



# Greater London Authority Act 2007

## 2007 CHAPTER 24

### PART 8

#### ENVIRONMENTAL FUNCTIONS

##### *Waste*

#### **37 Duties of waste collection authorities etc**

- (1) Section 355 of the GLA Act 1999 (duty of waste collection or disposal authorities in Greater London to have regard to the municipal waste management strategy in exercising functions under Part 2 of the Environmental Protection Act 1990) is amended as follows.
- (2) At the beginning insert “(1)”.
- (3) For “have regard to” substitute “act in general conformity with”.
- (4) At the end insert—
  - “(2) Subsection (1) above has effect only to the extent that compliance by an authority with the requirements of that subsection does not impose excessive additional costs on the authority.”.
- (5) After subsection (2) insert—
  - “(3) For the purposes of this section, the Secretary of State may issue guidance for determining what is to be regarded as—
    - (a) acting in general conformity with the municipal waste management strategy, or
    - (b) imposing excessive additional costs on an authority.
  - (4) In discharging the duties imposed upon it by subsection (1) above (as read with subsection (2) above), an authority must act in accordance with any guidance issued under subsection (3) above.

- (5) Any guidance issued under subsection (3) above shall be published by the Secretary of State in such manner as he considers appropriate.
- (6) Nothing in this section, or in any guidance issued under it, requires an authority—
  - (a) to terminate a waste contract before the expiry of the term of the contract, or
  - (b) to do anything which would result in a breach of any term of a waste contract.
- (7) In any case where—
  - (a) an authority is required to comply with the public procurement regulations in the awarding of a waste contract,
  - (b) in compliance with those regulations the authority sends the second information notice relating to the awarding of that contract to the Official Journal of the European Union, and
  - (c) after the authority sends that notice, the Mayor revises the municipal waste management strategy,
 this section, and any guidance issued under it, are to have effect in relation to the awarding of that contract as if the revision of the strategy had not been made.”.
- (6) An authority is not required by virtue of any of the amendments made by this section to exercise a function in relation to the awarding of a waste contract if—
  - (a) the authority is required to comply with the public procurement regulations in awarding the contract, and
  - (b) before subsection (3) comes into force, the authority in compliance with those regulations has sent the second information notice relating to the awarding of that contract to the Official Journal of the European Union.

### **38 London Waste and Recycling Board**

- (1) After section 356 of the GLA Act 1999 (directions by the Mayor) insert—

#### **“356A London Waste and Recycling Board**

- (1) There shall be a body known as the London Waste and Recycling Board (referred to in this section and section 356B as “the Board”).
- (2) The objectives of the Board are to promote and encourage, so far as relating to Greater London,—
  - (a) the production of less waste;
  - (b) an increase in the proportion of waste that is re-used or recycled;
  - (c) the use of methods of collection, treatment and disposal of waste which are more beneficial to the environment.
- (3) For the purpose of achieving its objectives, the Board may provide financial assistance to any person towards or for the purposes of—
  - (a) the provision of facilities for or in connection with the collection, treatment or disposal of waste produced in Greater London;

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- (b) conducting research into new technologies or techniques for the collection, treatment or disposal of waste;
  - (c) securing, or assisting in securing, the performance of any function of a London borough council or the Common Council relating to waste.
- (4) For the purpose of achieving its objectives, the Board may provide advice on such matters as it thinks fit to any of the following—
  - (a) the Mayor;
  - (b) any London borough council;
  - (c) the Common Council;
  - (d) such other persons as the Board thinks fit.
- (5) In carrying out its functions under this section, the Board must—
  - (a) act in accordance with the municipal waste management strategy;
  - (b) act in general conformity with the spatial development strategy so far as relating to the collection, treatment and disposal of waste.
- (6) The Board may do anything that it thinks will facilitate, or is incidental or conducive to, the carrying out of its functions under subsections (2) to (4) above.
- (7) The Board does not have the power to borrow money.
- (8) The Secretary of State may issue to the Board guidance as to the exercise of its functions.
- (9) The Board shall have regard to any guidance issued under subsection (8) above.
- (10) Any reference in this section to the collection, treatment or disposal of waste includes a reference to the transport of waste for or in connection with that purpose.

### **356B Supplemental provision concerning the Board**

- (1) The Secretary of State may by order make provision as to—
  - (a) the constitution of the Board;
  - (b) the appointment of its members (who must not be fewer than 7 nor more than 13 in number);
  - (c) the payment of allowances and expenses to its members;and such other matters in connection with its establishment and administration as the Secretary of State thinks fit.
- (2) The Board shall not be regarded—
  - (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, privilege or immunity of the Crown,and the property of the Board shall not be regarded as property of, or property held on behalf of, the Crown.
- (3) The Secretary of State may make payments by way of grant to the Board towards expenditure incurred or to be incurred by it.

