

*Status: Point in time view as at 27/08/1993.*

*Changes to legislation: Local Government, Planning and Land Act 1980, Cross Heading: Control of Pollution Act 1974 (c. 40) is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### RELAXATION OF CONTROLS OVER FUNCTIONS RELATING TO CLEAN AIR AND POLLUTION

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

- C1** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### *Control of Pollution Act 1974 (c. 40)*

- 7 In section 2—
- (a) in subsection (2) (waste disposal plans; power to modify required contents by regulations) omit the words from “but provision may be made by regulations” to the end;
  - (b) in subsection (3)(a) (duty to consult) in paragraph (vi) omit “and such other persons as are prescribed”;
  - (c) omit subsection (7) (power of Secretary of State to give authority direction as to the time by which it is to perform duty).
- 8 In section 5—
- (a) in subsection (1) (application for disposal licence to be made in writing and include prescribed information) omit “and include such information as is prescribed”;
  - (b) in subsection (2) (disposal licences and planning) omit the words from “but provision may be made by regulations” to the end;
  - (c) in subsection (4)(a) (disposal authority to refer proposal to certain persons) omit “and to any other prescribed person”; and
  - (d) in subsection (5)(a) (which make similar provision in relation to Scotland) omit “and  
(iii) any other prescribed person;”.
- 9 (1) The following provisions (which relate to procedural matters connected with waste disposal) shall cease to have effect, namely—
- (a) in section 6(1), the words “as to the conditions which are or are not to be specified in a disposal licence, and”; and
  - (b) in section 11(3)(c) and (4)(a) the words “and to any other prescribed person”.
- (2) in section 6(4)(a), for “prescribed particulars” substitute “copies”.
- (3) In section 11(10) for “particulars” substitute “copies”.

*Status: Point in time view as at 27/08/1993.*

*Changes to legislation: Local Government, Planning and Land Act 1980, Cross Heading: Control of Pollution Act 1974 (c. 40) is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 10 (1) The following subsections shall be substituted for subsection (1) of section 13 (dustbins etc.):—

“(1) Where a collection authority has a duty by virtue of subsection (1)(a) of the preceding section to arrange for the collection of household waste from any premises, the authority may, by a notice served on the occupier of the premises, require him to place the waste for collection in receptacles which are of a kind and number reasonably specified in the notice.

(1A) A person who fails to comply with any of the requirements of such a notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.”

- (2) In subsection (3) of that section—

(a) for the words “the kind or number of the receptacles required by” there shall be substituted the words “ any requirement specified in ”; and

(b) in paragraph (c), for the words “the kind or number of receptacles” there shall be substituted the words “ any requirement ”.

- (3) The following subsections shall be substituted for subsection (5):—

“(5) If it appears to a collection authority that there is likely to be situated, on any premises in its area, commercial waste or industrial waste of a kind which, if the waste is not stored in receptacles of a particular kind, is likely to cause a nuisance or to be detrimental to the amenities of the locality in which the premises are situated, the authority may, by notice served on the occupier of the premises, require him to provide at the premises receptacles for the storage of such waste which are of a kind and number reasonably specified in the notice.

(5A) A person who fails to comply with any requirement specified in the notice shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £100.”

- (4) In subsection (6), for the words “the kind or number of receptacles” there shall be substituted the words “ any requirement ”.

- (5) The following subsections shall be substituted for subsection (7):—

“(7) A notice under subsection (1) or (5) of this section may make provision with respect to—

(a) the size, construction and maintenance of receptacles for controlled waste;

(b) the placing of receptacles on premises for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose;

(c) the placing of receptacles for that purpose of highways;

(d) the substances which may and may not be put into the receptacles and the precautions to be taken where particular substances are put into them; and

(e) the steps to be taken by occupiers of premises for the purposes of facilitating the collection of waste from receptacles for controlled waste which are provided in connection with the premises.

(7A) A notice under subsection (1) or (5) of this section shall not require receptacles to be placed on highways unless—

