



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 6

THE ENVIRONMENT

Waste and litter

55 Unlawfully deposited waste etc

- (1) The Control of Pollution (Amendment) Act 1989 (c. 14) is amended in accordance with subsections (2) and (3).
- (2) In subsection (1) of section 7 (further enforcement provisions) for “relevant authority” substitute “waste regulation authority”.
- (3) After subsection (1) of section 9 (interpretation) insert—

“(1A) In sections 5 to 7 above “regulation authority” also means a waste collection authority falling within section 30(3)(a), (b) or (bb) of the Environmental Protection Act 1990.”
- (4) After section 59 of the Environmental Protection Act 1990 (c. 43) insert—

“59A Directions in relation to exercise of powers under section 59

- (1) The Secretary of State may issue directions setting out categories of waste to which a waste regulation authority or waste collection authority in England and Wales should give priority for the purposes of exercising its powers under section 59 above.
- (2) Priorities set out in directions under subsection (1) above may be different for different authorities or areas.
- (3) But nothing in this section or in any directions issued under it affects any power of an authority under section 59 above.”

Status: This is the original version (as it was originally enacted).

- (5) In section 71 of the Environmental Protection Act 1990 (c. 43) (obtaining information from persons and authorities), after subsection (3) insert—
- “(4) The Secretary of State may, by notice in writing, require a waste regulation authority or waste collection authority in England and Wales to supply to him, or to such other person as may be specified in the notice, such information as may be so specified in respect of—
- (a) cases where the authority has exercised any powers under section 59 above, and
 - (b) cases where the authority has taken action under any other enactment in respect of any deposit or other disposal of controlled waste in contravention of section 33(1) above.”
- (6) Subsection (15) of section 108 of the Environment Act 1995 (c. 25) (powers of enforcing authorities and persons authorised by them) is amended in accordance with subsections (7) to (9).
- (7) In the definition of “enforcing authority” after paragraph (b) insert—
- “(ba) a waste collection authority;”.
- (8) After the definition of “pollution control functions” in relation to the Agency or SEPA insert—
- ““pollution control functions”, in relation to a waste collection authority, means the functions conferred on it by section 59 of the Environmental Protection Act 1990;”.
- (9) After the definition of “premises” insert—
- ““waste collection authority” shall be construed in accordance with section 30(3)(a), (b) and (bb) of the Environmental Protection Act 1990.”
- (10) The reference to the Environmental Protection Act 1990 in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/ 672) is to be treated as referring to that Act as amended by this section.

56 Extension of litter authority powers to take remedial action

- (1) For section 92(10) of the Environmental Protection Act 1990 (restriction on remedial action by litter authorities) substitute—
- “(10) Subsection (9) above does not apply in relation to any land to which subsection (11) or (12) below applies.
- (11) This subsection applies to any relevant Crown land which is occupied for naval, military or air force purposes.
 - (12) This subsection applies to any relevant land of a statutory undertaker in relation to which the Secretary of State has specified, by order, that it is requisite or expedient that, in the national interest, subsection (9) above should not apply.”
- (2) The reference to the Environmental Protection Act 1990 (c. 43) in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/ 672) is to be treated as referring to that Act as amended by this section.