



Greater London Authority Act 1999

1999 CHAPTER 29

PART IX

ENVIRONMENTAL FUNCTIONS

Report on the state of the environment

^{F1}351 The Mayor's environmental report.

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Textual Amendments

F1 S. 351 repealed (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 226, 240(2), [Sch. 25 Pt. 33](#); S.I. 2012/1008, art. 3(c)(f) (with arts. 7, 9-11)

^{F2}The Mayor's Environment Strategy for London

Textual Amendments

F2 Ss. 351A-351C and cross-heading inserted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 225\(1\), 240\(2\)](#); S.I. 2012/1008, art. 3(c) (with arts. 7, 9-11)

351A The London Environment Strategy

- (1) The Mayor shall prepare and publish a document to be known as the "London Environment Strategy" ("the Strategy").
- (2) The Strategy must contain a general assessment by the Mayor of the environment in Greater London, so far as relevant to the functions of the Authority or of the Mayor.

Changes to legislation: Greater London Authority Act 1999, Part IX is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) The Strategy must contain provisions dealing with the Mayor's policies and proposals in relation to each of the following matters in relation to Greater London—
 - (a) biodiversity;
 - (b) municipal waste management;
 - (c) climate change mitigation and energy;
 - (d) adaptation to climate change;
 - (e) air quality; and
 - (f) ambient noise.
- (4) The provisions of the Strategy dealing with a matter specified in a paragraph of subsection (2) must also contain anything required to be included in them by any other provision of this Act.
- (5) The Strategy may also include provisions dealing with the Mayor's policies and proposals in relation to any other matter relating to the environment in Greater London.
- (6) In preparing or revising the provisions of the Strategy dealing with a matter mentioned in subsection (3), the Mayor's duty under section 42(1)(e) applies as if it were a duty to consult any person or body whom the Mayor considers it appropriate to consult in relation to those provisions (and section 42(2) applies accordingly).
- (7) Where the Strategy is revised, the Mayor must publish it as revised.
- (8) In this Act references to the London Environment Strategy include, unless the context otherwise requires, a reference to the Strategy as revised.

351B Guidance

- (1) The Secretary of State may give to the Mayor guidance—
 - (a) about the content of the London Environment Strategy;
 - (b) in relation to the preparation or revision of that Strategy.
- (2) The guidance that may be given under subsection (1)(a) includes guidance as to matters which the Secretary of State considers the Mayor should, or should not, consider dealing with by formulating policies and proposals under section 351A(5).
- (3) The guidance that may be given under subsection (1)(b) includes—
 - (a) guidance specifying or describing the bodies or persons whom the Secretary of State considers the Mayor should consult in preparing or revising the London Environment Strategy or, as the case may be, the provisions dealing with a matter specified in the guidance;
 - (b) guidance as to the evidence of environmental change or its consequences, or the predictions of environmental change or its consequences, to which the Secretary of State considers the Mayor should have regard in preparing or revising that Strategy or, as the case may be, the provisions dealing with a matter specified in the guidance.
- (4) In preparing or revising the London Environment Strategy the Mayor must have regard to any relevant guidance given under this section.

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351C Directions as to the content of the London Environment Strategy

- (1) Where the Secretary of State considers that any of the conditions specified in subsection (2) is satisfied in relation to any provisions of the London Environment Strategy, the Secretary of State may give the Mayor a direction as to the content of those provisions.
- (2) The conditions are—
 - (a) that the provisions are inconsistent with any policies announced by Her Majesty's government with respect to the matters to which they relate and the inconsistency would have a detrimental effect on achieving any of the objectives of those policies;
 - (b) that the provisions or their implementation are likely to be detrimental to any area outside Greater London;
 - (c) that the provisions are inconsistent with any EU obligation of the United Kingdom.
- (3) A direction under this section may require the Mayor to make specified revisions of the London Environmental Strategy.
- (4) The power of the Secretary of State to give a direction under this section may only be exercised after consultation with the Mayor.
- (5) Where the Secretary of State gives a direction under this section, the Mayor must comply with the direction.]

Biodiversity

352 [^{F3}The London Environment Strategy: biodiversity].

- ^{F4}(1)
- (2) [^{F5}The provisions of the London Environment Strategy dealing with biodiversity] shall contain information about—
 - (a) the ecology of Greater London,
 - (b) the wildlife of Greater London and its habitat,
 - (c) any proposals for the conservation and promotion by the Mayor of biodiversity within Greater London, which have been agreed between the Mayor and any person or body he [^{F6}has consulted or intends to consult] in relation to [^{F6}those provisions of the London Environment Strategy], and
 - (d) any commitments as to the conservation and promotion of biodiversity within Greater London made by any person or body who [^{F7}who the Mayor has consulted or intends to consult] in relation to [^{F7}those provisions of the London Environment Strategy].
- ^{F8}(3)
- (4) In preparing or revising the [^{F9}the provisions of the London Environment Strategy dealing with biodiversity] the Mayor shall also—
 - (a) have regard to any plans relating to biodiversity prepared by a London borough council or the Common Council, ^{F10} ...
 - ^{F10}(b)
- ^{F11}(5)

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F11(6)

Textual Amendments	
F3	S. 352 heading substituted (3.5.2012) by Localism Act 2011 (c. 20) , s. 240(2), Sch. 23 para. 3(2) ; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
F4	S. 352(1) repealed (3.5.2012) by Localism Act 2011 (c. 20) , s. 240(2), Sch. 23 para. 3(5) , Sch. 25 Pt. 33 ; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)
F5	Words in s. 352(2) substituted (3.5.2012) by Localism Act 2011 (c. 20) , s. 240(2), Sch. 23 para. 3(3)(a) ; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
F6	Words in s. 352(2)(c) substituted (3.5.2012) by Localism Act 2011 (c. 20) , s. 240(2), Sch. 23 para. 3(3)(b) ; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
F7	Words in s. 352(2)(d) substituted (3.5.2012) by Localism Act 2011 (c. 20) , s. 240(2), Sch. 23 para. 3(3)(c) ; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
F8	S. 352(3) repealed (3.5.2012) by Localism Act 2011 (c. 20) , s. 240(2), Sch. 23 para. 3(5) , Sch. 25 Pt. 33 ; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)
F9	Words in s. 352(4) substituted (3.5.2012) by Localism Act 2011 (c. 20) , s. 240(2), Sch. 23 para. 3(4) ; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
F10	S. 352(4)(b) and word repealed (3.5.2012) by Localism Act 2011 (c. 20) , s. 240(2), Sch. 23 para. 3(5) , Sch. 25 Pt. 33 ; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)
F11	S. 352(5)(6) repealed (3.5.2012) by Localism Act 2011 (c. 20) , s. 240(2), Sch. 23 para. 3(5) , Sch. 25 Pt. 33 ; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)

Waste

353 [F12The London Environment Strategy: municipal waste management].

F13(1)

- (2) The [F14provisions of the London Environment Strategy dealing with municipal waste management] —
 - (a) shall contain the Mayor’s proposals and policies for the recovery, treatment and disposal of municipal waste, and
 - (b) may contain such other proposals and policies relating to municipal waste as he considers appropriate.

