

2012 No. 1151

ENVIRONMENTAL PROTECTION, ENGLAND

The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Amendment) Regulations 2012

<i>Made</i>	- - - -	<i>21st April 2012</i>
<i>Laid before Parliament</i>		<i>10th May 2012</i>
<i>Coming into force</i>	- -	<i>30th May 2012</i>

The Secretary of State, as the appropriate person in relation to England for the purposes of exercising the powers conferred by section 47ZB(4) and (5) of the Environmental Protection Act 1990(a), makes the following Regulations in exercise of those powers:

Citation and commencement

1. These Regulations—

- (a) may be cited as the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Amendment) Regulations 2012, and
- (b) come into force on 30th May 2012.

Amendment

2.—(1) The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007(b) are amended as follows.

(2) In regulation 2 (prescribed ranges of fixed penalties)—

- (a) in paragraph (2)(a), after “Environmental Protection Act 1990” insert “in respect of an offence under section 47 of that Act”,
- (b) after paragraph (2) insert—

“(2A) The amount of a fixed penalty capable of being specified by a waste collection authority under section 47ZB(2)(a) of the Environmental Protection Act 1990 in respect of an offence under section 46 of that Act is not less than £60 and not more than £80.”.

(3) In regulation 3 (lesser amounts of fixed penalties)—

- (a) in paragraph (2)(a), after “Environmental Protection Act 1990” insert “in respect of an offence under section 47 of that Act”,
- (b) after paragraph (2) insert—

(a) 1990 c. 43. Section 47ZB was inserted, in relation to England and Wales, by section 48 of the Clean Neighbourhoods and Environment Act 2005 (c. 16). See section 29(1A) (inserted by section 51 of the Clean Neighbourhoods and Environment Act 2005) for a definition of appropriate person.

(b) S.I. 2007/175.

“(2A) Where a waste collection authority acting under section 47ZB(3) of the Environmental Protection Act 1990 in respect of an offence under section 46 of that 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 shall be not less than £40.”.

21st April 2012

Taylor of Holbeach
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument amends the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007 (S.I. 2007/175). Regulation 2(2) alters the prescribed range for a fixed penalty capable of being specified by a waste collection authority under section 47ZB(2)(a) of the Environmental Protection Act 1990 (c. 43), in relation to an offence under section 46 of that Act, changing it from not less than £75 and not more than £110 to not less than £60 and not more than £80.

Regulation 2(3) relates to the provision which may be made by a waste collection authority under section 47ZB(3) of the Environmental Protection Act 1990 for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a specified period. In respect of an offence under section 46 of that Act that lesser amount is reduced from a minimum of £60 to a minimum of £40.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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