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- (4) The amount of any grant and the manner of its payment are to be such as the Secretary of State may determine.
- (5) Any grant may be paid on such conditions as the Secretary of State may determine.
- (6) Conditions under subsection (5) above may, in particular, include—
  - (a) provision as to the use of the grant;
  - (b) provision as to circumstances in which the whole or part of the grant must be repaid.”.
- (2) In section 420(3) of that Act (orders subject to affirmative procedure)—
  - (a) after “an order under” insert “any of the following provisions”;
  - (b) for the word “or” at the end of paragraph (c) substitute—
    - “(cc) section 356B(1) above,”.

### **39 Information about waste contracts**

- (1) Section 358 of the GLA Act 1999 (information about new waste contracts) is amended as follows.
- (2) For subsection (1) substitute—
  - “(1) If, in the awarding of a waste contract, a waste authority in compliance with the public procurement regulations is required—
    - (a) to send to the European Commission a first information notice relating to the awarding of the contract, or
    - (b) to publish such a notice on the authority’s buyer profile,
 subsection (1A) below applies.
  - (1A) The authority shall not send or publish that notice unless—
    - (a) it has notified the Mayor that it proposes to send or publish such a notice, and
    - (b) a period of at least 56 days beginning with the day on which the Mayor is so notified has elapsed.”.
- (3) After subsection (1A) insert—
  - “(1B) If, in the awarding of a waste contract, a waste authority in compliance with the public procurement regulations—
    - (a) is not required to send or publish a first information notice, but
    - (b) is required to send to the Official Journal of the European Union a second information notice relating to the awarding of the contract,
 subsection (1C) below applies.
  - (1C) The authority shall not send that notice unless—
    - (a) it has notified the Mayor that it proposes to send such a notice, and
    - (b) a period of at least 108 days beginning with the day on which the Mayor is so notified has elapsed.”.
- (4) In subsection (3) for “subsection (1)” substitute “subsection (1A), (1C)”.

- (5) In section 356(3) of that Act (directions by Mayor) for “Official Journal of the European Communities” substitute “Official Journal of the European Union”.
- (6) Section 360 of that Act (interpretation) is amended as follows.
- (7) In subsection (2) insert at the appropriate place—

““buyer profile” has the same meaning as in the public procurement regulations.”.
- (8) In subsection (3)(a) and (b) for “the Official Journal of the European Union” substitute “the European Commission”.

### *Climate change and energy*

#### **40 The general power of the Authority: duty to have regard**

- (1) Section 30 of the GLA Act 1999 (the general power of the Authority) is amended as follows.
- (2) In subsection (4) (exercise of powers: duty to have regard to effect on certain matters) after paragraph (b) insert—

“(c) climate change, and the consequences of climate change.”.
- (3) In subsection (5) (duty to exercise powers in ways best calculated to achieve certain objectives)—
  - (a) at the end of paragraph (b) insert “, and
  - (c) to contribute towards the mitigation of, or adaptation to, climate change, in the United Kingdom,”;
  - (b) in the closing words (exception where action needed by virtue of paragraph (a) or (b) is not reasonably practicable) for “or (b)” substitute “, (b) or (c)”.
- (4) After subsection (10) insert—

“(11) In this section—

  - (a) “climate change” has the same meaning as in section 361A below, and
  - (b) in relation to climate change, “adaptation”, “consequences” and “mitigation” have the same meaning as in that section.”.

#### **41 General duties of the Mayor with respect to his strategies**

- (1) Section 41 of the GLA Act 1999 (general duties of the Mayor with respect to his strategies) is amended as follows.
- (2) In subsection (4) (duty to have regard to certain matters in preparing strategies) for the word “and” at the end of paragraph (b)(ii) substitute—

“(iii) climate change, and the consequences of climate change; and”.
- (3) In subsection (7) (duty to include policies and proposals best calculated to achieve certain objectives)—
  - (a) at the end of paragraph (b) insert “, and

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- (c) to contribute towards the mitigation of, or adaptation to, climate change, in the United Kingdom,”;
  - (b) in the closing words (exception where action needed by virtue of paragraph (a) or (b) is not reasonably practicable) for “or (b)” substitute “, (b) or (c)”.
- (4) After subsection (11) insert—
- “(12) In this section—
- (a) “climate change” has the same meaning as in section 361A below, and
  - (b) in relation to climate change, “adaptation”, “consequences” and “mitigation” have the same meaning as in that section.”.