F15(3)

[F16(3A) In revising the [F17provisions of the London Environment Strategy dealing with municipal waste management] the Mayor is to have regard to any strategies which authorities in Greater London have for the purposes of section 32 of the Waste and Emissions Trading Act 2003 (joint waste management strategies for areas where disposal authority is not also collection authority).]

- (4) In preparing or revising the [F18provisions of the London Environment Strategy dealing with municipal waste management] the Mayor shall have regard to—
 - [F19(a) the national waste management plan;]
 - [F20(aa) the strategy required by section 17 of the Waste and Emissions Trading Act 2003 (landfill strategy for England),]F21 ...
 - F21(b)

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- F²²(5)
- F²²(6)
- F²²(7)

Textual Amendments

- F12** S. 353 heading substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 4\(2\)](#); S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F13** S. 353(1) repealed (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 4\(4\)](#), [Sch. 25 Pt. 33](#); S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)
- F14** Words in s. 353(2) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 4\(3\)](#); S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F15** S. 353(3) repealed (1.1.2005) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), [ss. 35\(b\)](#), 40(1); S.I. 2004/3320, art. 2
- F16** S. 353(3A) inserted (1.1.2005) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), [ss. 32\(12\)](#), 40(1); S.I. 2004/3320, art. 2
- F17** Words in s. 353(3A) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 4\(3\)](#); S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F18** Words in s. 353(4) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 4\(3\)](#); S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F19** S. 353(4)(a) substituted (E.W.) (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 4 para. 5\(2\)](#) (with regs. 2, 47(2))
- F20** S. 353(4)(aa) inserted (E.W.) (20.7.2004) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), [ss. 17\(8\)\(a\)](#), 40(1); S.I. 2004/1874, art. 2
- F21** S. 353(4)(b) and word repealed (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 4\(4\)](#), [Sch. 25 Pt. 33](#); S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)
- F22** S. 353(5)-(7) repealed (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 4\(4\)](#), [Sch. 25 Pt. 33](#); S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)

354 Directions by the Secretary of State.

- (1) Where the Secretary of State considers that [F²³the condition] specified in subsection (2) below is satisfied, he may give the Mayor a direction about the content of the [F²⁴provisions of the London Environment Strategy dealing with municipal waste management].
- (2) The conditions mentioned in subsection (1) above are—
 - F²⁵(a)
 - (b) that a direction about the content of the [F²⁶provisions of the London Environment Strategy dealing with municipal waste management] is required for the purposes of the implementation of the policies contained in the [F²⁷national waste management plan][F²⁸ or of the policies contained in the strategy required by section 17 of the Waste and Emissions Trading Act 2003 (landfill strategy for England)].
- (3) The power of the Secretary of State to give a direction to the Mayor under subsection (1) above—
 - (a) may be exercised either generally or specially, and
 - (b) may only be exercised after consultation with the Mayor.

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- (4) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor shall comply with the direction.

Textual Amendments

- F23** Words in s. 354(1) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 5\(2\)\(a\)](#); [S.I. 2012/1008](#), art. 3(e) (with arts. 7, 9-11)
- F24** Words in s. 354(1) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 5\(2\)\(b\)](#); [S.I. 2012/1008](#), art. 3(e) (with arts. 7, 9-11)
- F25** S. 354(2)(a) repealed (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 5\(3\)\(a\)](#), [Sch. 25 Pt. 33](#); [S.I. 2012/1008](#), art. 3(e)(f) (with arts. 7, 9-11)
- F26** Words in s. 354(2)(b) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 5\(3\)\(b\)](#); [S.I. 2012/1008](#), art. 3(e) (with arts. 7, 9-11)
- F27** Words in s. 354(2)(b) substituted (E.W.) (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), [Sch. 4 para. 5\(3\)](#) (with regs. 2, 47(2))
- F28** Words in s. 354(2)(b) inserted (E.W.) (20.7.2004) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), [ss. 17\(9\)](#), 40(1); [S.I. 2004/1874](#), art. 2

355 Duties of waste collection authorities etc.

^{F29}[(1)] In exercising any function under Part II of the ^{M1}Environmental Protection Act 1990 (waste on land)—

- (a) each of the waste collection authorities in Greater London, and
(b) each of the waste disposal authorities in Greater London,

shall [^{F30}act in general conformity with] the [^{F31}provisions of the London Environment Strategy dealing with municipal waste management].

[^{F32}(2) Subsection (1) above has effect only to the extent that compliance by an authority with the requirements of that subsection does not impose excessive additional costs on the authority.]

[^{F33}(3) For the purposes of this section, the Secretary of State may issue guidance for determining what is to be regarded as—

- (a) acting in general conformity with the [^{F34}provisions of the London Environment Strategy dealing with municipal waste management], or
(b) imposing excessive additional costs on an authority.

(4) In discharging the duties imposed upon it by subsection (1) above (as read with subsection (2) above), an authority must act in accordance with any guidance issued under subsection (3) above.

(5) Any guidance issued under subsection (3) above shall be published by the Secretary of State in such manner as he considers appropriate.

(6) Nothing in this section, or in any guidance issued under it, requires an authority—

- (a) to terminate a waste contract before the expiry of the term of the contract, or
(b) to do anything which would result in a breach of any term of a waste contract.

^{F35}(7)]

[^{F36}(8) In any case where—

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- (a) an authority is required to comply with the [^{F37}Public Procurement Regulations] in the awarding of a waste contract,
- (b) in compliance with those regulations the authority [^{F38}submits] the contract notice [^{F39}or the concession notice (as the case may require)] relating to the awarding of that contract to the [^{F40}UK e-notification service], and
- (c) after the authority [^{F41}submits] that notice, the Mayor revises the provisions of the London Environment Strategy dealing with municipal waste management,]

Textual Amendments

- F29** S. 355 renumbered as s. 355(1) (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 37(2), 59(7)** (with s. 37(6)); S.I. 2008/113, art. 2(g)
- F30** Words in s. 355(1) substituted (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 37(3), 59(7)** (with s. 37(6)); S.I. 2008/113, art. 2(g)
- F31** Words in s. 355(1) substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 23 para. 6(a)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F32** S. 355(2) inserted (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 37(4), 59(7)** (with s. 37(6)); S.I. 2008/113, art. 2(g)
- F33** S. 355(3)-(7) inserted (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 37(5), 59(7)** (with s. 37(6)); S.I. 2008/113, art. 2(g)
- F34** Words in s. 355(3) substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 23 para. 6(a)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F35** S. 355(7) omitted (18.4.2016) by virtue of The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 2(2)** (with reg. 5)
- F36** S. 355(8) inserted (E.W.N.I.) (26.2.2015) by The Public Contracts Regulations 2015 (S.I. 2015/102), reg. 1(2), **Sch. 6 para. 3(3)**
- F37** Words in s. 355(8)(a) substituted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 2(3)(a)** (with reg. 5)
- F38** Word in s. 355(8)(b) substituted (31.12.2020) by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1319), regs. 1(2), **3(2)(a)(i)** (with Sch. para. 3, 4)
- F39** Words in s. 355(8)(b) inserted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 2(3)(b)** (with reg. 5)
- F40** Words in s. 355(8)(b) substituted (31.12.2020) by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1319), regs. 1(2), **3(2)(a)(ii)** (with Sch. para. 3, 4)
- F41** Word in s. 355(8)(c) substituted (31.12.2020) by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1319), regs. 1(2), **3(2)(b)** (with Sch. para. 3, 4)

Marginal Citations

- M1** 1990 c. 43.

