



Environmental Protection Act 1990

CHAPTER 43

ENVIRONMENTAL PROTECTION ACT 1990

PART I

INTEGRATED POLLUTION CONTROL AND AIR POLLUTION CONTROL BY LOCAL AUTHORITIES

Preliminary

- 1 Preliminary.
- 2 Prescribed processes and prescribed substances.
- 3 Emission etc. limits and quality objectives.
- 4 Discharge and scope of functions.
- 5 Further provision as to discharge and scope of functions: Scotland.

Authorisations

- 6 Authorisations: general provisions.
- 7 Conditions of authorisations.
- 8 Fees and charges for authorisations.
- 9 Transfer of authorisations.
- 10 Variation of authorisations by enforcing authority.
- 11 Variation of conditions etc: applications by holders of authorisations.
- 12 Revocation of authorisation.

Enforcement

- 13 Enforcement notices.
- 14 Prohibition notices.
- 15 Appeals as respects authorisations and against variation, enforcement and prohibition notices.
- 16 Appointment of chief inspector and other inspectors.
- 17 Powers of inspectors and others.

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 18 Power to deal with cause of imminent danger of serious harm.
- 19 Obtaining of information from persons and authorities.

Publicity

- 20 Public registers of information.
- 21 Exclusion from registers of information affecting national security.
- 22 Exclusion from registers of certain confidential information.

Provisions as to offences

- 23 Offences.
- 24 Enforcement by High Court.
- 25 Onus of proof as regards techniques and evidence.
- 26 Power of court to order cause of offence to be remedied.
- 27 Power of chief inspector to remedy harm.

Authorisations and other statutory controls

- 28 Authorisations and other statutory controls.

PART II

WASTE ON LAND

Preliminary

- 29 Preliminary.
- 30 Authorities for purposes of this Part.
- 31 Power to create regional authorities for purposes of waste regulation.
- 32 Transition to waste disposal companies etc.

Prohibition on unauthorised or harmful depositing, treatment or disposal of waste

- 33 Prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste.
- 33A Fixed penalty notices for contraventions of section 33(1)(a) and (c): Scotland
- 33B Section 33 offences: clean-up costs
- 33C Section 33 offences: forfeiture of vehicles

Duty of care etc. as respects waste

- 34 Duty of care etc. as respects waste.
- 34A Fixed penalty notices for certain offences under section 34

Offences under sections 33 and 34: powers of seizure etc

- 34B Power to search and seize vehicles etc
- 34C Seizure of vehicles etc: supplementary

Waste Management Licences

- 35 Waste management licences: general.
- 35A Compensation where rights granted pursuant to section 35(4) or 38(9A).
- 36 Grant of licences.
- 36A Consultation before the grant of certain licences.
- 37 Variation of licences.

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 37A Consultation before certain variations.
- 38 Revocation and suspension of licences.
- 39 Surrender of licences.
- 40 Transfer of licences.
- 41 Fees and charges for licences.
- 42 Supervision of licensed activities.
- 43 Appeals to Secretary of State from decisions with respect to licences.
- 44 Offences of making false or misleading statements or false entries.

Integrated waste management plans: Scotland

- 44ZA Duty to prepare integrated waste management plan
- 44ZB Approval of integrated waste management plan
- 44ZC Implementation of integrated waste management plan
- 44ZD Modification of integrated waste management plan

Collection, disposal or treatment of controlled waste

- 44A National waste strategy: England and Wales.
- 44B National waste strategy: Scotland.
- 45 Collection of controlled waste.
- 45A Arrangements for separate collection of recyclable waste
- 45B Power to apply section 45A to Welsh waste collection authorities
- 46 Receptacles for household waste.
- 47 Receptacles for commercial or industrial waste.
- 47ZA Fixed penalty notices for offences under sections 46 and 47
- 47ZB Amount of fixed penalty under section 47ZA
- 47A Recycling and composting: duty to report to Parliament
- 48 Duties of waste collection authorities as respects disposal of waste collected.
- 49 Waste recycling plans by collection authorities.
- 50 Waste disposal plans of waste regulation authorities.
- 51 Functions of waste disposal authorities.
- 52 Payments for recycling and disposal etc. of waste.
- 52A Payments for delivering waste pre-separated
- 53 Duties of authorities as respects disposal of waste collected: Scotland.
- 54 Special provisions for land occupied by disposal authorities: Scotland.
- 55 Powers for recycling waste.
- 56 Powers for recycling waste: Scotland.
- 57 Power of Secretary of State to require waste to be accepted, treated, disposed of or delivered.
- 58 Power of Secretary of State to require waste to be accepted, treated, disposed of or delivered: Scotland.
- 59 Powers to require removal of waste unlawfully deposited.
- 59ZA Section 59: supplementary power in relation to owner of land
- 59A Directions in relation to exercise of powers under section 59
- 60 Interference with waste sites and receptacles for waste.
- 61 Duty of waste regulation authorities as respects closed landfills.

