1) Where ^{F13} . . .

[^{F14}(a)] an authorised [^{F15}person or a constable]^{F13} . . . has reason to believe [^{F16}that a person has] committed an offence under section 87 above ^{F17}...

^{F17}(b)

he may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

[^{F18}(1A) Where a constable gives a notice under this section to a person, he shall, no later than 24 hours after the giving of the notice, send a copy of it to the litter authority in whose area the offence was committed.]

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent

Changes to legislation: Environmental Protection Act 1990, Section 88 is up to date with all changes known to be in force on or before 28 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

- (2) Where a person is given a notice under this section in respect of an offence—
- (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice; and
 - (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.
- (3) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—
- (a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence;
 - (b) the amount of the fixed penalty; and
 - (c) the person to whom and the address at which the fixed penalty may be paid; and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
- (4) Where a letter is sent in accordance with subsection (3) above payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (5) The form of notices under this section shall be such as the Secretary of State may by order prescribe.
- [^{F19}(5A) A fixed penalty payable in pursuance of a notice under this section shall be payable
- [^{F20}(a) where the notice is given by an officer of a litter authority authorised as mentioned in paragraph (a) of the definition of “authorised person” in subsection (10) below, to that litter authority;
 - (b) where the notice is given by an officer of Loch Lomond and The Trossachs National Park Authority authorised as mentioned in paragraph (b) of that definition, to that Authority.]]
- [^{F21}(6) The fixed penalty payable ^{F22} . . . in pursuance of a notice under this section shall, subject to subsection (7) below, be [^{F23}£80]; and as respects the sums received by—
- [^{F24}(a) [^{F25}a litter] authority, those sums if received by an authority in Scotland, shall [^{F26}accrue to the litter authority]
 - [^{F27}(b) Loch Lomond and The Trossachs National Park Authority, shall accrue to that Authority.]
- (7) The Secretary of State may by order substitute a different amount [^{F28}(not exceeding level 2 on the standard scale)] for the amount for the time being specified as the amount of the fixed penalty in subsection (6) above.
- (8) In any proceedings a certificate which—
- (a) purports to be signed by or on behalf of—
 - (i) in England and Wales, the chief finance officer of the litter authority; or
 - (ii) in Scotland, [^{F29}a proper officer]; and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
- shall be evidence of the facts stated.

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[^{F30}(8A) In subsection (8) above, “proper officer” means—

- (a) in a case where a notice under this section is given as mentioned in paragraph (a) of subsection (5A) above, the officer who has, as respects the litter authority, the responsibility mentioned in section 95 of the Local Government (Scotland) Act 1973 (financial administration);
- (b) in a case where a notice is given as mentioned in paragraph (b) of that subsection, the proper officer for that Authority appointed under paragraph 12(3) of schedule 2 to the National Parks (Scotland) Act 2000.

(8B) If an authorised person proposes to give a person a notice under this section, the authorised person may require the person to give him his name and address.

(8C) A person commits an offence if he fails to give his name and address when required to do so under subsection (8B) above.

(8D) A person who commits an offence under subsection (8C) above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

(9) For the purposes of this section the following are “litter authorities”—

- (a) any principal litter authority, other than [^{F4}an English county] council [^{F5}, a regional council] or a joint board;
- (b) any [^{F6}English] county council [^{F7}, regional council] or joint board designated by the Secretary of State, by order, in relation to such area as is specified in the order (not being an area in a National Park);
- ^{F8}(c)
- ^{F8}(d)
- (e) the Broads Authority.

(10) In this section—

[^{F31}“authorised person” means—

- (a) an officer of a litter authority who is authorised in writing by the authority for the purpose of issuing notices under this section in relation to an offence under section 87 above committed in the area of the authority;
- (b) an officer of Loch Lomond and The Trossachs National Park Authority who is authorised in writing by the Authority for the purpose of issuing notices under this section in relation to an offence under section 87 above committed in the area designated as the National Park for which the Authority is established; or
- (c) such other persons as may be specified by order made by the Scottish Ministers.]

“chief finance officer”, in relation to a litter authority, means the person having responsibility for the financial affairs of the authority;

^{F11} . . .
^{F11} . . .
^{F32} . . .

[^{F33}(10A) The Scottish Ministers may by order make such modifications of this section as they consider necessary or expedient in connection with the specification of a person by an order under paragraph (c) of the definition of “authorised person” in subsection (10) above.

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(10B) An order under subsection (10A) above may include—

- (a) provision applying any provision of this section to such a person with such modifications as may be specified in the order;
- (b) provision for any such provision not to apply in relation to such a person.]

