



# Control of Pollution (Amendment) Act 1989

## 1989 CHAPTER 14

### 9 Interpretation.

(1) In this Act—

[<sup>F1</sup> “ appropriate person ” means—

- (a) the Secretary of State, in relation to England;
- (b) the National Assembly for Wales, in relation to Wales.]

“controlled waste” has [<sup>F2</sup>, subject to subsection (2) below,][<sup>F2</sup>, at any time,] the same meaning as [<sup>F3</sup>in Part I of the Control of Pollution Act 1974][<sup>F3</sup>for the purposes of Part II of the Environmental Protection Act 1990];

[<sup>F4</sup> “ disposal authority ” has the same meaning as in that Part of that Act but, in relation to any area with respect to which the functions of a disposal authority are carried out by more than one such authority, means whichever one of those authorities for the time being has responsibility for the issue of disposal licences under that Part; ]

“prescribed” means prescribed by regulations made by the Secretary of State;

[<sup>F5</sup> “ regulation authority ” means—

- (a) in relation to England <sup>F6</sup> ..., the Environment Agency; <sup>F6</sup> ...
- (aa) [<sup>F7</sup>in relation to Wales, the Natural Resources Body for Wales; and]
- (b) in relation to Scotland, the Scottish Environment Protection Agency;

and any reference to the area of a regulation authority shall accordingly be construed as a reference to any area in England and [<sup>F8</sup>, Wales or Scotland as the case may be];]

“road” has the same meaning as in the <sup>M1</sup>Road Traffic Act 1988;

“transport”, in relation to any controlled waste, includes the transport of that waste by road or rail or by air, sea or inland waterway but does not include moving that waste from one place to another by means of any pipe or other apparatus that joins those two places.

*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution (Amendment) Act 1989, Section 9. (See end of Document for details)*

“vehicle” means any motor vehicle or trailer within the meaning of the <sup>M2</sup>Road Traffic Regulation Act 1984.

[<sup>F9</sup>(1A) In sections 5 to 7 above “regulation authority” also means a waste collection authority falling within section 30(3)(a), (b) or (bb) of the Environmental Protection Act 1990.]

[<sup>F10</sup>(1AA) But, in the case of a waste collection authority that is a regulation authority by virtue of subsection (1A), the powers conferred on that authority under sections 5 to 7 above are not exercisable by that authority in relation to specified persons (within the meaning of Part 8 of the Waste (England and Wales) Regulations 2011).]

[<sup>F11</sup>(1B) For the purposes of any provision of this Act, “authorised officer” in relation to any authority means an officer of the authority who is authorised in writing by the authority for the purposes of that provision.]

[<sup>F12</sup>(2) Subsection (4) of section 30 of the <sup>M3</sup>Control of Pollution Act 1974 (power to extend the meaning of controlled waste for the purposes of prescribed provisions of Part I of that Act) and any regulations made under that subsection before the coming into force of this subsection shall have effect as if the provisions of this Act were contained in Part I of that Act.]

#### Textual Amendments

- F1** Words in s. 9(1) inserted (E.W.) (7.4.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 39\(2\), 108\(1\), 108\(2\)](#)
- F2** Words “, at any time,” substituted (*prosp.*) for words “, subject to subsection (2) below,” by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), ss. 162\(1\), 164\(3\), Sch. 15 para. 31\(5\)\(a\)](#)
- F3** Words “for the purposes of Part II of the Environmental Protection Act 1990” substituted (*prosp.*) for words “in Part I of the Control of Pollution Act 1974” by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), ss. 162\(1\), 164\(3\), Sch. 15 para. 31\(5\)\(a\)](#)
- F4** Definition repealed (31.5.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 162\(1\)\(2\), Sch. 15 para. 31\(5\)\(b\), Sch. 16 Pt. 11, S.I. 1991/1319, art. 2](#)
- F5** Definition in s. 9(1) substituted (1.4.1996) by virtue of [1995 c. 25, s. 120\(1\), Sch. 22 para. 37\(8\)](#) (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/186, [art. 3](#)
- F6** Words in s. 9(1)(a) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 190\(a\)](#) (with Sch. 7)
- F7** S. 9(1)(aa) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 190\(b\)](#) (with Sch. 7)
- F8** Words in s. 9(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 190\(c\)](#) (with Sch. 7)
- F9** S. 9(1A) inserted (E.W.) (31.3.2004 for W., 31.3.2004 for E.) by [Anti-social Behaviour Act 2003 \(c. 38\), ss. 55\(3\), 93; S.I. 2004/690, art. 3\(h\); S.I. 2004/999, art. 2\(m\); S.I. 2004/690, art. 3\(h\); S.I. 2004/999, art. 2\(m\)](#)
- F10** S. 9(1AA) inserted (E.W.) (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\), reg. 1\(2\), Sch. 4 para. 1](#) (with regs. 2, 47(2))
- F11** S. 9(1B) inserted (E.W.) (7.4.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 39\(3\), 108](#)
- F12** S. 9(2) repealed (*prosp.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), ss. 162\(1\)\(2\), 164\(3\), Sch. 15 para. 31\(6\), Sch. 16 Pt. 11](#)

#### Commencement Information

- I1** S. 9 wholly in force at 16.07.1991 see s. 11(2) and [S.I. 1991/1618, art. 2\(a\)](#).

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**Changes to legislation:** *There are currently no known outstanding effects for the Control of Pollution (Amendment) Act 1989, Section 9. (See end of Document for details)*

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**Marginal Citations**

**M1** 1988 c. 52.

**M2** 1984 c. 27.

**M3** 1974 c. 40.

**Changes to legislation:**

There are currently no known outstanding effects for the Control of Pollution (Amendment) Act 1989, Section 9.