



# Greater London Authority Act 1999

## 1999 CHAPTER 29

### PART IX

#### ENVIRONMENTAL FUNCTIONS

##### *Waste*

**353** [<sup>F1</sup>The London Environment Strategy: municipal waste management].

<sup>F2</sup>(1) .....

(2) The [<sup>F3</sup>provisions of the London Environment Strategy dealing with municipal waste management] —

- (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.

<sup>F4</sup>(3) .....

[<sup>F5</sup>(3A) In revising the [<sup>F6</sup>provisions of the London Environment Strategy dealing with municipal waste management] the Mayor is to have regard to any strategies which authorities in Greater London have for the purposes of section 32 of the Waste and Emissions Trading Act 2003 (joint waste management strategies for areas where disposal authority is not also collection authority).]

(4) In preparing or revising the [<sup>F7</sup>provisions of the London Environment Strategy dealing with municipal waste management] the Mayor shall have regard to—

[<sup>F8</sup>(a) the national waste management plan;]

[<sup>F9</sup>(aa) the strategy required by section 17 of the Waste and Emissions Trading Act 2003 (landfill strategy for England),]<sup>F10</sup> ...

<sup>F10</sup>(b) .....

<sup>F11</sup>(5) .....

*Status: Point in time view as at 31/12/2020.*

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- F11(6) .....
- F11(7) .....

<b>Textual Amendments</b>	
<b>F1</b>	S. 353 heading substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), <b>Sch. 23 para. 4(2)</b> ; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
<b>F2</b>	S. 353(1) repealed (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 23 para. 4(4), <b>Sch. 25 Pt. 33</b> ; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)
<b>F3</b>	Words in s. 353(2) substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), <b>Sch. 23 para. 4(3)</b> ; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
<b>F4</b>	S. 353(3) repealed (1.1.2005) by Waste and Emissions Trading Act 2003 (c. 33), <b>ss. 35(b)</b> , 40(1); S.I. 2004/3320, art. 2
<b>F5</b>	S. 353(3A) inserted (1.1.2005) by Waste and Emissions Trading Act 2003 (c. 33), <b>ss. 32(12)</b> , 40(1); S.I. 2004/3320, art. 2
<b>F6</b>	Words in s. 353(3A) substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), <b>Sch. 23 para. 4(3)</b> ; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
<b>F7</b>	Words in s. 353(4) substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), <b>Sch. 23 para. 4(3)</b> ; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
<b>F8</b>	S. 353(4)(a) substituted (E.W.) (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), <b>Sch. 4 para. 5(2)</b> (with regs. 2, 47(2))
<b>F9</b>	S. 353(4)(aa) inserted (E.W.) (20.7.2004) by Waste and Emissions Trading Act 2003 (c. 33), <b>ss. 17(8)(a)</b> , 40(1); S.I. 2004/1874, art. 2
<b>F10</b>	S. 353(4)(b) and word repealed (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 23 para. 4(4), <b>Sch. 25 Pt. 33</b> ; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)
<b>F11</b>	S. 353(5)-(7) repealed (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 23 para. 4(4), <b>Sch. 25 Pt. 33</b> ; S.I. 2012/1008, art. 3(e)(f) (with arts. 7, 9-11)

**354 Directions by the Secretary of State.**

- (1) Where the Secretary of State considers that [F12the condition] specified in subsection (2) below is satisfied, he may give the Mayor a direction about the content of the [F13provisions of the London Environment Strategy dealing with municipal waste management].
- (2) The conditions mentioned in subsection (1) above are—
  - F14(a) .....
  - (b) that a direction about the content of the [F15provisions of the London Environment Strategy dealing with municipal waste management] is required for the purposes of the implementation of the policies contained in the [F16national waste management plan][F17 or of the policies contained in the strategy required by section 17 of the Waste and Emissions Trading Act 2003 (landfill strategy for England) ].
- (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.