Waste reduction schemes

- 60A Waste reduction schemes

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Special waste and non-controlled waste

- 62 Special provision with respect to certain dangerous or intractable waste.
- 62A Lists of waste displaying hazardous properties
- 63 Waste other than controlled waste.

Powers of waste collection authority or waste disposal authority in relation to generation of controlled waste

- 63A Power to take steps to minimise generation of controlled waste.

Publicity

- 64 Public registers.
- 65 Exclusion from registers of information affecting national security.
- 66 Exclusion from registers of certain confidential information.
- 67 Annual reports.

Supervision and enforcement

- 68 Functions of Secretary of State and appointment etc. of inspectors.
- 69 Powers of entry etc. of inspectors.
- 70 Power to deal with cause of imminent danger of serious pollution etc.
- 71 Obtaining of information from persons and authorities.
- 72 Default powers of Secretary of State.

Supplemental

- 73 Appeals and other provisions relating to legal proceedings and civil liability.
- 73A Use of fixed penalty receipts
- 74 Meaning of “fit and proper person”.
- 75 Meaning of “waste” and household, commercial and industrial waste and special waste.
- 76 Application to the Isles of Scilly.
- 77 Transition from Control of Pollution Act 1974 to this Part.
- 78 This Part and radioactive substances.

PART IIA

CONTAMINATED LAND

- 78A Preliminary.
- 78B Identification of contaminated land.
- 78C Identification and designation of special sites.
- 78D Referral of special site decisions to the Secretary of State.
- 78E Duty of enforcing authority to require remediation of contaminated land etc.
- 78F Determination of the appropriate person to bear responsibility for remediation.
- 78G Grant of, and compensation for, rights of entry etc.
- 78H Restrictions and prohibitions on serving remediation notices.
- 78J Restrictions on liability relating to the pollution of controlled waters.
- 78K Liability in respect of contaminating substances which escape to other land.
- 78L Appeals against remediation notices.

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 78M Offences of not complying with a remediation notice.
- 78N Powers of the enforcing authority to carry out remediation.
- 78P Recovery of, and security for, the cost of remediation by the enforcing authority.
- 78Q Special sites.
- 78R Registers.
- 78S Exclusion from registers of information affecting national security.
- 78T Exclusion from registers of certain confidential information.
- 78U Reports by the appropriate Agency on the state of contaminated land.
- 78V Site-specific guidance by the appropriate Agency concerning contaminated land.
- 78W The appropriate Agency to have regard to guidance given by the Secretary of State.
- 78X Supplementary provisions.
- 78Y Application to the Isles of Scilly.
- 78YA Supplementary provisions with respect to guidance by the Secretary of State.
- 78YB Interaction of this Part with other enactments.
- 78YC This Part and radioactivity.

PART III

STATUTORY NUISANCES AND CLEAN AIR

Statutory nuisances . . .

- 79 Statutory nuisances and inspections therefor.
- 80 Summary proceedings for statutory nuisances.
- 80ZA Fixed penalty notice: supplemental
- 80A Abatement notice in respect of noise in street.
- 81 Supplementary provisions.
- 81A Expenses recoverable from owner to be a charge on premises.
- 81B Payment of expenses by instalments.
- 82 Summary proceedings by persons aggrieved by statutory nuisances.

Statutory nuisances: Scotland

- 83 Statutory nuisances: Scotland.

Termination of existing controls over offensive trades and businesses

- 84 Termination of Public Health Act controls over offensive trades etc.

Application to gases of certain Clean Air Act provisions

- 85 Application to gases of certain Clean Air Act provisions.

PART IV

LITTER ETC

Provisions relating to litter

- 86 Preliminary.
- 87 Offence of leaving litter.
- 88 Fixed penalty notices for leaving litter.
- 89 Duty to keep land and highways clear of litter etc.

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 90 Litter control areas.
- 91 Summary proceedings by persons aggrieved by litter.
- 92 Summary proceedings by litter authorities.
- 92A Litter clearing notices
- 92B Appeals against litter clearing notices
- 92C Failure to comply with litter clearing notice
- 93 Street litter control notices.
- 94 Street litter: supplementary provisions.
- 94A Fixed penalty notices relating to sections 92C and 94
- 94B Free distribution of printed matter
- 95 Public registers.
- 96 Application of Part II.
- 97 Transitional provision relating to section 89.
- 97A Fixed penalty notices: supplementary
- 97B Exclusion of liability
- 98 Definitions.

