



London Local Authorities Act 2007

2007 CHAPTER ii

PART 2

PUBLIC HEALTH AND THE ENVIRONMENT

Waste and litter

23 Regulations relating to receptacles for waste: enforcement

- (1) This section is a penalty charge provision for the purposes of section 61 (penalty charges) of this Act.
- (2) A penalty charge is payable to a borough council for the purposes of the said section 61 by any occupier of premises in respect of which there has been a failure, without reasonable excuse, to comply with any requirements imposed by regulations made under subsection (1) of section 20 (regulations relating to receptacles for household waste) or subsection (1) of section 22 (regulations relating to receptacles for commercial or industrial waste) of this Act.
- (3) The occupier of premises in respect of which the failure to comply with the regulations occurred is the appropriate recipient for the purposes of the said section 61.
- (4) For the purposes of subsection (1) of section 62 (representations and appeals) of this Act the grounds on which representations may be made against a penalty charge notice arising from a penalty charge payable by virtue of this section are—
 - (a) that the recipient—
 - (i) never was the occupier of the premises in question;
 - (ii) had ceased to be their occupier before the date on which the penalty charge was alleged to have become payable;
 - (iii) became the occupier after that date;
 - (b) that there was no failure to comply with the requirement in respect of which the penalty charge notice was issued;
 - (c) that there was a reasonable excuse for the failure to comply with the said requirement;

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- (d) that the said requirement is unreasonable;
 - (e) that the receptacles in which household waste is placed for collection from the premises are adequate;
 - (f) that, in the case of a failure to comply with any requirement relating to the periods during which receptacles should be placed on a highway, no sign relating to those requirements was displayed on the side of the road, as required by subsection (4) of the said section 20 or subsection (4) of the said section 22 as the case may be;
 - (g) that the penalty charge exceeded the amount applicable in the circumstances of the case.
- (5) Where any of the grounds mentioned in subsection (4)(a) above is relied on in any representations made under subsection (1) of the said section 62, those representations must include a statement of the name and address of the occupier (if that information is in the recipient's possession).