356 Directions by the Mayor.

- (1) Where the Mayor considers that it is necessary for the purposes of the implementation of the [^{F42}provisions of the London Environment Strategy dealing with municipal waste management], he may give to a waste collection authority in Greater London, or a waste disposal authority in Greater London, a direction requiring the authority to exercise a function in a manner specified in the direction.
- (2) The Mayor may not give to an authority a direction under subsection (1) above requiring the authority—

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- (a) to terminate a waste contract before the expiry of the term of the contract; or
- (b) to do anything which would result in a breach of any term of a waste contract.

^{F43}(3)

^{F44}(3A) The Mayor may not give to an authority a direction under subsection (1) above requiring the authority to exercise a function in relation to the awarding of a waste contract if—

- (a) the authority is required to comply with the [^{F45}Public Procurement Regulations] in awarding that contract, and
- (b) in compliance with those regulations the authority has [^{F46}submitted] the contract notice [^{F47}or the concession notice (as the case may require)] relating to the awarding of that contract to the [^{F48}UK e-notification service].]

(4) The power of the Mayor to give a direction to an authority under subsection (1) above—

- (a) may be exercised either generally or specially, and
- (b) may only be exercised after consultation with the authority concerned.

(5) Where the Mayor gives an authority a direction under subsection (1) above, the authority to whom the direction is given shall comply with the direction.

Textual Amendments

- F42** Words in s. 356(1) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 23 para. 6\(b\)](#); [S.I. 2012/1008, art. 3\(e\)](#) (with arts. 7, 9-11)
- F43** S. 356(3) omitted (18.4.2016) by virtue of [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), [Sch. 1 para. 3\(2\)](#) (with reg. 5)
- F44** S. 356(3A) inserted (E.W.N.I.) (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), [Sch. 6 para. 4\(3\)](#)
- F45** Words in s. 356(3A)(a) substituted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), [Sch. 1 para. 3\(3\)\(a\)](#) (with reg. 5)
- F46** Word in s. 356(3A)(b) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), [3\(3\)\(a\)](#) (with Sch. para. 3, 4)
- F47** Words in s. 356(3A)(b) inserted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), [Sch. 1 para. 3\(3\)\(b\)](#) (with reg. 5)
- F48** Words in s. 356(3A)(b) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), [3\(3\)\(b\)](#) (with Sch. para. 3, 4)

^{F49}356A London Waste and Recycling Board

- (1) There shall be a body known as the London Waste and Recycling Board (referred to in this section and section 356B as “the Board”).
- (2) The objectives of the Board are to promote and encourage, so far as relating to Greater London,—
 - (a) the production of less waste;
 - (b) an increase in the proportion of waste that is re-used or recycled;
 - (c) the use of methods of collection, treatment and disposal of waste which are more beneficial to the environment.

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- (3) For the purpose of achieving its objectives, the Board may provide financial assistance to any person towards or for the purposes of—
 - (a) the provision of facilities for or in connection with the collection, treatment or disposal of waste produced in Greater London;
 - (b) conducting research into new technologies or techniques for the collection, treatment or disposal of waste;
 - (c) securing, or assisting in securing, the performance of any function of a London borough council or the Common Council relating to waste.
- (4) For the purpose of achieving its objectives, the Board may provide advice on such matters as it thinks fit to any of the following—
 - (a) the Mayor;
 - (b) any London borough council;
 - (c) the Common Council;
 - (d) such other persons as the Board thinks fit.
- (5) In carrying out its functions under this section, the Board must—
 - (a) act in accordance with the [^{F50}provisions of the London Environment Strategy dealing with municipal waste management];
 - (b) act in general conformity with the spatial development strategy so far as relating to the collection, treatment and disposal of waste.
- (6) The Board may do anything that it thinks will facilitate, or is incidental or conducive to, the carrying out of its functions under subsections (2) to (4) above.
- (7) The Board does not have the power to borrow money.
- (8) The Secretary of State may issue to the Board guidance as to the exercise of its functions.
- (9) The Board shall have regard to any guidance issued under subsection (8) above.
- (10) Any reference in this section to the collection, treatment or disposal of waste includes a reference to the transport of waste for or in connection with that purpose.

Textual Amendments

- F49** Ss. 356A, 356B inserted (23.10.2007 for specified purposes, 24.7.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 38(1)**, 59(4)(b); S.I. 2008/2037, art. 2
- F50** Words in s. 356A(5) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 23 para. 6(c)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)

356B Supplemental provision concerning the Board

- (1) The Secretary of State may by order make provision as to—
 - (a) the constitution of the Board;
 - (b) the appointment of its members (who must not be fewer than 7 nor more than 13 in number);
 - (c) the payment of allowances and expenses to its members;and such other matters in connection with its establishment and administration as the Secretary of State thinks fit.

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- (2) The Board shall not be regarded—
 - (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, privilege or immunity of the Crown,
 and the property of the Board shall not be regarded as property of, or property held on behalf of, the Crown.
- (3) The Secretary of State may make payments by way of grant to the Board towards expenditure incurred or to be incurred by it.
- (4) The amount of any grant and the manner of its payment are to be such as the Secretary of State may determine.
- (5) Any grant may be paid on such conditions as the Secretary of State may determine.
- (6) Conditions under subsection (5) above may, in particular, include—
 - (a) provision as to the use of the grant;
 - (b) provision as to circumstances in which the whole or part of the grant must be repaid.]

Textual Amendments

F49 Ss. 356A, 356B inserted (23.10.2007 for specified purposes, 24.7.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 38(1)**, 59(4)(b); S.I. 2008/2037, art. 2

357 Information about existing waste contracts.

- (1) Where at the date on which this section comes into force a waste authority is a party to a waste contract, the authority shall, before the end of the period of 21 days beginning with the date on which this section comes into force, notify the Mayor of the date on which the term of the contract is due to expire.
- (2) A waste authority which is a party to a waste contract shall—
 - (a) at least two years before the date on which the term of the contract is due to expire, but
 - (b) no earlier than three years before that date,
 notify the Mayor of that date.
- (3) Subsection (1) above is without prejudice to subsection (2) above.
- (4) If at any time before the date on which the term of a waste contract is due to expire a waste authority which is a party to the contract—
 - (a) proposes to terminate or amend the contract, or
 - (b) receives notification from another party to the contract that the contract is or is proposed to be terminated or amended,
 the authority shall as soon as reasonably practicable notify the Mayor.
- (5) Where the Mayor has been notified by a waste authority under subsection (1), (2) or (4) above he may direct the authority to provide him with such information as he may require for the purposes of deciding whether—
 - (a) the arrangements which the authority is making to enter into a new contract,
 - (b) the terms upon which the authority is proposing to enter into a new contract, or

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- (c) the amendments or proposed amendments to the contract, would be detrimental to the implementation of the [F51]provisions of the London Environment Strategy dealing with municipal waste management].
- (6) Where the Mayor gives an authority a direction under subsection (5) above, the authority to whom the direction is given shall comply with the direction.

