
STATUTORY INSTRUMENTS

1991 No. 1043

ENVIRONMENTAL PROTECTION

**The Litter (Statutory Undertakers)
(Designation and Relevant Land) Order 1991**

<i>Made</i>	- - - -	<i>22nd April 1991</i>
<i>Laid before Parliament</i>		<i>22nd April 1991</i>
<i>Coming into force</i>	- -	<i>13th May 1991</i>

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred on them by section 86(6), (8) and (15) of the Environmental Protection Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Litter (Statutory Undertakers) (Designation and Relevant Land) Order 1991 and shall come into force on 13th May 1991.

(2) In this Order—

“the Act” means the Environmental Protection Act 1990,

“operational land” means—

- (a) in relation to any person authorised by any enactment to carry on any railway or light railway undertaking, land required or used for the operation of rail or light rail services,
- (b) in relation to any other designated statutory undertaker—
 - (i) land which is used for the purpose of carrying on their undertaking; and
 - (ii) land in which an interest is held for that purpose,

but does not include land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.

Designation of statutory undertakers

2. The statutory undertakers described below, and statutory undertakers of the descriptions described below, are designated for the purposes of Part IV of the Act—

(1) 1990 c. 43.

the British Railways Board and London Regional Transport, and any subsidiary or related company of London Regional Transport as defined in section 68 of the London Regional Transport Act 1984⁽²⁾,

any Passenger Transport Executive established pursuant to section 9(1) of the Transport Act 1968⁽³⁾, in so far as it is authorised by any enactment to carry on any railway undertaking,

any person authorised by any enactment to carry on any light railway undertaking other than an independent railway undertaking within the meaning of section 83(7) of the Transport Act 1962⁽⁴⁾

any person authorised by any enactment to carry on any tramway undertaking,

any person authorised by any enactment to carry on any road transport undertaking, other than the operator of a licensed taxi or licensed hire car as defined in section 13(3) of the Transport Act 1985⁽⁵⁾,

any person authorised by any enactment to carry on any canal, inland navigation, dock, harbour or pier undertaking,

any relevant airport operator (within the meaning of Part V of the Airports Act 1986⁽⁶⁾).

Prescribed land of statutory undertakers

3.—(1) For the purposes of Part IV of the Act, land—

- (a) which is under the direct control of a designated statutory undertaker,
- (b) in relation to which the public have no right or permission to have access with or without payment, and
- (c) which is within the description in paragraph (2) below but not within the description in paragraph (3) below,

is prescribed as relevant land of the designated statutory undertaker under whose control it is.

(2) The land described in this paragraph is operational land which is within 100 metres of a railway station platform to which the public is entitled or permitted to have access with or without payment and which—

- (a) forms an embankment, cutting, siding, level or junction, but is not part of a depot, goods yard, or enclosed area where plant and machinery is kept, or
- (b) is within the rails or on the track sides, but is not within a tunnel, or
- (c) is on a viaduct or bridge.

(3) The land described in this paragraph is land below the place to which the tide flows at mean high water springs.

Land not to be treated as relevant land

4. For the purposes of Part IV of the Act, land to which the public are entitled or permitted to have access with or without payment which is—

land other than operational land,

land used solely for the provision of freight services,

(2) 1984 c. 32.
 (3) 1968 c. 73.
 (4) 1962 c. 46.
 (5) 1985 c. 67.
 (6) 1986 c. 31.

land adjacent to an unpaved towing path or adjacent to a paved towing path where the paving extends for a length of less than 1 kilometre, or
land below the place to which the tide flows at mean high watersprings,
is not to be treated as relevant land of any designated statutory undertaker.

16th April 1991

Michael Heseltine
Secretary of State for the Environment

17th April 1991

David Hunt
Secretary of State for Wales

22nd April 1991

Allan Stewart
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies throughout Great Britain, makes provision as to the application of Part IV of the Environmental Protection Act 1990 (Litter, Etc) to statutory undertakers.

Article 2 designates statutory undertakers for the purposes of Part IV. Article 3 prescribes as relevant land for the purposes of that Part of the Act certain land to which the public are not entitled or permitted to have access. Article 4 designates as land which is not to be treated as relevant land for the purposes of Part IV certain land to which the public are entitled or permitted to have access.