
STATUTORY INSTRUMENTS

1991 No. 1325

ENVIRONMENTAL PROTECTION

The Litter Control Areas Order 1991

<i>Made</i>	- - - -	<i>5th June 1991</i>
<i>Laid before Parliament</i>		<i>10th June 1991</i>
<i>Coming into force</i>	- -	<i>1st July 1991</i>

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred on them by section 90(1), (2) and (7) of the Environmental Protection Act 1990(1), and of all other powers enabling them in that behalf, hereby make the following Order:—

Citation and commencement

1. This Order may be cited as the Litter Control Areas Order 1991 and shall come into force on 1st July 1991.

Land which may be designated as a litter control area

2.—(1) Subject to paragraph (2), land of the following descriptions may be designated under section 90(3) of the Environmental Protection Act 1990 as, or as part of, a litter control area:

- (a) car parks to which the public are entitled or permitted to have access;
- (b) land forming a retail shopping development which has a gross retail floorspace of 5,000 square metres or more, other than the land within that development which is retail floorspace or ancillary space used directly with retail floorspace;
- (c) land to which the public are entitled or permitted to have access, which is open to the air, and which forms part of a business or office park or an industrial or trading estate with a gross floor space of 5,000 square metres or more;
- (d) land used as a cinema, theatre, concert hall, bingo hall, casino, dance hall, swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, or as an amusement arcade or centre;
- (e) any part of an inland beach or the seashore (that is to say every cliff, bank, barrier, dune, beach, flat or other land adjacent to and above the place to which the tide flows at mean high water springs) which is—

- frequently used by large numbers of people, and managed by the person having direct control of it as a tourist resort or recreational facility;
- (f) any esplanade or promenade which is above the place to which the tide flows at mean high water springs;
- (g) land which is, or is part of, an aerodrome licensed under Part IX of the Air Navigation Order 1989(2), other than an aerodrome operated by a relevant airport operator within the meaning of Part V of the Airports Act 1986(3);
- (h) land which is, or is part of, a marina, or other similar recreational boating facility and is above the place to which the tide flows at mean high water springs, other than an area used solely for repairing boats;
- (i) land which is, or is part of, a motorway service station;
- (j) land to which the public are entitled or permitted to have access, which is open to the air, and which is under the direct control of—
- (i) a parish or community council or parish trustees,
 - (ii) an urban development corporation established under Part XVI of the Local Government, Planning and Land Act 1980(4),
 - (iii) a new town development corporation established under section 3 of the New Towns Act 1981(5) or section 2 of the New Towns (Scotland) Act 1968(6),
 - (iv) the Development Board for Rural Wales,
 - (v) the Commission for the New Towns,
 - (vi) an authority established under section 10 of the Local Government Act 1985(7) (waste disposal authorities),
 - (vii) a joint authority established by Part IV of the Local Government Act 1985 (police, fire services, civil defence and transport),
 - (viii) a residuary body established under section 57(1) of the Local Government Act 1985 or any body established pursuant to an order under section 67 of that Act (successors to residuary bodies),
 - (ix) a housing action trust established under section 62 of the Housing Act 1988(8),
 - (x) the Broads Authority,
 - (xi) a joint or special planning board constituted for a National Park by an Order under paragraph 1 or paragraph 3 of Schedule 17 to the Local Government Act 1972(9), or
 - (xii) a health service body as defined in section 60(7) of the National Health Service and Community Care Act 1990(10) or an NHS trust established under section 5 of that Act or under section 12A of the National Health Service (Scotland) Act 1978(11);
- (l) land on which a market is held, other than land forming part of a highway or, in Scotland, a public road;

(2) S.I.1989/2004.

(3) 1986 c. 31.

(4) 1980 c. 65.

(5) 1981 c. 64.

(6) 1968 c. 16.

(7) 1985 c. 51.

(8) 1988 c. 50.

(9) 1972 c. 70.

(10) 1990 c. 19.

(11) 1978 c. 29; section 12A was inserted by section 31 of the National Health Service and Community Care Act 1990.

- (m) land forming, or forming part of, a camping or caravan site (including a mobile home site) which is used for more than 28 days in one year,
- (n) a trunk road picnic area provided by the Minister under section 112 of the Highways Act 1980⁽¹²⁾ or, in Scotland, by the Secretary of State under section 55 of the Roads (Scotland) Act 1984⁽¹³⁾, or a picnic site provided by a local planning authority under section 10(2) of the Countryside Act 1968⁽¹⁴⁾ or, in Scotland, a picnic place provided by an islands or district council or a general or district planning authority under section 2(2)(a)(i) of the Local Government (Development and Finance) (Scotland) Act 1964⁽¹⁵⁾.

(2) Land as respects which section 89(1)(a) to (f) of the Environmental Protection Act 1990 imposes a duty may not be designated as, or as part of, a litter control area.

Form of designation orders

3.—(1) Subject to paragraph (2), a designation order under section 90(3) of the Environmental Protection Act 1990 shall be in the form prescribed in the Schedule to this Order.

(2) In Scotland, for the words “the map forming part of this Order, sealed with the common seal of the (a)” in the prescribed form there shall be substituted the words “the map executed as relative to and forming part of this Order”.

5th June 1991 *Michael Heseltine*
Secretary of State for the Environment

5th June 1991 *David Hunt*
Secretary of State for Wales

5th June 1991 *James Douglas-Hamilton*
Parliamentary Under Secretary of State, Scottish
Office

(12) 1980 c. 66.

(13) 1984 c. 54.

(14) 1968 c. 41.

(15) 1964 c. 67; section 2(2) is to be read with section 9(1) of and Schedule 12 to the Local Government and Planning (Scotland) Act 1982 (c. 43).

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THE SCHEDULE

Article 3

LITTER CONTROL AREA DESIGNATION ORDER THE ENVIRONMENTAL PROTECTION ACT 1990

The **(a)**, being of the opinion that, by reason of the presence of litter or refuse, the condition of the land described in paragraph 2 of this Order is, and unless they make a designation order is likely to continue to be, such as to be detrimental to the amenities of the locality, hereby make the following Order under section 90(3) of the Environmental Protection Act 1990:—

1. This Order may be cited as the **(b)**, and shall have effect from **(c)**.
2. The land which –
 - (i) is delineated and shown **(d)** on the map forming part of this Order, sealed with the common seal of the **(a)** and marked “Map forming part of the **(b)**”, and
 - (ii) is briefly described in the Schedule to this Order,

is designated as a litter control area for the purposes of Part IV of the Environmental Protection Act 1990.

SCHEDULE

(e)

Notes on the use of the form

- (a) Insert name of the principal litter authority making the order.
- (b) Insert title of order, which should indicate the general area within which the designated land is situated.
- (c) Insert date (which should be a date after the day on which the designation order is made) on which the designation is to take effect.
- (d) Describe the colouring or other method used to identify the land on the map. The boundaries of the land should be clearly delineated, and the map should contain sufficient detail to enable the situation of the land to be readily identified by reference to the description given in the Schedule.
- (e) The description of the land should contain sufficient detail to tell the reader approximately where the land is situated without reference to the map.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies throughout Great Britain, prescribes the descriptions of land which may be designated as litter control areas under section 90(3) of the Environmental Protection Act 1990, and prescribes the form of designation orders under that section.