



# Refuse Disposal (Amenity) Act 1978

## 1978 CHAPTER 3

### *Abandoned vehicles and other refuse*

#### **6 Removal and disposal etc. of other refuse.**

- (1) Where it appears to a local authority that any thing in their area, other than a motor vehicle, is abandoned without lawful authority on any land in the open air or on any other land forming part of a [<sup>F1</sup>highway][<sup>F1</sup>road], the authority may if they think fit, subject to subsection (2) below, remove the thing.
- (2) A local authority shall not be entitled to exercise their powers under subsection (1) above as respects a thing situated on land appearing to the authority to be occupied by any person unless the authority have given him notice <sup>F2</sup> . . . that they propose to remove the thing and he has failed to object to the proposal . . . <sup>F2</sup> within the prescribed period.
- (3) Section 76 of the <sup>M1</sup>Public Health Act 1936 (which relates to the deposit and disposal of refuse) shall, with the exception of subsection (3)(a) of that section, apply to any thing removed in pursuance of subsection (1) above as it applies to other refuse.
- (4) Subject to subsection (5) below, a local authority by whom any thing is removed in pursuance of subsection (1) above shall be entitled to recover the cost of removing and disposing of it from—
  - (a) any person by whom it was put in the place from which it was so removed, or
  - (b) any person convicted of an offence under section 2(1) above in consequence of the putting of the thing in that place.

<sup>F3</sup>(5) . . . . .

- (6) Subsections (2) and (3) of section 5 above shall apply for the purposes of this section as they apply for the purposes of that section, but as if in the said subsection (3)—
  - (a) for references to a vehicle there were substituted references to any other thing, and
  - (b) for references to the appropriate authority there were substituted references to the relevant local authority.
- (7) In the application of this section to Scotland—

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*Changes to legislation: There are currently no known outstanding effects for the Refuse Disposal (Amenity) Act 1978, Section 6. (See end of Document for details)*

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- (a) for subsection (3) there shall be substituted the following subsection—
- “(3) A local authority may—
- (a) provide places for the deposit of any thing removed by them under subsection (1) above;
  - (b) provide plant and apparatus for the treatment or disposal of any thing deposited at such a place; and
  - (c) sell or otherwise dispose of any such thing.”;
- (b) in subsection (6), for paragraphs (a) and (b) there shall be substituted the words “for references to a vehicle there were substituted references to any other thing”.

(8) On the relevant date—

- (a) for subsection (3) of this section there shall be substituted the following subsection:—
- “(3) A local authority may—
- (a) provide places for the deposit of any thing removed by them under subsection (1) above;
  - (b) provide plant and apparatus for the treatment or disposal of any thing deposited at such a place; and
  - (c) sell or otherwise dispose of any such thing.”;
- (b) subsection (7)(a) of this section shall be omitted.

#### Textual Amendments

- F1** S. 6(1): "road" substituted (S.) for "highway" by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 157(2), [Sch. 9 para. 78\(4\)](#)
- F2** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), ss. 1(3), 194, [Sch. 3 para. 16](#), [Sch. 34 Pt. III](#)
- F3** S. 6(5) repealed (1.4.1986) by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1(2), 102, [Sch. 17](#)

#### Modifications etc. (not altering text)

- C1** S. 6 extended (E.W.) by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 2(6), 23(2), 27(2), [Sch. 3 para. 45\(a\)](#)
- C2** S. 6 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, [25\(2\)\(xxiv\)](#) (with art. 35)
- C3** S. 6 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 2, [25\(1\)](#), [25\(1\)](#), [25\(2\)\(xxiv\)](#) (with art. 35)

#### Marginal Citations

- M1** 1936 c. 49.

**Changes to legislation:**

There are currently no known outstanding effects for the Refuse Disposal (Amenity) Act 1978, Section 6.