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### Textual Amendments

- F12** Words in s. 354(1) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 23 para. 5\(2\)\(a\)](#); [S.I. 2012/1008, art. 3\(e\)](#) (with arts. 7, 9-11)
- F13** Words in s. 354(1) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 23 para. 5\(2\)\(b\)](#); [S.I. 2012/1008, art. 3\(e\)](#) (with arts. 7, 9-11)
- F14** S. 354(2)(a) repealed (3.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 23 para. 5\(3\)\(a\), Sch. 25 Pt. 33](#); [S.I. 2012/1008, art. 3\(e\)\(f\)](#) (with arts. 7, 9-11)
- F15** Words in s. 354(2)(b) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 23 para. 5\(3\)\(b\)](#); [S.I. 2012/1008, art. 3\(e\)](#) (with arts. 7, 9-11)
- F16** Words in s. 354(2)(b) substituted (E.W.) (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\), reg. 1\(2\), Sch. 4 para. 5\(3\)](#) (with regs. 2, 47(2))
- F17** Words in s. 354(2)(b) inserted (E.W.) (20.7.2004) by [Waste and Emissions Trading Act 2003 \(c. 33\), ss. 17\(9\), 40\(1\)](#); [S.I. 2004/1874, art. 2](#)

### 355 Duties of waste collection authorities etc.

<sup>F18</sup>[(1)] In exercising any function under Part II of the <sup>M1</sup>Environmental Protection Act 1990 (waste on land)—

- (a) each of the waste collection authorities in Greater London, and
- (b) each of the waste disposal authorities in Greater London,

shall [<sup>F19</sup>act in general conformity with] the [<sup>F20</sup>provisions of the London Environment Strategy dealing with municipal waste management].

[<sup>F21</sup>(2) Subsection (1) above has effect only to the extent that compliance by an authority with the requirements of that subsection does not impose excessive additional costs on the authority.]

[<sup>F22</sup>(3) For the purposes of this section, the Secretary of State may issue guidance for determining what is to be regarded as—

- (a) acting in general conformity with the [<sup>F23</sup>provisions of the London Environment Strategy dealing with municipal waste management], or
- (b) imposing excessive additional costs on an authority.

(4) In discharging the duties imposed upon it by subsection (1) above (as read with subsection (2) above), an authority must act in accordance with any guidance issued under subsection (3) above.

(5) Any guidance issued under subsection (3) above shall be published by the Secretary of State in such manner as he considers appropriate.

(6) Nothing in this section, or in any guidance issued under it, requires an 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.

<sup>F24</sup>(7) . . . . .]

[<sup>F25</sup>(8) In any case where—

- (a) an authority is required to comply with the [<sup>F26</sup>Public Procurement Regulations] in the awarding of a waste contract,

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- (b) in compliance with those regulations the authority [<sup>F27</sup>submits] the contract notice [<sup>F28</sup>or the concession notice (as the case may require)] relating to the awarding of that contract to the [<sup>F29</sup>UK e-notification service], and
- (c) after the authority [<sup>F30</sup>submits] that notice, the Mayor revises the provisions of the London Environment Strategy dealing with municipal waste management,]

#### Textual Amendments

- F18** S. 355 renumbered as s. 355(1) (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 37(2), 59(7)** (with s. 37(6)); S.I. 2008/113, art. 2(g)
- F19** Words in s. 355(1) substituted (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 37(3), 59(7)** (with s. 37(6)); S.I. 2008/113, art. 2(g)
- F20** Words in s. 355(1) substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 23 para. 6(a)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F21** S. 355(2) inserted (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 37(4), 59(7)** (with s. 37(6)); S.I. 2008/113, art. 2(g)
- F22** S. 355(3)-(7) inserted (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 37(5), 59(7)** (with s. 37(6)); S.I. 2008/113, art. 2(g)
- F23** Words in s. 355(3) substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 23 para. 6(a)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F24** S. 355(7) omitted (18.4.2016) by virtue of The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 2(2)** (with reg. 5)
- F25** S. 355(8) inserted (E.W.N.I.) (26.2.2015) by The Public Contracts Regulations 2015 (S.I. 2015/102), reg. 1(2), **Sch. 6 para. 3(3)**
- F26** Words in s. 355(8)(a) substituted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 2(3)(a)** (with reg. 5)
- F27** Word in s. 355(8)(b) substituted (31.12.2020) by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1319), regs. 1(2), **3(2)(a)(i)** (with Sch. para. 3, 4)
- F28** Words in s. 355(8)(b) inserted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 2(3)(b)** (with reg. 5)
- F29** Words in s. 355(8)(b) substituted (31.12.2020) by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1319), regs. 1(2), **3(2)(a)(ii)** (with Sch. para. 3, 4)
- F30** Word in s. 355(8)(c) substituted (31.12.2020) by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1319), regs. 1(2), **3(2)(b)** (with Sch. para. 3, 4)

#### Marginal Citations

- M1** 1990 c. 43.

