STATUTORY INSTRUMENTS

2015 No. 619

LOCAL GOVERNMENT, ENGLAND

The Local Government (Prohibition of Charges at Household Waste Recycling Centres) (England) Order 2015

Made - - - -	*9th March 2015*
Laid before Parliament	*12th March 2015*
Coming into force - -	*6th April 2015*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 94 and 123(1) of the Local Government Act 2003(**1**):

Citation, commencement and application

1.—(1) This Order may be cited as the Local Government (Prohibition of Charges at Household Waste Recycling Centres) (England) Order 2015.

(2) This Order shall come into force on 6th April 2015.

(3) This Order applies in relation to relevant authorities in England.

Interpretation

2. In this Order—

"the 2003 Act" means the Local Government Act 2003;

"household waste" has the same meaning as in section 75 of the Environmental Protection Act 1990(**2**) as read with regulation 3 of, and Schedule 1 to, the Controlled Waste (England and Wales) Regulations 2012(**3**);

"household waste recycling centre" means a place provided by a relevant authority where persons resident in its area may deposit their household waste; and

(**1**) 2003 c. 26. Section 94 was amended by the Local Government and Public Involvement in Health Act 2007 (c. 28), Schedule 7 paragraph 3(4)(a) to (c). The power under section 94 is exercisable in relation to Wales, by the Welsh Ministers; see the definition of "appropriate person" in section 124 of the Act, and paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(**2**) 1990 c. 43. Section 75 was amended by the Environment Act 1995 (1995 c. 25), section 120(1), (3) Schedule 22, paragraphs 88 (1) to (4) and Schedule 24, SI 1994/1056, SI 2005/894, SI 2006/937, SI 2011/988. There is other amending legislation in relation to Scotland. Modified by S.I. 1994/1056, regulation 19, Schedule 4, Part I, paragraph 9, to include "Directive waste" as defined in regulation 1(3), Schedule 4, Part II of those Regulations.

(**3**) S.I. 2012/ 811, as amended by S.I. 2012/2320.

"relevant authority" has the meaning given in article 3.

Meaning of "relevant authority"

3. In this Order "relevant authority" means—

(a) an authority established under section 10 of the Local Government Act 1985(**4**) (waste disposal authorities);

(b) an authority established for an area in England by an order under section 207 of the Local

(c) a county council;

(d) a district council;

(e) a London borough council;

(f) the Common Council of the City of London in its capacity as a local authority; and

(g) the Council of the Isles of Scilly.

Disapplication of section 93(1) of the Local Government Act 2003

4. Section 93(1) of the 2003 Act(**5**) does not apply in relation to the provision by a relevant authority of a household waste recycling centre insofar as the provision relates to permitting persons resident in their area to —

(a) enter into, or exit from, a household waste recycling centre; or

(b) deposit household waste at a household waste recycling centre.

Transitional provision

5.—(1) The disapplication of section 93(1) of the 2003 Act contained in article 4 does not apply in the relevant circumstances until 1st April 2020.

(2) In paragraph (1) the relevant circumstances are that immediately before this Order came into force a relevant authority in exercise of the power in section 93(1) of the 2003 Act, charges persons resident in their area to—

(a) enter into, or exit from, a household waste recycling centre; or

(b) deposit household waste at a household waste recycling centre.

(**4**) 1985 c. 51. Section 10 was amended by the Environmental Protection Act 1990 (c. 43), section 162 and Schedule 15, paragraph 26.

(**5**) Section 93 was amended by the Local Government and Public Involvement in Health Act 2007 (2007 c.28), section 136(3), Schedule 7, paragraph 3(1), (3)(a); the Localism Act 2011 (2011 c. 20) sections 12(4), 14(2), 237, and Part 3 of Schedule 25. There is other amending legislation in relation to Wales.