



Control of Pollution Act 1974

1974 CHAPTER 40

PART I

WASTE ON LAND

Supplemental

^{F1}25

Textual Amendments

F1 S. 25 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with s. 40); S.I. 1994/2553, **art. 2**

26 **Outfall pipes for sewage disposal works.**

..... ^{F2}

Textual Amendments

F2 S. 26 repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

^{F3}27 **Interference with refuse tips and dustbins etc.**

(1) No person shall sort over or disturb—

- (a) anything deposited at a place provided by a disposal authority or a collection authority for the deposit of waste or in a receptacle for waste which is provided by such an authority or a [^{F4}parish or community council][^{F4}roads authority] for public use; or

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- (b) the contents of any receptacle for waste which, in accordance with [F5] a notice under section 13(1) or (5) of this Act, is placed on any [F6]highway][F6]road] or in any other place with a view to its being emptied,

unless he is authorised to do so by the authority [F7]or council] in the case of anything deposited as mentioned in paragraph (a) above or, in the case of such a receptacle as is mentioned in paragraph (b) above, unless he is a person entitled to the custody of the receptacle or is authorised to do so by such a person or is a person having the function of emptying the receptacle.

F7

- (2) A person who contravenes any of the provisions of the preceding subsection shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding [F8]£100][F8]level 3 on the standard scale].

Textual Amendments

- F3** S. 27 repealed (1.5.1994 save in respect of specified activities, as to which in force as provided by S.I. 1994/1096, art. 3; 1.4.2015 for S. in so far as not already in force) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(2), [Sch. 16 Pt. II](#); S.I. 1994/1096, [arts. 2, 3](#) (as amended by S.I. 1994/2487, [art. 2](#) and S.I. 1994/3234, [art. 2](#)), S.S.I. 2015/72, art. 2(2)(a)
- F4** Words “roads authority” substituted (S.) for “parish or community council” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 74\(3\)\(a\)](#)
- F5** Words substituted by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), s. 1(2), [Sch. 2 para. 12](#)
- F6** “road” substituted (S.) for “highway” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 3\(b\)](#)
- F7** Words repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [s. 156\(1\)\(3\) Sch. 9 para. 74\(3\)\(c\)](#), Sch. 11
- F8** Words “level 3 on the standard scale” substituted (11.4.1983) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [ss. 289F, 289G](#) (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), [s. 54](#))

28 Supplementary provisions relating to pipes.

- (1) Where an authority provides pipes in pursuance of section 12(6), 14(5), 15(2), [F9]21(4) or 26][F9] or 21(4)] of this Act, it shall be the duty of the authority—

- (a) except where the authority is a collection authority and the pipes are situated in its area, to send to the collection authority in whose area the pipes are situated a map . . . F10 showing the location of the pipes; and
- (b) where the authority is a collection authority and the pipes are situated in its area, to prepare such a map;

and it shall be the duty of an authority by which a map is received in pursuance of paragraph (a) of this subsection or is prepared in pursuance of paragraph (b) of this subsection to secure that a copy of the map is available at its principal offices for inspection by the public free of charge at all reasonable hours.

In the application of this subsection to Scotland, the words “the authority is a collection authority and” in paragraphs (a) and (b) shall be omitted.

- [F11](2) Section 25 of the M1Public Health Act 1936 (under which the erection of buildings over a sewer or drain may be prevented or controlled by a local authority or, on appeal, by a magistrates’ court) shall have effect as if references to a drain included any pipe

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provided as mentioned in the preceding subsection and as if the reference to the map of sewers required by that Act to be kept deposited at the offices of an authority included any map required by the preceding subsection to be kept available at the offices of the authority.]

- (3) Section 21 of the ^{M2}Sewerage (Scotland) Act 1968 (under which the erection of buildings over a sewer vested in a local authority may be prevented or controlled by the authority or, on appeal, by the sheriff) shall have effect as if the reference to a sewer vested in a local authority included any pipe provided as mentioned in subsection (1) of this section.
- (4) References to pipes in the preceding provisions of this section include associated works.

Textual Amendments

- F9** Words in s. 28(1) substituted (E.W.) for “21(4) or 26” by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 25 paras. 48(6), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**
- F10** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), **Sch. 34 Pt. II**
- F11** S. 28(2) repealed (E.W.) by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), **Sch. 7**

Marginal Citations

- M1** 1936 c. 49.
- M2** 1968 c. 47.

29 Modification of Parts I and II to avoid duplication of control.

The Secretary of State may by regulations make such modifications of this Part of this Act and Part II of this Act as he considers appropriate with a view to securing that the provisions of one but not both of those Parts apply to prescribed acts and omissions.

