

## Summary of the Code of Practice on Litter and Refuse for EAUC Waste TSN

The Code of Practice on Litter and Refuse (“the code”) is a statutory guidance document issued under Section 89 (7) of the Environmental Protection Act 1990 (“the Act”).

It provides practical guidance on fulfilling the duties under Section 89 (1) and (2) of the Act. These duties require certain bodies to:

**Duty 1:** ensure that their land (or land which is under their control) is, **kept clear** of litter and refuse. This includes motorways, trunk and local authority roads.

**Duty 2:** ensure that their motorways, trunk and local public roads are **kept clean** (the Act, Section 89(2)).

This includes zoning of land, maximum time to restore land and grades of cleanliness. It also advises on who is responsible for meeting the duty and relevant land.

The code is an authoritative statement of practice and differs from legislation in that it offers guidance in fulfilling the legal requirements of the Act and is admissible in evidence in court proceedings if a body is taken to court for dereliction of its duties under section 91 or 92 of the Act. Courts must take it into account in legal proceedings where it is relevant to issues in the case.

The land of Educational Institutions is classed as relevant land and managers of such land are therefore classed as a Duty Body. [Section 98 \(3\) of the Environmental Protection Act 1990](#) provides a definition of ‘Educational Institution’, you may have to take legal advice as to whether and how these duties apply to your organisation.

The first Code of Practice on Litter and Refuse was adopted in 1991 and the current code in 2006.

The Scottish Government is currently reviewing the Code of Practice on Litter and Refuse. Before finalising the document and laying the new code in parliament the Scottish Government would welcome feedback on the document by completing this [short survey](#).

There are three main changes, in draft proposed code compared with the previous code:

- an emphasis on the role of prevention (particularly for duty 1)
- revised grades and response times for each duty
- greater clarity about where litter/refuse should be removed from.