Textual Amendments

F51 Words in s. 357(5) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 23 para. 6\(d\); S.I. 2012/1008, art. 3\(e\)](#) (with [arts. 7, 9-11](#))

358 Information about new waste contracts.

^{F52}[^{F53}(1)

[^{F54}(1ZA) If, in the awarding of a waste contract, a waste authority in compliance with the Public Contracts Regulations 2015 [^{F55}or the Utilities Contracts Regulations 2016] has decided—

- (a) to [^{F56}submit] to the [^{F57}UK e-notification service] a prior information notice[^{F58}, a periodic indicative notice or a qualification system notice (as the case may require)] relating to the awarding of the contract, or
- (b) to publish such a notice on the authority's buyer profile, subsection (1A) below applies.]

(1A) The authority shall not [^{F59}submit] or publish [^{F60}that notice][^{F60}the notice in question] unless—

- (a) it has notified the Mayor that it proposes to [^{F61}submit] or publish such a notice, and
- (b) a period of at least 56 days beginning with the day on which the Mayor is so notified has elapsed.]

^{F62}[^{F63}(1B)

[If, in the awarding of a waste contract, a waste authority in compliance with [^{F65}Public

^{F64}(1BA) Procurement Regulations] —

- (a) has decided not to [^{F66}submit] or publish a prior information notice[^{F67}, a periodic indicative notice or a qualification system notice (as the case may require)], but
- (b) decides to [^{F68}submit] to the [^{F69}UK e-notification service] a contract notice [^{F70}or a concession notice (as the case may require)] relating to the awarding of the contract, subsection (1C) below applies.]

(1C) The authority shall not [^{F71}submit][^{F72}the notice in question] unless—

- (a) it has notified the Mayor that it proposes to [^{F73}submit] such a notice, and
- (b) a period of at least 108 days beginning with the day on which the Mayor is so notified has elapsed.]

(2) If in the awarding of a waste contract a waste authority is not required to comply with [^{F74}the [^{F75}Public Procurement Regulations]], the authority shall not enter into the contract unless—

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- (a) the authority has notified the Mayor that it proposes to enter into such a contract, and
- (b) a period of at least 56 days beginning with the day on which the Mayor is so notified has elapsed.
- (3) Where the Mayor has been notified under [^{F76}subsection (1A), (1C)] or (2) above he may direct the waste authority to provide him with such information about the contract as he may require for the purposes of deciding whether the contract would be detrimental to the implementation of the [^{F77}provisions of the London Environment Strategy dealing with municipal waste management].
- (4) Where the Mayor gives an authority a direction under subsection (3) above, the authority to whom the direction is given shall comply with the direction.

Textual Amendments

- F52** S. 358(1) omitted (18.4.2016) by virtue of [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(2)** (with reg. 5)
- F53** S. 358(1)(1A) substituted for s. 358(1) (E.W.) (21.1.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 39(2)**, 59(7); S.I. 2008/113, art. 2(h)
- F54** S. 358(1ZA) inserted (E.W.) (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 5(3)**
- F55** Words in s. 358(1ZA) inserted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(3)(a)** (with reg. 5)
- F56** Word in s. 358(1ZA)(a) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(a)(i)** (with Sch. para. 3, 4)
- F57** Words in s. 358(1ZA)(a) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(a)(ii)** (with Sch. para. 3, 4)
- F58** Words in s. 358(1ZA)(a) inserted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(3)(b)** (with reg. 5)
- F59** Word in s. 358(1A) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(b)** (with Sch. para. 3, 4)
- F60** Words in s. 358(1A) substituted (E.W.N.I.) (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 5(4)**
- F61** Word in s. 358(1A)(a) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(b)** (with Sch. para. 3, 4)
- F62** S. 358(1B) omitted (18.4.2016) by virtue of [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(4)** (with reg. 5)
- F63** S. 358(1B)(1C) inserted (E.W.) (21.1.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 39(3)**, 59(7); S.I. 2008/113, art. 2(h)
- F64** S. 358(1BA) inserted (E.W.N.I.) (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 5(6)**
- F65** Words in s. 358(1BA) substituted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(5)(a)** (with reg. 5)
- F66** Word in s. 358(1BA)(a) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(c)(i)** (with Sch. para. 3, 4)
- F67** Words in s. 358(1BA)(a) inserted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(5)(b)** (with reg. 5)
- F68** Word in s. 358(1BA)(b) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(c)(ii)(aa)** (with Sch. para. 3, 4)
- F69** Words in s. 358(1BA)(b) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(c)(ii)(bb)** (with Sch. para. 3, 4)

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- F70** Words in s. 358(1BA)(b) inserted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 4(5)(c)** (with reg. 5)
- F71** Word in s. 358(1C) substituted (31.12.2020) by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1319), regs. 1(2), **3(4)(d)** (with Sch. para. 3, 4)
- F72** Words in s. 358(1C) substituted (E.W.) (26.2.2015) by The Public Contracts Regulations 2015 (S.I. 2015/102), reg. 1(2), **Sch. 6 para. 5(7)**
- F73** Word in s. 358(1C)(a) substituted (31.12.2020) by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1319), regs. 1(2), **3(4)(d)** (with Sch. para. 3, 4)
- F74** Words in s. 358(2) substituted (E.W.) (26.2.2015) by The Public Contracts Regulations 2015 (S.I. 2015/102), reg. 1(2), **Sch. 6 para. 5(8)**
- F75** Words in s. 358(2) substituted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 4(6)** (with reg. 5)
- F76** Words in s. 358(3) substituted (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 39(4), 59(7)**; S.I. 2008/113, art. 2(h)
- F77** Words in s. 358(3) substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 23 para. 6(e)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)

359 Confidential information about waste contracts.

- (1) Nothing in section 357 or 358 above shall require a waste authority to provide any information if—
- the information has been provided to the waste authority by another person,
 - that person has imposed requirements as to the maintenance by the waste authority of confidentiality in respect of the information,
 - the waste authority is, by virtue of ^{F78}the ^{F79}Public Procurement Regulations]], under a duty to comply with those requirements, and
 - the provision of the information would be in breach of that duty.
- (2) If at the time when information is provided by a waste authority to the Mayor under section 357 or 358 above the waste authority notifies the Mayor that, in the opinion of the authority, the information is confidential information or exempt information, the information shall not be disclosed—
- by the Mayor, except to a person appointed under section 67(1) or (2)^{F80}, 72(1), 73(1) or 127A(1)] above, or
 - by such a person, except to another such person.
- (3) For the purposes of subsection (2) above—
- “confidential information” has the meaning given by section 100A(3) of the ^{M2}Local Government Act 1972, but taking the reference to the council in paragraph (a) of that provision as a reference to the waste authority;
- “exempt information” shall be construed in accordance with section 100I of that Act, but taking references to a principal council in paragraph 1(2) of Schedule 12A to that Act (meaning of “the authority”) as references to a waste authority.

