



Environmental Protection Act 1990

1990 CHAPTER 43

PART IV

LITTER ETC

Provisions relating to litter

90 Litter control areas.

- [^{F1}(1) The Secretary of State may, by order, prescribe descriptions of land which may be designated under subsection (3) below as, or as part of, a litter control area.
- (2) The power of the Secretary of State to prescribe descriptions of land under subsection (1) above includes power to describe land by reference to the ownership or occupation of the land or the activities carried on on it.
- (3) Any principal litter authority other than [^{F2}an English] county council, [^{F3}a][^{F4}regional council] or [^{F3}a]joint board may, in accordance with the following provisions of this section, by order designate any land in their area as, or as part of, a litter control area.
- (4) No order under subsection (3) above designating any land shall be made unless the authority is of the opinion that, by reason of the presence of litter or refuse, the condition of the land is, and unless they make a designation order is likely to continue to be, such as to be detrimental to the amenities of the locality.
- (5) The power to make a designation order under subsection (3) above shall be excluded from the functions to which section 101 of the ^{M1}Local Government Act 1972 (functions capable of delegation) applies.
- (6) An authority proposing to make a designation order in relation to any land shall—
- (a) notify persons who appear to the authority to be persons who will be affected by the proposed order;
 - (b) give them an opportunity to make representations about it within the period of twenty-one days beginning with the service of the notice; and

Changes to legislation: Environmental Protection Act 1990, Section 90 is up to date with all changes known to be in force on or before 21 May 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. (See end of Document for details) View outstanding changes

(c) take any representations so made into account in making their decision.

(7) A designation order under subsection (3) above shall identify the land to which it applies and shall be in such form as the Secretary of State may by order prescribe.]

Extent Information

E1 See s. 164(4)(5)

Textual Amendments

- F1** S. 90 ceased to have effect (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 15.3.2007 in so far as not already in force for W.) and repealed (E.W.) (6.3.2007 for E. and 15.3.2007 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 20(1), 107, 108, [Sch. 5 Pt. 2](#); [S.I. 2006/768, art. 3](#); [S.I. 2006/795, art. 2\(3\)](#), Sch. 2; [S.I. 2006/2797, art. 4\(g\)\(oo\)](#); [S.I. 2007/390, art. 2\(c\)](#)
- F2** Words in s. 90(3) substituted (1.4.1996) by 1994 c. 19, s. 22(3), [Sch. 9 para. 17\(9\)](#) (with s. 54(7), Sch. 17 para. 22(1), 23(2)); [S.I. 1996/396, art. 3, Sch.1](#).
- F3** Word in s. 90(3) inserted (1.4.1996) by 1994 c. 19, s. 22(3), [Sch. 9 para. 17\(9\)](#) (with s. 54(7), Sch. 17 para. 22(1), 23(2)); [S.I. 1996/396, art. 3, Sch.1](#).
- F4** Words in s. 90(3) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 167(12), [Sch.14](#); [S.I. 1996/323, art. 4\(1\)\(c\)\(d\), Sch.2](#).

Commencement Information

- I1** S. 90 wholly in force at 1.6.1991; s. 90 not in force at Royal Assent see s. 164(2); s. 90(1)(2)(7) in force at 14.1.1991 by [S.I. 1991/96, art. 2](#)
S. 90(3)-(6) in force 1.6.1991 see s. 164(3) and [S.I. 1991/1042, art. 3](#)

Marginal Citations

M1 1972 c. 70.

Changes to legislation:

Environmental Protection Act 1990, Section 90 is up to date with all changes known to be in force on or before 21 May 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)