

## SCHEDULE 2

### FUNCTIONS

#### *Control of Pollution Act 1974*

4. The Control of Pollution Act 1974(1) shall be modified as follows.
5. Section 2 (preparation and revision of waste disposal plans) shall have effect as if—
  - (a) after subsection (3)(a)(i) the following sub-paragraphs were inserted—
    - “(ia) in a case where the plan or modification is prepared by a London waste disposal authority, the Common Council of the City of London or the council of a London borough, the London Waste Regulation Authority, and
    - (ib) in a case where the plan or modification is prepared by the council of the metropolitan district of Wigan, the Greater Manchester Waste Disposal Authority, and”;
  - and
  - (b) in subsections (3)(a)(ii) and (4) after the words “an English county disposal authority” the following words were inserted “or a London waste disposal authority”.
6. Section 5(4) (consultation on proposal to issue a disposal licence) shall have effect as if for paragraph (a) the following paragraph were substituted—
  - “(a) to refer the proposal to any water authority whose area includes any part of the relevant land and—
    - (i) in the case of the London Waste Regulation Authority, to any London waste disposal authority and any collection authority whose area includes any part of the relevant land;
    - (ii) in the case of an English county disposal authority, to any collection authority whose area includes any part of the relevant land; and”.
7. Section 11 (special provisions for land occupied by disposal authorities) shall have effect as if—
  - (a) in subsection (3) for paragraph (c) the following paragraph were substituted—
    - “(c) to refer the proposal and the statement to any water authority whose area includes any of the land in question and—
      - (i) in the case of the London Waste Regulation Authority, to any London waste disposal authority and any collection authority whose area includes any of the land in question;
      - (ii) in the case of an English county disposal authority, to any collection authority whose area includes any of the land in question;”;
  - (b) in subsection (3)(d) after the words “a water authority” the following words were inserted “, London waste disposal authority”; and
  - (c) at the end of subsection (11) the following subsection were inserted—
    - “(12) Any resolution passed in pursuance of this section by the Greater London Council or the Greater Manchester County Council which is in force immediately before 1st April 1986 in relation to land transferred by or under the Local Government Act 1985 to a London waste disposal authority, the Common Council of the City of London, the council

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(1) relevant amendments were made by paragraph 3 of Schedule 6 to the Local Government Act 1985.

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of a London borough or the council of the metropolitan district of Wigan (“the transferee authority”) shall have effect from that date as if it were a disposal licence granted under section 5 of this Act by the London Waste Regulation Authority or, as the case may be, the Greater Manchester Waste Disposal Authority to the transferee authority to use the land in question subject to the conditions specified in the resolution.”.

**8.** Section 12 (collection of waste) shall have effect as if—

(a) in subsection (2)—

- (i) after the words “English county disposal authority” the following words were inserted “, each London waste disposal authority”;
- (ii) for the words “an English collection authority” there were substituted the words “a collection authority in England whose area is included in the area of a disposal authority”;
- (iii) for the words “the relevant disposal authority” the following words were substituted “the disposal authority”; and

(b) in subsections (6) and (8) after the words “English county disposal authority” the following words were inserted “, a London waste disposal authority”.

**9.** Section 13(4) (dustbins etc.) shall have effect as if after the words “English county disposal authority” the following words were inserted “, a London waste disposal authority”.

**10.** Section 14 (disposal of waste in England and Wales) shall have effect as if—

(a) in subsection (1)—

- (i) after the words “English collection authority” the following words were inserted “and each collection authority in the area of a London waste disposal authority”;
- (ii) for the words “the relevant disposal authority” the following words were substituted “the disposal authority whose area includes that of the collection authority (‘the relevant disposal authority’)”;
- (iii) for the words “disposal authority” in each place where they subsequently occur the following words were substituted “relevant disposal authority”; and

(b) in subsections (2) and (8) for the words “an English collection authority” in each place where they occur the following words were substituted “a collection authority”.

**11.** Section 30 (interpretation) shall have effect as if—

(a) in subsection (1) the definitions of “disposal authority”, “English county disposal authority” and “relevant disposal authority” were omitted and the following definitions were inserted at appropriate places—

“‘area’, in relation to the Greater Manchester Waste Disposal Authority, means—

- (a) for the purposes of the waste disposal provisions of this Act, the metropolitan county of Greater Manchester excluding the metropolitan district of Wigan; and
- (b) for the purposes of the waste regulation provisions of this Act, the whole county;

‘disposal authority’ has the meaning given by subsections (2A) to (2D) of this section;

‘English county disposal authority’ means the council of a county in England, the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority;

‘London waste disposal authority’ means an authority established by Part II, III, IV or V of Schedule 1 to the Waste Regulation and Disposal (Authorities) Order 1985;

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'waste disposal provisions' means—

- (a) sections 1 and 2 (waste disposal arrangements and plans);
- (b) section 12 (collection of waste);
- (c) section 13(4) (provision of receptacles for industrial or commercial waste);
- (d) section 14 (disposal of waste);
- (e) section 17(2)(a) and (c) (disposal of dangerous or intractable waste);
- (f) sections 19 to 21 (powers in relation to disposal of waste which is not controlled waste, reclamation of waste and production of heat and electricity from waste); and
- (g) section 27(1) (interference with refuse tips and dustbins etc.);

“waste regulation provisions' means—

- (a) sections 3 to 11 (disposal licences);
- (b) section 16 (removal of waste deposited in breach of licensing provisions); and
- (c) section 17(1)(a) and (2)(b) to (d) (directions as to disposal of dangerous or intractable waste, supervision of certain activities, recovery of expenses and charges and appeals to the Secretary of State);”

,”;

; and

(b) after subsection (1) the following subsections were inserted—

“(2A) In Greater London the disposal authority is—

- (a) for the purposes of the waste disposal provisions of this Act—
  - (i) in the area of a London waste disposal authority, that authority;
  - (ii) in the City of London, the Common Council;
  - (iii) in any other London borough, the council of that borough; and
- (b) for the purposes of the waste regulation provisions of this Act, the London Waste Regulation Authority.

(2B) In the metropolitan county of Greater Manchester the disposal authority is—

- (a) for the purposes of the waste disposal provisions of this Act—
  - (i) in the metropolitan district of Wigan, the district council;
  - (ii) in all other areas in the county, the Greater Manchester Waste Disposal Authority; and
- (b) for the purposes of the waste regulation provisions of this Act, the Greater Manchester Waste Disposal Authority.

(2C) In the metropolitan county of Merseyside the disposal authority is the Merseyside Waste Disposal Authority.

(2D) In all other local authority areas in England the disposal authority is the council of the county or metropolitan district and in Wales it is the council of the district.”.

**12.** Section 98 (interpretation) shall have effect as if in paragraph (a) of the definition of “relevant authority” after the words “Middle Temple” the following words were inserted “, any authority established by the Waste Regulation and Disposal (Authorities) Order 1985”.

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