

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 12: Household waste: London

737. This Schedule makes amendments to the London Local Authorities Act 2007 that are based on new sections 46A to 46C of the Environmental Protection Act 1990 (the “EPA”), as inserted by subsection (3) of section 58. This is so as to ensure consistency of approach.
738. The London Local Authorities Act 2007 introduced a number of measures intended to improve and develop local government services in London. It was considered at that time that the powers of London borough councils should be extended and amended: civil penalty charge procedures were introduced for a number of areas, including those related to household waste collection. The 2007 Act provides for its own system of penalty notices relating to the presentation for collection of household waste, and there are differences from the system set out in the EPA, e.g. requirements as to the placing of household waste for collection may be made by London borough councils in regulations rather than by individual notices (although nothing in that Act prevents the ability of a borough council to serve notices under section 46 of the EPA). There is no criminal offence for a failure to comply with a requirement made in regulations; instead, a penalty charge is payable. The system of appeals is also different. Whilst making some consequential changes to the appeal procedure, the amendments made by this section do not alter the existing right of appeal or the tribunal determining the appeal.
739. The Schedule comes into force on a day to be appointed by the Secretary of State in a commencement order.