



Control of Pollution Act 1974

1974 CHAPTER 40

PART I

WASTE ON LAND

Street cleaning and litter

[^{F1}22 Street cleaning etc.

^{F2}(1)

^{F2}(2)

(3) A local authority may, with the consent of any person who has an interest in or is the occupier of any relevant land, arrange for the cleaning of the land and may enter into an agreement with such a person for the payment by him of charges in respect of the cleaning; and in this subsection “relevant land” means any land in the open air to which members of the public have access, either as of right or otherwise, and which is not the site of a highway.

(4) In the preceding provisions of this section and in the following section—

“highway” means highway maintainable at the public expense within the meaning of [^{F3}the ^{M1}Highways Act 1980];

“local authority” means the council of a district or London borough and the Common Council of the City of London [^{F4}but, in relation to Wales, means the council of a county or county borough] ; and

“special road” and “trunk road” have the same meanings as in [^{F3}the ^{M2}Highways Act 1980].

(5) In the application of this section to Scotland the preceding subsection shall not have effect and in this section and in the following section—

“highway” and “highway authority” have respectively the same meanings as in the ^{M3}Roads (Scotland) Act 1970;

“local authority” means a collection authority;

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“special road” has the same meaning as in the ^{M4}Special Roads Act 1949; “trunk road” means a highway which by virtue of the ^{M5}Trunk Roads Acts 1936 ^{M6} and 1946 or an order under section 1 of the Trunk Roads Act 1946, or by virtue of section 9(1) of the said Act of 1949, is a trunk road.

Textual Amendments

- F1** S. 22 repealed (S.) (1.4.1983) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), Sch. 4 Pt. I](#) and [S.I. 1982/1397, Sch. 2](#)
- F2** S. 22(1)(2) repealed (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 162\(2\), Sch. 16 Pt. IV](#), [S.I. 1991/1042, art.2](#)
- F3** Words substituted by [Highways Act 1980 \(c. 66\), Sch. 24 para. 24\(a\)](#)
- F4** Words in s. 22(4) inserted (1.4.1996) by [1994 c. 19, s. 22\(3\), Sch. 9 para. 10\(1\)](#) (with [ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 3, Sch. 1](#)

Marginal Citations

- M1** 1980 c. 66.
- M2** 1980 c. 66.
- M3** 1970 c. 20.
- M4** 1949 c. 32.
- M5** 1936 c. 5 (1 Edw. 8 & 1 Geo. 6)
- M6** 1946 c. 30.

[^{F5}23] Prohibition of parking to facilitate street cleaning.

- (1) Where in the case of any part of a highway (hereafter in this section referred to as “the relevant area”) the highway authority for the relevant area or the local authority in whose area the relevant area is situated considers that, in order to facilitate the cleaning of the relevant area on a particular day (hereafter in this section referred to as “the relevant day”), it is appropriate to prohibit the parking of vehicles in the relevant area during certain hours of the relevant day, the authority may give notice in accordance with the following provisions of this section prohibiting such parking.

[Such a notice must specify the relevant area, the relevant day and the hours in question; ^{F6}(2) and a copy of the notice must—

- (a) be served on the occupier of any premises adjoining the relevant area; and
- (b) be conspicuously displayed at places in the relevant area.

(2A) The effect of the giving of such a notice and of the service and display of copies of it as required by subsection (2) of this section shall be to suspend during the hours of the relevant day specified in the notice the operation of any provision which is contained in an order under the Road Traffic Regulation Act [^{F7}1984] or a local enactment and which authorises, designates or regulates the use of a street parking place in the relevant area.

(2B) The authority giving the notice shall cover up traffic signs and parking meters in the relevant area during the hours of the relevant day specified in the notice, but without prejudice to the effect of the notice.]

(3) ^{F8}

(4) Regulations may . . . ^{F9} provide that [^{F10}sections 99 to 102 of the Road Traffic Regulation Act 1984] (which among other things provide for the removal, storage and

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disposal of vehicles left on roads in contravention of a statutory prohibition) shall have effect, in relation to any vehicle which is or was standing on any part of a highway while parking on that part is or was prohibited by virtue of this section, with such modifications as are prescribed.

[^{F11}(5) If, either before or during the hours on the relevant day which are specified in a notice given by an authority as mentioned in subsection (1) of this section, the authority displays notices in the relevant area stating that the prohibition on parking is not to come into force or is to cease to be in force, the effect of the notices under this subsection shall be to prevent the prohibition coming into force or, as the case may be, to terminate it.]

