

Complaint to the Prime Minister that DEFRA minister Therese Coffey MP misled the House of Commons over the exclusion of motorways etc from the *Littering From Vehicles Outside London Regulations*

Contrary to expectations [The Littering From Vehicles Outside London \(Keepers: Civil Penalties\) Regulations 2018](#) do not apply offences committed on motorways.

This includes off-slip roads which are subject to high levels of such littering and would have been ideal locations to employ camera technology to catch offenders.

On the Highways England Strategic Road Network, the Regulations only apply on those trunk roads where the local authority, not HE, has the statutory duty to keep them clear of litter.

MPs would not have been aware of this from reading the draft regulations, the [Explanatory Memorandum](#) or DEFRA's [consultation document](#). The latter document stated:

“To maintain parity, rather than give new enforcement functions to Highways England in isolation, we propose that district councils should remain responsible for all littering enforcement (criminal or civil) on the Strategic Road Network”.

.. wrongly implying that local authorities would be able to enforce the new civil penalties for offences committed on the rest of the Highways England network.

When MPs were asked to approve the regulations in [Parliament on 31st January 2018](#) DEFRA Minister Therese Coffey should therefore have made the position clear. Instead she muddied the waters further by saying:

“ For our highways, and particularly our strategic road network, Highways England has an arrangement with the litter authority, whereby the litter authority is still responsible for clearing the litter from that side. It is perfectly possible for councils to work closely with Highways England once they have these powers, to use the camera footage that will be available to try to tackle and identify those who litter.....”

The next day when the Regulations were [approved in the House of Lords](#) Baroness Jones of Whitchurch asked:

“Also, am I right in saying that responsibility for litter on the side of motorways has transferred to Highways England? If so, will it have the same powers to catch and fine drivers throwing litter out of car windows, which again is a real blot on our landscape?”

The question was not answered during the debate nor did Maggie Jones receive a written response as is the normal practice in such cases.

This all seems to point to a deliberate policy to camouflage the true position.

It is inconceivable that Ms Coffey was unaware that the Regulations would not apply to offences committed on the motorways etc. I can only conclude therefore that she deliberately misled MPs.

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This document includes hyperlinks to supporting information. If you have a text-only version or a printed copy and want to see it in full please go to <https://link.cleanhighways.co.uk/coffey>

For more background please refer to [Littering from vehicles – defective regulations](#).