
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 320

ENVIRONMENTAL PROTECTION

The Controlled Waste (Fixed Penalty Notices) (Scotland) Order 2014

Made - - - - 19th November 2014
Laid before the Scottish Parliament - - - - 21st November 2014
Coming into force - - 1st April 2015

The Scottish Ministers make the following Order in exercise of the power conferred by section 33A(8) of the Environmental Protection Act 1990(1) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Controlled Waste (Fixed Penalty Notices) (Scotland) Order 2014 and comes into force on 1st April 2015.

Form of fixed penalty notice

2. The form of notices under section 33A(8) of the Environmental Protection Act 1990 (fixed penalty notices for contraventions of section 33(1)(a) and (c))(2) is prescribed in the Schedule.

Revocation of Order

3. The Controlled Waste (Fixed Penalty Notices) (Scotland) Order 2004(3) is revoked.

St Andrew's House, Edinburgh
19th November 2014

RICHARD LOCHHEAD
A member of the Scottish Government

(1) 1990 c.43; section 33A was added by section 55 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), and amended by paragraph 11 of schedule 3 to the Regulatory Reform (Scotland) Act 2014 (asp 3) and S.S.I. 2013/315.
(2) Section 33(1) was amended by S.S.I. 2009/247 and S.S.I. 2011/226.
(3) S.S.I. 2004/426.

SCHEDULE

Article 2

CONTRAVENTION OF SECTION 33 OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("THE 1990 ACT")

NOTICE OF OPPORTUNITY TO

The Environmental Protection Act 1990

Alleged offender:

Address:

I, ^(a), an authorised person (where necessary) of ^(b) have reason to believe that you have committed an offence, under section 33(1) ^(d) of the Environmental Protection Act 1990. This notice offers you the opportunity of discharging any liability by the payment of a fixed penalty. The circumstances alleged to

No proceedings will be taken for this offence before the date of this notice. You will not be liable to conviction for this offence during that period of fourteen days.

The amount of the fixed penalty is ^(g). It may be paid to ⁽ⁱ⁾ following address:

Payment may be made by pre-paying and posting to the following address in a letter containing the amount of the penalty. Payment may also be made by cheque or money order made payable to ⁽ⁱ⁾

Letter which may be used for payment by post

I enclose with this letter the amount of
under section 33(1) of the Environmental Protection Act

Signature.....

Name in Capitals.....

Date.....

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the form of notices under section 33A of the Environmental Protection Act 1990. A notice under section 33A may be given by an authorised person or a constable to a person who the authorised person or constable has reason to believe has committed an offence under section 33(1)(a) or (c) of that Act (offences related to the deposit, keeping or managing of controlled waste). The effect of giving the notice is that no proceedings shall be instituted for the offence before the expiration of fourteen days following the date of the notice, and that a person who pays the fixed penalty within that period shall not be convicted of the offence.

The Order revokes and replaces the Controlled Waste (Fixed Penalty Notices) (Scotland) Order 2004. It reflects amendments made by the Regulatory Reform (Scotland) Act 2014 to the effect that notices can be issued by “authorised persons”, being authorised officers of a local authority, authorised officers of Loch Lomand and The Trossachs National Park Authority, or such other persons as may be specified by order made by the Scottish Ministers.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
