



# Refuse Disposal (Amenity) Act 1978

## 1978 CHAPTER 3

### *Miscellaneous and supplemental*

#### **7 Acquisition of land**

A local authority and in England the council of a county and the Greater London Council may be authorised by the Secretary of State to acquire land compulsorily for any of the purposes of this Act, and the Acquisition of Land (Authorisation Procedure) Act 1946 or, in Scotland, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to the compulsory acquisition of land under this section as if this section had been in force immediately before the commencement of that Act

#### **8 Powers of entry etc.**

- (1) Any person duly authorised in writing by the Secretary of State or a local authority may at any reasonable time enter upon any land for the purpose of ascertaining whether any of the functions conferred by section 3 or section 6 above should or may be exercised in connection with the land, or for the purpose of exercising any of those functions in connection with the land.
- (2) Section 281(1) to (5) of the Town and Country Planning Act 1971 (which contains supplementary provisions as to rights of entry under section 280 of that Act) shall have effect with the necessary modifications as if references to section 280 included references to subsection (1) above.
- (3) Sections 282 to 284 of the said Act of 1971 (which relate to local inquiries, the service of notices and the furnishing of information) shall have effect as if any reference to that Act or specified provisions of that Act included a reference to this Act.
- (4) In the application of this section to Scotland, for subsections (2) and (3) there shall be substituted the following subsections—

“(2) Section 266(1) to (5) of the Town and Country Planning (Scotland) Act 1972 (which contains supplementary provisions as to rights of entry under

section 265 of that Act) shall have effect with the necessary modifications as if references to section 265 included references to subsection (1) above.

- (3) Sections 267 to 270 of the said Act of 1972 (which relate to local inquiries, the service of notices and the furnishing of information) shall have effect as if any reference to that Act Or specified provisions of that Act included a reference to this Act.”

## **9 Application to Isles of Scilly**

The Secretary of State may, after consultation with the Council of the Isles of Scilly, by order provide that any provision of this Act specified in the order shall apply to the Isles, subject to such modifications as may be so specified, as if the Isles were a county or a district.

## **10 Orders and regulations**

- (1) Any power to make regulations conferred by this Act includes power to make provision in respect of such cases only as may be specified in the regulations and to make different provision for different circumstances.
- (2) An order under any provision of this Act, except section 13 below, may be revoked or varied by a subsequent order under that provision.
- (3) An order under section 13 below appointing a day in respect of section 1(8) or 6(8) above may be revoked or varied by an order made by the Secretary of State which comes into force before that day.
- (4) Any power to make regulations or an order under any provision of this Act, except sections 1(5) and 5(3) and the said section 1(5) as applied by section 3(9), shall be exercisable by statutory instrument
- (5) Any statutory instrument made by virtue of any provision of this Act except—
  - (a) an order under section 9 above ; or
  - (b) an order under section 13 below relating to section 1(8) or 6(8) above,
 shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **11 Interpretation**

- (1) In this Act, unless the contrary intention appears, the following expressions have the following meanings, that is to say—
  - " the Common Council " means the Common Council of the City of London ;
  - " highway ", in the application of this Act to Scotland, shall be deemed to include any public right of way ;
  - " licence " means, in relation to a vehicle, a licence issued for the vehicle under the Vehicles (Excise) Act 1971 ;
  - " local authority " means—
    - (a) in relation to England, a district council, London borough council or the Common Council;
    - (b) in relation to Scotland, an islands or district council; and

(c) in relation to Wales, a district council;

" motor vehicle " means a mechanically propelled vehicle intended or adapted for use on roads, whether Or not it is in a fit state for such use, and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to have formed part of such a vehicle or trailer and anything attached to such a vehicle or trailer;

" owner ", in relation to a motor vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle under the agreement;

" prescribed " means prescribed by regulations made by the Secretary of State;

" the relevant date " has the meaning given to it by section 13(3) below.

- (2) Any reference in this Act to an enactment is a reference to it as amended or applied by or under any other enactment, including this Act

## **12 Consequential amendments, repeals and savings**

- (1) Section 14 of the Airports Authority Act 1975 (functions of British Airports Authority as respects abandoned vehicles) shall have effect subject to the amendments set out in Schedule 1 to this Act, being amendments consequential upon the provisions of this Act.
- (2) The enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) In so far as any instrument made, or any thing done, under or by virtue of any enactment repealed by this Act could have been made or done under or by virtue of a corresponding enactment in this Act, it shall not be invalidated by the repeal effected by this section but shall have effect as if it had been made or done under or by virtue of that corresponding enactment.
- (4) Without prejudice to subsection (1) above, any enactment or other document whatever referring to any enactment repealed by this Act shall, as far as may be necessary for preserving its effect, be construed as referring (or including a reference) to the corresponding enactment in this Act.
- (5) For the purposes of section 2 of this Act a person shall be treated as having been previously convicted of an offence under that section if he had been previously convicted of an offence under section 19 of the Civic Amenities Act 1967.
- (6) Section 254(2)(c) of the Local Government Act 1972 (power of Secretary of State to amend, etc. enactments by order) shall apply to this Act as if it had been passed before 1st April 1974.
- (7) Nothing in the preceding provisions of this section shall prejudice the general application of section 38 of the Interpretation Act 1889 (which relates to repeals).

## **13 Citation, commencement and extent**

- (1) This Act may be cited as the Refuse Disposal (Amenity) Act 1978.

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*Status: This is the original version (as it was originally enacted).*

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- (2) This Act shall come into force at the end of the period of one month beginning with the date on which it is passed.
- (3) Subsection (2) above shall not apply to sections 1(8), 4(2) and 6(8) above, which shall come into force on the relevant date ; and in this Act "the relevant date" means such day as the Secretary of State may by order appoint.
- (4) Different days may be appointed in pursuance of subsection (3) above for each of the said provisions, and different days may be appointed for such different purposes of the same provision as may be specified in the order.
- (5) This Act does not extend to Northern Ireland.