Textual Amendments

- F78** Words in s. 359(1)(c) substituted (E.W.) (26.2.2015) by The Public Contracts Regulations 2015 (S.I. 2015/102), reg. 1(2), **Sch. 6 para. 6**
- F79** Words in s. 359(1)(c) substituted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 5** (with reg. 5)

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F80 Words in s. 359(2)(a) inserted (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), ss. 11(4), 59(7); S.I. 2008/113, art. 2(a)

Marginal Citations

M2 1972 c. 70.

360 Interpretation of sections 353 to 359.

(1) This section applies for the purposes of sections 353 to 359 above.

(2) The following expressions have the meanings given below—

[^{F81}“buyer profile” has the same meaning as in [^{F82}the [^{F83}Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 (as the case may require)]]],

[^{F84}“concession notice” has the same meaning as in regulation 31 of the Concession Contracts Regulations 2016,]

[^{F85}“contract notice” has the same meaning as in regulation 49 of the Public Contracts Regulations 2015, [^{F86}or regulation 69 of the Utilities Contracts Regulations 2016 (as the case may require)]]

“disposal”, in relation to waste, shall be construed in accordance with section 29(6) of the ^{M3}Environmental Protection Act 1990,

“municipal waste” means any waste in the possession or under the control of—

- (a) a body which, or a person who, is a waste collection authority in Greater London, or
- (b) a body which is a waste disposal authority in Greater London,

whether or not the waste is in the possession or under the control of the body or person under or by virtue of that Act,

[^{F87}“the national waste management plan” has the same meaning as in the Waste (England and Wales) Regulations 2011;]

[^{F88}“periodic indicative notice” has the same meaning as in regulation 67 of the Utilities Contracts Regulations 2016,]

[^{F85}“prior information notice” has the same meaning as in regulation 48 of the Public Contracts Regulations 2015,]

[^{F89}“the Public Procurement Regulations” means the Public Contracts Regulations 2015, the Utilities Contracts Regulations 2016 or the Concession Contracts Regulations 2016 (as the case may require),]

[^{F89}“qualification system notice” means a notice under regulation 68 of the Utilities Contracts Regulations 2016,]

^{F90}
...

^{F90}
...

“recovery”, in relation to waste, includes the recovery of materials from waste and the recovery of energy from waste,

“treatment”, in relation to waste, shall be construed in accordance with section 29(6) of the ^{M4}Environmental Protection Act 1990,

[^{F91}“the UK e-notification service” has the same meaning as in the Public Procurement Regulations]

“waste” shall be construed in accordance with section 75 of that Act,

“waste authority” means—

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- (a) a waste collection authority in Greater London, or
- (b) a waste disposal authority in Greater London,

“waste collection authority in Greater London” shall be construed in accordance with section 30(3)(b) of that Act,

“waste contract” means a contract which includes or is to include provision relating to municipal waste and is made or to be made by a waste authority in the performance of its functions under Part II of that Act (waste on land), and

“waste disposal authority in Greater London” shall be construed in accordance with section 30(2)(b) of that Act.

- F⁹²(3)
- F⁹²(4)
- F⁹³(5)

Textual Amendments

- F81 Words in s. 360(2) inserted (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), ss. 39(7), 59(7); S.I. 2008/113, art. 2(h)
- F82 Words in s. 360(2) substituted (E.W.) (26.2.2015) by The Public Contracts Regulations 2015 (S.I. 2015/102), reg. 1(2), Sch. 6 para. 7(2)(a)
- F83 Words in s. 360(2) substituted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), Sch. 1 para. 6(2)(a) (with reg. 5)
- F84 Words in s. 360(2) inserted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), Sch. 1 para. 6(2)(b) (with reg. 5)
- F85 Words in s. 360(2) inserted (E.W.) (26.2.2015) by The Public Contracts Regulations 2015 (S.I. 2015/102), reg. 1(2), Sch. 6 para. 7(2)(c)
- F86 Words in s. 360(2) inserted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), Sch. 1 para. 6(2)(c) (with reg. 5)
- F87 Words in s. 360(2) inserted (E.W.) (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), Sch. 4 para. 5(4) (with regs. 2, 47(2))
- F88 Words in s. 360(2) inserted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), Sch. 1 para. 6(2)(d) (with reg. 5)
- F89 Words in s. 360(2) inserted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), Sch. 1 para. 6(2)(e) (with reg. 5)
- F90 Words in s. 360(2) omitted (E.W.) (26.2.2015) by virtue of The Public Contracts Regulations 2015 (S.I. 2015/102), reg. 1(2), Sch. 6 para. 7(2)(b)
- F91 Words in s. 360(2) inserted (31.12.2020) by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1319), regs. 1(2), 3(5) (with Sch. para. 3, 4)
- F92 S. 360(3)(4) omitted (18.4.2016) by virtue of The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), Sch. 1 para. 6(3) (with reg. 5)
- F93 S. 360(5) repealed (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 25 Pt. 33; S.I. 2012/1008, art. 3(f) (with arts. 7, 9-11)

Marginal Citations

- M3 1990 c. 43.
- M4 1990 c. 43.

F⁹⁴361 Waste recycling plans.

.....

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Textual Amendments

F94 S. 361 repealed (1.1.2005) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), **ss. 35(b)**, 40(1); S.I. 2004/3320, art. 2

^{F95}Climate change, energy etc

Textual Amendments

F95 S. 361A and cross-heading inserted (E.W.) (21.1.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 42**, 59(7); S.I. 2008/113, art. 2(i)

361A Duties of Mayor and Assembly with respect to climate change

- (1) The Mayor and the Assembly are each under a duty to address climate change, so far as relating to Greater London.
- (2) In the case of the Mayor, the duty consists of each of the following—
 - (a) to take action with a view to mitigation of, or adaptation to, climate change (see subsections (5) and (6) below),
 - (b) in exercising any of his functions under this Act or any other Act (whenever passed), to take into account any policies announced by Her Majesty's government with respect to climate change or the consequences of climate change,
 - (c) to have regard to any guidance, and comply with any directions, issued to the Authority by the Secretary of State with respect to the means by which, or manner in which, the Mayor is to perform the duties imposed on him by paragraph (a) or (b) above.
- (3) In the case of the Assembly, the duty consists of each of the following—
 - (a) in exercising any functions of the Assembly under this Act or any other Act (whenever passed), to take into account any policies announced by Her Majesty's government with respect to climate change or the consequences of climate change,
 - (b) to have regard to any guidance, and comply with any directions, issued to the Authority by the Secretary of State with respect to the means by which, or manner in which, the Assembly is to perform the duties imposed by paragraph (a) above.
- (4) Any reference in this section to functions of the Mayor, or functions of the Assembly, includes a reference to functions exercisable by the Mayor and the Assembly acting jointly on behalf of the Authority.
- (5) For the purposes of this section—
 - (a) “climate change” means changes in climate which are, or which might reasonably be thought to be, the result of human activity altering the composition of the global atmosphere and which are in addition to natural climate variability; and

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- (b) “changes in climate” includes a reference to changes in climate which are reasonably expected, or might reasonably be expected, to happen or which are reasonably thought to be happening or to have recently happened.
- (6) In this section—
- “adaptation”, in relation to climate change, means preparation for, or adjustment in response to, any consequences of climate change appearing to the Mayor to affect Greater London;
 - “consequences”, in relation to climate change—
 - (a) means consequences which have occurred, are occurring or might reasonably be expected to occur, and
 - (b) includes any phenomena reasonably thought to be consequences of climate change;
 - “mitigation”, in relation to climate change, includes prevention.]

