



Refuse Disposal (Amenity) Act 1978

1978 CHAPTER 3

Control of dumping

^{F1} **Provision by local authorities for disposal of refuse.** **E+W**

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Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

F1 [S. 1](#) repealed (1.4.2012) by [Environmental Protection Act 1990 \(c. 43\)](#), s. 164(3), [Sch. 16 Pt. II](#) (with [Sch. 16 Pt. II](#)); [S.I. 2012/898](#), art. 2; [S.I. 2012/898](#), art. 2

Modifications etc. (not altering text)

C1 [S. 1](#) modified (E.W.) by [S.I. 1985/1884](#), art. 5, [Sch. 2 para. 14](#)

1 Provision by local authorities for disposal of refuse. **S**

- (1) It shall be the duty of a local authority to provide places where refuse, other than refuse falling to be disposed of in the course of a business, may be deposited at all reasonable times free of charge by persons resident in the area of the authority and, on payment of such charges (if any) as the authority think fit, by other persons [^{F2}and to dispose of refuse so deposited].
- (2) Any place provided by a local authority in pursuance of subsection (1) above shall either be situated within the area of the authority or, if not so situated, be reasonably accessible to persons resident in that area; and a local authority may if they think fit, without prejudice to the generality of their duty under subsection (1) above, determine that any such place shall be available for the deposit of refuse of such descriptions only as are specified in the determination.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent
Changes to legislation: There are currently no known outstanding effects for the Refuse Disposal (Amenity) Act 1978, Section 1. (See end of Document for details)

- (3) A local authority may—
- (a) permit, on such terms as they think fit, the deposit at a place provided by them in pursuance of this section of refuse falling to be disposed of in the course of a business;
 - (b) provide plant and apparatus for the treatment or disposal of refuse deposited at such a place; and
 - (c) sell or otherwise dispose of any such refuse.
- (4) The power of a local authority to provide places, plant and apparatus and to accept and dispose of refuse in pursuance of the foregoing provisions of this section includes power to enter into an agreement with any other person for the provision of facilities by him for the purposes of those provisions at any place under his control.
- (5) No action shall lie against a local authority in respect of damage resulting from their failure to carry out their duty under this section; but if the Secretary of State is satisfied, after holding a local inquiry, that a local authority have failed to carry out that duty he may by order require the authority to take such steps for carrying it out as are specified in the order.
- (6) An order under subsection (5) above shall be enforceable on the application of the Secretary of State by ^{F3}by proceedings under s. 45 of the Court of Session Act 1988].
- (7) In this section—
- ^{F4}
- “refuse” includes any matter whatsoever, whether inorganic or organic.
- (8) On the relevant date, for subsection (1) of this section there shall be substituted the following subsection:—
- (It shall be the duty of a local authority to provide places where refuse, other than refuse falling to be disposed of in the course of a business, may be deposited at all reasonable times (including at least one period of time on the Saturday or the following day of each week except a week in which the Saturday is 25th December or 1st January) free of charge by any person.”

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.
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Textual Amendments

- F2** Words in s. 1(1) inserted (S.) (1.4.1992) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 15, para. 19\(2\)](#); S.I. 1992/266, [art. 3](#)
- F3** Words in s. 1(6) substituted (S.) (1.4.1992) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 15 para. 19\(3\)](#); S.I. 1992/266, [art. 3](#)
- F4** In s. 1(7) the definition of "local authority" and the word "and" which follows it repealed (S.) (1.4.1992) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), [Sch. 15 para. 19\(4\)](#); S.I. 1992/266, [art.3](#)

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W - England and Wales extent
- S - Scotland extent

Changes to legislation:

There are currently no known outstanding effects for the Refuse Disposal (Amenity) Act 1978, Section 1.