



Litter Act 1983

CHAPTER 35

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ELIZABETH II



Litter Act 1983

1983 CHAPTER 35

An Act to consolidate the Litter Acts 1958 and 1971, together with section 51 of the Public Health Act 1961, section 4 of the Local Government (Development and Finance) (Scotland) Act 1964 and section 24 of the Control of Pollution Act 1974 and related provisions of those Acts. [13th May 1983]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) If any person throws down, drops or otherwise deposits in, into or from any place in the open air to which the public are entitled or permitted to have access without payment, and leaves, any thing whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any place in the open air, he shall be guilty of an offence, unless that depositing and leaving was authorised by law or was done with the consent of the owner, occupier or other person or authority having control of the place in or into which that thing was deposited. Penalty for leaving litter.

(2) For the purposes of subsection (1) above, any covered place open to the air on at least one side and available for public use shall be treated as being a place in the open air.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) In sentencing a person convicted of an offence under this section, the court shall have regard not only to the purpose of the section in preventing the defacement by litter of places in the open air, but also to the nature of the litter and any resulting risk (in the circumstances of the offence) of injury to persons or animals or of damage to property.

(5) In England and Wales, without prejudice to the powers of any other person, a litter authority shall have power to institute proceedings for an offence under this section committed within their area or on land controlled or managed by them.

(6) In subsection (5) above, "litter authority" includes the Greater London Council.

(7) In Scotland, an offence under this section may be prosecuted in any court of summary jurisdiction within the meaning of the Criminal Procedure (Scotland) Act 1975 having jurisdiction in the place where the offence was committed.

1975 c. 21.

Publicity regarding penalty for leaving litter.

2. A local authority, with a view to promoting the abatement of litter, may take such steps as the authority think appropriate for making the effect of section 1(3) and (4) above known to the public in their area.

Grants for publicity discouraging litter.

3. The Secretary of State may with the consent of the Treasury make grants to any body for the purpose of assisting the body to encourage the public not to deface places by litter.

Consultations and proposals for abatement of litter.

4.—(1) In England and Wales, it shall be the duty of—

(a) the council of each county and the other litter authorities whose areas are included in the county, and

(b) where the county includes land in a National Park without a Park board, the National Park Committee for that Park,

to consult from time to time together, and with such voluntary bodies as they consider appropriate and as agree to participate in the consultations, about the steps which the county council, each of the other litter authorities, the National Park Committee (if any) and each of the bodies are to take for the purpose of abating litter in the county; and it shall be the duty of the county council—

(i) to prepare and from time to time revise a statement of the steps which the council, each of the other litter authorities, the National Park Committee (if any) and each of the bodies agree to take for that purpose, and

(ii) to take such steps as in their opinion will give adequate publicity in the county to the statement, and

(iii) to keep a copy of the statement available at their principal office for inspection by the public free of charge at all reasonable hours.

(2) Subsection (1) above applies to Greater London and the Greater London Council as it applies to a county and the council of a county.

(3) In subsection (1) above, "litter authority" includes a parish meeting but not a joint body.

(4) In Scotland, it shall be the duty of—

(a) the council of each region, and the district councils of which the districts are included in the region, to consult from time to time together, and with such voluntary bodies as the regional council and the district councils consider appropriate and as agree to participate in the consultations, and

(b) the council of each islands area to consult with such voluntary bodies as the council consider appropriate and as agree to participate in the consultations,

about the steps which the regional or islands council and each of the bodies with which they consulted (including, in the case of a regional council, each district council) are to take for the purpose of abating litter in the region or, as the case may be, islands area; and it shall be the duty of the regional or islands council—

(i) to prepare and from time to time revise a statement of the steps which the regional or islands council and each of the bodies agree to take for the purpose,

(ii) to take such steps as in their opinion will give adequate publicity in their area to the statement, and

(iii) to keep a copy of the statement available at their principal office for inspection by the public free of charge at all reasonable hours.

(5) The Secretary of State may by order repeal or amend any provision of—

(a) any local Act (including an Act confirming a provisional order) passed before 31st July 1974 (the date on which the Control of Pollution Act 1974 was passed), or 1974 c. 40.

(b) any order or other instrument made under an Act so passed.

if it appears to him that the provision is inconsistent with, or has become unnecessary or requires alteration in consequence of, any provision of this section.

Litter bins in
England and
Wales.

5.—(1) A litter authority in England and Wales may provide and maintain in any street or public place receptacles for refuse or litter (in this section referred to as “litter bins”).

(2) It shall be the duty of a litter authority in England and Wales to make arrangements for the regular emptying and cleansing of any litter bins provided or maintained by them under this section or under section 185 of the Highways Act 1980; and such an authority shall have power to cleanse and empty litter bins provided in any street or public place by them or any other person.

