



# Control of Pollution Act 1974

## 1974 CHAPTER 40

### PART I **E+W+S**

#### WASTE ON LAND

##### *Licensing of disposal of controlled waste.*

#### **[<sup>F1</sup>9** Supervision of licensed activities. **E+W+S**]

- (1) While a disposal licence is in force it shall be the duty of [<sup>F2</sup>the appropriate Agency] to take the steps needed—
  - (a) for the purpose of ensuring that the activities to which the licence relates do not cause pollution of water or danger to public health or become seriously detrimental to the amenities of the locality affected by the activities; and
  - (b) for the purpose of ensuring that the conditions specified in the licence are complied with.
- (2) For the purpose of performing the duty which is imposed on [<sup>F3</sup>the Environment Agency or SEPA, as the case may be,] by the preceding subsection in connection with a licence, any officer of [<sup>F3</sup>that Agency] authorised in writing in that behalf by [<sup>F3</sup>that Agency] may, if it appears to him that by reason of an emergency it is necessary to do so, carry out work on the relevant land and on any plant or equipment to which the licence relates.
- (3) Where [<sup>F4</sup>the Environment Agency or SEPA] incurs any expenditure by virtue of the preceding subsection, [<sup>F5</sup>it] may recover the amount of the expenditure from the holder of the disposal licence in question, or if the licence has been revoked or cancelled from the last holder of it, except where the holder or last holder of the licence shows that there was no emergency requiring any work or except such of the expenditure as he shows was unnecessary.
- (4) Where it appears to [<sup>F6</sup>the appropriate Agency] that a condition specified in a disposal licence . . . [<sup>F7</sup>is not being complied with, then, without prejudice to any proceedings

*Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 9. (See end of Document for details)*

in pursuance of section 3 or 6(3) of this Act in consequence of any failure to comply with the condition, [<sup>F6</sup>that Agency] may—

- (a) serve on the licence holder a notice requiring him to comply with the condition before a time specified in the notice; and
- (b) if in the opinion of [<sup>F6</sup>that agency] the licence holder has not complied with the condition by that time, serve on him a further notice revoking the licence at a time specified in the further notice.

#### Textual Amendments

- F1** S. 9 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)**, s. 162, **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)
- F2** Words in s. 9(1) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 23(2)** (Sch. 22 para. 23 *isprospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F3** Words in s. 9(2) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 23(3)** (Sch. 22 para. 23 *isprospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3
- F4** Words in s. 9(3) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 23(4)(a)** (Sch. 22 para. 23 *isprospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F5** Word in s. 9(3) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 23(4)(b)** (Sch. 22 para. 23 *isprospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F6** Words in s. 9(4) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 23(5)(a)(c)** (Sch. 22 para. 23 *isprospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F7** Words in s. 9(4) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), **Sch. 22 para. 23(5)(b)**, **Sch. 24** (Sch. 22 para. 23 *isprospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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

- C1** S. 9 modified (27.7.1999) by 1999 c. 24, s. 4(6)(c)
- C2** Ss. 3-10: functions transferred (12.10.1995) by 1995 c. 25, s. 21(1)(c) (with ss. 7(6), 115, 117); S.I. 1995/2649, **art. 2**

**Status:**

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**Changes to legislation:**

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