(6) It shall be the duty of the highway authority for any part of a highway and of the local authority in whose area the part is situated to co-operate with each other in performing the functions conferred on them by virtue of this section; and where a highway authority or a local authority gives notice as mentioned in subsection (1) of this section in respect of any part of a highway for which it is the highway authority or, as the case may be, which is within its area, any other authority which is the highway authority for that part or which is the local authority within whose area that part is situated shall, with the approval of the authority which gave the notice, be entitled to act in pursuance of this section as if the other authority had given similar notice.

[^{F12}(6A) No authority shall issue a notice under this section whose effect would be to suspend the operation of provisions of an order not made by the highway authority without first consulting the authority who made the order.]

(7) Where any parking in the relevant area is, by virtue of a notice given as mentioned in subsection (1) of this section, prohibited during specified hours on the relevant day, no right of action shall accrue to any person by reason of the fact that all or some of the cleaning of the relevant area which the highway authority or, as the case may be, the local authority proposes to do or has done during those hours is not cleaning which that authority has or had power to do if the other of those authorities has or had power to do it.

(8) Any reference in the preceding provisions of this section to a part of a highway includes any such part on which the parking of vehicles is, apart from this section, authorised by virtue of any enactment whether on payment or free of charge; and where the parking of vehicles on such a part is prohibited by virtue of this section a person shall not be entitled to recover any sum paid by him in respect of the parking of a vehicle there.

[^{F13}(9) In this section “parking meter”, “street parking place” and “traffic sign” have the meanings respectively assigned to them by [^{F14}sections 46(2)(a), 142(1) and 64(1) of the Road Traffic Regulation Act 1984,]]

Textual Amendments

- F5** S. 23 repealed (S.) (1.4.1983) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [Sch. 4 Pt. I](#) and [S.I. 1982/1397](#), [Sch. 2](#)
- F6** S. 23(2)(2A)(2B) substituted for s. 23(2) by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), s. 1(2), [Sch. 2 para. 11\(1\)](#)
- F7** “1984” substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, [Sch. 13 para. 30\(a\)](#)
- F8** Ss. 2(7), 23(3) repealed by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 34 Pt. II](#)
- F9** Word repealed by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 34 Pt. II](#)
- F10** Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, [Sch. 13 para. 30\(b\)](#)

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- F11** S. 23(5) substituted by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 1\(2\), Sch. 2 para. 11\(3\)](#)
- F12** S. 23(6A) inserted by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 1\(2\), Sch. 2 para. 11\(4\)](#)
- F13** S. 23(9) inserted by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 1\(2\), Sch. 2 para. 11\(5\)](#)
- F14** Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\), s. 146, Sch. 13 para. 30\(c\)](#)

24 Litter.

- (1) It shall be the duty of the council of each county in England and Wales and the local authorities of which the areas are included in the county and, where the county includes land in a National Park, the Park authority to consult from time to time together, and with such voluntary bodies as the council and the authorities consider appropriate and as agree to participate in the consultations, about the steps which the council and each of the authorities and bodies is to take for the purpose of abating litter in the county; and it shall be the duty of the county council—
 - (a) to prepare and from time to time revise a statement of the steps which the council and each of the authorities and bodies agrees to take for that purpose; and
 - (b) to take such steps as in its opinion will give adequate publicity in the county to the statement; and
 - (c) to keep a copy of the statement available at its principal office for inspection by the public free of charge at all reasonable hours.
- (2) The preceding subsection shall apply to Greater London and the Greater London Council as it applies to a county and the council of a county, and in that subsection “local authority” means a collection authority, a parish council, a parish meeting and a community council and “Park authority” means the National Parks Committee or the joint or special planning board for the park in question,
- (3) In Scotland, it shall be the duty of—
 - (a) the council of each region of and the district councils of which the districts are included in the region to consult from time to time together and with such voluntary bodies as the regional council and the district councils consider appropriate and as agree to participate in the consultations;
 - (b) the council of each islands area to consult with such voluntary bodies as the council considers appropriate and as agree to participate in the consultations, about the steps which the regional or islands council and each of the bodies with which it consulted (including, in the case of a regional council, each district council) is to take for the purpose of abating litter in the region or, as the case may be, islands area; and it shall be the duty of the regional or islands council—
 - (i) to prepare and from time to time revise a statement of the steps which the regional or islands council and each of the bodies agrees to take for the purpose;
 - (ii) to take such steps as in its opinion will give adequate publicity in its area to the statement; and
 - (iii) to keep a copy of the statement available at its principal office for inspection by the public free of charge at all reasonable hours.

^{F15}(4)

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Textual Amendments

F15 S. 24(4) repealed by [Litter Act 1983 \(c. 35, SIF 100:3\)](#) s. 12(3), Sch. 2

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