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## SCHEDULES

### SCHEDULE 4

Section 99.

#### ABANDONED SHOPPING AND LUGGAGE TROLLEYS

##### *Application*

- 1 (1) Subject to sub-paragraph (2) below, this Schedule applies where any shopping or luggage trolley is found by an authorised officer of the local authority on any land in the open air and appears to him to be abandoned.
- (2) This Schedule does not apply in relation to a shopping or luggage trolley found on the following descriptions of land, that is to say—
- (a) land in which the owner of the trolley has a legal estate or, in Scotland, of which the owner of the trolley is the owner or occupier;
  - (b) where an off-street parking place affords facilities to the customers of shops for leaving there shopping trolleys used by them, land on which those facilities are afforded;
  - (c) where any other place designated by the local authority for the purposes of this Schedule affords like facilities, land on which those facilities are afforded; and
  - (d) as respects luggage trolleys, land which is used for the purposes of their undertaking by persons authorised by an enactment to carry on any railway, light railway, tramway or road transport undertaking or by a relevant airport operator (within the meaning of Part V of the <sup>M1</sup>Airports Act 1986).

[<sup>F1</sup>(3) In sub-paragraph (2)(d) above, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.]

#### Annotations:

##### Amendments (Textual)

- F1** [Sch. 4 para. 1\(3\)](#)  
added (S.) (30.6.2014) by  
[Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#)  
,  
[s. 61\(2\)](#)  
,  
**[sch. 3 para. 40\(10\)](#)**  
;  
[S.S.I. 2014/160](#)  
,  
[art. 2\(1\)](#)  
(2)  
,  
[sch.](#)

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### Marginal Citations

M1 1986 c. 31

#### *Power to seize and remove trolleys*

- 2 (1) Where this Schedule applies in relation to a shopping or luggage trolley, the local authority may, subject to sub-paragraph (2) below,—
- (a) seize the trolley; and
  - (b) remove it to such place under its control as the authority thinks fit.
- (2) When a shopping or luggage trolley is found on any land appearing to the authorised officer to be occupied by any person, the trolley shall not be removed without the consent of that person unless—
- (a) the local authority has served on that person a notice stating that the authority proposes to remove the trolley; and
  - (b) no notice objecting to its removal is served by that person on the local authority within the period of fourteen days beginning with the day on which the local authority served the notice of the proposed removal on him.

#### *Retention, return and disposal of trolleys*

- 3 (1) Subject to the following sub-paragraphs, the local authority, as respects any shopping or luggage trolley it has seized and removed,—
- (a) shall keep the trolley for a period of six weeks; and
  - (b) may sell or otherwise dispose of the trolley at any time after the end of that period.
- (2) The local authority shall, as respects any trolley it has [<sup>F2</sup>seized and removed] , as soon as reasonably practicable (but not later than fourteen days) after its removal, serve on the person (if any) who appears to the authority to be the owner of the trolley a notice stating—
- (a) that the authority has removed the trolley and is keeping it;
  - (b) the place where it is being kept; and
  - (c) that, if it is not claimed, the authority may dispose of it.
- (3) Subject to sub-paragraph (4) below, if, within the period mentioned in sub-paragraph (1)(a) above, any person claims to be the owner of a shopping or luggage trolley being kept by the authority under that sub-paragraph, the local authority shall, if it appears that the claimant is the owner, deliver the trolley to him.
- (4) A person claiming to be the owner of a shopping or luggage trolley shall not be entitled to have the trolley delivered to him unless he pays the local authority, on demand, such charge as the authority requires.
- (5) No shopping or luggage trolley shall be disposed of by the local authority unless (where it has not been claimed) the authority has made reasonable enquiries to ascertain who owns it.

[<sup>F3</sup>3A (1) This paragraph applies where the local authority is entitled to sell or otherwise dispose of a shopping or luggage trolley in accordance with paragraph 3(1)(b).

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- (2) If it appears to the authority that a particular person is the owner of the trolley, the authority may charge him a sum in respect of the removal, storage and disposal of the trolley.
- (3) The charge is payable to the authority on demand.
- (4) The sum payable as a charge under this paragraph is recoverable by the authority as a debt due to it.
- (5) In proceedings against a person under sub-paragraph (4) for enforcement of a charge, it is a defence for the person to prove that he was not the owner of the trolley to which the charge relates at the time it was removed.]