### 356 Directions by the Mayor.

- (1) Where the Mayor considers that it is necessary for the purposes of the implementation of the [<sup>F31</sup>provisions of the London Environment Strategy dealing with municipal waste management], 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.

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<sup>F32</sup>(3) .....

[<sup>F33</sup>(3A) 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 [<sup>F34</sup>Public Procurement Regulations] in awarding that contract, and
- (b) in compliance with those regulations the authority has [<sup>F35</sup>submitted] the contract notice [<sup>F36</sup>or the concession notice (as the case may require)] relating to the awarding of that contract to the [<sup>F37</sup>UK e-notification service].]

(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.

#### Textual Amendments

- F31** Words in s. 356(1) substituted (3.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 23 para. 6(b)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)
- F32** S. 356(3) omitted (18.4.2016) by virtue of The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 3(2)** (with reg. 5)
- F33** S. 356(3A) inserted (E.W.N.I.) (26.2.2015) by The Public Contracts Regulations 2015 (S.I. 2015/102), reg. 1(2), **Sch. 6 para. 4(3)**
- F34** Words in s. 356(3A)(a) substituted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 3(3)(a)** (with reg. 5)
- F35** Word in s. 356(3A)(b) substituted (31.12.2020) by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1319), regs. 1(2), **3(3)(a)** (with Sch. para. 3, 4)
- F36** Words in s. 356(3A)(b) inserted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 3(3)(b)** (with reg. 5)
- F37** Words in s. 356(3A)(b) substituted (31.12.2020) by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1319), regs. 1(2), **3(3)(b)** (with Sch. para. 3, 4)

#### [<sup>F38</sup>356A London Waste and Recycling Board

- (1) There shall be a body known as the London Waste and Recycling Board (referred to in this section and section 356B as “the Board”).
- (2) The objectives of the Board are to promote and encourage, so far as relating to Greater London,—
  - (a) the production of less waste;
  - (b) an increase in the proportion of waste that is re-used or recycled;
  - (c) the use of methods of collection, treatment and disposal of waste which are more beneficial to the environment.
- (3) For the purpose of achieving its objectives, the Board may provide financial assistance to any person towards or for the purposes of—

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- (a) the provision of facilities for or in connection with the collection, treatment or disposal of waste produced in Greater London;
  - (b) conducting research into new technologies or techniques for the collection, treatment or disposal of waste;
  - (c) securing, or assisting in securing, the performance of any function of a London borough council or the Common Council relating to waste.
- (4) For the purpose of achieving its objectives, the Board may provide advice on such matters as it thinks fit to any of the following—
- (a) the Mayor;
  - (b) any London borough council;
  - (c) the Common Council;
  - (d) such other persons as the Board thinks fit.
- (5) In carrying out its functions under this section, the Board must—
- (a) act in accordance with the [<sup>F39</sup>provisions of the London Environment Strategy dealing with municipal waste management];
  - (b) act in general conformity with the spatial development strategy so far as relating to the collection, treatment and disposal of waste.
- (6) The Board may do anything that it thinks will facilitate, or is incidental or conducive to, the carrying out of its functions under subsections (2) to (4) above.
- (7) The Board does not have the power to borrow money.
- (8) The Secretary of State may issue to the Board guidance as to the exercise of its functions.
- (9) The Board shall have regard to any guidance issued under subsection (8) above.
- (10) Any reference in this section to the collection, treatment or disposal of waste includes a reference to the transport of waste for or in connection with that purpose.

