



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 9

MISCELLANEOUS

Shopping and luggage trolleys

99 Abandoned shopping and luggage trolleys

- (1) Schedule 4 to the Environmental Protection Act 1990 (c. 43) is amended as follows.
- (2) In paragraph 3(2) (retention, return and disposal of trolleys: notice to owner) for “seized or removed” substitute “seized and removed”.
- (3) After paragraph 3 insert—
 - “3A (1) This paragraph applies where the local authority is entitled to sell or otherwise dispose of a shopping or luggage trolley in accordance with paragraph 3(1)(b).
 - (2) If it appears to the authority that a particular person is the owner of the trolley, the authority may charge him a sum in respect of the removal, storage and disposal of the trolley.
 - (3) The charge is payable to the authority on demand.
 - (4) The sum payable as a charge under this paragraph is recoverable by the authority as a debt due to it.
 - (5) In proceedings against a person under sub-paragraph (4) for enforcement of a charge, it is a defence for the person to prove that he was not the owner of the trolley to which the charge relates at the time it was removed.”
- (4) In paragraph 4 (charges)—

Status: This is the original version (as it was originally enacted).

- (a) in sub-paragraph (1)—
 - (i) for the words from “in fixing” to “sufficient” substitute “in fixing the charges to be paid under this Schedule, shall secure that the charges so payable are such as are sufficient”, and
 - (ii) for “such trolleys” substitute “shopping or luggage trolleys”, and
- (b) in sub-paragraph (2), after “paragraph 3” insert “or 3A”.

100 Section 99: transitional provision

- (1) This section applies if, before the commencement date, a local authority in England and Wales has resolved under section 99 of the Environmental Protection Act 1990 that Schedule 4 to that Act is to apply in its area.
- (2) If the day specified in the resolution for the coming into force of Schedule 4 in the authority’s area falls on or after the commencement date, the resolution is to be of no effect.
- (3) If Schedule 4 applies in the authority’s area immediately before the commencement date, the Schedule is to continue to apply in the authority’s area on and after the commencement date as it applied before that date.
- (4) But Schedule 4 shall not so apply in relation to any shopping or luggage trolley seized by the authority on or after the relevant day.
- (5) For the purposes of subsection (4) the relevant day is the earlier of—
 - (a) the third anniversary of the commencement date;
 - (b) if the authority resolves under section 99 of the Environmental Protection Act 1990 (c. 43) that Schedule 4 (as amended by section 99 of this Act) is to apply in its area, the day specified in the resolution as the day on which the Schedule (as so amended) comes into force in its area.
- (6) So long as Schedule 4 continues to apply as described in subsection (3), the reference in section 99(4) of the Environmental Protection Act 1990 to Schedule 4 is to be treated as including a reference to Schedule 4 as it so applies.
- (7) If the authority resolves under section 99 that Schedule 4 (as amended by section 99 of this Act) is to apply in its area, the authority may not in giving effect to paragraph 4(1) of Schedule 4 (as so amended) take into account charges payable in relation to shopping or luggage trolleys seized before the Schedule (as so amended) comes into force in its area.
- (8) Nothing in this section prevents the authority from bringing to an end the application of Schedule 4 in its area.
- (9) In this section—
 - “the commencement date” is the day on which section 99 of this Act comes into force;
 - “local authority” has the same meaning as in section 99 of the Environmental Protection Act 1990;
 - “luggage trolley” and “shopping trolley” have the same meaning as in Schedule 4 to that Act.