Abandoned trolleys

- 99 Powers in relation to abandoned shopping and luggage trolleys.

PART V

AMENDMENT OF THE RADIOACTIVE SUBSTANCES ACT 1960

- 100 Appointment of inspectors and chief inspector.
- 101 Fees and charges under 1960 Act.
- 102 Enforcement powers of chief inspector.
- 103 Withdrawal of UKAEA exemptions from requirements of 1960 Act.
- 104 Application to Crown of 1960 Act.
- 105 Consequential and further amendments of 1960 Act.

PART VI

GENETICALLY MODIFIED ORGANISMS

Preliminary

- 106 Purpose of Part VI and meaning of “genetically modified organisms” and related expressions.
- 107 Meaning of “damage to the environment”, “control” and related expressions in Part VI.

General controls

- 108 Risk assessment and notification requirements.
- 109 General duties relating to importation, acquisition, keeping, release or marketing of organisms.
- 110 Prohibition notices.

Consents

- 111 Consents required by certain persons.
- 112 Consents: limitations and conditions.
- 113 Fees and charges.

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Inspectors

- 114 Appointment etc of inspectors.
- 115 Rights of entry and inspection.

Enforcement powers and offences

- 116 Obtaining of information from persons.
- 117 Power to deal with cause of imminent danger of damage to the environment.
- 118 Offences.
- 119 Onus of proof as regards techniques and evidence.
- 120 Power of court to order cause of offence to be remedied.
- 121 Power of Secretary of State to remedy harm.

Publicity

- 122 Public register of information.
- 123 Exclusion from register of certain information.

Supplementary

- 124 Advisory committee for purposes of Part VI.
- 125 Delegation of enforcement functions.
- 126 Exercise of certain functions jointly by Secretary of State and Minister of Agriculture, Fisheries and Food.
- 127 Definitions.

PART VII

NATURE CONSERVATION IN GREAT BRITAIN AND COUNTRYSIDE MATTERS IN WALES

New Councils for England, Scotland and Wales

- 128 Creation and constitution of new Councils.
- 129 Grants by Secretary of State to new Councils.

Countryside matters

- 130 Countryside functions of Welsh Council.

Nature conservation in Great Britain

- 131 Nature conservation functions: preliminary.
- 132 General functions of the Councils.
- 133 Special functions of Councils.
- 134 Grants and loans by the Councils.

Transfer of property, rights and liabilities to new Councils

- 135 Schemes for the transfer of property etc. of the Nature Conservancy Council.
- 136 Transfer to Welsh Council of certain property etc. of Countryside Commission.

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Employment by new Councils of staff of existing bodies

- 137 Offers of employment to employees of Nature Conservancy Council and certain employees of Countryside Commission.

Dissolution of Nature Conservancy Council

- 138 Winding up and dissolution of Nature Conservancy Council.

Transitional provisions and savings

- 139 Transitional provisions and savings.

PART VIII

MISCELLANEOUS

Other controls on substances, articles or waste

- 140 Power to prohibit or restrict the importation, use, supply or storage of injurious substances or articles.
141 Power to prohibit or restrict the importation or exportation of waste.
142 Powers to obtain information about potentially hazardous substances.
143 Public registers of land which may be contaminated.
144 Amendments of hazardous substances legislation.
145 Penalties for offences of polluting controlled waters etc.

Pollution at sea

- 146 Deposits of substances and articles in the sea, etc.
147 Public registers relating to deposits in the sea and incineration at sea.
148 Oil pollution from ships.

Control of Dogs

- 149 Seizure of stray dogs.
150 Delivery of stray dogs to police or local authority officer.
151 Enforcement of orders about collars and tags for dogs.

Straw and stubble burning

- 152 Burning of straw and stubble etc.

Environmental expenditure

- 153 Financial assistance for environmental purposes.
154 The Groundwork Foundation: superannuation.
155 Remuneration of chairman of Inland Waterways Amenity Advisory Council.

PART IX

GENERAL

- 156 Power to give effect to Community and other international obligations etc.
157 Offences by bodies corporate.
158 Offences under Parts I, II, IV, VI, etc. due to fault of others.
159 Application to Crown.

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 160 Service of notices.
- 161 Regulations, orders and directions.
- 162 Consequential and minor amendments and repeals.
- 163 Financial provisions.
- 163A Application of Part VI: England and Wales
- 164 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — AUTHORISATIONS FOR PROCESSES: SUPPLEMENTARY PROVISIONS

Part I — GRANT OF AUTHORISATIONS

Applications for authorisations

- 1 (1) An application to the enforcing authority for an authorisation...