## **42 Duty of Mayor and Assembly to address climate change**

In Part 9 of the GLA Act 1999 (environmental functions) after section 361 insert—

*“Climate change, energy etc*

### **361A Duties of Mayor and Assembly with respect to climate change**

- (1) The Mayor and the Assembly are each under a duty to address climate change, so far as relating to Greater London.
- (2) In the case of the Mayor, the duty consists of each of the following—
  - (a) to take action with a view to mitigation of, or adaptation to, climate change (see subsections (5) and (6) below),
  - (b) in exercising any of his functions under this Act or any other Act (whenever passed), to take into account any policies announced by Her Majesty’s government with respect to climate change or the consequences of climate change,
  - (c) to have regard to any guidance, and comply with any directions, issued to the Authority by the Secretary of State with respect to the means by which, or manner in which, the Mayor is to perform the duties imposed on him by paragraph (a) or (b) above.
- (3) In the case of the Assembly, the duty consists of each of the following—
  - (a) in exercising any functions of the Assembly under this Act or any other Act (whenever passed), to take into account any policies announced by Her Majesty’s government with respect to climate change or the consequences of climate change,
  - (b) to have regard to any guidance, and comply with any directions, issued to the Authority by the Secretary of State with respect to the means by which, or manner in which, the Assembly is to perform the duties imposed by paragraph (a) above.
- (4) Any reference in this section to functions of the Mayor, or functions of the Assembly, includes a reference to functions exercisable by the Mayor and the Assembly acting jointly on behalf of the Authority.
- (5) For the purposes of this section—
  - (a) “climate change” means changes in climate which are, or which might reasonably be thought to be, the result of human activity altering the

composition of the global atmosphere and which are in addition to natural climate variability; and

- (b) “changes in climate” includes a reference to changes in climate which are reasonably expected, or might reasonably be expected, to happen or which are reasonably thought to be happening or to have recently happened.

(6) In this section—

“adaptation”, in relation to climate change, means preparation for, or adjustment in response to, any consequences of climate change appearing to the Mayor to affect Greater London;

“consequences”, in relation to climate change—

- (a) means consequences which have occurred, are occurring or might reasonably be expected to occur, and
- (b) includes any phenomena reasonably thought to be consequences of climate change;

“mitigation”, in relation to climate change, includes prevention.”.

#### **43 The London climate change mitigation and energy strategy**

(1) In section 41 of the GLA Act 1999 (general duties of the Mayor in relation to his strategies) in subsection (1) (which lists the strategies to which the section applies) after paragraph (e) insert—

“(ee) the London climate change mitigation and energy strategy prepared and published under section 361B below.”.

(2) In Part 9 of the GLA Act 1999 (environmental functions) after section 361A insert—

##### **“361B The London climate change mitigation and energy strategy**

(1) The Mayor shall prepare and publish a document to be known as the “London climate change mitigation and energy strategy”.

(2) The London climate change mitigation and energy strategy shall contain the Mayor’s proposals and policies with respect to the contribution to be made in Greater London towards each of the following—

- (a) the mitigation of climate change,
- (b) the achievement of any objectives specified or described in national policies relating to energy.

(3) The strategy must include the Mayor’s proposals and policies relating to each of the following—

- (a) minimising emissions of carbon dioxide and other significant greenhouse substances from the use of energy in Greater London for the purposes of surface transport,
- (b) minimising emissions of carbon dioxide and other significant greenhouse substances from the use of energy in Greater London for purposes other than those of transportation,
- (c) supporting innovation, and encouraging investment, in energy technologies in Greater London,
- (d) promoting the efficient production and use of energy in Greater London.

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- (4) In subsection (3) above “other significant greenhouse substances” means substances (other than carbon dioxide)—
- (a) which contribute to climate change, and
  - (b) which the Mayor considers it appropriate to deal with in the strategy.
- (5) In performing the duty under subsection (3)(c) above, the Mayor must have regard to the desirability of advancing energy technologies which involve the emission of lower levels of substances which contribute to climate change.
- (6) The strategy shall also contain information about—
- (a) the pattern of energy use in Greater London,
  - (b) the levels of emissions in, or attributable to, Greater London of substances which contribute to climate change,
  - (c) the number of households in Greater London in which one or more persons are living in fuel poverty, within the meaning of the Warm Homes and Energy Conservation Act 2000 (see section 1 of that Act),
  - (d) the measures to be taken, for the purpose of implementing the strategy, by each of the following—
    - (i) the Authority,
    - (ii) Transport for London,
    - (iii) the London Development Agency,
  - (e) the measures which other bodies or persons are to be encouraged by the Mayor to take for the purpose of implementing the strategy.
- (7) The Mayor must have regard to any guidance given to him by the Secretary of State in relation to the preparation or revision of the strategy.
- (8) The strategy must not be inconsistent with—
- (a) national policies relating to mitigation of climate change, or
  - (b) national policies relating to energy.
- (9) In preparing or revising the strategy the Mayor must consult each of the following—
- (a) the Gas and Electricity Markets Authority,
  - (b) the Gas and Electricity Consumer Council,
  - (c) prescribed holders of licences granted under—
    - (i) section 7 or 7A of the Gas Act 1986, or
    - (ii) section 6 of the Electricity Act 1989.
- (10) If at any time (whether before, on or after the day on which this Act is passed) there ceases to be—
- (a) a body known as the Gas and Electricity Markets Authority, or
  - (b) a body known as the Gas and Electricity Consumer Council,
- the Secretary of State may by order amend subsection (9) above so as to substitute for that body such other body as he may consider appropriate.
- (11) An order under subsection (10) above may have effect in relation to times before the day on which it is made.
- (12) In this section—
- “climate change” has the same meaning as in section 361A above;



