



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Collection, disposal or treatment of controlled waste

46 Receptacles for household waste.

- (1) Where a waste collection authority has a duty by virtue of section 45(1)(a) above to arrange for the collection of household waste from any premises, the authority may, by notice served on him, require the occupier to place the waste for collection in receptacles of a kind and number specified.
- (2) The kind and number of the receptacles required under subsection (1) above to be used shall be such only as are reasonable but, subject to that, separate receptacles or compartments of receptacles may be required to be used for waste which is to be recycled and waste which is not.
- (3) In making requirements under subsection (1) above the authority may, as respects the provision of the receptacles—
 - (a) determine that they be provided by the authority free of charge;
 - (b) propose that they be provided, if the occupier agrees, by the authority on payment by him of such a single payment or such periodical payments as he agrees with the authority;
 - (c) require the occupier to provide them if he does not enter into an agreement under paragraph (b) above within a specified period; or
 - (d) require the occupier to provide them.
- (4) In making requirements as respects receptacles under subsection (1) above, the authority may, by the notice under that subsection, make provision with respect to—
 - (a) the size, construction and maintenance of the receptacles;
 - (b) the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose;

Status: Point in time view as at 01/04/1992. This version of this provision has been superseded.

Changes to legislation: Environmental Protection Act 1990, Section 46 is up to date with all changes known to be in force on or before 04 September 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)

- (c) the placing of the receptacles for that purpose on highways or, in Scotland, roads;
 - (d) the substances or articles which may or may not be put into the receptacles or compartments of receptacles of any description and the precautions to be taken where particular substances or articles are put into them; and
 - (e) the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles.
- (5) No requirement shall be made under subsection (1) above for receptacles to be placed on a highway or, as the case may be, road, unless—
- (a) the relevant highway authority or roads authority have given their consent to their being so placed; and
 - (b) arrangements have been made as to the liability for any damage arising out of their being so placed.
- (6) A person who fails, without reasonable excuse, to comply with any requirements imposed under subsection (1), (3)(c) or (d) or (4) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Where an occupier is required under subsection (1) above to provide any receptacles he may, within the period allowed by subsection (8) below, appeal to a magistrates' court or, in Scotland, to the sheriff by way of summary application against any requirement imposed under subsection (1), subsection (3)(c) or (d) or (4) above on the ground that—
- (a) the requirement is unreasonable; or
 - (b) the receptacles in which household waste is placed for collection from the premises are adequate.
- (8) The period allowed to the occupier of premises for appealing against such a requirement is the period of twenty-one days beginning—
- (a) in a case where a period was specified under subsection (3)(c) above, with the end of that period; and
 - (b) where no period was specified, with the day on which the notice making the requirement was served on him.
- (9) Where an appeal against a requirement is brought under subsection (7) above—
- (a) the requirement shall be of no effect pending the determination of the appeal;
 - (b) the court shall either quash or modify the requirement or dismiss the appeal; and
 - (c) no question as to whether the requirement is, in any respect, unreasonable shall be entertained in any proceedings for an offence under subsection (6) above.
- (10) In this section—
- “receptacle” includes a holder for receptacles; and
 - “specified” means specified in a notice under subsection (1) above.

Modifications etc. (not altering text)

- C1** S. 46 applied (with modifications) (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\)](#), ss. 1(3)-(5), **19**
- C2** S. 46(2)-(5) applied (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\)](#), ss. 1(3)-(5), **20(3)(9)** (with s. 20(10))

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Commencement Information

II S. 46 wholly in force at 1.4.1992 see s. 164(3) and [S.I. 1992/266, art. 3](#).

Status:

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