**Annotations:**

**Amendments (Textual)**

- F3** [Sch. 4 para. 3A](#)  
inserted (E.W.) (6.4.2006 for E. and 27.10.2006 for W.) by  
[Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#)  
,  
[ss. 99\(3\)](#)  
,  
108  
(with  
[s. 100](#)  
);  
[S.I. 2006/795](#)  
,  
[art. 2\(3\)](#)  
,  
[Sch. 2](#)  
;  
[S.I. 2006/2797](#)  
,  
[art. 2\(r\)](#)

*Charges*

- 4 (1) The local authority, [<sup>F4</sup>in fixing the charges to be paid under this Schedule, shall secure that the charges so payable are such as are sufficient] , taking one financial year with another, to cover the cost of removing, storing and disposing of [<sup>F5</sup>shopping or luggage trolleys] under this Schedule.
- (2) The local authority may agree with persons who own shopping or luggage trolleys and make them available for use in its area a scheme for the collection by them of trolleys they make available for use; and where such an agreement is in force with any person, no charge may be demanded under paragraph 3 [<sup>F6</sup>or 3A] above by the local authority in respect of any trolley within the scheme in relation to which the provisions of the scheme are complied with.

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### *Definitions*

5 In this Schedule—

“luggage trolley” means a trolley provided by a person carrying on an undertaking mentioned in paragraph 1(2)(d) above to travellers for use by them for carrying their luggage to, from or within the premises used for the purposes of his undertaking, not being a trolley which is power-assisted; and

“shopping trolley”, means a trolley provided by the owner of a shop to customers for use by them for carrying goods purchased at the shop, not being a trolley which is power-assisted.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 2A amendment to earlier affecting provision S.I. 2005/3467, reg. 2, Schs. 1, 2 by S.I. 2018/429 reg. 2(4)
- Pt. 2A amendment to earlier affecting provision S.I. 2006/1379, regs. 3-17, Sch. by S.I. 2018/429 reg. 3
- Pt. 2A amendment to earlier affecting provision S.I. 2006/2988, regs. 3-17, Sch. by S.I. 2018/725 reg. 3
- 
- Pt. 2A amendment to earlier affecting provision SI 2006/1379 regs. 3-17 Sch. by S.I. 2016/562 Sch. 2 para. 9
- Pt. 2A amendment to earlier affecting provision SI 2006/2988 regs. 3-17 Sch. by S.I. 2016/562 Sch. 2 para. 10
- Pt. 2A amendment to earlier affecting provision SI 2007/3240 regs. 3, 15 by S.I. 2016/562 Sch. 2 para. 11
- s. 33ZA inserted by S.I. 2016/334 reg. 2(2)
- s. 33ZB inserted by S.I. 2017/1024 reg. 2(2)
- s. 34D and cross-heading inserted by 2016 anaw 3 s. 66(1)
- s. 45AA 45AB inserted by 2016 anaw 3 s. 65
- s. 46A-46D inserted by 2015 c. 20 s. 58(3)
- s. 59ZB 59ZC inserted by S.I. 2018/369 Sch. 1 para. 2
- s. 65(8) excluded by S.I. 2016/779 art. 9(2)
- s. 71(5)(6) inserted by 2016 c. 25 Sch. 2 para. 4

- s. 87(4D) inserted by  
[S.I. 2018/171](#)  
[reg. 21](#)
- s. 88(5A)(a)(b) substituted for words by  
[2014 asp 3](#)  
[sch. 3](#)  
[para. 11\(4\)\(b\)](#)
- s. 88(8A)-(8D) inserted by  
[2014 asp 3](#)  
[sch. 3](#)  
[para. 11\(4\)\(e\)](#)
- s. 88(10A)(10B) inserted by  
[2014 asp 3](#)  
[sch. 3](#)  
[para. 11\(4\)\(g\)](#)
- s. 88A inserted by  
[2014 c. 12](#)  
[s. 154\(2\)](#)
- s. 89(1)(ba) inserted by  
[2015 c. 7](#)  
[Sch. 1](#)  
[para. 111\(2\)\(b\)](#)
- s. 89(2)(c) inserted by  
[2015 c. 7](#)  
[Sch. 1](#)  
[para. 111\(3\)\(b\)](#)
- s. 98(5B) inserted by  
[2015 c. 7](#)  
[Sch. 1](#)  
[para. 112\(3\)](#)
- s. 108(11) inserted by  
[2015 asp 1](#)  
[sch.](#)  
[para. 4\(2\)](#)
- s. 111(12) inserted by  
[2015 asp 1](#)  
[sch.](#)  
[para. 4\(3\)](#)
- s. 126(9) inserted by  
[2015 asp 1](#)  
[sch.](#)  
[para. 4\(4\)](#)
- s. 153(1)(a)-(nn) substituted for s. 153(1)(a)-(aaa) by  
[S.I. 2015/479](#)  
[art. 2](#)
- s. 153(1)(z1) added by  
[S.S.I. 2015/210](#)  
[art. 2](#)
- s. 153(1)(z2) added by  
[S.S.I. 2016/406](#)  
[art. 2](#)
- s. 161(2AA)(2AB) inserted by  
[2016 anaw 3](#)  
[s. 69\(4\)](#)
- s. 161(2ZB)(2ZC) inserted by  
[2014 c. 12](#)

s. 154(3)