



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Preliminary

29 Preliminary.

(1) The following provisions have effect for the interpretation of this Part.

[^{F1}(1A) “Appropriate person” means—

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

(2) The “environment” consists of all, or any, of the following media, namely land, water and the air.

(3) “Pollution of the environment” means pollution of the environment due to the release or escape (into any environmental medium) from—

- (a) the land on which controlled waste [^{F2}or extractive waste] is treated,
- (b) the land on which controlled waste [^{F2}or extractive waste] is kept,
- (c) the land in or on which controlled waste [^{F2}or extractive waste] is deposited,
- (d) fixed plant by means of which controlled waste [^{F2}or extractive waste] is treated, kept or disposed of,

of substances or articles constituting or resulting from the waste and capable (by reason of the quantity or concentrations involved) of causing harm to man or any other living organisms supported by the environment.

(4) Subsection (3) above applies in relation to mobile plant by means of which controlled waste [^{F3}or extractive waste] is treated or disposed of as it applies to plant on land by means of which controlled waste [^{F3}or extractive waste] is treated or disposed of.

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- (5) For the purposes of subsections (3) and (4) above “harm” means harm to the health of living organisms or other interference with the ecological systems of which they form part and in the case of man includes offence to any of his senses or harm to his property; and “harmless” has a corresponding meaning.

[^{F4}(5A) In relation to controlled waste—

- (a) a reference to the management of such waste is a reference to the collection, transport, recovery and disposal of such waste and includes—
- (i) the supervision of such operations;
 - (ii) the after-care of disposal sites; and
 - (iii) actions taken as a broker or dealer;
- (b) “collection” means the gathering of such waste, including the preliminary sorting and preliminary storage of such waste for the purposes of transport to a waste treatment facility; and
- [“separate collection” means that waste is presented for collection, and
- ^{F5}(ba) collected, in a manner that ensures that—
- (i) dry recyclable waste is kept separate from other waste;
 - (ii) waste from one dry waste stream is kept separate from waste in another such stream; and
 - (iii) food waste is kept separate from other waste;]

(c) “recovery” refers to any of the operations listed in Part III of Schedule 4 to the Waste Management Licensing (Scotland) Regulations 2011, and any other operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in a plant or in the wider economy,

and cognate expressions shall be construed accordingly.]

- (6) The “disposal” of waste [^{F6}includes its disposal by way of deposit in or on land][^{F6}has the meaning given by regulation 2(1) of the Waste Management Licensing (Scotland) Regulations 2011] and, subject to subsection (7) below, waste is “treated” when it is subjected to any process, including making it re-usable or reclaiming substances from it and “recycle” (and cognate expressions) shall be construed accordingly.
- (7) Regulations made by the Secretary of State may prescribe activities as activities which constitute the treatment of waste for the purposes of this Part or any provision of this Part prescribed in the regulations.
- (8) “Land” includes land covered by waters where the land is above the low water mark of ordinary spring tides and references to land on which controlled waste [^{F7}or extractive waste] is treated, kept or deposited are references to the surface of the land (including any structure set into the surface).
- (9) “Mobile plant” means, [^{F8}subject to subsection (10) below,] plant which is designed to move or be moved whether on roads or other land.
- (10) [^{F9}Regulations made by the Secretary of State may prescribe descriptions of plant which are to be treated as being, or as not being, mobile plant for the purposes of this Part.]
- (11) “Substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour.

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^{F10}^{F11}(12) “The Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2010.]

(13) The following expressions have the same meaning as in ^{F12}the Environmental Permitting Regulations]—

- “environmental permit”;
- “exempt waste operation”;
- ^{F13}“extractive waste”;
- “mining waste operation”;
- “the Mining Waste Directive”;
- “waste operation”.]

