



London Local Authorities Act 2007

2007 CHAPTER ii

PART 2

PUBLIC HEALTH AND THE ENVIRONMENT

Waste and litter

25 Powers to require removal of waste unlawfully deposited

- (1) Subject to subsections (4) and (8) below, section 59 of the 1990 Act shall have effect in the area of a borough council in accordance with this section.
- (2) For paragraph (a) of subsection (3) there is substituted—
 - “(a) the appellant took all reasonable precautions and exercised all due diligence to avoid the deposit of the waste;”.
- (3) After subsection (3) the following subsection is inserted—
 - “(3A) If in any case the ground given by the appellant under subsection (3)(a) above involves the allegation that the depositing of the waste was due to the act or default of another person, the appellant shall not, without leave of the court, be entitled to rely on that ground unless, no later than 7 clear days before the hearing of the appeal, he has served on the waste regulation authority or waste control authority a notice in writing giving such information (if any) as was then in his possession identifying or assisting in the identification of that other person.”.
- (4) The amendments made by this section shall not have effect until a code of practice dealing with the operation of section 59(3)(a) of the 1990 Act as substituted by subsection (2) above is published by a joint committee.
- (5) A council shall have regard to the code of practice when exercising their powers under section 59.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (6) The joint committee shall cause to be published in the London Gazette notice of the date on which the amendments made by this section come into effect.
- (7) A photostatic or any other reproduction certified by the officer appointed for that purpose by a borough council to be a true reproduction of a page or part of a page of the London Gazette—
- (a) bearing the date of its publication; and
 - (b) containing the notice,
- shall be evidence of the publication of the notice and of the date of publication.
- (8) This section shall not apply to notices served under section 59 of the 1990 Act in respect of—
- (a) the operational land of a protected party;
 - (b) a highway or special road for which the Minister is the highway authority (see section 1 of the Highways Act 1980 (c. 66));
 - (c) land forming any part of an aerodrome within the meaning of the Aviation Security Act 1982 (c. 36);
 - (d) harbour premises within the meaning of Part 3 of the 1990 Act; or
 - (e) other land comprised in a port facility within the meaning of article 2 of Regulation (EC) No. 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security.
- (9) In this section—
- “joint committee” means any joint committee established under section 101(5) of the Local Government Act 1972 (c. 70) and comprising at least one member from each borough council;
 - “operational land” has the same meaning as in the Planning Act;
 - “protected party” means—
 - (a) Network Rail Infrastructure Limited; and
 - (b) Transport for London,
- and their subsidiaries (within the meaning given by section 1159 of the Companies Act 2006 (c. 46)), servants, agents and contractors.