

ENVIRONMENTAL PROTECTION ACT 1990

**Section 46
Household waste for collection**

Notice served by Mid Devon District Council

To: (the Occupier(s)) of:

Mid Devon District Council as your waste collection authority (as defined in the Environmental Protection Act 1990) is under a duty to arrange for the collection of household waste from properties in its area.

1. NOTICE

THIS IS A FORMAL NOTICE served by Mid Devon District Council ('the Council') pursuant to section 46 of the Environmental Protection Act 1990 ('the Act') requiring you as occupier of premises known as ('the Premises') in the Council's area to place correctly any household waste for collection from those premises in the receptacles described in the Schedule hereto ('the Schedule') and further requires you as occupier of the Premises to comply with the conditions set out in the Schedule.

2. WHAT HAPPENS IF YOU FAIL TO COMPLY

If you fail without reasonable excuse to comply with any requirements specified in this Notice and this gives rise to nuisance or detriment to amenity you will:

(a) be issued with a Notice in accordance with the provisions of section 46A of the Act (as amended), specifying the breach and the nuisance or detriment caused **and:**

(b) If the breach is not rectified, you may be issued with a fixed penalty, following the issue of this notice, in the sum of £ (default is £75).

Your attention is also drawn to section 46 (11) of the Act which states that: 'A waste collection authority is not obliged to collect household waste that is placed for collection in contravention of a requirement under this section'. This means that if you do not comply with the requirements of this notice the Council shall be entitled to refuse to collect your waste.

THE SCHEDULE
(specifying receptacles and arrangements for collection of waste/recycling)

Dated:..... Signed:.....

Name

Designation:.....

The Proper Officer appointed for this purpose.

Please address any communications to:

Mid Devon District Council
Street Scene Services
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
www.middevon.gov.uk

Customer services
01884 255255
customerservices@middevon.gov.uk

NOTES

Appeals

The Environmental Protection Act 1990 provides that where a notice under section 46 requires an occupier to provide receptacles, that person may appeal to a magistrates' court against the notice, either on the ground that any requirement specified in the notice is unreasonable, or on the ground that the receptacle(s) in which household waste is already placed is or are adequate.

If an occupier wishes to appeal in this way, the appeal must be made within 21 days beginning either with the last date specified in the notice by which the receptacle(s) must be provided, or, where no period is specified, from the day on which the notice was served.

If such an appeal is made the court may either quash or modify any requirement in the notice or may dismiss the appeal.

Pending the determination of the appeal by the court the notice shall have no effect.