



London Local Authorities Act 2000

2000 CHAPTER vii

PART III

PUBLIC HEALTH

17 Interpretation of Part III

(1) In this Part of this Act—

“the Act of 1936” means the Public Health Act 1936;

“the Act of 1990” means the Environmental Protection Act 1990;

“cleansing notice” means a notice served under subsection (1) of section 19 (Cleansing relevant land of litter and refuse) of this Act;

“relevant land” means any street in the area of a participating council together with any land which is in the open air and is adjacent to such a street otherwise than land comprised in a highway but does not include—

- (a) any land which a person has a duty to ensure is, so far as is practicable, kept clear of litter and refuse by virtue of section 89 of the Act of 1990; or
- (b) any canal or inland navigation belonging to or under the control of the British Waterways Board, or any works, lands or premises belonging to or under the control of the British Waterways Board and held or used by them in connection with such canal or inland navigation;

“relevant premises” means—

- (a) premises which front or abut on relevant land; and
- (b) premises which are served by the relevant land as a means of access; and
- (c) where any such premises as are mentioned in paragraph (a) above form part of a building in which other premises are situated, those other premises;

“street” has the same meaning as in section 343 (Interpretation) of the Act of 1936 but does not include a highway;

“waste control enactments” means—

- (a) the following sections of the Act of 1990:—
 - (i) section 45 (Collection of controlled waste); and

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- (ii) section 46 (Receptacles for household waste); and
 - (iii) section 47 (Receptacles for commercial or industrial waste); and
 - (b) section 19 (Cleansing relevant land of litter and refuse) of this Act.
- (2) The definitions in section 75 of the Act of 1990 shall apply for the purposes of this Part of this Act.

18 Enforcement of waste control enactments

The following sections of the Control of Pollution Act 1974 shall have effect as if references therein to that Act included references to the waste control enactments—

- (a) section 91 (Rights of entry and inspection, etc.); and
- (b) section 92 (Provisions supplementary to s. 91).

19 Cleansing relevant land of litter and refuse

- (1) A participating council may by notice specify the standards and frequency at which relevant land requires to be swept and cleansed so as to keep it reasonably clear of litter and refuse and shall serve a copy of such notice on the owner of the relevant land or the owner or occupier of any relevant premises.
- (2) If, at any time after the expiration of 42 days from the service of the cleansing notice, the council determine that the relevant land is not being swept and cleansed in accordance with the notice then the council shall give notice of this determination to the person on whom the cleansing notice was served and may cause the relevant land to be swept and cleansed.
- (3) At any time the council may decide to revoke any cleansing notice or any determination made under subsection (2) above and shall give notice of any such decision to the person who was served with the cleansing notice or the determination, as the case may be and may serve a fresh cleansing notice or make a fresh determination as the case may be.
- (4) A person served with a cleansing notice or a notice under subsection (2) above may appeal to a magistrates' court acting for the petty sessions area in which the relevant land is situated on any of the following grounds which are appropriate in the circumstances of the particular case:—
- (a) that the notice or requirement under the notice is not justified by the terms of this section;
 - (b) that there has been some informality, defect or error in, or in connection with, the notice;
 - (c) that the standards and frequency at which the sweeping and cleansing is to be carried out are unreasonable;
 - (d) that it would have been equitable for the notice to have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier;
 - (e) where the sweeping and cleansing is for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.

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- (5) If and in so far as an appeal under this section is based on the ground of some informality, defect or error in or in connection with the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.
- (6) Where the grounds upon which an appeal under this section is brought include a ground specified in paragraph (d) or paragraph (e) of subsection (4) above, the appellant shall serve a copy of his notice of appeal on each other person referred to, and in the case of any appeal under this section may serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question, and on the hearing of the appeal the court may make such order as it thinks fit with respect to the person by whom any sweeping and cleansing is to be carried out and the contribution to be made by any other person towards the cost of the work, or as to the proportions in which any expenses which may become recoverable by the council are to be borne by the appellant and such other person.
- In exercising its powers under this subsection, the court shall have regard—
- (a) as between an owner and an occupier, to the terms and conditions whether contractual or statutory, of the tenancy and to the nature of the works required; and
- (b) in any case, to the degree of benefit to be derived by the different persons concerned.
- (7) Subject to such right of appeal as aforesaid, where the council causes land to be swept and cleansed under subsection (2) above, they may recover from the person on whom the cleansing notice was served the expenses reasonably incurred by them in so doing.
- (8) In proceedings by the council for the recovery of any expenses under subsection (7) above, it shall not be open to the defendant to raise any question which he could have raised on an appeal under this section.
- (9) Sections 275, 283(1), 285, 289 and 300 of the Act of 1936 shall apply to a cleansing notice.
- (10) Sections 278, 283(1), 285, 291 and 300 of the Act of 1936 shall apply to a notice under subsection (2) above.
- (11) The sections of the Act of 1936 mentioned in subsections (9) and (10) above shall apply to notices served under this section as if—
- (a) references therein to that Act included references to this section; and
- (b) references therein to the execution of works included references to the carrying out of sweeping and cleansing and cognate terms shall be construed accordingly.
- (12) Section 291 of the Act of 1936 shall apply to notices served under subsection (2) above as if references to the owner of the premises in respect of which the expenses were incurred included references to the person on whom the cleansing notice was served.

20 Collection and disposal of waste

Where a cleansing notice is served in respect of relevant land—

- (a) if the land is swept and cleansed in accordance with the notice any resulting litter or refuse left for removal shall be treated as commercial waste; and

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- (b) if the land is swept and cleansed by the council in pursuance of subsection (2) of section 19 (Cleansing relevant land of litter and refuse) of this Act any such litter or refuse shall be treated as household waste.

21 Offence of leaving litter

Section 87 of the Act of 1990 (which provides for an offence of leaving litter) shall apply to any relevant land in respect of which a cleansing notice has been served in so far as that land does not constitute a public open place for the purposes of the said section 87.