30 Interpretation etc. of Part I.

- (1) Subject to the following subsection, in this Part of this Act—

[^{F12}“ the appropriate Agency ” means—

- (a) in relation to England and Wales, the Environment Agency;
(b) in relation to Scotland, SEPA;]

“associated works”, in relation to pipes, means any of the following connected with the pipes, namely, any valve, filter, stopcock, pump, inspection chamber and manhole and such other works as are prescribed;

“collection authority” means the council of a district or a London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple and “English collection authority” means a collection authority [^{F13}of which the area is in the area of an English county disposal authority];

“controlled waste” means household, industrial and commercial waste or any such waste;

[^{F14}“disposal authority” means the council of a county or metropolitan district in England, the council of a London borough and the Common Council of the City of London, “English county disposal authority” means the council

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of a county in England and “relevant disposal authority”, in relation to an English collection authority, means the English county disposal authority whose area includes that of the collection authority;]

“disposal licence” has the meaning assigned to it by section 3(1) of this Act, and “holder” in relation to such a licence shall be construed in accordance with section 8(3) of this Act;

“private dwelling” means—

- (a) a hereditament or premises used wholly for the purposes of a private dwelling or private dwellings as determined in accordance with Schedule 13 to the ^{M3}General Rate Act 1967; and
- (b) a caravan as defined in section 29(1) of the ^{M4}Caravan Sites and Control of Development Act 1960 (disregarding the amendment made by section 13(2) of the ^{M5}Caravan Sites Act 1968) which usually and for the time being is situated on a caravan site within the meaning of that Act;

“relevant land” means—

- (a) in relation to a proposal to issue a disposal licence, the land on which activities may be carried on in pursuance of the licence if it is issued in accordance with the proposal; and
- (b) in relation to a disposal licence, the land on which activities may be carried on in pursuance of the licence,

and references to land in the preceding paragraphs include such water as is mentioned in section 4(4) of this Act;

“waste” includes—

- (a) any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process; and
- (b) any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled,

but does not include a substance which is an explosive within the meaning of the ^{M6}Explosives Act 1875;

and for the purposes of this Part of this Act any thing which is discarded or otherwise dealt with as if it were waste shall be presumed to be waste unless the contrary is proved.

- (2) In the application of this Part of this Act to Scotland—

“collection authority” means an islands or district council;

“disposal authority” means an islands or district council;

“private dwelling” means—

- (a) lands and heritages used wholly or mainly for the purposes of a private dwelling or private dwellings; and
- (b) a caravan as defined in section 29(1) of the ^{M7}Caravan Sites and Control of Development Act 1960 which usually and for the time being is situated on a caravan site within the meaning of that Act;

“Scottish collection authority” means a collection authority of which the area is in Scotland;

“Scottish disposal authority” means a disposal authority of which the area is in Scotland.

- (3) Subject to the following subsection, for the purposes of this Part of this Act—

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- (a) household waste consists of waste from a private dwelling or residential home or from premises forming part of a university or school or other educational establishment or forming part of a hospital or nursing home;
 - (b) industrial waste consists of waste from any factory within the meaning of the ^{M8}Factories Act 1961 and any premises occupied by a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or any undertaking, excluding waste from any mine or quarry; and
 - (c) commercial waste consists of waste from premises used wholly or mainly for the purposes of a trade or business or the purposes of sport, recreation or entertainment excluding—
 - (i) household and industrial waste, and
 - (ii) waste from any mine or quarry and waste from premises used for agriculture within the meaning of the ^{M9}Agriculture Act 1947 or, in Scotland, the ^{M10}Agriculture (Scotland) Act 1948, and
 - (iii) waste of any other description prescribed for the purposes of this sub-paragraph.
- (4) Regulations may provide that waste of a prescribed description shall be treated for the purposes of prescribed provisions of this Part of this Act as being or not being household waste or industrial waste or commercial waste; but no regulations shall be made by virtue of the preceding provisions of this subsection in respect of such waste as is mentioned in paragraph (c)(ii) of the preceding subsection and references in those provisions and in the preceding subsection to waste do not include sewage except so far as regulations provide otherwise.

In this subsection “sewage” includes matter in or from a privy within the meaning of section 12(5) of this Act.