[^{F96}361B][^{F97}The London Environment Strategy: climate change mitigation and energy]

^{F98}(1)

- (2) The [^{F99}provisions of the London Environment Strategy dealing with climate change mitigation and energy] shall contain the Mayor's proposals and policies with respect to the contribution to be made in Greater London towards each of the following—
 - (a) the mitigation of climate change,
 - (b) the achievement of any objectives specified or described in national policies relating to energy.
- (3) The [^{F100}provisions dealing with climate change mitigation and energy] must include the Mayor's proposals and policies relating to each of the following—
 - (a) minimising emissions of carbon dioxide and other significant greenhouse substances from the use of energy in Greater London for the purposes of surface transport,
 - (b) minimising emissions of carbon dioxide and other significant greenhouse substances from the use of energy in Greater London for purposes other than those of transportation,
 - (c) supporting innovation, and encouraging investment, in energy technologies in Greater London,
 - (d) promoting the efficient production and use of energy in Greater London.
- (4) In subsection (3) above “other significant greenhouse substances” means substances (other than carbon dioxide)—
 - (a) which contribute to climate change, and
 - (b) which the Mayor considers it appropriate to deal with in the [^{F101}provisions dealing with climate change mitigation and energy].
- (5) In performing the duty under subsection (3)(c) above, the Mayor must have regard to the desirability of advancing energy technologies which involve the emission of lower levels of substances which contribute to climate change.
- (6) The [^{F102}provisions dealing with climate change mitigation and energy] shall also contain information about—
 - (a) the pattern of energy use in Greater London,

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- (b) the levels of emissions in, or attributable to, Greater London of substances which contribute to climate change,
 - (c) the number of households in Greater London in which one or more persons are living in fuel poverty, within the meaning of the Warm Homes and Energy Conservation Act 2000 (see section 1 of that Act),
 - (d) the measures to be taken, for the purpose of implementing [^{F103}those provisions], by each of the following—
 - (i) the Authority,
 - (ii) Transport for London,
 - ^{F104}(iii)
 - (e) the measures which other bodies or persons are to be encouraged by the Mayor to take for the purpose of implementing [^{F105}those provisions].
- ^{F106}(7)
- (8) The strategy must not be inconsistent with—
 - (a) national policies relating to mitigation of climate change, or
 - (b) national policies relating to energy.
- ^{F107}(9)
- ^{F107}(10)
- ^{F107}(11)
- (12) In this section—
 - “climate change” has the same meaning as in section 361A above;
 - “energy technologies” means technologies for—
 - (a) the production of energy, or
 - (b) the more efficient or effective use of energy;
 - “mitigation” has the same meaning as in section 361A above;
 - ^{F108} ...
 - “surface transport” means any form of transport other than transport by air.]

Textual Amendments

- F96** Ss. 361B, 361C inserted (E.W.) (23.10.2007 for specified purposes, 21.1.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 43(2)**, 59(4)(b); S.I. 2008/113, art. 2(i)
- F97** S. 361B heading substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 23 para. 8(2)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F98** S. 361B(1) repealed (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 23 para. 8(7), **Sch. 25 Pt. 33**; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)
- F99** Words in s. 361B(2) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 23 para. 8(3)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F100** Words in s. 361B(3) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 23 para. 8(4)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F101** Words in s. 361B(4) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 23 para. 8(5)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F102** Words in s. 361B(6) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 23 para. 8(6)(a)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F103** Words in s. 361B(6)(d) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 23 para. 8(6)(b)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)

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- F104** S. 361B(6)(d)(iii) repealed (31.3.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 32**; S.I. 2012/628, art. 4(d)
- F105** Words in s. 361B(6)(e) substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 23 para. 8(6)(b)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F106** S. 361B(7) repealed (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 23 para. 8(7), **Sch. 25 Pt. 33**; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)
- F107** S. 361B(9)-(11) repealed (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 23 para. 8(7), **Sch. 25 Pt. 33**; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)
- F108** Words in s. 361B(12) repealed (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 23 para. 8(7), **Sch. 25 Pt. 33**; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)

^{F109}361C Directions by the Secretary of State to revise the strategy

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Textual Amendments

- F109** S. 361C repealed (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 23 para. 9, **Sch. 25 Pt. 33**; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)

[^{F110}361D]^{F111}The London Environment Strategy: adaptation to climate change]

- ^{F112}(1)
- (2) The [^{F113}provisions of the London Environment Strategy dealing with adaptation to climate change] shall contain—
 - (a) the Mayor's assessment of the consequences of climate change for Greater London;
 - (b) the Mayor's proposals and policies for adaptation to climate change, so far as relating to Greater London.

^{F114}(3)

^{F114}(4)

^{F114}(5)

- (6) In this section—
 - “adaptation”, in relation to climate change, has the same meaning as in section 361A above;
 - “consequences”, in relation to climate change, has the same meaning as in section 361A above;
 - “climate change” has the same meaning as in section 361A above.]

Textual Amendments

- F110** Ss. 361D, 361E inserted (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 44(2), 59(7)**; S.I. 2008/113, art. 2(i)
- F111** S. 361D heading substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 23 para. 10(2)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F112** S. 361D(1) repealed (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 23 para. 10(4), **Sch. 25 Pt. 33**; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)

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F113 Words in s. 361D(2) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 10\(3\)](#); [S.I. 2012/1008](#), art. 3(e) (with arts. 7, 9-11)

F114 S. 361D(3)-(5) repealed (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 10\(4\)](#), [Sch. 25 Pt. 33](#); [S.I. 2012/1008](#), art. 3(e)(f) (with arts. 7, 9-11)

F115 361E Directions by the Secretary of State to revise the strategy

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Textual Amendments

F115 S. 361E repealed (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 11](#), [Sch. 25 Pt. 33](#); [S.I. 2012/1008](#), art. 3(e)(f) (with arts. 7, 9-11)

Air quality

362 [^{F116}The London Environment Strategy: air quality].

^{F117}(1)

- (2) The [^{F118}provisions of the London Environment Strategy dealing with air quality] shall contain the Mayor’s proposals and policies—
 - (a) for the implementation in Greater London of the policies contained in the strategy prepared and published by the Secretary of State in accordance with section 80 of the ^{M5}Environment Act 1995 (national air quality strategy), and
 - (b) for the achievement in Greater London of the air quality standards and objectives prescribed in regulations made under section 87(2)(a) and (b) of that Act,

and may contain such other proposals and policies relating to the improvement of air quality in Greater London as the Mayor considers appropriate.

