



Control of Pollution Act 1974

1974 CHAPTER 40

PART I

WASTE ON LAND

Supplemental

30 Interpretation etc of Part I

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

" 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 of which the area is in England ;

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

" disposal authority " means the council of a county in England, the council of a district in Wales and the Greater London Council, " English disposal authority " means a disposal authority of which the area is in England and " relevant disposal authority ", in relation to an English collection authority, means the disposal authority of which the 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—

Status: This is the original version (as it was originally enacted).

- (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 General Rate Act 1967 ; and
- (b) a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960 (disregarding the amendment made by section 13(2) of the 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 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 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—

- (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 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 Agriculture Act 1947 or, in Scotland, the Agriculture (Scotland) Act 1948, and
 - (iii) waste of any other description prescribed for the purposes of this subparagraph.
- (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 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.