

SCHEDULE 2

FUNCTIONS

The Refuse Disposal (Amenity) Act 1978

13. The Refuse Disposal (Amenity) Act 1978(1) shall have effect subject to the following modifications.

14.—(1) In the area of a London waste disposal authority section 1 (provision by local authorities for disposal of refuse) shall have effect as if—

- (a) in subsection (3) the words “or disposal” were omitted; and
- (b) in subsection (4) the words “and dispose of” were omitted.

(2) Where the council of a London borough provides a place for the deposit of refuse in pursuance of section 1 in the area of a London waste disposal authority, the authority shall be under a duty to sell or otherwise dispose of refuse deposited at that place and the council shall afford them access for that purpose at all reasonable times.

(3) A London waste disposal authority shall have power to provide plant and apparatus for the disposal of refuse in pursuance of sub-paragraph (2) and, where the council enter into an agreement with a person under section 1(4), the authority shall also have power to enter into an agreement with that person for the discharge of its duty under sub-paragraph (2).

(4) Section 1(7) shall have effect as if for the definition of “local authority” the following definition were substituted—

“‘local authority’ means, in relation to England—

- (a) in Greater London, the council of a London borough or the Common Council;
- (b) in the metropolitan county of Greater Manchester (excluding the metropolitan district of Wigan), the Greater Manchester Waste Disposal Authority;
- (c) in the metropolitan county of Merseyside, the Merseyside Waste Disposal Authority;
- (d) in all other areas in England, the council of the county or metropolitan district; and”.

15. Section 3 (removal of abandoned vehicles) shall have effect as if—

(a) after subsection (5) the following subsection were inserted—

“(6) Any vehicle removed under this section by the council of a London borough whose area is included in the area of a London waste disposal authority, or by the council of a metropolitan district whose area is included in the area of the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority, shall be delivered by them to the authority in question in accordance with such arrangements (including arrangements as to the sharing of any expenses incurred or sums received by the council and the authority under this Act) as may be agreed between the council and the authority or, in default of agreement, as may be determined by arbitration.”;

(b) subsection (8) shall have effect as if after the words “local authority” the following words were inserted—

“, a London waste disposal authority, the Greater Manchester Waste Disposal Authority, the Merseyside Waste Disposal Authority”

; and

(c) at the end of subsection (9) the following

(1) relevant amendments were made by paragraph 4 of Schedule 6 to the Local Government Act 1985.

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subsection were inserted—

“(10) In this section and section 5 the area of the Greater Manchester Waste Disposal Authority is the metropolitan county of Greater Manchester excluding the metropolitan district of Wigan.”.

16. Section 4 (disposal of removed vehicles) shall have effect as if for subsection (8) the following subsection were substituted—

“(8) In this section ‘local authority’ means , in relation to England—

- (a) in the area of a London waste disposal authority, that authority;
- (b) in other areas of Greater London, the council of a London borough or the Common Council;
- (c) in the metropolitan county of Greater Manchester (excluding the metropolitan district of Wigan), the Greater Manchester Waste Disposal Authority;
- (d) in the metropolitan county of Merseyside, the Merseyside Waste Disposal Authority; and
- (e) in other areas in England, the council of the county or metropolitan district.”.

17. Section 5 (recovery of expenses connected with removed vehicles) shall have effect as if—

- (a) in subsection (4) for the definition of “appropriate authority” the following definition were substituted—

“‘appropriate authority’ means —

- (a) in the case of a vehicle removed in pursuance of section 3(1) above by the council of a London borough whose area is included in the area of a London waste disposal authority, that authority;
- (b) in the case of a vehicle so removed by the council of a metropolitan district whose area is included in the area of the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority, the authority in question;
- (c) in the case of a vehicle so removed by the council of a non-metropolitan district in England, the county council; and
- (d) in the case of a vehicle so removed by any other local authority in England or by a local authority in Wales, that local authority; and ”

; and

- (b) in subsection (5) after the words “subsection (1)(b) above” there were inserted the following paragraph—

“(a) a vehicle removed in pursuance of section 3(1) above by the council of a London borough whose area is included in the area of a London waste disposal authority, or by the council of a metropolitan district whose area is included in the area of the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority, shall be treated as in the control of the authority in question while it was in the custody of the council by whom it was so removed; and ”.

18. Section 11(1) (interpretation) shall have effect as if the following definition were inserted after the definition of “local authority”—

““‘London waste disposal authority’ means an authority established by Part II, III, IV or V of Schedule 1 to the Waste Regulation and Disposal (Authorities) Order 1985;”.

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