- (3) The [^{F118}provisions of the London Environment Strategy dealing with air quality] shall also contain information about—
 - (a) the air quality in Greater London and the likely future air quality in Greater London,
 - (b) the measures which are to be taken by the Authority [^{F119}and Transport for London] for the purpose of the implementation of the [^{F118}provisions of the London Environment Strategy dealing with air quality],
 - (c) the measures which other persons or bodies are to be encouraged by the Mayor to take for the purpose of the implementation of the [^{F118}provisions of the London Environment Strategy dealing with air quality].
- (4) In preparing or revising the [^{F118}provisions of the London Environment Strategy dealing with air quality] the Mayor shall have regard—
 - (a) to reviews and assessments of air quality made by local authorities in Greater London in accordance with section 82 of the ^{M6}Environment Act 1995,
 - (b) to any designation by a local authority in Greater London of an air quality management area in accordance with section 83 of that Act,

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- (c) to any plan prepared for the purposes of the achievement of air quality standards by a local authority in Greater London in accordance with section 84(2)(b) of that Act, and
- (d) to any guidance about the content of the [^{F118}provisions of the London Environment Strategy dealing with air quality] given to him by the Secretary of State for the purposes of the implementation of the strategy prepared and published by the Secretary of State in accordance with section 80 of that Act, (national air quality strategy).

^{F120}(5)

^{F120}(6)

^{F120}(7)

<p>Textual Amendments</p> <p>F116 S. 362 heading substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 23 para. 12(2); S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)</p> <p>F117 S. 362(1) repealed (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 23 para. 12(4), Sch. 25 Pt. 33; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)</p> <p>F118 Words in s. 362(2)-(4) substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 23 para. 12(3); S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)</p> <p>F119 Words in s. 362(3)(b) substituted (31.3.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 20 para. 7; S.I. 2012/628, art. 4(c)</p> <p>F120 S. 362(5)-(7) repealed (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 23 para. 12(4), Sch. 25 Pt. 33; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)</p> <p>Marginal Citations</p> <p>M5 1995 c.25.</p> <p>M6 1995 c. 25.</p>
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363 Directions by the Secretary of State.

- (1) Where the Secretary of State considers that [^{F121}the condition] specified in subsection (2) below is satisfied, he may give the Mayor a direction about the content of the London air quality strategy.
- (2) The conditions mentioned in subsection (1) above are—
 - ^{F122}(a)
 - (b) that a direction about the content of the [^{F123}provisions of the London Environment Strategy dealing with air quality] is required for the purposes of the implementation of the policies contained in the strategy prepared and published by the Secretary of State in accordance with section 80 of the ^{M7}Environment Act 1995 (national air quality strategy).
- (3) The power of the Secretary of State to give a direction to the Mayor under subsection (1) above—
 - (a) may be exercised either generally or specially, and
 - (b) may only be exercised after consultation with the Mayor.
- (4) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor shall comply with the direction.

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Textual Amendments

- F121** Words in s. 363(1) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 13\(2\)](#); [S.I. 2012/1008](#), art. 3(e) (with arts. 7, 9-11)
- F122** S. 363(2)(a) repealed (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 13\(3\)\(a\)](#), [Sch. 25 Pt. 33](#); [S.I. 2012/1008](#), art. 3(e)(f) (with arts. 7, 9-11)
- F123** Words in s. 363(2)(b) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 13\(3\)\(b\)](#); [S.I. 2012/1008](#), art. 3(e) (with arts. 7, 9-11)

Marginal Citations

- M7** 1995 c. 25.

364 Duty of local authorities in Greater London.

In exercising any function under Part IV of the ^{M8}Environment Act 1995 (air quality) a local authority in Greater London shall have regard to the [^{F124}provisions of the London Environment Strategy dealing with air quality].

Textual Amendments

- F124** Words in s. 364 substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 14](#); [S.I. 2012/1008](#), art. 3(e) (with arts. 7, 9-11)

Marginal Citations

- M8** 1995 c.25.

365 Directions by the Mayor.

- (1) The Mayor may give a direction to any local authority in Greater London requiring the authority to provide him with such information, advice and assistance as he may require in the preparation and revision of the [^{F125}provisions of the London Environment Strategy dealing with air quality].
- (2) The power of the Mayor to give a direction to an authority under subsection (1) above may be exercised either generally or specially.
- (3) Where the Mayor gives an authority a direction under subsection (1) above, the authority to whom the direction is given shall comply with the direction.

Textual Amendments

- F125** Words in s. 365 substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 15](#); [S.I. 2012/1008](#), art. 3(e) (with arts. 7, 9-11)

366 Interpretation of sections 362 to 365.

For the purposes of sections 362 to 365 above “local authority” has the meaning given to it by section 91(1) of the Environment Act 1995.

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367 Directions under the Environment Act 1995.

- (1) Section 85 of the ^{M9}Environment Act 1995 (reserve powers of the Secretary of State in relation to air quality) shall be amended in accordance with ^{F126}subsections (2) to (5)]below.
- (2) In subsection (1) (definition of “appropriate authority” for the purposes of the section)
 - (a) in paragraph (a), for “England and Wales, the Secretary of State; and” there shall be substituted “ local authorities in England and Wales other than local authorities in Greater London, the Secretary of State; ”, and
 - (b) after that paragraph there shall be inserted—
 - “(aa) in relation to local authorities in Greater London, the Mayor of London; and”.
- (3) After subsection (4) there shall be inserted—
 - “(4A) The powers of the Mayor of London to give directions under this section to a local authority in Greater London may only be exercised after consultation with the local authority concerned.
 - (4B) In exercising any function under subsection (2), (3) or (4) above the Mayor of London shall have regard to any guidance issued by the Secretary of State to local authorities under section 88(1) below.”
- (4) In subsection (5) (power of the Secretary of State to give directions relating to obligations under the ^{F127}EU] Treaties or to international obligations) after “local authorities” there shall be inserted “ , other than local authorities in Greater London, ”.
- (5) After subsection (6) (publishing of directions under the section) there shall be inserted—
 - “(6A) The Mayor of London shall send a copy of any direction he gives under this section to the Secretary of State.”

Textual Amendments

F126 Words in s. 367(1) substituted (27.5.2000) by S.I. 2000/1435, art. 2, Sch 1 Pt. I para. 9

F127 Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 6 (with art. 3(2)(3), 4(2), 6(4)(5))

Marginal Citations

M9 1995 c. 25.

368 Duty of the Mayor in relation to air quality action plans.

After section 86 of the ^{M10}Environment Act 1995 (functions of county councils in relation to district councils) there shall be inserted—

“86A Functions exercisable by the Mayor of London.

- (1) Where a local authority in Greater London is preparing an action plan, the Mayor of London (referred to in this section as “the Mayor”) shall, within the relevant period, submit to the authority proposals for the exercise (so far as

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relating to the designated area) by the Mayor, in pursuit of the achievement of air quality standards and objectives, of any powers exercisable by the Mayor.