#### Textual Amendments

- F38** Ss. 356A, 356B inserted (23.10.2007 for specified purposes, 24.7.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 38(1)**, 59(4)(b); S.I. 2008/2037, **art. 2**
- F39** Words in s. 356A(5) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 23 para. 6(c)**; S.I. 2012/1008, **art. 3(e)** (with arts. 7, 9-11)

### 356B Supplemental provision concerning the Board

- (1) The Secretary of State may by order make provision as to—
- (a) the constitution of the Board;
  - (b) the appointment of its members (who must not be fewer than 7 nor more than 13 in number);
  - (c) the payment of allowances and expenses to its members;
- and such other matters in connection with its establishment and administration as the Secretary of State thinks fit.
- (2) The Board shall not be regarded—
- (a) as the servant or agent of the Crown, or

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- (b) as enjoying any status, privilege or immunity of the Crown, and the property of the Board shall not be regarded as property of, or property held on behalf of, the Crown.
- (3) The Secretary of State may make payments by way of grant to the Board towards expenditure incurred or to be incurred by it.
- (4) The amount of any grant and the manner of its payment are to be such as the Secretary of State may determine.
- (5) Any grant may be paid on such conditions as the Secretary of State may determine.
- (6) Conditions under subsection (5) above may, in particular, include—
- (a) provision as to the use of the grant;
  - (b) provision as to circumstances in which the whole or part of the grant must be repaid.]

#### Textual Amendments

**F38** Ss. 356A, 356B inserted (23.10.2007 for specified purposes, 24.7.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 38(1), 59(4)(b)**; [S.I. 2008/2037](#), art. 2

### 357 Information about existing waste contracts.

- (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.
- (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 [F40]provisions of the London Environment Strategy dealing with municipal waste management].

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- (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.

#### Textual Amendments

**F40** Words in s. 357(5) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 23 para. 6\(d\)](#); [S.I. 2012/1008](#), art. 3(e) (with arts. 7, 9-11)

### 358 Information about new waste contracts.

<sup>F41</sup>[<sup>F42</sup>(1) . . . . .

<sup>F43</sup>(1ZA) If, in the awarding of a waste contract, a waste authority in compliance with the Public Contracts Regulations 2015 [<sup>F44</sup>or the Utilities Contracts Regulations 2016] has decided—

- (a) to [<sup>F45</sup>submit] to the [<sup>F46</sup>UK e-notification service] a prior information notice[<sup>F47</sup>, a periodic indicative notice or a qualification system notice (as the case may require)] relating to the awarding of the contract, or
- (b) to publish such a notice on the authority's buyer profile, subsection (1A) below applies.]

(1A) The authority shall not [<sup>F48</sup>submit] or publish [<sup>F49</sup>that notice][<sup>F49</sup>the notice in question] unless—

- (a) it has notified the Mayor that it proposes to [<sup>F50</sup>submit] or publish 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.]

<sup>F51</sup>[<sup>F52</sup>(1B) . . . . .

[ If, in the awarding of a waste contract, a waste authority in compliance with [<sup>F54</sup>Public <sup>F53</sup>(1BA) Procurement Regulations] —

- (a) has decided not to [<sup>F55</sup>submit] or publish a prior information notice[<sup>F56</sup>, a periodic indicative notice or a qualification system notice (as the case may require)], but
- (b) decides to [<sup>F57</sup>submit] to the [<sup>F58</sup>UK e-notification service] a contract notice [<sup>F59</sup>or a concession notice (as the case may require)] relating to the awarding of the contract, subsection (1C) below applies.]

(1C) The authority shall not [<sup>F60</sup>submit][<sup>F61</sup>the notice in question] unless—

- (a) it has notified the Mayor that it proposes to [<sup>F62</sup>submit] such a notice, and
- (b) a period of at least 108 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 [<sup>F63</sup>the [<sup>F64</sup>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.



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- (3) Where the Mayor has been notified under [F65 subsection (1A), (1C)] 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 [F66 provisions of the London Environment Strategy dealing with municipal waste management].
- (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.

