



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART IX

MISCELLANEOUS AND GENERAL

Refuse collection and disposal

124 Collection and disposal of household and trade waste

- (1) A district or islands council may collect household and trade waste in their area and dispose of it in whatever way they think fit.
- (2) Anything collected by a district or islands council in pursuance of subsection (1) above shall belong to them.
- (3) Subject to subsection (4) below, the collection and disposal under subsection (1) above of waste may be made subject to such terms and conditions (if any) as the district or islands council think fit.
- (4) The terms and conditions referred to in subsection (3) above may include provision—
 - (a) for facilitating the collection of waste ;
 - (b) for payment to the council of such charges as they may fix for the collection and disposal of trade wastebut may not include provision for such payment for the collection or disposal of household waste.
- (5) In this section—
 - " household waste " means waste from a dwelling house arising from its normal occupation as such ; and
 - " trade waste " means waste—
 - (a) from land or premises used for the purpose of carrying on any trade, business, manufacture or industry or for sport, recreation or entertainment; and
 - (b) arising from the normal use of the land or premises for that purpose.

125 Interference with dustbins etc.

- (1) Any person who, without authority as mentioned in subsection (2) below, sorts over or disturbs anything in, or removes it from, any receptacle which has been placed on any highway or elsewhere with a view to the collection of the waste in it by a district or islands council shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200.
- (2) The authority referred to in subsection (1) above is that of the person having custody of the receptacle or of the council empowered by section 124 of this Act to collect the waste from it.

126 Repeal of sections 124 and 125, savings and transitional provisions

- (1) On the coming into force of both sections 12(1) and 15(1) of the Control of Pollution Act 1974, section 124 of this Act shall cease to have effect and on the coming into force of section 27(1)(b) of that Act section 125 of this Act shall cease to have effect and paragraphs (a) and (b) of section 109(2) of that Act (commencement) shall apply for the purpose of the coming into force of the repeals effected by this subsection as they apply for the purposes of the coming into force of the provisions of that Act mentioned respectively in this subsection in relation to those repeals.
- (2) The repeal by the Local Government (Scotland) Act 1973 or by order made under section 135(1) or 137(3) of this Act of section 108 of the Burgh Police (Scotland) Act 1892 shall not affect a compulsory purchase order made under the said section 108 before the coming into force of that repeal and such compulsory purchase order may be proceeded with and shall have effect as if the said section 108 had not been repealed.
- (3) The repeal by this section of section 124 of this Act shall not affect a compulsory purchase order made before the coming into force of that repeal under the said section 124 and the Local Government (Scotland) Act 1973 and such compulsory purchase order may be proceeded with and shall have effect as if the said section 124 had not been repealed.