



Local Nuisance and Litter Control Act 2016 Vehicle Owner Liability

As the activities of littering, illegal dumping and bill posting are frequently undertaken in conjunction with a vehicle, Section 26 of *Local Nuisance and Litter Control Act 2016* (the Act) provides for the association of an offence against Sections 18 (nuisance), 22 (littering) and 23 (bill posting) with a vehicle.

What is a vehicle owner liability?

If an activity is undertaken in, at or from a vehicle, or in connection with the use of a vehicle, and the activity results in an offence against Sections 18, 22 or 23 of the Act, then the owner of the vehicle may be guilty of an offence and is liable for penalty and expiation.

This means that if sufficient evidence has been gathered that connects the use of a vehicle with littering, nuisance or bill posting offences, then the owner of the vehicle may be guilty of that offence.

This approach is similar to that used in issuing traffic infringement notices for speeding and red light cameras.

Circumstances where the owner may not be liable

If the owner of a vehicle believes that they are not the principal offender, the vehicle owner has an opportunity to declare (by statutory declaration) someone else to have been responsible for the offence. The onus remains upon that owner of the vehicle to prove that fact. This is also applicable in circumstances where the vehicle owner asserts that the vehicle had either been sold (transferred to another owner) or stolen prior to the offence having taken place.

Provisions also exist for the exemption of drivers of passenger vehicles (taxis, buses, trains, trams, ferries or other public transport) where there is littering from the vehicle due to the action of a passenger or passengers. The exemption does not apply if the driver of the vehicle commits the offence.

Public Litter Reporting

The vehicle owner liability provisions operate alongside public litter reporting. It will allow for expiations, as above, to be issued to the owner of a vehicle identified via a public litter report. See Information Sheet 84 – Public Litter Reporting for more information.

Disclaimer

This publication is a guide only and will not necessarily provide adequate information relevant to every situation. Whilst it seeks to explain your possible obligations in a helpful and accessible way, it is likely that some detail may not be captured. It is important, therefore, that where necessary you make your own determination as to whether you should seek legal advice.