



# Control of Pollution Act 1974

## 1974 CHAPTER 40

### PART I

#### WASTE ON LAND

##### *Collection and disposal of controlled waste*

#### **17 Special provisions with respect to certain dangerous or intractable waste.**

[<sup>F1</sup>(1) If the Secretary of State considers that controlled waste of any kind is or may be so dangerous or difficult to dispose of that special provision in pursuance of this subsection is required for the disposal of waste of that kind by disposal authorities or other persons, it shall be his duty to make provision by regulations for the disposal of waste of that kind (hereafter in this section referred to as “special waste”); and, without prejudice to the generality of the Secretary of State’s power to make regulations in pursuance of the preceding provisions of this subsection, any such regulations may include provision—

- (a) for the giving of directions by disposal authorities with respect to matters connected with the disposal of special waste;
- (b) for securing that special waste is not, while awaiting disposal in pursuance of the regulations, kept at any one place in quantities greater than those which are prescribed and in circumstances which differ from those which are prescribed;
- (c) for requiring the occupier of premises on which special waste is situated to give notice of that fact and other prescribed information to a prescribed authority;
- (d) for the keeping of records by persons who produce or dispose of special waste or transfer it to another person for disposal, for the inspection of the records and for the furnishing by such persons to prescribed authorities of copies of or information derived from the records;
- (e) providing that a contravention of the regulations shall be an offence and prescribing the maximum penalty for the offence (which shall not exceed, on summary conviction, a fine of £400 and, on conviction on indictment, imprisonment for a term of two years and a fine).

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*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 17. (See end of Document for details)*

- (2) Without prejudice to the generality of the power to make regulations conferred by the preceding subsection, regulations made in pursuance of that subsection may include provision—
- (a) requiring special waste of particular kinds to be disposed of only by disposal authorities or, in the case of special waste of a kind which the Secretary of State considers involves or may involve such a risk of damage to persons or animals or vegetation that it should be disposed of only by him, to be disposed of only by the Secretary of State;
  - (b) for the supervision by disposal authorities (whether by the application with modifications of provisions of section 9 of this Act or otherwise) of activities authorised by virtue of the regulations;
  - (c) as to the recovery of expenses or other charges for disposals by disposal authorities or the Secretary of State in pursuance of the regulations;
  - (d) as to appeals to the Secretary of State from decisions of disposal authorities in pursuance of the regulations.
- (3) Provision may also be made by regulations—
- (a) for the giving of a direction, in respect of any place in respect of which a disposal licence or a resolution in pursuance of section 11 of this Act is in force, requiring the holder of the licence or the authority which passed the resolution to accept and dispose of at the place, on such terms as are specified in the direction (including terms as to the making of payments to the recipient of the direction), such special waste as is so specified;
  - (b) as to the consents to be obtained and the other steps to be taken before a direction may be given in pursuance of the regulations and as to appeals to the Secretary of State against a direction so given;
  - (c) providing that a failure to comply with such a direction shall be an offence punishable on summary conviction by a fine not exceeding [<sup>F2</sup>level 5 on the standard scale] or such less amount as is prescribed and that a person shall not be guilty of an offence under any prescribed enactment by reason only of anything necessarily done or omitted in order to comply with such a direction.]

#### Textual Amendments

**F1** S. 17 repealed (1.4.2015 for S.) by [Environmental Protection Act 1990 \(c. 43\), s. 164\(3\), Sch. 16 Pt. II](#); [S.S.I. 2015/72, art. 2\(2\)\(b\)](#)

**F2** Words "level 5 on the standard scale" substituted (11.4.1983) for words "£400" 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](#))

#### Modifications etc. (not altering text)

**C1** S. 17 extended by [S.I. 1980/1709, reg. 3\(1\)](#)

**C2** S. 17(1)(a), (2)(b)-(d): transfer of functions (12.10.1995) by [1995 c. 25, s. 21\(1\)\(c\)](#) (with [ss. 7\(6\), 115, 117](#)); [S.I. 1995/2649, art. 2](#)

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