

Prohibition of local authorities using the general power of competence to charge residents at places where they may deposit household waste

3.—(1) A local authority must not, in exercise of the general power, charge persons resident in its area to—

- (a) enter into, or exit from, a household waste recycling centre; or
- (b) deposit household waste at a household waste recycling centre.

Transitional provision

4.—(1) The prohibition contained in article 3, which prevents local authorities using the general power, does not apply in the relevant circumstances until 1st April 2020.

(2) In paragraph (1) the relevant circumstances are that immediately before this Order came into force a local authority was, in exercise of the general power, charging persons resident in its area to—

- (a) enter into, or exit from, a household waste recycling centre; or
- (b) deposit household waste at a household waste recycling centre.

Signed on behalf of the Secretary of State for Communities and Local Government

Date

Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits local authorities in England from using the general power of competence in section 1 of the Localism Act 2011 (“the 2011 Act”) for the purpose of charging residents to deposit their household waste at a place which has been provided for such residents to deposit household waste (a household waste recycling centre). Section 8 of the 2011 Act defines “local authority” and “the general power”. The Order also prohibits such authorities from using the general power to charge persons to enter into or exit from a household waste recycling centre.

Section 1 of the 2011 Act provides a general power for certain local authorities in England, giving them the same power to act that an individual generally has. Section 5(3) of the 2011 Act gives the Secretary of State the power to make an order restricting what a local authority may do under the general power.

Article 4 provides that where immediately before this Order comes into force a local authority, in exercise of the general power, charges persons resident in their area to enter to, or exit from a household waste recycling centre or to deposit household waste at such a centre the prohibition against them using the general power to make such charges does not apply until 1st April 2020.

This Order does not impact upon the arrangements that waste disposal authorities have a duty to make for the provision of places in order for residents to deposit their household waste without charge, under section 51(1)(b) of the Environmental Protection Act 1990.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

© Crown copyright 2015

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.25

UK2015022510 03/2015 19585

<http://www.legislation.gov.uk/id/ukdsi/2015/9780111130629>

ISBN 978-0-11-113062-9



9 780111 130629