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“energy technologies” means technologies for—

- (a) the production of energy, or
- (b) the more efficient or effective use of energy;

“mitigation” has the same meaning as in section 361A above;

“prescribed” means specified or described in guidance under subsection (7) above;

“surface transport” means any form of transport other than transport by air.

### **361C Directions by the Secretary of State to revise the strategy**

- (1) Where the Secretary of State considers that—
    - (a) the London climate change mitigation and energy strategy (or any part of it) is inconsistent with any policies announced by Her Majesty’s government with respect to energy or to climate change or the consequences of climate change, and
    - (b) the inconsistency would have a detrimental effect on achieving any or all of the objectives of those policies,he may direct the Mayor to make such revisions of the strategy in order to remove the inconsistency as may be specified in the direction.
  - (2) The Secretary of State must consult the Mayor before giving him a direction under subsection (1) above.
  - (3) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor must revise the strategy in accordance with the direction.
  - (4) In this section—
    - “climate change” has the same meaning as in section 361A above;
    - “consequences”, in relation to climate change, has the same meaning as in section 361A above.”.
- (3) In section 420 of the GLA Act 1999 (regulations and orders) in the list of provisions in subsection (8) (orders subject to negative resolution Parliamentary procedure) insert at the appropriate place—
- “section 361B(10);”.

## **44 The Mayor’s adaptation to climate change strategy for London**

- (1) In section 41 of the GLA Act 1999 (general duties of the Mayor in relation to his strategies) in subsection (1) (which lists the strategies to which the section applies) after paragraph (ee) insert—
  - “(ef) the adaptation to climate change strategy for London prepared and published under section 361D below;”.
- (2) In Part 9 of the GLA Act 1999 (environmental functions) after section 361C insert—

### **“361D The adaptation to climate change strategy for London**

- (1) The Mayor shall prepare and publish a document to be known as the “adaptation to climate change strategy for London”.

- (2) The adaptation to climate change strategy for London shall contain—
- (a) the Mayor’s assessment of the consequences of climate change for Greater London;
  - (b) the Mayor’s proposals and policies for adaptation to climate change, so far as relating to Greater London.
- (3) The Secretary of State may give to the Mayor guidance—
- (a) about the content of the strategy;
  - (b) in relation to the preparation or revision of the strategy.
- (4) The guidance that may be given under subsection (3)(b) above includes—
- (a) guidance specifying or describing the bodies, persons or organisations which the Mayor must consult;
  - (b) guidance as to the evidence of climate change or its consequences, or predictions of climate change or its consequences, to which the Mayor must have regard.
- (5) In preparing or revising the strategy, the Mayor must have regard to any guidance given under subsection (3) above.
- (6) In this section—
- “adaptation”, in relation to climate change, has the same meaning as in section 361A above;
- “consequences”, in relation to climate change, has the same meaning as in section 361A above;
- “climate change” has the same meaning as in section 361A above.

### **361E Directions by the Secretary of State to revise the strategy**

- (1) Where the Secretary of State considers that—
- (a) the adaptation to climate change strategy for London (or any part of it) is inconsistent with any policies announced by Her Majesty’s government with respect to climate change or the consequences of climate change, and
  - (b) the inconsistency would have a detrimental effect on achieving any or all of the objectives of those policies,
- he may direct the Mayor to make such revisions of the strategy in order to remove the inconsistency as may be specified in the direction.
- (2) The Secretary of State must consult the Mayor before giving him a direction under subsection (1) above.
- (3) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor must revise the strategy in accordance with the direction.
- (4) In this section—
- “climate change” has the same meaning as in section 361A above;
- “consequences”, in relation to climate change, has the same meaning as in section 361A above.”.