



Local Government (Miscellaneous Provisions) Act 1953

1953 CHAPTER 26 1 and 2 Eliz 2

Miscellaneous powers and provisions

[^{F1}8] Dustbins.

- (1) Subsection (3) of section seventy-five of the Public Health Act, 1936 (which enables local authorities to provide and maintain dustbins for the reception of house refuse, and to make annual charges not exceeding two shillings and sixpence in respect of each dustbins so provided) shall have effect as if for the words “two shillings and sixpence” there shall substituted for the words “five shillings”.
- (2) Where a local authority are authorised under any enactment other than the said section seventy-five to make, in connection with the carrying out by them of an undertaking as to the collection and disposal of refuse, an annual charge in respect of the provision, maintenance, repair or renewal of dustbins, and the amount of that charge is limited by or by virtue of any Act or other instrument determining the functions of that authority to an amount less than [^{F2}seven shillings and sixpence] in respect of each dustbin, that authority may, notwithstanding that limitation, increase that charge to such amount, not exceeding [^{F2}seven shillings and sixpence], as they think fit; and any charge which is increased in pursuance of this subsection shall be subject to the like incidents in all respects as the original charge.
- (3) The Minister may by order (to be made by statutory instrument) direct that the foregoing provisions of this section shall have effect as if for references to five shillings there were substituted references to such greater sum as may be specified in the order, and may in like manner vary or revoke any such order; and any statutory instrument made under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Where an appeal is brought under subsection (1) of the said section seventy-five in respect of a notice requiring one of two persons who are respectively the owner and the occupier of a building to provide a dustbin, and the grounds upon which the appeal

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1953, Section 8. (See end of Document for details)

is brought include the ground that it was not equitable that the notice should have been served on the appellant—

- (a) the appellant shall serve a copy of his notice of appeal on the other of the two said persons; and
- (b) on the hearing of the appeal the court may make such order as it thinks fit with respect to compliance with the first-mentioned notice either by the appellant or by the said other person;

and in exercising its powers under this subsection the court shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy of the premises concerned.]

Textual Amendments

- F1** S. 8 repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40), s. 109(2), **Sch. 4**
- F2** Words substituted by S.I. 1957/304 (1957 II, p. 1933)

Modifications etc. (not altering text)

- C1** S. 8: power to transfer functions conferred by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), **s. 7(3)(a), (4)(d)**
- C2** S. 8 extended by London Government Act 1963 (c. 33), s. 40, Sch. 11 Pt. I paras. 1, **2** and Local Government Act 1972 (c. 70), **s. 180(3)**
- C3** “the said section seventy-five” means Public Health Act 1936 (c. 49), **s. 75**
- C4** The text of s. 8 (1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C5** S. 8(2) has effect by virtue of S.I. 1976/984, **art. 3** as if for references to seven shillings and sixpence there were substituted references to £1.00

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