Determination of applications

- 2 (1) Subject to sub-paragraph (2) below, the enforcing authority shall...
- 3 (1) The Secretary of State may give directions to the...
- 4 The Secretary of State may give the enforcing authority a...
- 5 (1) Except in a case where an application has been...

Part II — VARIATION OF AUTHORISATIONS

Variations by the enforcing authority

- 6 (1) Except as provided by sub-paragraph (1A) below, The requirements...

Applications for variation

- 7 (1) The requirements of this paragraph apply where an application...

Call in of applications for variation

- 8 (1) The Secretary of State may give directions to the...
- 9 The Secretary of State may give the enforcing authority a...
- 10 (1) Except in a case where an application for the...

SCHEDULE 2 — Waste Disposal Authorities and Companies

Part I — TRANSITION TO COMPANIES

Preliminary

- 1 In this Part of this Schedule— “authority” means an existing...

Notice of direction

- 2 (1) The Secretary of State, before giving any directions to...

Applications for exemption from and representations about directions

- 3 (1) An authority which has been given notice under paragraph...

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Directions

- 4 (1) A direction may require the authority or authorities to...

Formation and status of companies

- 5 (1) An authority which has been directed to form a...

Transfer schemes

- 6 (1) Where an authority has formed a company or companies...

Transfer schemes: supplementary provisions

- 7 A scheme under paragraph 6 above may define the property,...
- 8 (1) The provisions of this paragraph apply to the transfer...

Tax and company provisions

- 9 (1) Any shares in a company which are issued as...

Benefit of certain planning permission

- 10 (1) This paragraph applies in relation to planning permission deemed...

Right to production of documents of title

- 11 Where on any transfer by virtue of a transfer scheme...

Proof of title by certificate

- 12 (1) A joint certificate by or on behalf of the...

Construction of agreements

- 13 Where any of the rights or liabilities transferred by a...
- 14 Without prejudice to the generality of the provisions of paragraph...

Third parties affected by vesting provisions

- 15 (1) Without prejudice to the provisions of paragraphs 13 and...

Transfer of staff

- 16 (1) The Transfer of Undertakings (Protection of Employment) Regulations 1981...

Information for purposes of transfer scheme

- 17 (1) The Secretary of State may, by directions, prescribe descriptions...
- Part II — PROVISIONS REGULATING WASTE DISPOSAL AUTHORITIES AND COMPANIES

Terms of waste disposal contracts

- 18 A waste disposal authority shall, in determining the terms and...
- 19 (1) A waste disposal authority shall have regard to the...

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Procedure for putting waste disposal contracts out to tender

- 20 (1) A waste disposal authority which proposes to enter into...
21 A waste disposal authority, in taking any of the following...

Variation of waste disposal contracts

- 22 Where a waste disposal authority has entered into a contract...

Avoidance of restrictions on transfer of securities of companies

- 23 (1) Subject to sub-paragraph (3) below, any provision to which...

Schedule 2A — Objectives for the purposes of the national waste strategy

- 1 Ensuring that waste is recovered or disposed of without endangering...
2 Establishing an integrated and adequate network of waste disposal installations,...
3 Ensuring that the network referred to in paragraph 2 above...
4 Encouraging the prevention or reduction of waste production and its...
5 Encouraging— (a) the recovery of waste by means of recycling,...

SCHEDULE 2AA — Waste reduction schemes

Introductory

- 1 (1) The purpose of a waste reduction scheme is to...

Conditions for making waste reduction scheme

- 2 (1) A waste collection authority may make a waste reduction...

Incentive under waste reduction scheme

- 3 (1) A waste reduction scheme must provide for a financial...

Charges in respect of residual domestic waste

- 4 (1) A waste reduction scheme may include provision for charging...

Charging: supplementary provisions

- 5 (1) The Secretary of State may by order set a...

Requirement of revenue neutrality

- 6 (1) From year to year, and taking one year with...

Procedure for putting scheme in place

- 7 (1) The authority must comply with the following requirements after...

Appeals

- 8 A waste reduction scheme must contain provision enabling a person...

Separate account to be kept

- 9 (1) A waste collection authority that operates a waste reduction...

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Contributions by waste disposal authority

10 (1) Where a waste collection authority that operates a waste...

Power to make provision as to administration etc

11 (1) The Secretary of State may by regulations make provision...

Use of information obtained for council tax purposes

12 An authority may use for the purpose of administering a...

Amendment or revocation of waste reduction scheme

13 (1) An authority that has made a waste reduction scheme...

Guidance

14 (1) The Secretary of State may issue guidance to waste...

Interpretation

15 (1) In this Schedule— “ domestic premises ” means— a...

Orders and regulations

16 (1) An order under paragraph 2(3), 6(2) or 15(2) is...

