STATUTORY INSTRUMENTS

2017 No. 1050

ENVIRONMENTAL PROTECTION, ENGLAND

The Environmental Offences (Fixed Penalties) (England) Regulations 2017

Made - - - - 30th October 2017

Laid before Parliament 1st November 2017

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers—

(a) in sections 2A(11) and 2C(2)(d) and (3) of the Refuse Disposal (Amenity) Act 1978 (and for those sections, the Secretary of State is, for England, the appropriate person as defined in section 11(1) of that Act)(**1**),

(b) in sections 5B(12) and 5C(3)(b) and (4) of the Control of Pollution (Amendment) Act 1989 (and for those sections, the Secretary of State is, for England, the appropriate person as defined in section 9(1) of that Act)(**2**),

(c) in sections 34A(12), 47ZB(4) and (5) and 73A(2)(b), (3) and (8) of the Environmental Protection Act 1990 (and for those sections, the Secretary of State is, for England, the appropriate person as defined in section 29(1A)(a) of that Act)(**3**),

(d) in sections 88(11) and 97A(1) to (3) of the Environmental Protection Act 1990 (and for those sections, the Secretary of State is, for England, the appropriate person as defined in section 98(1A)(a) of that Act)(**4**),

(e) in sections 8A(4) and (5) and 9(4A)(b) and (4B) of the Noise Act 1996 (and for those sections, the Secretary of State is, for England, the appropriate person as defined in section 11(2A)(a) of that Act)(**5**),

(**1**) 1978 c.3. Sections 2A and 2C were inserted by section 10 of the Clean Neighbourhoods and Environment Act 2005 (c.16) ("the CNEA 2005"). The definition of "appropriate person" was inserted by section 14(3) of that Act.

(**2**) 1989 c.14. Sections 5B and 5C were inserted by section 38 of the CNEA 2005. The definition of "appropriate person" was inserted by section 39(2) of that Act.

(**3**) 1990 c.43. Sections 34A, 47ZB and 73A were inserted by sections 45, 48 and 52 of the CNEA 2005 respectively. Section 73A(2) was amended by S.I. 2016/334. The definition of "appropriate person" was inserted by section 51 of that Act.

(**4**) Sections 88(11) and 97A were inserted by sections 19(6) and 24 of the CNEA 2005 respectively. The definition of "appropriate person" was inserted by section 26 of that Act.

(**5**) 1996 c.37. Section 8A was inserted by section 82(2) of the CNEA 2005, and amended by paragraph 11 of Schedule 1 to the CNEA 2005. Section 9(4A) and (4B) was substituted by section 42(5) of the Anti-social Behaviour Act 2003 (c.38) and was amended by section 83(2) of the CNEA 2005. Section 9(4A)(b) was amended by paragraph 12(4) of Schedule 1 to the CNEA 2005. The definition of "appropriate person" in section 11(2A)(a) was inserted by section 85(2) of the CNEA 2005.

(f) in sections 43A(4) to (6) and 47(4) of the Anti-social Behaviour Act 2003 (and for those sections, the Secretary of State is, for England, the appropriate person as defined in section 47(1) of that Act)(**6**),

(g) in sections 6(11) and 8(2)(d) and (3) of the Clean Neighbourhoods and Environment Act 2005 (and for those sections, the Secretary of State is, for England, the appropriate person as defined in section 9(2) of that Act)(**7**), and

(h) in sections 74(4) and (5) and 75(2)(d) and (3) of the Clean Neighbourhoods and Environment Act 2005 (and for those sections, the Secretary of State is, for England, the appropriate person as defined in section 81(1) of that Act).

Citation, commencement and expiry

1.—(1) These Regulations may be cited as the Environmental Offences (Fixed Penalties) (England) Regulations 2017.

(2) These Regulations (except regulation 5) come into force on 1st April 2018.

(3) Regulation 5 comes into force on 1st April 2019.

(4) Regulation 4 ceases to have effect at the end of 31st March 2019.

Penalty range: audible intruder alarms

2. The amount of a fixed penalty capable of being specified by a local authority under section 74(2)(a) of the Clean Neighbourhoods and Environment Act 2005 is not less than £50 and not more than £80.

Penalty range: commercial etc. waste receptacles and noise

3. The amount of a fixed penalty capable of being specified by any of the following under the corresponding section is not less than £75 and not more than £110—

(a) a waste collection authority under section 47ZB(2)(a) of the Environmental Protection Act 1990 in respect of an offence under section 47 of that Act;

(b) a local authority under section 8A(2)(a) of the Noise Act 1996.

Penalty range: litter, distribution of printed matter, and graffiti and fly-posting: 1st April 2018 to 31st March 2019

4. The amount of a fixed penalty capable of being specified by any of the following under the corresponding section is not less than £50 and not more than £150—

(a) a principal litter authority under section 88(6A)(a) of the Environmental Protection Act 1990(**8**);

(b) a principal litter authority under paragraph 7(4)(a) of Schedule 3A to the Environmental Protection Act 1990(**9**);

(c) a relevant local authority under section 43A(1)(a) of the Anti-social Behaviour Act 2003.

(**6**) 2003 c.38. Sections 43A and 47(4) were inserted by sections 28(2) and 30(2) of the CNEA 2005.
(**7**) 2005 c.16.
(**8**) Section 88(6A) was substituted by section 19(2) of the CNEA 2005.
(**9**) Schedule 3A was inserted by section 23(2) of the CNEA 2005.

Penalty range: litter, distribution of printed matter, and graffiti and fly-posting: 1st April 2019 onwards

5. The amount of a fixed penalty capable of being specified by any of the following under the corresponding section is not less than £65 and not more than £150—

(a) a principal litter authority under section 88(6A)(a) of the Environmental Protection Act 1990;

(b) a principal litter authority under paragraph 7(4)(a) of Schedule 3A to the Environmental Protection Act 1990;

(c) a relevant local authority under section 43A(1)(a) of the Anti-social Behaviour Act 2003.

Default penalty: litter and distribution of printed matter

6.—(1) For subsection (6A)(b) of section 88 (fixed penalty notices for leaving litter) of the Environmental Protection Act 1990 substitute—

"(b) if no amount is so specified, is—

(i) in England, £100, or

(ii) in Wales, £75.".

(2) For paragraph 7(4)(b) of Schedule 3A (free distribution of printed matter on designated land) of that Act substitute—

"(b) if no amount is so specified, is—

(i) in England, £100, or

(ii) in Wales, £75.".

Default penalty: graffiti and fly-posting

7. For subsection (1)(b) of section 43A (amount of penalty for graffiti and fly-posting)(**10**) of the Anti-social Behaviour Act 2003 substitute—

"(b) if no amount is so specified, is—

(i) in England, £100, or

(ii) in Wales, £75.".

Lesser penalty: litter, distribution of printed matter, graffiti and fly-posting, and audible intruder alarms

8. Where any of the following makes provision for treating a fixed penalty as having been paid if a lesser amount is paid within a specified period, that amount must not be less than £50—

(a) a litter authority acting under section 88(7) of the Environmental Protection Act 1990(**11**);

(b) a principal litter authority acting under paragraph 7(5) of Schedule 3A to the Environmental Protection Act 1990;

(c) a relevant local authority acting under section 43A(3) of the Anti-social Behaviour Act 2003;

(d) a local authority acting under section 74(3) of the Clean Neighbourhoods and Environment Act 2005.

(**10**) Section 43A was inserted by section 28(2) of the CNEA 2005.
(**11**) Section 88(7) was substituted by section 19(2) of the CNEA 2005.