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F4** Words in s. 88(9)(a) substituted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 17(8)(a)** (with s. 54(7), **Sch. 17 para. 22(1), 23(2)**); S.I. 1996/396, art. 3, **Sch. 1**.
- F5** Words in s. 88(9)(a) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 167(12)**, **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F6** Word in s. 88(9)(b) inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 17(8)(b)** (with s. 54(7), **Sch. 17 para. 22(1), 23(2)**); S.I. 1996/396, art. 3, **Sch. 1**.
- F7** Words in s. 88(9)(b) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 167(12)**, **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F8** S. 88(9)(c)(d) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**
- F11** Definitions in s. 88(10) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**
- F13** Words in s. 88(1) repealed (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), **ss. 56(2)(a), 145(2)**; S.S.I. 2004/420, **art. 3**, Sch. 1
- F14** Words in s. 88(1) renumbered (S.) (28.10.2004) as s. 88(1)(a) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), **ss. 56(2)(c), 145(2)**; S.S.I. 2004/420, **art. 3**, Sch. 1
- F15** Words in s. 88(1)(a) substituted (S.) (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 11(4)(a)(i)**; S.S.I. 2014/160, art. 2(3)
- F16** Words in s. 88(1) substituted (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), **ss. 56(2)(b), 145(2)**; S.S.I. 2004/420, **art. 3**, Sch. 1
- F17** Words in s. 88(1) repealed (S.) (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 11(4)(a)(ii)**; S.S.I. 2014/160, art. 2(3)
- F18** S. 88(1A) inserted (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), **ss. 56(3), 145(2)**; S.S.I. 2004/420, **art. 3**, Sch. 1
- F19** S. 88(5A) inserted (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), **ss. 56(4), 145(2)**; S.S.I. 2004/420, **art. 3**, Sch. 1
- F20** S. 88(5A)(a)(b) substituted for words (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 11(4)(b)**; S.S.I. 2014/160, art. 2(3)
- F21** By The Litter and Dog Fouling (Fixed Penalty) (Wales) Order 2004 (S.I. 2004/909), **art. 2(b)**, it is provided (W.) (1.4.2004) that any surviving reference to £25 in s. 88(6) is hereby repealed
- F22** Words in s. 88(6) repealed (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), **ss. 56(5)(a), 145(2)**; S.S.I. 2004/420, **art. 3**, Sch. 1
- F23** Sum in s. 88(6) substituted (S.) (1.4.2014) by The Litter (Fixed Penalties) (Scotland) Order 2013 (S.S.I. 2013/315), arts. 1(1), **3(b)**
- F24** Words in s. 88(6) renumbered as s. 88(6)(a) (S.) (1.4.2015) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 11(4)(c)(i)**; S.S.I. 2014/160, art. 2(3)
- F25** Words in s. 88(6) substituted (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), **ss. 56(5)(b), 145(2)**; S.S.I. 2004/420, **art. 3**, Sch. 1
- F26** Words in s. 88(6)(b) substituted (S.) (10.3.2008) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 80, 84, **Sch. para. 8(b)**; S.S.I. 2008/42, **art. 3(1)**, Sch.

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- F27** S. 88(6)(b) inserted (S.) (1.4.2015) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 11\(4\)\(c\)\(ii\)](#); S.S.I. 2014/160, art. 2(3)
- F28** Words in s. 88(7) inserted (S.) (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), [ss. 56\(6\)](#), 145(2); S.S.I. 2004/420, [art. 3](#), Sch. 1
- F29** Words in s. 88(8)(a)(ii) substituted (S.) (1.4.2015) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 11\(4\)\(d\)](#); S.S.I. 2014/160, art. 2(3)
- F30** S. 88(8A)-(8D) inserted (S.) (1.4.2015) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 11\(4\)\(e\)](#); S.S.I. 2014/160, art. 2(3)
- F31** Words in s. 88(10) substituted (S.) (1.4.2015) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 11\(4\)\(f\)\(i\)](#); S.S.I. 2014/160, art. 2(3)
- F32** Words in s. 88(10) repealed (S.) (1.4.2015) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 11\(4\)\(f\)\(ii\)](#); S.S.I. 2014/160, art. 2(3)
- F33** S. 88(10A)(10B) inserted (S.) (1.4.2015) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 11\(4\)\(g\)](#); S.S.I. 2014/160, art. 2(3)

Modifications etc. (not altering text)

- C3** S. 88 applied (with modifications) (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\)](#), ss. 1(3)-(5), 31, [Sch. 2 Pt. 2](#)
- C4** S. 88 extended (with modifications) (E.W.) (19.9.1995) by 1995 c. 25, ss. 70, 125(3), [Sch. 9 para. 12\(b\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
S. 88(2)-(8) applied (with modifications) (E.W.) (17.8.1996) by 1996 c. 20, [ss. 4\(2\)\(3\)](#), 8(2) (with s. 1) (as amended (1.4.2002) by [S.I. 2002/425](#), [art. 2](#))
- C5** S. 88 extended (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 38, [Sch. 4 Pt. 1 para. 1\(2\)\(d\)](#); S.I. 2002/2750, [art. 2\(a\)\(ii\)](#)
S. 88 extended (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 41, [Sch. 5 para. 1\(2\)\(c\)](#); S.I. 2002/2750, [art. 2\(a\)\(iii\)](#)

Commencement Information

- I1** S. 88 wholly in force at 13.2.1991; s. 88 not in force at Royal Assent, see s. 164(2); s. 88(7)(9)(b) in force at 14.1.1991 and s. 88(1)-(4)(6)(8)(9)(a)(c)-(e)(10) in force for E.W. at 13.2.1991 by [S.I. 1991/96](#), [arts. 2](#), 3; s. 88(1)-(4)(6)(8)(9)(a)(c)(d)(10) in force for S. at 1.4.1991 by [S.I. 1991/1042](#), [art. 2](#)

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W - England and Wales extent
- S - Scotland extent

Changes to legislation:

Environmental Protection Act 1990, Section 88 is up to date with all changes known to be in force on or before 28 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.

[View outstanding changes](#)

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\(4\)](#)