STATUTORY INSTRUMENTS

2016 No. 334

ENVIRONMENTAL PROTECTION, ENGLAND

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016

Made - - - -	*7th March 2016*
Laid before Parliament	*11th March 2016*
Coming into force - -	*9th May 2016*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**).

The Secretary of State is designated(**2**) for the purposes of the European Communities Act 1972 in relation to the environment.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 and come into force on 9th May 2016.

(2) These Regulations extend to England and Wales and Scotland.

Amendment of the Environmental Protection Act 1990

2.—(1) Part 2 of the Environmental Protection Act 1990 (waste on land)(**3**) is amended as follows.

(2) After section 33 (prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste) insert—

"**Fixed penalty notices for contravention of section 33(1)(a): England**

33ZA.—(1) Where an authorised officer of an English waste collection authority has reason to believe that a person has committed a waste deposit offence in the area of the authority, the officer may give the person a notice under this section in respect of the offence.

(**1**) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(**2**) S.I. 2008/301.
(**3**) 1990 c. 43.

(2) In subsection (1), "waste deposit offence" means an offence under section 33 in respect of a contravention of subsection (1)(a)(**4**) of that section.

(3) A notice under this section is a notice offering the opportunity of discharging any liability to conviction for the offence to which it relates by payment of a fixed penalty.

(4) Where a person is given a notice under this section in respect of an offence—

(a) no proceedings may be instituted for the offence before the end of the period of 14 days following the date of the notice; and

(b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence and must state—

(a) the period during which, by virtue of subsection (4)(a), 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.

(6) If an authorised officer proposes to give a person a notice under this section, the officer may require the person to give the person's name and address.

(7) It is an offence to—

(a) fail to give a name or address when required to do so under subsection (6), or

(b) give a false or inaccurate name or address in response to a requirement under that subsection.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) The fixed penalty payable in pursuance of a notice under this section—

(a) is an amount not less than £150 and not more than £400, as specified by the English waste collection authority whose authorised officer gave the notice, or

(b) if no amount is specified by that authority, is £200.

(10) An English waste collection authority to whom a fixed penalty is payable pursuant to a notice under this section may make provision for treating the fixed penalty as having been paid if a lesser amount of not less than £120 is paid before the end of the period of 10 days following the date of the notice.

(11) In any proceedings a certificate which—

(a) purports to be signed by or on behalf of the chief finance officer of an English waste collection authority to whom a fixed penalty is payable pursuant to a notice under this section, and

(b) states that the payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(12) In this section—

"authorised officer", in relation to an English waste collection authority, means—

(a) an employee of the authority who is authorised in writing by the authority for the purposes of giving notices under this section;

(**4**) Section 33(1)(a) was amended by S.I. 2007/3538 and 2009/1799.