1980 c. 66.

(3) The regular emptying mentioned in subsection (2) above shall be sufficiently frequent to ensure that no such litter bin or its contents shall become a nuisance or give reasonable ground for complaint.

(4) In any place where a litter bin may be provided or maintained under this section or under section 185 of the Highways Act 1980, a litter authority may put up notices about the leaving of refuse and litter, and for that purpose may, subject to the provisions of this section, erect and maintain notice boards.

1971 c. lxi.

(5) Subject to section 13 of the City of London (Various Powers) Act 1971 (which empowers the Common Council of the City of London to affix litter bins), a litter authority shall not have power under this section to place any litter bin or any notice board—

1906 c. 25.

(a) on any land forming part of an open space as defined in the Open Spaces Act 1906 which is provided by or under the management and control of some other litter authority or a parish meeting, without the consent of that authority or meeting, or

(b) on any other land not forming part of a street, without the consent of the owner and of the occupier of that land.

(6) The powers conferred by this section shall only be exercisable with the consent of the persons mentioned in the Table in paragraph 1 of Schedule 1 to this Act, and paragraphs 2 and 3 of that Schedule shall have effect in relation to those consents.

(7) A litter authority may sell refuse or litter removed by them from any litter bins.

(8) A litter authority may not, under this section, do anything that is unlawful under the law relating to ancient monuments or to town and country planning.

(9) Any person who wilfully removes or otherwise interferes with any litter bin or notice board provided or erected under this section or section 185 of the Highways Act 1980 shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale. 1980 c. 66.

(10) The court by which a person is convicted under subsection (9) above may order him to pay a sum not exceeding £20 as compensation to the litter authority concerned, and any such order shall be enforceable in the same way as an order for costs to be paid by the offender.

(11) This section applies to a receptacle provided under section 76 of the Public Health Act 1936 or section 51 of the Public Health Act 1961 as if it had been provided under this section. 1936 c. 49. 1961 c. 64.

6.—(1) A county council may if they think fit make a contribution to any expenditure incurred by a parish council or a community council under section 5 above. Provisions supplementary to s. 5.

(2) A parish council or community council may contribute towards—

- (a) the reasonable expenses incurred by any person in doing anything which the council have power to do under section 5 above, and
- (b) the expenses incurred by any other parish council or community council in exercising their powers under that section.

(3) Two or more parish councils or community councils may by agreement combine for the purpose of exercising their powers under section 5 above.

(4) The Secretary of State may, subject to subsection (5) below, by order repeal or amend any provision—

- (a) in any local Act passed before 3rd August 1961 (the date on which the Public Health Act 1961 was passed),
- (b) in any Act passed before that date and confirming a provisional order, or
- (c) in any order or other instrument made under an Act before that date,

where it appears to him that that provision is inconsistent with, or has become unnecessary in consequence of, section 5 above or this section.

(5) The Secretary of State shall not make an order under subsection (4) above repealing or amending a provision in a local Act the Bill for which was promoted by—

- (a) a county council, a district council, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple, the Under Treasurer of the Middle Temple or the Council of the Isles of Scilly, or
- (b) any authority, board, commissioners, trustees or other body whose functions under the local Act have become exercisable by such a council, Sub-Treasurer or Under Treasurer as aforesaid,

except on the application of that council, Sub-Treasurer or Under Treasurer.

(6) Where—

- 1972 c. 70. (a) a resolution under subsection (3) of section 147 of the Local Government Act 1972 (resolution declaring expenses to be special expenses chargeable only on part of a district council's area), or
- 1933 c. 51. (b) an order under section 190(3) of the Local Government Act 1933 that, by virtue of subsection (6) of the said section 147, continues to have effect as if it were such a resolution,

1961 c. 64. contains, or has effect as if it included, a reference to section 51 of the Public Health Act 1961 (litter bins), that reference shall have effect as if it were a reference to the said section 51 or section 5 above.

(7) Sections 283 to 285, 288, 304, 305, 341 and 343 of the Public Health Act 1936 apply in relation to section 5 above, this section and Schedule 1 to this Act as if section 5, this section and that Schedule were contained in the said Act of 1936.

(8) In section 5 above, "litter authority" includes the Council of the Isles of Scilly but not a joint body or a Park board.

Litter bins in Scotland.

7.—(1) A litter authority in Scotland may provide and maintain receptacles for the deposit of litter (in this section referred to as "litter bins"), and may within their area set up litter bins in any place situated—

- 1973 c. 65. (a) in or adjacent to any road maintainable, or public way maintained, by any local authority or general, regional or district planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973, or
- (b) on any land owned or occupied by the litter authority.