SCHEDULE 2B — Categories of waste

- 1 Production or consumption residues not otherwise specified below.
- 2 Off-specification products.
- 3 Products whose date for appropriate use has expired.
- 4 Materials spilled, lost or having undergone other mishap, including any...
- 5 Materials contaminated or soiled as a result of planned actions...
- 6 Unusable parts (e.g. reject batteries, exhausted catalysts, etc.).
- 7 Substances which no longer perform satisfactorily (e.g. contaminated solvents, exhausted...
- 8 Residues of industrial processes (e.g. slags, still bottoms, etc.).
- 9 Residues from pollution abatement processes (e.g. scrubber sludges, baghouse dusts,...
- 10 Machining or finishing residues (e.g. lathe turnings, mill scales, etc.)....
- 11 Residues from raw materials extraction and processing (e.g. mining residues,...
- 12 Adulterated materials (e.g. oils contaminated with PCBs, etc.).
- 13 Any materials, substances or products whose use has been banned...
- 14 Products for which the holder has no further use (e.g....
- 15 Contaminated materials, substances or products resulting from remedial action with...
- 16 Any materials, substances or products which are not contained in...

SCHEDULE 3 — Statutory Nuisances: Supplementary Provisions

Appeals to magistrates' court

- 1 (1) This paragraph applies in relation to appeals under section...
- 1A *Appeals to Sheriff*

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Powers of entry etc

- 2 (1) Subject to sub-paragraph (2) below, any person authorised by...
2A (1) Any person authorised by a local authority may on...

Offences relating to entry

- 3 (1) A person who wilfully obstructs any person acting in...

Default powers

- 4 (1) This paragraph applies to the following function of a...

Protection from personal liability

- 5 Nothing done by, or by a member of, a local...

Statement of right of appeal in notices

- 6 Where an appeal against a notice served by a local...

SCHEDULE 3A — Free distribution of printed matter on designated land

Offence of unauthorised distribution

- 1 (1) A person commits an offence if he distributes any...

Designation

- 2 (1) A principal litter authority may by order in accordance...

Consent and conditions

- 3 (1) A principal litter authority may on the application of...

Fees

- 4 (1) A principal litter authority may require the payment of...

Appeals

- 5 (1) Any person aggrieved by a decision of a principal...

Seizure of material

- 6 (1) Where it appears to an authorised officer of a...

Fixed penalty notices

- 7 (1) This paragraph applies where on any occasion it appears...

Supplementary

- 8 In this Schedule “ authorised officer ”, in relation to...

SCHEDULE 4 — Abandoned Shopping and Luggage Trolleys

Application

- 1 (1) Subject to sub-paragraph (2) below, this Schedule applies where...

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Power to seize and remove trolleys

- 2 (1) Where this Schedule applies in relation to a shopping...

Retention, return and disposal of trolleys

- 3 (1) Subject to the following sub-paragraphs, the local authority, as...
3A (1) This paragraph applies where the local authority is entitled...

Charges

- 4 (1) The local authority, in fixing the charge to be...

Definitions

- 5 In this Schedule—“luggage trolley” means a trolley provided by...

SCHEDULE 5 — . . .

Part I — MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS

Amendments relating to appointment of chief inspector

- 1 (1) Section 8 of the 1960 Act (requirement for disposal...
2 (1) In section 9 (functions of public and local authorities)...
3 In section 19 (general interpretation), after the definition of “the...

Amendments consequential on the introduction of fees and charges

- 4 (1) In section 1(2) (applications for registration of users of...
5 In section 19 (interpretation), in the definition of “prescribed” after...

Documents to be sent to local authorities

- 6 (1) In section 1 of the 1960 Act (registration for...

Mobile radioactive apparatus

- 7 (1) In section 3 of the 1960 Act (registration of...

Site and disposal records

- 8 After section 8 of the 1960 Act there shall be...

Hearings in connection with certain authorisations

- 9 (1) In section 11 of the 1960 Act (procedure in...

Appeals against certain other decisions of the chief inspector

- 10 After the section 11C of the 1960 Act inserted by...

Period within which applications under Act to be determined

- 11 (1) In section 1 of the 1960 Act (registration for...

Directions to chief inspector

- 12 After section 12 of the 1960 Act there shall be...

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Inspectors: powers and protection

13 (1) Section 12 of the 1960 Act (rights of entry...

Offences under 1960 Act

14 (1) Section 13 of the 1960 Act (offences) shall be...

