



Greater London Authority Act 1999

1999 CHAPTER 29

PART IX U.K.

ENVIRONMENTAL FUNCTIONS

Waste

353 The Mayor's municipal waste management strategy. E+W+S

- (1) The Mayor shall prepare and publish a document to be known as the “municipal waste management strategy”.
- (2) The municipal waste management strategy—
 - (a) shall contain the Mayor's proposals and policies for the recovery, treatment and disposal of municipal waste, and
 - (b) may contain such other proposals and policies relating to municipal waste as he considers appropriate.
- (3) In preparing the municipal waste management strategy the Mayor is to have regard to the plans prepared by waste collection authorities in Greater London in accordance with section 49 of the ^{M1}Environmental Protection Act 1990 (waste recycling plans).
- (4) In preparing or revising the municipal waste management strategy the Mayor shall have regard to—
 - (a) the strategy prepared by the Secretary of State in accordance with section 44A of the ^{M2}Environmental Protection Act 1990 (the national waste strategy), and
 - (b) any guidance given to him by the Secretary of State for the purposes of the implementation of that strategy and relating to the content of the municipal waste management strategy.
- (5) In preparing or revising the municipal waste management strategy the Mayor shall consult—
 - (a) the Environment Agency,
 - (b) waste disposal authorities in Greater London,

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- (c) any waste disposal authority the area of which has a boundary which adjoins any part of the boundary of Greater London,
 - (d) local authorities in whose areas municipal waste is disposed of by waste disposal authorities in Greater London or is proposed in the strategy to be so disposed of, and
 - (e) any other body which is concerned with the minimisation, recovery, treatment or disposal of municipal waste and which the Mayor considers it appropriate to consult.
- (6) Where the Mayor revises the municipal waste management strategy, he shall publish it as revised.
- (7) In this Act, references to the municipal waste management strategy include, except where the context otherwise requires, a reference to the municipal waste management strategy as revised.

Marginal Citations

- M1** 1990 c. 43.
M2 1990 c. 43.

354 Directions by the Secretary of State. **E+W+S**

- (1) Where the Secretary of State considers that either of the conditions specified in subsection (2) below is satisfied, he may give the Mayor a direction about the content of the municipal waste management strategy.
- (2) The conditions mentioned in subsection (1) above are—
- (a) that the municipal waste management strategy or its implementation is likely to be detrimental to any area outside Greater London, or
 - (b) that a direction about the content of the municipal waste management strategy is required for the purposes of the implementation of the policies contained in the strategy prepared by the Secretary of State in accordance with section 44A of the ^{M3}Environmental Protection Act 1990 (national waste strategy).
- (3) The power of the Secretary of State to give a direction to the Mayor under subsection (1) above—
- (a) may be exercised either generally or specially, and
 - (b) may only be exercised after consultation with the Mayor.
- (4) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor shall comply with the direction.

Marginal Citations

- M3** 1990 c. 43.

355 Duties of waste collection authorities etc. **E+W+S**

In exercising any function under Part II of the ^{M4}Environmental Protection Act 1990 (waste on land)—

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- (a) each of the waste collection authorities in Greater London, and
 - (b) each of the waste disposal authorities in Greater London,
- shall have regard to the municipal waste management strategy.

Marginal Citations

M4 1990 c. 43.

356 Directions by the Mayor. **E+W+S**

- (1) Where the Mayor considers that it is necessary for the purposes of the implementation of the municipal waste management strategy, he may give to a waste collection authority in Greater London, or a waste disposal authority in Greater London, a direction requiring the authority to exercise a function in a manner specified in the direction.
- (2) The Mayor may not give to an authority a direction under subsection (1) above requiring the authority—
 - (a) to terminate a waste contract before the expiry of the term of the contract; or
 - (b) to do anything which would result in a breach of any term of a waste contract.
- (3) The Mayor may not give to an authority a direction under subsection (1) above requiring the authority to exercise a function in relation to the awarding of a waste contract if—
 - (a) the authority is required to comply with the public procurement regulations in awarding that contract, and
 - (b) in compliance with those regulations the authority has sent the second information notice relating to the awarding of that contract to the Official Journal of the European Communities.
- (4) The power of the Mayor to give a direction to an authority under subsection (1) above—
 - (a) may be exercised either generally or specially, and
 - (b) may only be exercised after consultation with the authority concerned.
- (5) Where the Mayor gives an authority a direction under subsection (1) above, the authority to whom the direction is given shall comply with the direction.

