



Environmental Protection Act 1990

1990 CHAPTER 43

PART IV

LITTER ETC

Provisions relating to litter

86 Preliminary

- (1) The following provisions have effect for the purposes of this Part.
- (2) In England and Wales the following are “principal litter authorities”—
 - (a) a county council,
 - (b) a district council,
 - (c) a London borough council,
 - (d) the Common Council of the City of London, and
 - (e) the Council of the Isles of Scilly;but the Secretary of State may, by order, designate other descriptions of local authorities as litter authorities for the purposes of this Part; and any such authority shall also be a principal litter authority.
- (3) In Scotland the following are “principal litter authorities”—
 - (a) a regional council;
 - (b) a district or islands council; and
 - (c) a joint board.
- (4) Subject to subsection (8) below, land is “relevant land” of a principal litter authority if, not being relevant land falling within subsection (7) below, it is open to the air and is land (but not a highway or in Scotland a public road) which is under the direct control of such an authority to which the public are entitled or permitted to have access with or without payment.
- (5) Land is “Crown land” if it is land—

Status: This is the original version (as it was originally enacted).

- (a) occupied by the Crown Estate Commissioners as part of the Crown Estate,
 - (b) occupied by or for the purposes of a government department or for naval, military or air force purposes, or
 - (c) occupied or managed by any body acting on behalf of the Crown;
- is “relevant Crown land” if it is Crown land which is open to the air and is land (but not a highway or in Scotland a public road) to which the public are entitled or permitted to have access with or without payment; and “the appropriate Crown authority” for any Crown land is the Crown Estate Commissioners, the Minister in charge of the government department or the body which occupies or manages the land on the Crown’s behalf, as the case may be.
- (6) Subject to subsection (8) below, land is “relevant land” of a designated statutory undertaker if it is land which is under the direct control of any statutory undertaker or statutory undertaker of any description which may be designated by the Secretary of State, by order, for the purposes of this Part, being land to which the public are entitled or permitted to have access with or without payment or, in such cases as may be prescribed in the designation order, land in relation to which the public have no such right or permission.
 - (7) Subject to subsection (8) below, land is “relevant land” of a designated educational institution if it is open to the air and is land which is under the direct control of the governing body of or, in Scotland, of such body or of the education authority responsible for the management of, any educational institution or educational institution of any description which may be designated by the Secretary of State, by order, for the purposes of this Part.
 - (8) The Secretary of State may, by order, designate descriptions of land which are not to be treated as relevant Crown land or as relevant land of principal litter authorities, of designated statutory undertakers or of designated educational institutions or of any description of any of them.
 - (9) Every highway maintainable at the public expense other than a trunk road which is a special road is a “relevant highway” and the local authority which is, for the purposes of this Part, “responsible” for so much of it as lies within its area is, subject to any order under subsection (11) below—
 - (a) in Greater London, the council of the London borough or the Common Council of the City of London;
 - (b) outside Greater London, the council of the district; and
 - (c) the Council of the Isles of Scilly.
 - (10) In Scotland, every public road other than a trunk road which is a special road is a “relevant road” and the local authority which is, for the purposes of this Part, “responsible” for so much of it as lies within its area is, subject to any order under subsection (11) below, the district or islands council or (in the case of a special road) the regional or islands council.
 - (11) The Secretary of State may, by order, as respects relevant highways or relevant roads, relevant highways or relevant roads of any class or any part of a relevant highway or relevant road specified in the order, transfer the responsibility for the discharge of the duties imposed by section 89 below from the local authority to the highway or roads authority; but he shall not make an order under this subsection unless—
 - (a) (except where he is the highway or roads authority) he is requested to do so by the highway or roads authority;

- (b) he consults the local authority; and
- (c) it appears to him to be necessary or expedient to do so in order to prevent or minimise interference with the passage or with the safety of traffic along the highway or, in Scotland, road in question;

and where, by an order under this subsection, responsibility for the discharge of those duties is transferred, the authority to which the transfer is made is, for the purposes of this Part, “responsible” for the highway, road or part specified in the order.

- (12) Land is “relevant land within a litter control area of a local authority” if it is land included in an area designated by the local authority under section 90 below to which the public are entitled or permitted to have access with or without payment.
- (13) A place on land shall be treated as “open to the air” notwithstanding that it is covered if it is open to the air on at least one side.
- (14) The Secretary of State may, by order, apply the provisions of this Part which apply to refuse to any description of animal droppings in all or any prescribed circumstances subject to such modifications as appear to him to be necessary.
- (15) Any power under this section may be exercised differently as respects different areas, different descriptions of land or for different circumstances.