Public access to certain information

15 After section 13 (offences) of the 1960 Act there shall...

Expenses and receipts

16 In section 16 of the 1960 Act (expenses and receipts)—...

Meaning of “radioactive material” for purposes of 1960 Act

17 In section 18 of the 1960 Act (meaning of expression...

Part II — AMENDMENTS RELATING TO SCOTLAND AND NORTHERN IRELAND

Scotland

18 In section 20 of the 1960 Act (application of Act...

19 (1) In Schedule 1 to the 1960 Act (enactments, other...

Northern Ireland

20 In section 21 of the 1960 Act (application of Act...

SCHEDULE 6 — The Nature Conservancy Councils for England and Scotland and the Countryside Council for Wales: Constitution.

Preliminary

1 In this Part of this Schedule any reference to the...

Constitution and membership

2 The council shall be a body corporate.

3 (1) The council shall not be regarded as the servant...

4 (1) The Secretary of State shall appoint one of the...

5 A member of the council who ceases to be a...

6 The Secretary of State may remove a member of the...

Remuneration and allowances for members of council

7 (1) The council shall— (a) pay to their members such...

Staff

8 (1) There shall be a chief officer of the council....

9 The council may appoint such number of other employees as...

10 The council shall pay to the chief officer and their...

11 The council shall, in the case of such of their...

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Proceedings

- 12 (1) The council may regulate their own procedure (including making...

Delegation of powers

- 13 (1) Anything authorised or required by or under any enactment...

Committees

- 14 (1) The council may appoint persons who are not members...

Documents

- 15 (1) This paragraph applies in England and Wales only.
16

Public Records

- 17 In Schedule 1 to the Public Records Act 1958 (definition...

Land

- 18 (1) For the purposes of the application of any enactment...

Reports, accounts etc.

- 19 The council shall— (a) furnish the Secretary of State with...
20 (1) The council shall— (a) as soon as possible after...
21 (1) The council shall keep proper accounts and other records,...

Superannuation Act 1965 (c. 74)

- 22 In paragraph 7 of section 39(1) of the Superannuation Act...

Parliamentary Commissioner Act 1967 (c. 13)

- 23 In Schedule 2 to the Parliamentary Commissioner Act 1967
(departments...

House of Commons Disqualification Act 1975 (c. 24)

- 24 In Part III of Schedule 1 to the House of...

Inheritance Tax Act 1984 (c. 51)

- 25 In Schedule 3 to the Inheritance Tax Act 1984 (gifts...

SCHEDULE 7 — The Joint Nature Conservation Committee

Preliminary

- 1 In this Schedule— “chairman” means (except in paragraph 2(1) below)...

Membership

- 2 (1) The committee shall consist of eleven voting members, namely—...
3 The chairman and the three members appointed by the Secretary...

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

4 (1) The three members appointed by the Secretary of State...

Remuneration and allowances for members

5 (1) The councils shall— (a) pay to the chairman such...

6 The councils shall pay to the three members appointed by...

Staff etc. and expenses

7 (1) The councils shall provide the committee with such staff,...

Proceedings

8 (1) The committee may regulate their own procedure (including making...

Delegation of functions

9 (1) Anything authorised or required to be done by the...

Annual reports

10 (1) The committee shall— (a) as soon as possible after...

SCHEDULE 8 — Amendment of Enactments relating to Countryside Matters

National Parks and Access to the Countryside Act 1949 (c. 97)

1 (1) The National Parks and Access to the Countryside Act...

The Countryside Act 1968 (c. 41)

2 (1) The Countryside Act 1968 shall be amended as follows....

Local Government Act 1972 (c.70)

3

Local Government Act 1974 (c.7)

4 ... in section 9 of that Act (grants...

Highways Act 1980 (c. 66)

5 (1) The Highways Act 1980 shall be amended as follows....

Wildlife and Countryside Act 1981 (c. 69)

6 (1) The Wildlife and Countryside Act 1981 shall be amended...

The Road Traffic Regulation Act 1984 (c.27)

7 In section 22 of the Road Traffic Regulation Act 1984...

The Water Act 1989 (c. 15)

8

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 9 — Amendment of Enactments conferring Nature Conservancy Functions

National Parks and Access to the Countryside Act 1949 (c. 97)

1 (1) The National Parks and Access to the Countryside Act...

Deer (Scotland) Act 1959 (c. 40)

2

Deer Act 1963 (c. 36)

3

Countryside Act 1968 (c. 41)

4 (1) The Countryside Act 1968 shall be amended as follows....

Conservation of Seals Act 1970 (c. 30)

5 In section 10 of the Conservation of Seals Act 1970...

Badgers Act 1973 (c. 57)

6

Import of Live Fish (Scotland) Act 1978 (c. 35)

7

Import of Live Fish (England and Wales) Act 1980 (c. 27)

8 In section 1 of the Import of Live Fish (England...

Highways Act 1980 (c. 66)

9 In section 105A of the Highways Act 1980 (environmental assessment...

Animal Health Act 1981 (c. 22)

10 (1) The Animal Health Act 1981 shall be amended as...