357 Information about existing waste contracts. **E+W+S**

- (1) Where at the date on which this section comes into force a waste authority is a party to a waste contract, the authority shall, before the end of the period of 21 days beginning with the date on which this section comes into force, notify the Mayor of the date on which the term of the contract is due to expire.
- (2) A waste authority which is a party to a waste contract shall—
 - (a) at least two years before the date on which the term of the contract is due to expire, but
 - (b) no earlier than three years before that date,notify the Mayor of that date.

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- (3) Subsection (1) above is without prejudice to subsection (2) above.
- (4) If at any time before the date on which the term of a waste contract is due to expire a waste authority which is a party to the contract—
 - (a) proposes to terminate or amend the contract, or
 - (b) receives notification from another party to the contract that the contract is or is proposed to be terminated or amended,
 the authority shall as soon as reasonably practicable notify the Mayor.
- (5) Where the Mayor has been notified by a waste authority under subsection (1), (2) or (4) above he may direct the authority to provide him with such information as he may require for the purposes of deciding whether—
 - (a) the arrangements which the authority is making to enter into a new contract,
 - (b) the terms upon which the authority is proposing to enter into a new contract, or
 - (c) the amendments or proposed amendments to the contract,
 would be detrimental to the implementation of the municipal waste management strategy.
- (6) Where the Mayor gives an authority a direction under subsection (5) above, the authority to whom the direction is given shall comply with the direction.

358 Information about new waste contracts. E+W+S

- (1) If in the awarding of a waste contract a waste authority is required to comply with the public procurement regulations, the authority shall not send the first information notice relating to the awarding of the contract to the Official Journal of the European Communities unless—
 - (a) the authority has notified the Mayor that it proposes to send such a notice, and
 - (b) a period of at least 56 days beginning with the day on which the Mayor is so notified has elapsed.
- (2) If in the awarding of a waste contract a waste authority is not required to comply with the public procurement regulations, the authority shall not enter into the contract unless—
 - (a) the authority has notified the Mayor that it proposes to enter into such a contract, and
 - (b) a period of at least 56 days beginning with the day on which the Mayor is so notified has elapsed.
- (3) Where the Mayor has been notified under subsection (1) or (2) above he may direct the waste authority to provide him with such information about the contract as he may require for the purposes of deciding whether the contract would be detrimental to the implementation of the municipal waste management strategy.
- (4) Where the Mayor gives an authority a direction under subsection (3) above, the authority to whom the direction is given shall comply with the direction.

359 Confidential information about waste contracts. E+W+S

- (1) Nothing in section 357 or 358 above shall require a waste authority to provide any information if—
 - (a) the information has been provided to the waste authority by another person,

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- (b) that person has imposed requirements as to the maintenance by the waste authority of confidentiality in respect of the information,
 - (c) the waste authority is, by virtue of the public procurement regulations, under a duty to comply with those requirements, and
 - (d) the provision of the information would be in breach of that duty.
- (2) If at the time when information is provided by a waste authority to the Mayor under section 357 or 358 above the waste authority notifies the Mayor that, in the opinion of the authority, the information is confidential information or exempt information, the information shall not be disclosed—
- (a) by the Mayor, except to a person appointed under section 67(1) or (2) above, or
 - (b) by such a person, except to another such person.
- (3) For the purposes of subsection (2) above—
- “confidential information” has the meaning given by section 100A(3) of the ^{M5}Local Government Act 1972, but taking the reference to the council in paragraph (a) of that provision as a reference to the waste authority;
- “exempt information” shall be construed in accordance with section 100I of that Act, but taking references to a principal council in paragraph 1(2) of Schedule 12A to that Act (meaning of “the authority”) as references to a waste authority.

Marginal Citations

M5 1972 c. 70.

360 Interpretation of sections 353 to 359. **E+W+S**

- (1) This section applies for the purposes of sections 353 to 359 above.
- (2) The following expressions have the meanings given below—
- “disposal”, in relation to waste, shall be construed in accordance with section 29(6) of the ^{M6}Environmental Protection Act 1990,
- “municipal waste” means any waste in the possession or under the control of—
- (a) a body which, or a person who, is a waste collection authority in Greater London, or
 - (b) a body which is a waste disposal authority in Greater London,
- whether or not the waste is in the possession or under the control of the body or person under or by virtue of that Act,
- “the public procurement regulations” means any of the following—
- (a) the ^{M7}Public Works Contracts Regulations 1991,
 - (b) the ^{M8}Public Services Contracts Regulations 1993,
 - (c) the ^{M9}Public Supply Contracts Regulations 1995, and
 - (d) the ^{M10}Utilities Contracts Regulations 1996,
- “recovery”, in relation to waste, includes the recovery of materials from waste and the recovery of energy from waste,
- “treatment”, in relation to waste, shall be construed in accordance with section 29(6) of the ^{M11}Environmental Protection Act 1990,

