

# Littering from Vehicles Bill [HL]

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**B I L L**

TO

Introduce a civil penalty for littering from vehicles and to require local authorities to publish details of contracts relating to litter clearance.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**PART 1**

LITTERING FROM VEHICLES

**1 Civil penalty for littering from vehicles**

- (1) A littering contravention in relation to a vehicle occurs when a person inside the vehicle acts in contravention of section 87 of the Environmental Protection Act 1990 (offence of leaving litter). 5
- (2) A civil enforcement officer may impose a civil penalty if a littering contravention under subsection (1) has taken place.
- (3) The registered keeper of the vehicle shall for the purposes of section 87 of the Environmental Protection Act 1990 be treated as knowingly causing the littering contravention whether or not he gave any instructions for this to be done and shall be the recipient for a civil penalty under subsection (2). 10
- (4) A civil penalty is not payable under this section by the owner of a vehicle if that vehicle is—
  - (a) a public service vehicle, within the meaning of the Public Passenger Vehicles Act 1981; 15
  - (b) a hackney carriage licensed under the Town Police Clauses Act 1847 or the Metropolitan Public Carriage Act 1869;
  - (c) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (licensing of private hire vehicles); 20and the person acting in contravention under this section is a passenger in that vehicle.

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- (5) The amount of a civil penalty under subsection (2) is to be specified in regulations.
- (6) The procedure for imposing a civil penalty on a person and for recovery of costs is to be set out in regulations.
- (7) The regulations must, in particular, require the responsible authority to give the person written notice specifying— 5
- (a) the amount of the penalty,
  - (b) the reasons for imposing it, and
  - (c) the date by which and manner in which it is to be paid.
- (8) Regulations may— 10
- (a) give a person on whom a civil penalty is imposed a right to appeal against the decision to an adjudicator;
  - (b) specify the grounds on which a person may request an appeal;
  - (c) specify the time within which a person must request an appeal;
  - (d) make provision for and in connection with the appointment of adjudicators; 15
  - (e) make further provision about appeals (including provision as to the powers available on an appeal).
- 2 Identification of registered keeper**
- The registered keeper of the vehicle for the purposes of section 1 shall be taken to be the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994 at the time of the contravention. 20
- 3 Civil enforcement officers**
- A civil enforcement officer under section 1 must be—
- (a) an individual employed by the responsible authority, or 25
  - (b) where the authority has made arrangements with any person for the purposes of this section, an individual employed by that person to act as a civil enforcement officer.
- 4 Definition of a vehicle**
- A vehicle for the purposes of this Act is a a motor vehicle as defined in section 185(1) of the Road Traffic Act 1988. 30

## PART 2

### PUBLICATION OF CONTRACTS

- 5 Publication of contracts relating to litter collection**
- A responsible authority shall, at least once in each financial year, publish the following information— 35
- (a) the names of any organisations with which it has contracted to collect litter on its behalf;
  - (b) the amount paid to the organisation for this service;
  - (c) the geographical areas covered by the contract; and 40

- (d) performance monitoring data related to the contract, including the responsible authority's assessment.

### **PART 3**

#### MISCELLANEOUS

- 6 Definition of a responsible authority** 5

A responsible authority for the purposes of this Act is any authority which has a duty under section 89(1) of the Environmental Protection Act 1990, and is responsible for the road on which a contravention under section 1 occurred.
- 7 Commencement, short title and extent** 10
  - (1) This Act may be cited as the Littering from Vehicles Act 2012.
  - (2) This Act extends to England.
  - (3) This Act shall enter into force on Royal Assent.

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## B I L L

To introduce a civil penalty for littering from vehicles and to require local authorities to publish details of contracts relating to litter clearance.

*Lord Marlesford*

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