Wildlife and Countryside Act 1981 (c. 69)

11 (1) The Wildlife and Countryside Act 1981 shall be amended...

Roads (Scotland) Act 1984 (c. 54)

12

Agriculture Act 1986 (c. 49)

13 In section 18 of the Agriculture Act 1986 (environmentally sensitive...

Channel Tunnel Act 1987 (c. 53)

14 In paragraph 5 of Schedule 2, and in paragraph 17...

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Norfolk and Suffolk Broads Act 1988 (c. 4)

15 In the Norfolk and Suffolk Broads Act 1988, for each...

Electricity Act 1989 (c. 29)

16 In Schedule 9 to the Electricity Act 1989 (preservation of...

Water Act 1989 (c. 15)

17

SCHEDULE 10 — Transfer Schemes and Staff of Existing Councils

Part I — TRANSFER SCHEMES: NATURE CONSERVANCY COUNCIL

Making and approval of schemes

1 (1) Before such date or dates as the Secretary of...

Modification of schemes

2 (1) If at any time after a transfer scheme has...

Provision of information to Secretary of State

3 It shall be the duty of the Nature Conservancy Council...

Contents of schemes

4 A transfer scheme may— (a) define the property, rights and...

5 For the avoidance of doubt property, rights and liabilities of...

Part II — TRANSFER SCHEMES: THE COUNTRYSIDE COMMISSION

Making and approval of schemes

6 (1) Before such date or dates as the Secretary of...

Modification of schemes

7 (1) If at any time after a transfer scheme has...

Provision of information to Secretary of State

8 It shall be the duty of the Countryside Council for...

Contents of schemes

9 (1) A transfer scheme may— (a) define the property, rights...

Part III — EMPLOYMENT OF STAFF OF EXISTING BODIES

Proposals for staff of Nature Conservancy Council

10 Not later than such date or dates as the Secretary...

11 (1) The Secretary of State may, after consultation with the...

Proposals for certain staff of the Countryside Commission

12 Not later than such date or dates as the Secretary...

13 (1) The Secretary of State may, after consultation with the...

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Offers of employment

- 14 (1) Each new Council shall, before such date as the...

Continuity of employment, redundancy etc.

- 15 Where a person becomes an employee of a new Council...
16 Where an offer is made to a person in pursuance...

Disputes

- 17 (1) Any dispute as to whether an offer under paragraph...

SCHEDULE 11 — Transitional Provisions and Savings for Part VII
Part I — COUNTRYSIDE FUNCTIONS

Preliminary

- 1 In this Part of this Schedule— “the appointed day” means...

Continuity of exercise of functions

- 2 (1) Any relevant thing done by or in relation to...

Construction of references to the Countryside Commission

- 3 (1) This paragraph applies to any provision of any agreement,...
4 (1) This paragraph applies to any provision of a local...

Existing areas of outstanding natural beauty and long distance routes

- 5 (1) This paragraph applies to— (a) any area of land...
Part II — NATURE CONSERVATION FUNCTIONS

Preliminary

- 6 In this Part of this Schedule— “appointed day” means the...
7 (1) In this Part of this Schedule a reference to...

Continuity of exercise of functions

- 8 (1) Anything done (or deemed by any enactment to have...

Construction of references to the Nature Conservancy Council

- 9 (1) This paragraph applies to any agreement, any instrument and...
10 (1) This paragraph applies to any provision of a local...

Pensions for Nature Conservancy Council staff

- 11 (1) The repeal by this Act of paragraph 12 of...

Existing nature reserves and areas of special scientific interest

- 12 (1) This paragraph applies to any land which, immediately before...
Part III — SUPPLEMENTARY

- 13 Paragraphs 3, 4, 5, 8, 9, 10 and 12 above...
14 The Secretary of State may, in relation to any particular...
15 In this Schedule “the 1949 Act” means the National Parks...

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 12 — Injurious or Hazardous Substances: Advisory Committee

- 1 The Secretary of State shall appoint the members of the...
- 2 The committee shall include persons who appear to the Secretary...
- 3 The Secretary of State may make provision by regulations with...
- 4 The Secretary of State shall provide the committee with such...
- 5 The Secretary of State may pay to the members of...