#### Textual Amendments

- F41** S. 358(1) omitted (18.4.2016) by virtue of [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(2)** (with reg. 5)
- F42** S. 358(1)(1A) substituted for s. 358(1) (E.W.) (21.1.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 39(2)**, 59(7); S.I. 2008/113, art. 2(h)
- F43** S. 358(1ZA) inserted (E.W.) (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 5(3)**
- F44** Words in s. 358(1ZA) inserted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(3)(a)** (with reg. 5)
- F45** Word in s. 358(1ZA)(a) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(a)(i)** (with Sch. para. 3, 4)
- F46** Words in s. 358(1ZA)(a) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(a)(ii)** (with Sch. para. 3, 4)
- F47** Words in s. 358(1ZA)(a) inserted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(3)(b)** (with reg. 5)
- F48** Word in s. 358(1A) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(b)** (with Sch. para. 3, 4)
- F49** Words in s. 358(1A) substituted (E.W.N.I.) (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 5(4)**
- F50** Word in s. 358(1A)(a) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(b)** (with Sch. para. 3, 4)
- F51** S. 358(1B) omitted (18.4.2016) by virtue of [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(4)** (with reg. 5)
- F52** S. 358(1B)(1C) inserted (E.W.) (21.1.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 39(3)**, 59(7); S.I. 2008/113, art. 2(h)
- F53** S. 358(1BA) inserted (E.W.N.I.) (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 5(6)**
- F54** Words in s. 358(1BA) substituted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(5)(a)** (with reg. 5)
- F55** Word in s. 358(1BA)(a) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(c)(i)** (with Sch. para. 3, 4)
- F56** Words in s. 358(1BA)(a) inserted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(5)(b)** (with reg. 5)
- F57** Word in s. 358(1BA)(b) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(c)(ii)(aa)** (with Sch. para. 3, 4)
- F58** Words in s. 358(1BA)(b) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(c)(ii)(bb)** (with Sch. para. 3, 4)
- F59** Words in s. 358(1BA)(b) inserted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(5)(c)** (with reg. 5)
- F60** Word in s. 358(1C) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(d)** (with Sch. para. 3, 4)

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- F61** Words in s. 358(1C) substituted (E.W.) (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 5(7)**
- F62** Word in s. 358(1C)(a) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **3(4)(d)** (with Sch. para. 3, 4)
- F63** Words in s. 358(2) substituted (E.W.) (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 5(8)**
- F64** Words in s. 358(2) substituted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 4(6)** (with reg. 5)
- F65** Words in s. 358(3) substituted (E.W.) (21.1.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 39(4)**, 59(7); S.I. 2008/113, art. 2(h)
- F66** Words in s. 358(3) substituted (3.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 23 para. 6(e)**; S.I. 2012/1008, art. 3(e) (with arts. 7, 9-11)

### 359 Confidential information about waste contracts.

- (1) Nothing in section 357 or 358 above shall require a waste authority to provide any information if—
- the information has been provided to the waste authority by another person,
  - that person has imposed requirements as to the maintenance by the waste authority of confidentiality in respect of the information,
  - the waste authority is, by virtue of <sup>F67</sup>the <sup>F68</sup>Public Procurement Regulations]], under a duty to comply with those requirements, and
  - 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—
- by the Mayor, except to a person appointed under section 67(1) or (2)<sup>F69</sup>, 72(1), 73(1) or 127A(1)] above, or
  - 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 <sup>M2</sup>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.

#### Textual Amendments

- F67** Words in s. 359(1)(c) substituted (E.W.) (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 6**
- F68** Words in s. 359(1)(c) substituted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\)](#), reg. 1(1), **Sch. 1 para. 5** (with reg. 5)
- F69** Words in s. 359(2)(a) inserted (E.W.) (21.1.2008) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 11(4)**, 59(7); S.I. 2008/113, art. 2(a)

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#### Marginal Citations

M2 1972 c. 70.

### 360 Interpretation of sections 353 to 359.

(1) This section applies for the purposes of sections 353 to 359 above.