(2) A litter authority in Scotland—

- (a) shall from time to time empty and cleanse any litter bins set up by them under subsection (1) above,
- (b) may so deal with any other litter bins set up in any place in their area, being a place situated as mentioned in subsection (1) above,
- (c) may in such manner as they think fit remove and dispose of litter taken from such litter bins or any litter found lying in any such place.

(3) For the purpose of the exercise of their powers under subsection (2) above, a litter authority may provide and use such plant or apparatus for treating or disposing of litter as they may think necessary.

(4) The powers conferred on a litter authority by this section shall be exercisable in relation to any place in their area which is not situated as mentioned in subsection (1) above, but in relation to such a place the powers shall be so exercisable—

- (a) only with the consent of all persons having an interest in the land on which the place is situated,
- (b) on such terms as may be arranged between the litter authority and those persons.

(5) A litter authority may arrange by agreement for any power conferred or duty imposed on them by this section to be exercised or performed on their behalf by some other person on such terms as may be specified in the agreement.

(6) This section has effect in substitution for the corresponding provisions of any local Act regarding the provision of litter bins and the removal and disposal of litter by a litter authority in Scotland, and every such corresponding provision shall cease to have effect.

8.—(1) A litter authority may make contributions towards expenditure incurred or to be incurred by any other local authority or by any voluntary organisation in the doing of anything which could have been done under section 7 above by the litter authority; and a litter authority may receive from any other person contributions towards expenditure incurred or to be incurred by them under that section. Provisions supplementary to s. 7.

(2) In subsection (1) above, “voluntary organisation” means any body of persons, whether corporate or unincorporate, carrying on or proposing to carry on an undertaking otherwise than for profit, and includes a community council within the meaning of the Local Government (Scotland) Act 1973.

1973 c. 65.

(3) Subject to subsection (4) below, where any person having such an interest in any land as enables him to bind the land enters into any agreement relating to the land with a litter

authority acting in exercise of powers conferred on them by section 7 above, the agreement may be registered in the Land Register of Scotland, and if so registered shall, subject to subsection (5) below, be enforceable at the instance of the litter authority against persons deriving title to the land from the person who entered into the agreement.

1979 c. 33.

(4) Where the land is wholly in an area in respect of which the provisions of the Land Registration (Scotland) Act 1979 relating to registration have not come into operation, subsection (3) above shall apply as if for the words "registered in the Land Register of Scotland, and if so registered" there were substituted the words "recorded in the Register of Sasines, and if so recorded".

(5) An agreement under subsection (3) above shall not be enforceable against a third party who has in good faith and for value acquired right (whether completed by infetment or not) to the land before the agreement was registered or recorded as aforesaid, or against any person deriving title from such third party.

(6) On the application of any local authority directly concerned, the Secretary of State may by order repeal or amend any provision—

1964 c. 67.

(a) in any local Act passed before the 31st July 1964 (the date on which the Local Government (Development and Finance) (Scotland) Act 1964 was passed), or

(b) in any Act passed before that date and confirming a provisional order,

where it appears to him that the provision is inconsistent with, or has become unnecessary in consequence of, section 7 above or this section.

(7) In section 7 above and this section—

"land" includes any structure or erection on land, land covered with water and any interest or right in or over land;

"litter" includes derelict vehicles, vessels and scrap metal and rubbish of any description;

"litter authority" means an islands or district council;

"local authority" means a regional, islands or district council.

Orders.

9.—(1) An order under this Act shall be made by statutory instrument.

(2) Any such statutory instrument, other than one made under section 13(2) below, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) An order under section 4 above may make different provision for different circumstances.

(4) Before making an order under section 6 or 8 above, the Secretary of State shall consult—

- (a) as to an order under section 6, with any of the authorities mentioned in section 6(5)(a),
- (b) as to an order under section 8, with any local authority (as defined in that section),

who appear to him to be concerned, not being an authority on whose application the order is made.

(5) An order under this Act, other than one made under section 13(2) below, may contain such transitional, supplemental or incidental provisions as appear to the Secretary of State to be appropriate.

10. In this Act—

Interpretation.

“joint body” means a joint body constituted solely of two or more such councils as are mentioned in paragraphs (a) to (f) of the definition of “litter authority” below ;

“litter authority”, in relation to England and Wales, means, except so far as is otherwise provided—

- (a) a county council,
- (b) a district council,
- (c) a London borough council,
- (d) the Common Council of the City of London,
- (e) a parish council,
- (f) a community council,
- (g) a joint body,
- (h) a Park board,
- (i) the Sub-Treasurer of the Inner Temple, or
- (j) the Under Treasurer of the Middle Temple ;

“National Park Committee” means a committee appointed to perform functions under paragraph 5 of Schedule 17 to the Local Government Act 1972 ;

1972 c. 70.