SCHEDULE 13 — Amendments of Hazardous Substances Legislation

Part I — ENGLAND AND WALES

- 1 The Planning (Hazardous Substances) Act 1990 shall be amended as...
- 2 (1) Section 2 (appropriate Minister to be hazardous substances authority...
- 3 In section 7(1)(a) (applications for consent), after the word “applications”...
- 4 In section 11 (deemed hazardous substances consent in transitional cases)—...
- 5 In section 12 (deemed consent: government authorisation), at the end...
- 6 In section 13 (applications for hazardous substances consent in place...
- 7 In section 22 (validity of decisions as to applications), in...
- 8 In section 25(1)(c) (provisions of principal Act capable of application...
- 9 Before section 27 there shall be inserted the following section—...
- 10 In section 303(6) of the Town and Country Planning Act...

Part II — SCOTLAND

- 11
- 12
- 13

SCHEDULE 14 — Amendments of the Prevention of Oil Pollution Act 1971

- 1 The Prevention of Oil Pollution Act 1971 shall be amended...
- 2 In section 19 (prosecutions), after subsection (4), there shall be...
- 3 After that section there shall be inserted the following section—...
- 4 In section 20(1) (power of court to direct amount of...
- 5 In section 24(2) (application of Act to Government ships), for...
- 6 In section 25(1) (power to extend provisions of Act to...
- 7 In section 30 (provisions as to Northern Ireland), after subsection...

SCHEDULE 15 — Consequential and Minor Amendments of Enactments

- 1

Exclusion of Alkali Works Act for prescribed processes

- 2 In the Alkali, &c. Works Regulation Act 1906 there shall...

Stray dogs

- 3 (1) The following provisions of the Dogs Act 1906 shall...

Statutory nuisances

- 4 (1) The following provisions of the Public Health Act 1936...
- 5 (1) Section 151 of the Mines and Quarries Act 1954...

Exclusion of Clean Air Act 1956 for prescribed processes

- 6

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Statutory nuisances

- 7
 8
 9 In section 1(1)(g) of the Hovercraft Act 1986 (power to...

Goods vehicle operators' licences: pollution offences

- 10 (1) The following provisions of of the Transport Act 1968...

National Park Wardens

- 11 In section 42 of the Countryside Act 1968 (National Park...

Exclusion of Clean Air Act 1968 for prescribed processes

- 12

Sale of electricity: Scotland

- 13 In section 170A(3) of the Local Government (Scotland) Act 1973...

Workplace emissions into the air

- 14 Section 5 of the Health and Safety at Work etc....

Water, noise and atmospheric pollution

- 15 (1) The following provisions of the Control of Pollution Act...
 16

Exclusion of Part II of Control of Pollution Act 1974 for radioactive substances: Scotland

- 17 For subsection (6) of section 56 of the Control of...

Statutory nuisances

- 18

Refuse Disposal: Scotland

- 19 (1) Section 1 of the Refuse Disposal (Amenity) Act 1978...

Street cleansing: Scotland

- 20 In section 25 of the Local Government and Planning (Scotland)...

Byelaws relating to straw or stubble burning

- 21 Section 43 of the Criminal Justice Act 1982 (creation by...

Functions assignable to London port health authority

- 22 In section 7(4) of the Public Health (Control of Disease)...

Street cleaning, etc: restriction of traffic

- 23

Status: Point in time view as at 24/04/1998.

Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Statutory nuisance

24 In section 76(1)(b) and (4)(a) of the Building Act 1984,...

Registers of deposits etc. at sea: Northern Ireland Assembly control of regulations

25 In section 25(3) of the Food and Environment Protection Act...

Constitution of authorities for waste disposal

26 In section 10 of the Local Government Act 1985 (joint...

Meaning of household waste: competition

27 In Schedule 1 to the Local Government Act 1988 (competition:...

*Exclusion of Water Act 1989 controls of exercise of
trade effluent functions in case of prescribed processes*

28

Exclusion of Part III of Water Act 1989 for discharges from prescribed processes

29

Contents of registers of National Rivers Authority

30

Carriers of controlled waste

31 (1) The Control of Pollution (Amendment) Act 1989 shall be...

SCHEDULE 16 — Repeals

Part I — ENACTMENTS RELATING TO PROCESSES

Part II — ENACTMENTS RELATING TO WASTE ON LAND

Part III — ENACTMENTS RELATING TO STATUTORY NUISANCES

Part IV — ENACTMENTS RELATING TO LITTER

Part V — ENACTMENTS RELATING TO RADIOACTIVE SUBSTANCES

Part VI — ENACTMENTS RELATING TO NATURE CONSERVATION AND
COUNTRYSIDE MATTERS

Part VII — ENACTMENTS RELATING TO HAZARDOUS SUBSTANCES

Part VIII — ENACTMENTS RELATING TO DEPOSITS AT SEA

Part IX — MISCELLANEOUS ENACTMENTS

Status:

Point in time view as at 24/04/1998.

Changes to legislation:

Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.