(2) The following expressions have the meanings given below—

[<sup>F70</sup>“buyer profile” has the same meaning as in [<sup>F71</sup>the [<sup>F72</sup>Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 (as the case may require)]]],

[<sup>F73</sup>“concession notice” has the same meaning as in regulation 31 of the Concession Contracts Regulations 2016,]

[<sup>F74</sup>“contract notice” has the same meaning as in regulation 49 of the Public Contracts Regulations 2015, [<sup>F75</sup>or regulation 69 of the Utilities Contracts Regulations 2016 (as the case may require)]]

“disposal”, in relation to waste, shall be construed in accordance with section 29(6) of the <sup>M3</sup>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,

[<sup>F76</sup>“the national waste management plan” has the same meaning as in the Waste (England and Wales) Regulations 2011;]

[<sup>F77</sup>“periodic indicative notice” has the same meaning as in regulation 67 of the Utilities Contracts Regulations 2016,]

[<sup>F74</sup>“prior information notice” has the same meaning as in regulation 48 of the Public Contracts Regulations 2015,]

[<sup>F78</sup>“the Public Procurement Regulations” means the Public Contracts Regulations 2015, the Utilities Contracts Regulations 2016 or the Concession Contracts Regulations 2016 (as the case may require),]

[<sup>F78</sup>“qualification system notice” means a notice under regulation 68 of the Utilities Contracts Regulations 2016,]

<sup>F79</sup>

...

<sup>F79</sup>

...

“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 <sup>M4</sup>Environmental Protection Act 1990,

[<sup>F80</sup>“the UK e-notification service” has the same meaning as in the Public Procurement Regulations]

“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,

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“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.

F81(3) .....

F81(4) .....

F82(5) .....

**Textual Amendments**

- F70 Words in s. 360(2) inserted (E.W.) (21.1.2008) by [Greater London Authority Act 2007 \(c. 24\), ss. 39\(7\), 59\(7\)](#); [S.I. 2008/113, art. 2\(h\)](#)
- F71 Words in s. 360(2) substituted (E.W.) (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\), reg. 1\(2\), Sch. 6 para. 7\(2\)\(a\)](#)
- F72 Words in s. 360(2) substituted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\), reg. 1\(1\), Sch. 1 para. 6\(2\)\(a\)](#) (with reg. 5)
- F73 Words in s. 360(2) inserted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\), reg. 1\(1\), Sch. 1 para. 6\(2\)\(b\)](#) (with reg. 5)
- F74 Words in s. 360(2) inserted (E.W.) (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\), reg. 1\(2\), Sch. 6 para. 7\(2\)\(c\)](#)
- F75 Words in s. 360(2) inserted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\), reg. 1\(1\), Sch. 1 para. 6\(2\)\(c\)](#) (with reg. 5)
- F76 Words in s. 360(2) inserted (E.W.) (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\), reg. 1\(2\), Sch. 4 para. 5\(4\)](#) (with regs. 2, 47(2))
- F77 Words in s. 360(2) inserted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\), reg. 1\(1\), Sch. 1 para. 6\(2\)\(d\)](#) (with reg. 5)
- F78 Words in s. 360(2) inserted (18.4.2016) by [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\), reg. 1\(1\), Sch. 1 para. 6\(2\)\(e\)](#) (with reg. 5)
- F79 Words in s. 360(2) omitted (E.W.) (26.2.2015) by virtue of [The Public Contracts Regulations 2015 \(S.I. 2015/102\), reg. 1\(2\), Sch. 6 para. 7\(2\)\(b\)](#)
- F80 Words in s. 360(2) inserted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\), regs. 1\(2\), 3\(5\)](#) (with Sch. para. 3, 4)
- F81 S. 360(3)(4) omitted (18.4.2016) by virtue of [The Public Procurement \(Amendments, Repeals and Revocations\) Regulations 2016 \(S.I. 2016/275\), reg. 1\(1\), Sch. 1 para. 6\(3\)](#) (with reg. 5)
- F82 S. 360(5) repealed (3.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 25 Pt. 33](#); [S.I. 2012/1008, art. 3\(f\)](#) (with arts. 7, 9-11)

**Marginal Citations**

- M3 1990 c. 43.
- M4 1990 c. 43.

F83 **361 Waste recycling plans.**  
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**Textual Amendments**

**F83** S. 361 repealed (1.1.2005) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), **ss. 35(b)**, 40(1); S.I. 2004/3320, art. 2

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

Greater London Authority Act 1999, Cross Heading: Waste is up to date with all changes known to be in force on or before 18 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.