“Park board”, in relation to a National Park, means—

(a) a joint planning board reconstituted under paragraph 1 of Schedule 17 to the Local Government Act 1972 ; or

(b) a board reconstituted as a special planning board under paragraph 3 of that Schedule ;

“standard scale” has the meaning given to it by section 75 of the Criminal Justice Act 1982.

1982 c. 48.

Isles of Scilly.

11. Sections 3 and 4 above shall have effect in their application to the Isles of Scilly with such modifications, additions, omissions and amendments as the Secretary of State may by order specify.

Consequential
amendments
and repeals.
1968 c. 41.
1971 c. lxi.

12.—(1) Section 42(4)(a) of the Countryside Act 1968 is amended by substituting for the words “the provisions of the Litter Act 1958” the words “section 1 of the Litter Act 1983”.

(2) Section 13(1) of the City of London (Various Powers) Act 1971 is amended by substituting for the words “section 51 of the Public Health Act 1961” the words “sections 5 and 6 of the Litter Act 1983”.

(3) The enactments specified in Schedule 2 to this Act are repealed to the extent specified in the third column of that Schedule.

Short title,
commence-
ment and
extent.
1974 c. 40.

13.—(1) This Act may be cited as the Litter Act 1983.

(2) Section 4 of this Act, and sections 12(3) and Schedule 2 so far as they repeal section 24(1) to (3) of the Control of Pollution Act 1974, shall come into force on such day as the Secretary of State may by order appoint, and different days may be appointed for different provisions or for different purposes thereof.

(3) The rest of this Act shall come into force at the end of the period of three months beginning with the day on which this Act is passed.

(4) Sections 1(5) and (6), 4(1) to (3), 5 and 6 above and Schedule 1 to this Act extend only to England and Wales, and sections 1(7), 4(4), 7 and 8 above extend only to Scotland.

(5) This Act does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 5.

CONSENTS REQUIRED UNDER SECTION 5

1. A litter authority shall not carry out works under section 5 above in any such situation or position as is described in an entry in column 1 of the following Table except with the consent of the person described in the corresponding entry in column 2.

TABLE

1.	2.
1. In a street which is a highway for which the litter authority are not the highway authority.	1. The highway authority for the street.
2. In a street belonging to and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to a station, dock, wharf or depot of those undertakers.	2. The undertakers.
3. On a bridge not vested in the litter authority or on the approaches to such a bridge.	3. The authority or other person in whom the bridge is vested.
4. On a bridge carrying a street over a railway, canal or inland navigation, or on the approaches to such a bridge, or under a bridge carrying a railway, canal or inland navigation over a street.	4. The railway, canal or inland navigation undertakers concerned.
5. In a position obstructing or interfering with any existing access to land or premises abutting upon a street.	5. The owner and the occupier of the land or premises.

2. A consent required by this Schedule shall not unreasonably be withheld but may be given subject to any reasonable conditions, including a condition that the authority shall remove a litter bin or notice board either at any time or after the expiration of a period if reasonably required so to do by the person giving the consent.

3. Where the consent of the Secretary of State is required under this Schedule, any dispute between him and the authority as to—

- (a) whether the consent is unreasonably withheld or is given subject to reasonable conditions, or

SCH. 1

(b) whether the removal of anything to the provision of which the consent relates in accordance with any condition of the consent is reasonably required,

shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.

Section 12(3)

SCHEDULE 2

REPEALS

Chapter	Short title	Extent of repeal
6 & 7 Eliz. 2. c. 34.	Litter Act 1958.	The whole Act.
9 & 10 Eliz. 2. c. 64.	Public Health Act 1961.	Section 51.
1963 c. 33.	London Government Act 1963.	In Schedule 2, in paragraph 31, sub-paragraph (iv).
1964 c. 67.	Local Government (Development and Finance) (Scotland) Act 1964.	Section 4.
1971 c. 35.	Dangerous Litter Act 1971.	The whole Act.
1971 c. lxi.	City of London (Various Powers) Act 1971.	In section 13(1), the words “, notwithstanding the provisions of subsection (5) of the said section 51,”.
1972 c. 70.	Local Government Act 1972.	In Schedule 14, paragraph 41.
1973 c. 65.	Local Government (Scotland) Act 1973.	In Schedule 27, in Part II, paragraph 153.
1974 c. 40.	Control of Pollution Act 1974.	Section 24.
1980 c. 65.	Local Government, Planning and Land Act 1980.	In Schedule 7, paragraph 6(5).
1980 c. 66.	Highways Act 1980.	In Schedule 24, paragraph 9.

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