

SCHEDULE 2

Article 5

FUNCTIONS

Interpretation

1. In this Schedule “London waste disposal authority” means an authority established by Part II, III, IV or V of Schedule 1.

Radioactive Substances Act 1960

2. Section 19(1) of the Radioactive Substances Act 1960 (general interpretation provisions) shall have effect as if at the end of the definition of “local authority” the following words were added “or an authority established by the Waste Regulation and Disposal (Authorities) Order 1985”.

Local Government Act 1972

3.—(1) Paragraphs 5 and 6 of Schedule 14 to the Local Government Act 1972(1) (exercise of refuse disposal powers under sections 74(2) and 76(1) of the Public Health Act 1936 and charges) shall have effect as if references to a non-metropolitan county and its council included references to the areas of the following authorities and those authorities respectively—

- (a) a London waste disposal authority;
- (b) the Greater Manchester Waste Disposal Authority; and
- (c) the Merseyside Waste Disposal Authority.

(2) In this paragraph “area”, in relation to the Greater Manchester Waste Disposal Authority, means the metropolitan county of Greater Manchester excluding the metropolitan district of Wigan.

Control of Pollution Act 1974

4. The Control of Pollution Act 1974(2) 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—

(1) Relevant amendments were made by paragraph 2 of Schedule 6 to the Local Government Act 1985.

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

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- (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 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”;

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- (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;

‘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—

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- (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”.

The Refuse Disposal (Amenity) Act 1978

13. The Refuse Disposal (Amenity) Act 1978⁽³⁾ shall have effect subject to the following modifications.

14.—(1) In the area of a London waste disposal authority section 1 (provision by local authorities for disposal of refuse) shall have effect as if—

- (a) in subsection (3) the words “or disposal” were omitted; and
- (b) in subsection (4) the words “and dispose of” were omitted.

(2) Where the council of a London borough provides a place for the deposit of refuse in pursuance of section 1 in the area of a London waste disposal authority, the authority shall be under a duty to sell or otherwise dispose of refuse deposited at that place and the council shall afford them access for that purpose at all reasonable times.

(3) A London waste disposal authority shall have power to provide plant and apparatus for the disposal of refuse in pursuance of sub-paragraph (2) and, where the council enter into an agreement with a person under section 1(4), the authority shall also have power to enter into an agreement with that person for the discharge of its duty under sub-paragraph (2).

(4) Section 1(7) shall have effect as if for the definition of “local authority” the following definition were substituted—

““local authority” means, in relation to England—

- (a) in Greater London, the council of a London borough or the Common Council;

(3) relevant amendments were made by paragraph 4 of Schedule 6 to the Local Government Act 1985.

- (b) in the metropolitan county of Greater Manchester (excluding the metropolitan district of Wigan), the Greater Manchester Waste Disposal Authority;
- (c) in the metropolitan county of Merseyside, the Merseyside Waste Disposal Authority;
- (d) in all other areas in England, the council of the county or metropolitan district; and”.

15. Section 3 (removal of abandoned vehicles) shall have effect as if—

- (a) after subsection (5) the following subsection were inserted—

“(6) Any vehicle removed under this section by the council of a London borough whose area is included in the area of a London waste disposal authority, or by the council of a metropolitan district whose area is included in the area of the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority, shall be delivered by them to the authority in question in accordance with such arrangements (including arrangements as to the sharing of any expenses incurred or sums received by the council and the authority under this Act) as may be agreed between the council and the authority or, in default of agreement, as may be determined by arbitration.”;

- (b) subsection (8) shall have effect as if after the words “local authority” the following words were inserted—

“, a London waste disposal authority, the Greater Manchester Waste Disposal Authority, the Merseyside Waste Disposal Authority”

; and

- (c) at the end of subsection (9) the following

subsection were inserted—

“(10) In this section and section 5 the area of the Greater Manchester Waste Disposal Authority is the metropolitan county of Greater Manchester excluding the metropolitan district of Wigan.”.

16. Section 4 (disposal of removed vehicles) shall have effect as if for subsection (8) the following subsection were substituted—

“(8) In this section ‘local authority’ means , in relation to England—

- (a) in the area of a London waste disposal authority, that authority;
- (b) in other areas of Greater London, the council of a London borough or the Common Council;
- (c) in the metropolitan county of Greater Manchester (excluding the metropolitan district of Wigan), the Greater Manchester Waste Disposal Authority;
- (d) in the metropolitan county of Merseyside, the Merseyside Waste Disposal Authority; and
- (e) in other areas in England, the council of the county or metropolitan district.”.

17. Section 5 (recovery of expenses connected with removed vehicles) shall have effect as if—

- (a) in subsection (4) for the definition of “appropriate authority” the following definition were substituted—

“‘appropriate authority’ means —

- (a) in the case of a vehicle removed in pursuance of section 3(1) above by the council of a London borough whose area is included in the area of a London waste disposal authority, that authority;

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- (b) in the case of a vehicle so removed by the council of a metropolitan district whose area is included in the area of the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority, the authority in question;
- (c) in the case of a vehicle so removed by the council of a non-metropolitan district in England, the county council; and
- (d) in the case of a vehicle so removed by any other local authority in England or by a local authority in Wales, that local authority; and ”

; and

- (b) in subsection (5) after the words “subsection (1)(b) above” there were inserted the following paragraph—

“(a) a vehicle removed in pursuance of section 3(1) above by the council of a London borough whose area is included in the area of a London waste disposal authority, or by the council of a metropolitan district whose area is included in the area of the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority, shall be treated as in the control of the authority in question while it was in the custody of the council by whom it was so removed; and ”.

18. Section 11(1) (interpretation) shall have effect as if the following definition were inserted after the definition of “local 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;”.

Regulations

19. The Control of Pollution (Licensing of Waste Disposal) Regulations 1976 and the Control of Pollution (Special Waste) Regulations 1980 shall have effect as if—

- (a) in relation to Greater London, references to a disposal authority were references to the London Waste Regulation Authority;
- (b) in relation to the metropolitan county of Greater Manchester, references to a disposal authority were references to the Greater Manchester Waste Disposal Authority; and
- (c) in relation to the metropolitan county of Merseyside, references to a disposal authority were references to the Merseyside Waste Disposal Authority.