STATUTORY INSTRUMENTS

2015 No. 969

ENVIRONMENTAL PROTECTION, ENGLAND LONDON GOVERNMENT

The Household Waste (Fixed Penalty and Penalty Charge) Regulations 2015

Made - - - -	*26th March 2015*
Laid before Parliament	*27th March 2015*
Coming into force - -	*15th June 2015*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 46B(3) and (4) of the Environmental Protection Act 1990(**1**) and sections 20B(4) and (5) and 20D(2) of the London Local Authorities Act 2007(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Household Waste (Fixed Penalty and Penalty Charge) Regulations 2015 and come into force on 15th June 2015.

(2) In these Regulations—

"the 1990 Act" means the Environmental Protection Act 1990;

"the 2007 Act" means the London Local Authorities Act 2007.

Prescribed range of fixed penalties and penalty charges

2.—(1) The amount of a monetary penalty capable of being specified by a waste collection authority under section 46B(1)(a) of the 1990 Act is not less than £60 and not more than £80.

(2) The amount of a penalty charge capable of being set by the borough councils under section 20B(1) of the 2007 Act is not less than £60 and not more than £80.

(**1**) 1990 c. 43; section 46B was inserted by section 58(3) of the Deregulation Act 2015 (c. 20).
(**2**) 2007 c. ii; sections 20B and 20D were inserted by section 58(6) of, and paragraph 3 of Schedule 12 to, the Deregulation Act 2015 (c. 20).

Lesser amounts of fixed penalties and penalty charges

3.—(1) Where a waste collection authority acting under section 46B(2) of the 1990 Act makes provision for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by that authority, such lesser amount must not be less than £40.

(2) Where the borough councils acting under section 20B(3) of the 2007 Act make provision for treating a penalty charge as having been paid if a lesser amount is received by the relevant council before the end of a period specified by the borough councils, such lesser amount must not be less than £40.

Appeals against a penalty charge

4. The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007(**3**) apply with the modifications specified in the Schedule in relation to appeals to an adjudicator against a decision under section 20A of the 2007 Act to require a person to pay a penalty charge.

Dan Rogerson
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

26th March 2015

(**3**) S.I. 2007/3482.

SCHEDULE

Regulation 4

Modifications to the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

Regulations 2 to 6

1. Omit regulations 2 to 6.

Regulation 7

2. For regulation 7, substitute—

"**Appeals to an adjudicator**

7.—(1) Where a borough council serves a final notice under section 20C(5) of the London Local Authorities Act 2007, the person on whom the notice is served may appeal to an adjudicator against the decision to require payment of a penalty charge —

(a) before the end of the period of 28 days beginning with the date of service of the notice; or

(b) within such longer period as an adjudicator may allow.

(2) On an appeal under this regulation, the adjudicator, after considering any representations from the appellant and the borough council, may—

(a) withdraw or confirm the requirement to pay the penalty charge; and

(b) give such directions to the borough council as are appropriate to give effect to that decision including, in a case where the requirement to pay the penalty charge is withdrawn, directions requiring—

(i) the cancellation of the final notice; and

(ii) the refund of such sum (if any) as may have been paid to the borough council in respect of the penalty charge.

(3) The borough council must comply with any direction given to it under paragraph (2).

(4) In the case of an unsuccessful appeal to an adjudicator, payment of the penalty charge must be made before the end of the period of 28 days beginning with the date on which notice of the adjudicator's decision is served on the appellant.".

Regulations 8 to 13

3. Omit regulations 8 to 13.

Regulation 14

4. In regulation 14(1)—

(a) omit "Part 2 or 3 of these Regulations, or under";

(b) for "Part 2 or 3", substitute "regulation 7".

Regulation 15

5. In regulation 15—

(a) for paragraph (3), substitute—