



Environmental Protection Act 1990

CHAPTER 43

ENVIRONMENTAL PROTECTION ACT 1990

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Statutory nuisances: Scotland

- 83 Statutory nuisances: Scotland.

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- 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...

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Applications for variation

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

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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...

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

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

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

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

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

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 8 (1) The provisions of this paragraph apply to the transfer...

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

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- 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...

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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...

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- 17 (1) The Secretary of State may, by directions, prescribe descriptions...
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Terms of waste disposal contracts

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19 (1) A waste disposal authority shall have regard to the...

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...

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

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

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- 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...

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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...

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....

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- 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*

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...

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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...

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 charges to be...

Definitions

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

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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...

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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...

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 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.

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- 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...

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 et cetera

- 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...

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Inheritance Tax Act 1984 (c. 51)

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

SCHEDULE 7 —

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

Remuneration and allowances for members

5 (1) The committee shall— (a) pay to the chairman such...
6 The committee shall pay to the three members appointed by...

Staff etc. and expenses

7 (1) The councils shall provide the committee with

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...

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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

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...

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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...

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 —

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...

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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...

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...

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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...

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

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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

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

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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

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

Note: The repeal of the Alkali, &c. Works Regulation Act...

Part II — ENACTMENTS RELATING TO WASTE ON LAND

Part III — ENACTMENTS RELATING TO STATUTORY NUISANCES

Part IV — ENACTMENTS RELATING TO LITTER

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- 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:

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