*Status: Point in time view as at 27/08/1993.*

*Changes to legislation: Local Government, Planning and Land Act 1980, Cross Heading: Control of Pollution Act 1974 (c. 40) is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) the relevant highway authority have given their consent to their being so placed; and
    - (b) arrangements have been made as to the liability for any damage arising out of their being so placed.”
- 11 (1) In section 23 (prohibition of parking to facilitate street cleaing) for subsection (2), substitute—
  - “(2) Such a notice must specify the relevant area, the relevant day and the hours in question; and a copy of the notice must—
    - (a) be served on the occupier of any premises adjoining the relevant area; and
    - (b) be conspicuously displayed at places in the relevant area.
  - (2A) The effect of the giving of such a notice and of the service and display of copies of it as required by subsection (2) of this section shall be to suspend during the hours of the relevant day specified in the notice the operation of any provision which is contained in an order under the Road Traffic Regulation Act 1967 or a local enactment and which authorises, designates or regulates the use of a street parking place in the relevant area.
  - (2B) The authority giving the notice shall cover up traffic signs and parking meters in the relevant area during the hours if the relevant day specified in the notice, but without prejudice to the effect of the notice.”.
- (2) Omit section 22(3).
- (3) For subsection (5) substitute:—
  - “(5) If, either before or during the hours on the relevant day which are specified in a notice given by an authority as mentioned in subsection (1) of this section, the authority displays notices in the relevant area stating that the prohibition on parking is not to come into force or is to cease to be in force, the effect of the notices under this subsection shall be to prevent the prohibition coming into force or, as the case may be, to terminate it.”.
- (4) After subsection (6) insert:—
  - “(6A) No authority shall issue a notice under this section whose effect would be to suspend the operation of provisions of an order not made by the highway authority without first consulting the authority who made the order.”.
- (5) After subsection (8) insert:—
  - “(9) In this section “parking meter”, “street parking place” and “traffic sign” have the same meanings respectively assigned to them by sections 36(2)(a), 104(1) and 54 of the Road Traffic Regulation Act 1967.”.
- 12 In section 27(1)(b) (interference with receptacles for waste) for “regulations made by virtue of section 13(7)” substitute “ a notice under section 13(1) or (5) ”.
- 13 In section 28(1), (supplementary provisions relating to pipes), omit “in the prescribed form”.
- 14 In section 63 (designation of noise abatement zones), except in its applocation to orders made but not confirmed before the passing of this Act, omit the following words—

*Status: Point in time view as at 27/08/1993.*

*Changes to legislation: Local Government, Planning and Land Act 1980, Cross Heading: Control of Pollution Act 1974 (c. 40) is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) in subsection (1), “confirmed by the Secretary of State”;
- (b) in subsection (3), “and confirmed”, in both places where they occur; and
- (c) in subsection (4), “confirmation and”.

15 Omit section 73(2)(a) (determination by Secretary of State of questions as to local authority area).

F116 .....

**Textual Amendments**  
**F1** Sch. 2 para. 16 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch.6

17 In section 90(2)(b) (interest on sums payable to water or other authorities) for the words from “the rate”, in the first place where they occur to the end substitute “such reasonable rate or rates as the authority may determine”.

18 For Schedule 1 substitute—

“SCHEDULE 1

NOISE ABATEMENT ZONES

- 1 Before making a noise abatement order the local authority—
  - (a) shall serve on every owner, lessee and occupier (other than tenants for a month or any period less than a month) of any of the premises within the area and of a class to which the order will relate; and
  - (b) shall publish in the London Gazette and once at least in two successive weeks in some newspaper circulating in the area to which the order will relate,
 a notice complying with the requirement set out in the following paragraph.
- 2 The requirements referred to in the preceding paragraph are that the notice—
  - (a) shall state that the local authority propose to make the order, and its general effect;
  - (b) shall specify a place in the area of the local authority where a copy of the order and of any map or plan referred to in it may be inspected by any person free of charge at all reasonable times during a period of not less than six weeks from the date of the last publication of the notice; and
  - (c) shall state that within the said period any person who will be affected by the order may by notice in writing to the local authority object to the making of the order.
- 3 (1) If an objection is duly made to the local authority within the said period, and is not withdrawn, the local authority shall not make the order without first considering the objection.
  - (2) The local authority may make the order without complying with subparagraph (1) of this paragraph if they are satisfied that compliance is unnecessary having regard—
    - (a) to the nature of the premises to which the order will relate when it comes in to force; or

---

*Status: Point in time view as at 27/08/1993.*

*Changes to legislation: Local Government, Planning and Land Act 1980, Cross Heading: Control of Pollution Act 1974 (c. 40) is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (b) to the nature of the interests of the persons who have made objections which have not been withdrawn.
  - (3) Where the order varies or revokes a previous order, the local authority may, in acting under this paragraph disregard any objection to the order which in their opinion amounts in substance to an objection which was made to the previous order.
- 4
- (1) Subject to paragraph 5 below, an order shall come into operation on such date after it is made as may be specified in it.
  - (2) Except in the case of an order revoking an existing order or varying an existing order by excluding from it any specified class of premises, the date specified under sub-paragraph (1) above shall not be a date earlier than one month from the date on which the order is made.
- 5
- If, before the date on which the order is to come into operation, the local authority—
- (a) passes a resolution postponing the coming into operation of the order; and
  - (b) publishes a notice stating the effect of the resolution in the London Gazette and once at least in each of two successive weeks in a newspaper circulating in the area to which the order relates,
- the order shall, unless there is a further postponement under paragraph (a) above, come into operation in the date specified in the resolution.”

**Status:**

Point in time view as at 27/08/1993.

**Changes to legislation:**

Local Government, Planning and Land Act 1980, Cross Heading: Control of Pollution Act 1974 (c. 40) is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.