

**From:** Peter Silverman - Clean Highways  
**Date:** Monday, 14 January 2019 at 17:00  
**To:** Claire Moriarty - Permanent Secretary DEFRA  
**Subject:** Littering from vehicles - defective regulations (2)

Dear Ms Moriarty,

I am writing further to my e-mail of 6<sup>th</sup> December (see below).

Thank you for the two subsequent e-mails from the Head of your Local Environment Quality Team, both of 21<sup>st</sup> December.

Following their receipt and further research I have revised my post [Littering from vehicles – defective legislation](#)

As you will see I still consider that the [The Littering From Vehicles Outside London \(Keepers: Civil Penalties\) Regulations 2018](#) are defective, in particular:

They are not applicable to the motorways and those trunk roads for which Highways England have the statutory duty to keep free of litter.

They do not appear to apply to those unitary councils, such as the City of Bristol, which were once - but are no longer, district councils.

This could be rectified by amending Section 3 of the Regulations to read:

In these Regulations, a “litter authority” means -

- (1) Any person with a statutory duty under section 89(1) of the Environmental Protection Act 1990 *to keep land and highways clear of litter* other than those specified in (2).
- (2) The occupier of any relevant land within a litter control area of a local authority.

This would mean that Highways England (and any further companies that may be appointed as highways authorities under the Infrastructure Act) would be able to issue the civil penalty notices for offences on the roads they were responsible for.

Crown authorities, designated statutory undertakers such as Network Rail and designated educational institutions would also be empowered.

All local authorities with the statutory duty would also be empowered regardless of how they might otherwise be designated.

Will you now advise your Secretary of State to act accordingly?

I look forward to hearing from you.

Kind regards

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**From:** Peter Silverman - Clean Highways <petersilverman@cleanhighways.co.uk>  
**Date:** Thursday, 6 December 2018 at 15:00  
**To:** Claire Moriarty - Permanent Secretary DEFRA <claire.moriarty@defra.gsi.gov.uk>  
**Subject:** Littering from vehicles - defective regulations

For the attention of Claire Moriarty, Permanent Secretary at DEFFA

Dear Ms Moriarty,

I presume the intention of [The Littering From Vehicles Outside London \(Keepers: Civil Penalties\) Regulations 2018](#) was that it should apply to every public highway in England. However due to drafting errors this is not the case.

It does not apply to the motorways, including the off-slip roads where this offence is commonly committed, and to those trunk roads on the Highways England network where HE have the statutory duty to keep them clear of litter.

It does not apply to highways in unitary authorities (apart from the 6 unitary shire councils) nor in the metropolitan districts.

It only applies in highways within district councils, the 6 unitary shire councils and the Isles of Scilly.

For a full explanation of these claims please refer to [Littering from vehicles – defective legislation](#).

Will you please advise the Secretary of State of the need to issue revised regulations?

Will you please advise councils who are not entitled to issue the penalty notices not to do so until the regulations are revised?

Kind regards

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