

GREATER LONDON AUTHORITY ACT 2007

EXPLANATORY NOTES

COMMENTARY

Part 8: Environmental Functions

Waste

Section 37: Duties of waste collection authorities etc

89. Section 353 of the GLA Act 1999 requires the Mayor to prepare and publish a document known as the municipal waste management strategy. This sets the strategic direction for London's waste activities. Section 355 of the 1999 Act requires waste collection authorities and waste disposal authorities in Greater London to "have regard to" the strategy in carrying out some of their waste functions.
90. *Subsection (3)* amends section 355 of the GLA Act 1999 so as to require waste collection and waste disposal authorities in Greater London to "act in general conformity with" the Mayor's strategy. The duty will apply whenever those authorities exercise any of their waste functions under Part 2 of the Environmental Protection Act 1990. This will allow the Mayor to have a stronger strategic role in the management of London's waste.
91. *Subsection (4)* inserts a new subsection (2) into section 355 of the GLA Act 1999 to limit the duty on London waste authorities to "act in general conformity" with the strategy, so that it does not apply where to do so would impose "excessive additional costs" on the authority.
92. *Subsection (5)* inserts a series of new subsections into section 355 of the GLA Act 1999. New subsection (3) gives the Secretary of State the power to issue guidance setting out a definition of "general conformity" and "imposing excessive additional costs on an authority". New subsection (4) requires waste collection authorities and waste disposal authorities in Greater London to act in accordance with the guidance.
93. New subsections (6) and (7) set out the limitations on the duty for waste authorities in Greater London to act in general conformity insofar as waste contracts are concerned. Subsection (6) provides that neither the duty nor any related guidance requires an authority to terminate a waste contract before the expiry of the term of the contract or to do anything which would result in a breach of any term of a waste contract. Subsection (7) provides that if the Mayor's municipal waste management strategy is revised after the authority has sent the second information notice relating to the awarding of the contract to the Official Journal of the European Union, the duty and guidance apply as if the former strategy still had effect.
94. *Subsection (6)*, a transitional provision, provides that the new duty to act in general conformity with the Mayor's municipal waste management strategy and accompanying guidance does not apply in relation to the awarding of a waste contract if the authority had sent the second information notice relating to the awarding of the contract to the Official Journal of the European Union before the new duty comes into force.