
STATUTORY INSTRUMENTS

1991 No. 1325

The Litter Control Areas Order 1991

Citation and commencement

1. This Order may be cited as the Litter Control Areas Order 1991 and shall come into force on 1st July 1991.

Land which may be designated as a litter control area

2.—(1) Subject to paragraph (2), land of the following descriptions may be designated under section 90(3) of the Environmental Protection Act 1990 as, or as part of, a litter control area:

- (a) car parks to which the public are entitled or permitted to have access;
- (b) land forming a retail shopping development which has a gross retail floorspace of 5,000 square metres or more, other than the land within that development which is retail floorspace or ancillary space used directly with retail floorspace;
- (c) land to which the public are entitled or permitted to have access, which is open to the air, and which forms part of a business or office park or an industrial or trading estate with a gross floor space of 5,000 square metres or more;
- (d) land used as a cinema, theatre, concert hall, bingo hall, casino, dance hall, swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, or as an amusement arcade or centre;
- (e) any part of an inland beach or the seashore (that is to say every cliff, bank, barrier, dune, beach, flat or other land adjacent to and above the place to which the tide flows at mean high water springs) which is—
 - frequently used by large numbers of people, and
 - managed by the person having direct control of it as a tourist resort or recreational facility;
- (f) any esplanade or promenade which is above the place to which the tide flows at mean high water springs;
- (g) land which is, or is part of, an aerodrome licensed under Part IX of the Air Navigation Order 1989(1), other than an aerodrome operated by a relevant airport operator within the meaning of Part V of the Airports Act 1986(2);
- (h) land which is, or is part of, a marina, or other similar recreational boating facility and is above the place to which the tide flows at mean high water springs, other than an area used solely for repairing boats;
- (i) land which is, or is part of, a motorway service station;
- (j) land to which the public are entitled or permitted to have access, which is open to the air, and which is under the direct control of—
 - (i) a parish or community council or parish trustees,

(1) S.I.1989/2004.
(2) 1986 c. 31.

- (ii) an urban development corporation established under Part XVI of the Local Government, Planning and Land Act 1980(3),
 - (iii) a new town development corporation established under section 3 of the New Towns Act 1981(4) or section 2 of the New Towns (Scotland) Act 1968(5),
 - (iv) the Development Board for Rural Wales,
 - (v) the Commission for the New Towns,
 - (vi) an authority established under section 10 of the Local Government Act 1985(6) (waste disposal authorities),
 - (vii) a joint authority established by Part IV of the Local Government Act 1985 (police, fire services, civil defence and transport),
 - (viii) a residuary body established under section 57(1) of the Local Government Act 1985 or any body established pursuant to an order under section 67 of that Act (successors to residuary bodies),
 - (ix) a housing action trust established under section 62 of the Housing Act 1988(7),
 - (x) the Broads Authority,
 - (xi) a joint or special planning board constituted for a National Park by an Order under paragraph 1 or paragraph 3 of Schedule 17 to the Local Government Act 1972(8), or
 - (xii) a health service body as defined in section 60(7) of the National Health Service and Community Care Act 1990(9) or an NHS trust established under section 5 of that Act or under section 12A of the National Health Service (Scotland) Act 1978(10);
 - (l) land on which a market is held, other than land forming part of a highway or, in Scotland, a public road;
 - (m) land forming, or forming part of, a camping or caravan site (including a mobile home site) which is used for more than 28 days in one year,
 - (n) a trunk road picnic area provided by the Minister under section 112 of the Highways Act 1980(11) or, in Scotland, by the Secretary of State under section 55 of the Roads (Scotland) Act 1984(12), or a picnic site provided by a local planning authority under section 10(2) of the Countryside Act 1968(13) or, in Scotland, a picnic place provided by an islands or district council or a general or district planning authority under section 2(2)(a)(i) of the Local Government (Development and Finance) (Scotland) Act 1964(14).
- (2) Land as respects which section 89(1)(a) to (f) of the Environmental Protection Act 1990 imposes a duty may not be designated as, or as part of, a litter control area.

Form of designation orders

3.—(1) Subject to paragraph (2), a designation order under section 90(3) of the Environmental Protection Act 1990 shall be in the form prescribed in the Schedule to this Order.

(3) 1980 c. 65.

(4) 1981 c. 64.

(5) 1968 c. 16.

(6) 1985 c. 51.

(7) 1988 c. 50.

(8) 1972 c. 70.

(9) 1990 c. 19.

(10) 1978 c. 29; section 12A was inserted by section 31 of the National Health Service and Community Care Act 1990.

(11) 1980 c. 66.

(12) 1984 c. 54.

(13) 1968 c. 41.

(14) 1964 c. 67; section 2(2) is to be read with section 9(1) of and Schedule 12 to the Local Government and Planning (Scotland) Act 1982 (c. 43).

(2) In Scotland, for the words “the map forming part of this Order, sealed with the common seal of the (a)” in the prescribed form there shall be substituted the words “the map executed as relative to and forming part of this Order”.

5th June 1991

Michael Heseltine
Secretary of State for the Environment

5th June 1991

David Hunt
Secretary of State for Wales

5th June 1991

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office