- (2) Where the Mayor submits proposals to a local authority in pursuance of subsection (1) above, he shall also submit a statement of the time or times by or within which he proposes to implement each of the proposals.
- (3) An action plan shall include a statement of—
 - (a) any proposals submitted pursuant to subsection (1) above; and
 - (b) any time or times set out in the statement submitted pursuant to subsection (2) above.”

Marginal Citations
M10 1995 c. 25.

369 Consultation with the Mayor.

In paragraph 1 of Schedule 11 to the ^{M11}Environment Act 1995 (duty of local authorities to consult certain persons in the exercise of their functions under Part IV of that Act), after sub-paragraph (2) there shall be inserted—

“(2A) A local authority specified in sub-paragraph (2B) below shall in carrying out the functions falling within sub-paragraph (1)(a) to (c) above also consult the Mayor of London.

- (2B) The local authorities mentioned in sub-paragraph (2A) above are—
 - (a) any local authority in Greater London,
 - (b) any local authority whose area is contiguous to the area of Greater London.”

Marginal Citations
M11 1995 c. 25.

Noise

370 [^{F128}The London Environment Strategy: ambient noise].

^{F129}(1)

- (2) The [^{F130}provisions of the London Environment Strategy dealing with ambient noise] shall consist of—
 - (a) information about ambient noise levels in Greater London and the impact of such noise levels on those living and working in Greater London,
 - (b) an assessment of the impact of the Mayor’s strategies specified in section 41(1) above on ambient noise levels in Greater London, and
 - (c) a summary of action taken, or proposed to be taken, by the Mayor for the purpose of promoting measures to reduce ambient noise levels in Greater London and the impact of such noise levels on those living and working in Greater London.

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(3) In this section—

“ambient noise” means—

- (a) noise related to transport, including road traffic, rail traffic, aircraft and water transport; and
- (b) noise of such other descriptions as the Mayor may consider it appropriate to include in the matters dealt with by the [^{F131}provisions of the London Environment Strategy dealing with ambient noise],

but does not include noise falling within subsection (4) below; and

“noise” includes vibration.

(4) Noise falls within this subsection if it is—

- (a) noise emitted from works falling within section 60(1) of the ^{M12}Control of Pollution Act 1974 (construction works etc. which may be controlled by a local authority);
- (b) noise caused by the operation of a loud-speaker in a street, whether or not the operation would be a contravention of section 62(1) of the ^{M13}Control of Pollution Act 1974 (loud-speaker not to be operated in the street during certain hours);
- (c) noise at work which, under or by virtue of the ^{M14}Health and Safety at Work etc. Act 1974, it is the duty of an employer to control; or
- (d) noise emitted from premises or emitted from or caused by a vehicle, machinery or equipment in a street, except noise caused by aircraft other than model aircraft or noise made by traffic;

but noise does not fall within this subsection if it is noise from a fixed industrial source.

(5) Expressions used in paragraph (d) of subsection (4) above and in section 79 of the ^{M15}Environmental Protection Act 1990 have the same meaning in that paragraph as they have in that section.

- ^{F132}(6)
- ^{F132}(7)
- ^{F132}(8)

Textual Amendments

- F128** S. 370 heading substituted (3.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 23 para. 16\(2\)](#); [S.I. 2012/1008, art. 3\(e\)](#) (with arts. 7, 9-11)
- F129** S. 370(1) repealed (3.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 23 para. 16\(5\), Sch. 25 Pt. 33](#); [S.I. 2012/1008, art. 3\(e\)\(f\)](#) (with arts. 7, 9-11)
- F130** Words in s. 370(2) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 23 para. 16\(3\)](#); [S.I. 2012/1008, art. 3\(e\)](#) (with arts. 7, 9-11)
- F131** Words in s. 370(3) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 23 para. 16\(4\)](#); [S.I. 2012/1008, art. 3\(e\)](#) (with arts. 7, 9-11)
- F132** S. 370(6)-(8) repealed (3.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 23 para. 16\(5\), Sch. 25 Pt. 33](#); [S.I. 2012/1008, art. 3\(e\)\(f\)](#) (with arts. 7, 9-11)

Marginal Citations

- M12** 1974 c. 40.
- M13** 1974 c. 40.

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M14 1974 c. 37.

M15 1990 c. 43.

371 Consultation about aviation noise.

- (1) A person who provides air navigation services shall consult the Mayor about the matters specified in subsection (2) below where it is reasonably practicable to do so.
- (2) Those matters are—
 - (a) the proposed alteration by that person of any route used regularly by civil aircraft before arrival at, or after departure from, any aerodrome;
 - (b) the proposed addition by that person of any route to be so used;
 - (c) any substantial alteration proposed to be made by that person to procedures used for managing the arrival of civil aircraft at any aerodrome,
 where the proposed alteration or addition will have a significant adverse effect on the noise caused by civil aircraft in Greater London.
- (3) For the purposes of subsection (2) above the reference to a route used regularly by civil aircraft includes a reference to the altitude at which such aircraft regularly fly.
- (4) In this section—
 - “aerodrome” has the meaning given by subsection (1) of section 105 of the ^{M16}Civil Aviation Act 1982;
 - “air navigation services” shall be construed in accordance with that subsection;
 - “noise” includes vibration.

Marginal Citations

M16 1982 c. 16.

372 Consultation at aerodromes.

- (1) Section 35 of the ^{M17}Civil Aviation Act 1982 (facilities to be provided by certain aerodromes for consultation with bodies representing local interests) shall be amended as follows.
- (2) After subsection (2) (persons or bodies to be consulted) there shall be inserted—
 - (3) The reference in subsection (2)(b) above to any local authority includes in relation to the area of Greater London a reference to the Mayor of London acting on behalf of the Greater London Authority.”.

Marginal Citations

M17 1982 c. 1.

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Miscellaneous and supplementary

373 Functional bodies to have regard to strategies under this Part.

In exercising any function, each of the functional bodies shall have regard to the strategies prepared and published by the Mayor under this Part.

374 Abolition of the London Ecology Committee.

The joint committee appointed pursuant to the provisions of Part VI of the ^{M18}Local Government Act 1972 and known as “the London Ecology Committee” is abolished by this section.

Marginal Citations

M18 1972 c. 70.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 334(2A)-(2E) substituted for s. 334(2)-(6) by [2023 c. 55 s. 95\(2\)](#)
- s. 334(9)-(11) inserted by [2023 c. 55 s. 95\(3\)](#)
- s. 337(1A) inserted by [2023 c. 55 s. 96\(1\)\(c\)](#)
- s. 337(2)(ca) inserted by [2023 c. 55 Sch. 6 para. 15](#)
- Sch. 23 para. 1(3A) inserted by [2023 c. 55 s. 244\(2\)](#)
- Sch. 23 para. 3A3B and cross-heading inserted by [2023 c. 55 s. 244\(3\)](#)
- Sch. 23 para. 4(2A)(2B) inserted by [2023 c. 55 s. 244\(4\)](#)
- Sch. 23 para. 4A and cross-heading inserted by [2023 c. 55 s. 244\(6\)](#)