- (5) Except as provided by regulations made by virtue of this subsection, nothing in this Part of this Act applies to radioactive waste within the meaning of the ^{M11}Radioactive Substances Act 1960; but regulations may—
- (a) provide for prescribed provisions of this Part of this Act to have effect with such modifications as the Secretary of State considers appropriate for the purposes of dealing with such radioactive waste;
 - (b) make such modifications of the said Act of 1960 and any other Act as the Secretary of State considers appropriate in consequence of the passing of this Part of this Act or in connection with regulations made by virtue of the preceding paragraph.

Textual Amendments

- F12** Words in s. 30(1) inserted (1.4.1996) by [Environment Act 1995 \(c. 25\)](#), [Sch. 22 para. 27\(a\)](#); S.I. 1996/186, [art. 3](#)
- F13** Words substituted (1.4.1986) as provided by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 9, [Sch. 6 para. 3\(5\)](#)
- F14** Definition substituted (1.4.1986) as provided by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 9, [Sch. 6 para. 3\(5\)](#)

Modifications etc. (not altering text)

- C1** By [S.I. 1985/1884](#), [art. 5](#), [Sch. 2 para. 11](#) (which was made under the power in s. 10(1)(3)(6) (7) of [Local Government Act 1985 \(c. 51, SIF 81:1\)](#) which power by virtue of s. 10(3) thereof

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was exercisable at any time before 1.4.86) it was provided (E.W.) that (coming into operation on 29.12.1985) s. 30 has effect as if in subsection (1) the definitions of “disposal authority”, “English county disposal authority” and “relevant disposal authority” were omitted and the following definitions were inserted at the appropriate places:

“area”, in relation to the Greater Manchester Waste Disposal Authority, means—

(a) for the purposes of the waste disposal provisions of this Act, the metropolitan county of Greater Manchester excluding the metropolitan district of Wigan; and

(b) for the purposes of the waste regulation provisions of this Act, the whole county;

“disposal authority” has the meaning given by subsections (2A) to (2D) of this section;

“English county disposal authority” means the council of a county in England, the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority;

“London waste disposal authority” means an authority established by Part II, III, IV or V of Schedule 1 to the Waste Regulation and Disposal (Authorities) Order 1985;

“waste disposal provisions” means—

(a) sections 1 and 2 (waste disposal arrangements and plans);

(b) section 12 (collection of waste);

(c) section 13(4) (provision of receptacles for industrial or commercial waste);

(d) section 14 (disposal of waste);

(e) section 17(2)(a) and (c) (disposal of dangerous or intractable waste);

(f) sections 19 to 21 (powers in relation to disposal of waste which is not controlled waste, reclamation of waste and production of heat and electricity from waste); and

(g) section 27(1) (interference with refuse tips and dustbins etc.);

“waste regulation provisions” means—

(a) sections 3 to 11 (disposal licences);

(b) section 16 (removal of waste deposited in breach of licensing provisions); and

(c) section 17(1)(a) and (2)(b) to (d) (directions as to disposal of dangerous or intractable waste, supervision of certain activities, recovery of expenses and charges and appeals to the Secretary of State);

C2 S. 30 shall be modified to have effect as if after subsection (1) there were inserted subsections by [S.I. 1985/1884, art. 5, Sch. 2 para. 11\(b\)](#) the following subsections:

(2A) In Greater London the disposal authority is—

(a) for the purposes of the waste disposal provisions of this Act—

(i) in the area of a London waste disposal authority, that authority;

(ii) in the City of London, the Common Council;

(iii) in any other London borough, the council of that borough; and

(b) for the purposes of the waste regulation provisions of this Act, the London Waste Regulation Authority.

(2B) In the metropolitan county of Greater Manchester the disposal authority is—

(a) for the purposes of the waste disposal provisions of this Act—

(i) in the metropolitan district of Wigan, the district council;

(ii) in all other areas in the county, the Greater Manchester Waste Disposal Authority; and

(b) for the purposes of the waste regulation provisions of this Act, the Greater Manchester Waste Disposal Authority.

(2C) In the metropolitan county of Merseyside the disposal authority is the Merseyside Waste Disposal Authority.

(2D) In all other local authority areas in England the disposal authority is the council of the county or metropolitan district and in Wales it is the council of the district.

C3 S. 30(4) extended (16.7.1991) by [Control of Pollution \(Amendment\) Act 1989 \(c. 14, SIF 46:4\), s. 9\(2\)](#); [S.I. 1991/1618, art. 2\(a\)](#)

Marginal Citations

M3 1967 c. 9.

M4 1960 c. 62.

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M5 1968 c. 52.

M6 1875 c. 17.

M7 1960 c. 62.

M8 1961 c. 34.

M9 1947 c. 48.

M10 1948 c. 45.

M11 1960 c. 34.

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