



Litter Act 1983

1983 CHAPTER 35

5 Litter bins in England and Wales.

- (1) A litter authority in England and Wales may provide and maintain in any street or public place receptacles for refuse or litter (in this section referred to as “litter bins”).
- (2) It shall be the duty of a litter authority in England and Wales to make arrangements for the regular emptying and cleansing of any litter bins provided or maintained by them under this section or under section 185 of the ^{M1}Highways Act 1980; and such an authority shall have power to cleanse and empty litter bins provided in any street or public place by them or any other person.
- (3) The regular emptying mentioned in subsection (2) above shall be sufficiently frequent to ensure that no such litter bin or its contents shall become a nuisance or give reasonable ground for complaint.
- (4) In any place where a litter bin may be provided or maintained under this section or under section 185 of the Highways Act 1980, a litter authority may put up notices about the leaving of refuse and litter, and for that purpose may, subject to the provisions of this section, erect and maintain notice boards.
- (5) Subject to section 13 of the ^{M2}City of London (Various Powers) Act 1971 (which empowers the Common Council of the City of London to affix litter bins), a litter authority shall not have power under this section to place any litter bin or any notice board—
 - (a) on any land forming part of an open space as defined in the ^{M3}Open Spaces Act 1906 which is provided by or under the management and control of some other litter authority or a parish meeting, without the consent of that authority or meeting, or
 - (b) on any other land not forming part of a street, without the consent of the owner and of the occupier of that land.
- (6) The powers conferred by this section shall only be exercisable with the consent of the persons mentioned in the Table in paragraph 1 of Schedule 1 to this Act, and paragraphs 2 and 3 of that Schedule shall have effect in relation to those consents.
- (7) A litter authority may sell refuse or litter removed by them from any litter bins.

Changes to legislation: There are currently no known outstanding effects for the Litter Act 1983, Section 5. (See end of Document for details)

- (8) A litter authority may not, under this section, do anything that is unlawful under the law relating to ancient monuments or to town and country planning.
- (9) Any person who wilfully removes or otherwise interferes with any litter bin or notice board provided or erected under this section or section 185 of the ^{M4}Highways Act 1980 shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (10) The court by which a person is convicted under subsection (9) above may order him to pay a sum not exceeding £20 as compensation to the litter authority concerned, and any such order shall be enforceable in the same way as an order for costs to be paid by the offender.
- (11) This section applies to a receptacle provided under section 76 of the ^{M5}Public Health Act 1936 or section 51 of the ^{M6}Public Health Act 1961 as if it has been provided under this section.

Modifications etc. (not altering text)

- C1** Ss. 5, 6: power to transfer functions conferred by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. [10\(4\)](#), [106\(2\)](#)
- C2** S. 5(1): functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by virtue of [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, [25\(2\)\(xxxi\)](#) (with art. 35)
- C3** S. 5(1): functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by virtue of [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 2, [25\(1\)](#), [25\(1\)](#), [25\(2\)\(xxxi\)](#) (with art. 35)
- C4** S. 5(4): functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by virtue of [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, [25\(2\)\(xxxi\)](#) (with art. 35)
- C5** S. 5(4): functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by virtue of [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 2, [25\(1\)](#), [25\(1\)](#), [25\(2\)\(xxxi\)](#) (with art. 35)
- C6** S. 5(6): Functions of the Secretary of State for Transport made exercisable by, or by employees of, such person as may be authorised in that behalf by the Secretary of State for Transport (25.7.1995) by [S.I. 1995/1986](#), art. 2, [Sch. 3 para. 6](#)
S. 5(6): functions of a local highway authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by [S.I. 1999/2106](#), art. 2 Sch. 3 para 6
- C7** S. 5(6): functions made exercisable as specified (24.3.2009) by [The Contracting Out \(Highway Functions\) Order 2009 \(S.I. 2009/721\)](#), arts. 1, 3, [Sch. 3 para. 6](#)
- C8** S. 5(6) functions made exercisable as specified (E.) (1.4.2015) by [The Delegation of Functions \(Strategic Highways Companies\) \(England\) Regulations 2015 \(S.I. 2015/378\)](#), regs. 1(1), 3, [Sch. 3 para. 4](#)
- C9** S. 5(7): functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by virtue of [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, [25\(2\)\(xxxi\)](#) (with art. 35)
- C10** S. 5(7): functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by virtue of [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 2, [25\(1\)](#), [25\(1\)](#), [25\(2\)\(xxxi\)](#) (with art. 35)

Marginal Citations

- M1** 1980 c. 66.

Changes to legislation: *There are currently no known outstanding effects for the Litter Act 1983, Section 5. (See end of Document for details)*

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| M2 | 1971 c. lxi. |
| M3 | 1906 c. 25. |
| M4 | 1980 c. 66. |
| M5 | 1936 c. 49. |
| M6 | 1961 c. 64. |

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