

**FLY-TIPPING AND DUMPING IN HERTFORDSHIRE
A SUMMARY OF LEGISLATION, DUTIES AND POWERS**

	Illegal Dumping	Fly-tipping	Litter	Abandoned Vehicles
Legislation	<p>Environmental Protection Act 1990 - Sec 33, 59 & 79 (1) (e)</p> <p>Duty of Care Regulations 1991</p> <p>Waste Management Licensing Regulations 1994</p> <p>Environmental Protection (Duty of Care) (England) (Amendment) Regulations 2003</p> <p>Section 215 Town & County Planning Act 1990</p>	<p>Environmental Protection Act 1990 -Sec 33</p> <p>Duty of Care Regulations 1991</p> <p>Environmental Protection (Duty of Care) (England) (Amendment) Regulations 2003</p>	<p>Environmental Protection Act 1990 Secs 86-99</p> <p>Refuse Disposal (Amenity) Act 1978</p> <p>Litter (Fixed Penalty) Order 1996</p> <p>Code of Practice</p>	<p>Refuse Disposal (Amenity) Act 1978</p> <p>End of Life Vehicles Directive 2000/53/EC</p>
WHO DOES WHAT?				
County Council	<p>Planning enforcement as Waste Planning Authority</p>		<p>Duty to arrange disposal as WDA, and similar duty and power for its 'relevant land' as DCs</p>	<p>Duty to arrange storage and disposal</p>
District Councils	<p>Power to order removal or remove</p> <p>Power to check Duty of Care documentation</p>	<p>Power to check Duty of Care documentation</p> <p>Power to order removal or remove</p>	<p>Duty to clear/maintain its 'relevant land' and highways to applicable standard linked with:-</p> <ul style="list-style-type: none"> - power to prosecute (maximum fine £2500) - power for 'authorised officers' to issue fixed penalties £50 	<p>Affix Statutory Notices</p> <p>Removal of vehicles and delivery to storage facility</p>
Environment Agency	<p>Power to prosecute (max fine £20,000)</p> <p>Power to check Duty of Care documentation</p> <p>Power to order removal, or remove</p>	<p>Power to check Duty of Care documentation</p> <p>Power to order removal or remove</p> <p>Power to prosecute</p>		
Police			<p>Powers to prosecute where thrown from a moving vehicle</p>	<p>Power to remove under the Removal and Disposal of Vehicles Regulations 1986</p>
General Public		<p>Duty to clear waste fly-tipped on their land</p>	<p>Environmental Protection Act 1990 Sec 91 - letters advising use of the redress powers, (i.e. 5 days notice)</p>	