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“waste” shall be construed in accordance with section 75 of that Act,
 “waste authority” means—

- (a) a waste collection authority in Greater London, or
- (b) a waste disposal authority in Greater London,

“waste collection authority in Greater London” shall be construed in accordance with section 30(3)(b) of that Act,

“waste contract” means a contract which includes or is to include provision relating to municipal waste and is made or to be made by a waste authority in the performance of its functions under Part II of that Act (waste on land), and

“waste disposal authority in Greater London” shall be construed in accordance with section 30(2)(b) of that Act.

- (3) “First information notice”, in relation to the awarding of a waste contract by a waste authority, means—
 - (a) in a case where the authority is required in the awarding of that contract to comply with—
 - (i) the ^{M12}Public Works Contracts Regulations 1991,
 - (ii) the ^{M13}Public Services Contracts Regulations 1993, or
 - (iii) the ^{M14}Public Supply Contracts Regulations 1995,
 a notice in respect of that contract sent to the Official Journal of the European Communities in compliance with regulation 9 of the relevant Regulations; or
 - (b) in a case where the authority is required in the awarding of that contract to comply with the ^{M15}Utilities Contracts Regulations 1996, a notice in respect of that contract sent to the Official Journal of the European Communities in compliance with regulation 14.
- (4) “Second information notice”, in relation to the awarding of a waste contract by a waste authority, means—
 - (a) in a case where the authority is required in the awarding of that contract to comply with—
 - (i) the Public Works Contracts Regulations 1991,
 - (ii) the Public Services Contracts Regulations 1993, or
 - (iii) the Public Supply Contracts Regulations 1995,
 a notice in respect of that contract sent to the Official Journal of the European Communities in compliance with regulation 11, 12 or 13 of the relevant Regulations; or
 - (b) in a case where the authority is required in the awarding of that contract to comply with the Utilities Contracts Regulations 1996, a notice in respect of that contract sent to the Official Journal of the European Communities which in accordance with regulation 15(2)(b) satisfies the requirement of regulation 15(1) to make a call for competition.
- (5) Until the date on which the municipal waste management strategy is first published under section 353(1) above, sections 356(1), 357(5) and 358(3) above have effect as if the references to the municipal waste management strategy were references to the policies contained in the strategy prepared by the Secretary of State in accordance with section 44A of the ^{M16}Environmental Protection Act 1990 (national waste strategy).

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Marginal Citations

- M6 1990 c. 43.
- M7 S.I. 1991/2680.
- M8 S.I. 1993/3228.
- M9 S.I. 1995/201.
- M10 S.I. 1996/2911.
- M11 1990 c. 43.
- M12 S.I. 1991/2680.
- M13 S.I. 1993/3228.
- M14 S.I. 1995/201.
- M15 S.I. 1996/2911.
- M16 1990 c. 43.

361 Waste recycling plans. **E+W+S**

- (1) Section 49 of the ^{M17}Environmental Protection Act 1990 (duty of waste collection authorities to produce waste recycling plans) shall be amended as follows.
- (2) In subsection (4) (duty of waste collection authorities to send a draft of the waste recycling plan to the Secretary of State) after “a waste collection authority” there shall be inserted “ other than a waste collection authority in Greater London ”.
- (3) After that subsection there shall be inserted—
 - “(4A) It shall be the duty of a waste collection authority in Greater London, before finally determining the content of the plan or a modification, to send a copy of it in draft to the Mayor of London.
 - (4B) It shall be the duty of the Mayor of London to consider the draft plan or modification sent to him under subsection (4A) above and to give to the authority such directions as he considers necessary for securing compliance with subsection (3) above.
 - (4C) Where the Mayor of London gives any direction to a waste collection authority under subsection (4B) above, it shall be the duty of the authority to comply with the direction.”
- (4) In subsection (7) (directions by the Secretary of State as to the time within which duties imposed by the section are to be performed) after “any waste collection authority” there shall be inserted “ other than a waste collection authority in Greater London ”.
- (5) After that subsection there shall be inserted—
 - “(7A) The Mayor of London may give to any waste collection authority in Greater London directions as to the time by which the authority is to perform any duty imposed by this section specified in the direction; and it shall be the duty of the authority to comply with the direction.”

Marginal Citations

- M17 1990 c. 43.

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