Textual Amendments

- F1** S. 29(1A) inserted (E.W.) (7.4.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **s. 51**
- F2** Words in s. 29(3) inserted (E.W.) (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations \(S.I. 2009/1799\)](#), reg. 28, {Sch. 2 para. 1(2)(a)}
- F3** Words in s. 29(4) inserted (E.W.) (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations \(S.I. 2009/1799\)](#), reg. 28, {Sch. 2 para. 1(2)(b)}
- F4** S. 29(5A) inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **2(2)(a)**
- F5** S. 29(5A)(ba) inserted (S.) (17.5.2012) by [The Waste \(Scotland\) Regulations 2012 \(S.S.I. 2012/148\)](#), regs. 1(1), **2(2)**
- F6** Words in s. 29(6) substituted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **2(2)(b)**
- F7** Words in s. 29(8) inserted (E.W.) (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations \(S.I. 2009/1799\)](#), reg. 28, {Sch. 2 para. 1(2)(c)}
- F8** Words in s. 29(9) repealed (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), regs. 73, 74(2), Sch. 21 para. 3(2), **Sch. 23** (with reg. 72, Sch. 4)
- F9** S. 29(10) repealed (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), regs. 73, 74(2), Sch. 21 para. 3(3), **Sch. 23** (with reg. 72, Sch. 4)
- F10** S. 29(12)(13) added (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 73, **Sch. 21 para. 3(4)** (with reg. 72, Sch. 4)
- F11** S. 29(12) substituted (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), regs. 1(1)(b), 107, **Sch. 26 para. 5(3)** (with Sch. 4)
- F12** Words in s. 29(13) substituted (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), regs. 1(1)(b), 107, **Sch. 26 para. 5(4)(a)** (with Sch. 4)
- F13** Words in s. 29(13) inserted (E.W.) (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations \(S.I. 2009/1799\)](#), reg. 28, {Sch. 2 para. 1(2)(d)}

Commencement Information

- I1** S. 29 wholly in force at 31.5.1991 see s. 164(3) and [S.I. 1991/1319](#), **art. 2**

30 Authorities for purposes of this Part.

- ^{F14}[(1) Any reference in this Part to a waste regulation authority—
- (a) in relation to England and Wales, is a reference to the Environment Agency;
- and

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- (b) in relation to Scotland, is a reference to the Scottish Environment Protection Agency;
- and any reference in this Part to the area of a waste regulation authority shall accordingly be taken as a reference to the area over which the Environment Agency or the Scottish Environment Protection Agency, as the case may be, exercises its functions or, in the case of any particular function, the function in question.]
- (2) For the purposes of this Part the following authorities are waste disposal authorities, namely—
- (a) for any non-metropolitan county in England, the county council;
 - (b) in Greater London, the following—
 - (i) for the area of a London waste disposal authority, the authority constituted as the waste disposal authority for that area;
 - (ii) for the City of London, the Common Council;
 - (iii) for any other London borough, the council of the borough;
 - (c) in the metropolitan county of Greater Manchester, the following—
 - (i) for the metropolitan district of Wigan, the district council;
 - (ii) for all other areas in the county, the authority constituted as the Greater Manchester Waste Disposal Authority;
 - (d) for the metropolitan county of Merseyside, the authority constituted as the Merseyside Waste Disposal Authority;
 - (e) for any district in any other metropolitan county in England, the council of the district;
 - ^{F15}[(f) for any county or county borough in Wales, the council of the county or county borough;]
 - (g) in Scotland, [^{F16}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].
- (3) For the purposes of this Part the following authorities are waste collection authorities—
- (a) for any district in England ^{F17}. . . not within Greater London, the council of the district;
 - (b) in Greater London, the following—
 - (i) for any London borough, the council of the borough;
 - (ii) for the City of London, the Common Council;
 - (iii) for the Temples, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple respectively;
 - ^{F18}[(bb) for any county or county borough in Wales, the council of the county or county borough;]
 - (c) in Scotland, [^{F19}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].
- (4) In this section references to particular authorities having been constituted as waste disposal ^{F20}. . . are references to their having been so constituted by the ^{M1}Waste Regulation and Disposal (Authorities) Order 1985 made by the Secretary of State under section 10 of the ^{M2}Local Government Act 1985 and the reference to London waste disposal authorities is a reference to the authorities named in Parts I, II, III, IV and V of Schedule 1 to that Order and this section has effect subject to any order made under the said section 10 ^{F21}. . .

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- (5) ^{F22}In this Part “waste disposal contractor” means a person who in the course of a business collects, keeps, treats or disposes of waste, being either—
- (a) a company formed for all or any of those purposes by a waste disposal authority whether in pursuance of section 32 below or otherwise; or
 - (b) either a company formed for all or any of those purposes by other persons or a partnership or an individual;
- and “company” ^{F23}means a company as defined in section 1(1) of the Companies Act 2006] and “formed”, in relation to a company formed by other persons, includes the ^{F24}alteration of the company's articles so as to add, remove or alter a statement of the company's objects].]

^{F25}(6)

^{F25}(7)

^{F25}(8)

Textual Amendments

- F14** S. 30(1) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 62(2)** (with ss. 7(6), 115, 117); [S.I. 1996/186, art.3](#)
- F15** S. 30(2)(f) substituted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 17(2)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); [S.I. 1996/396, art. 3, Sch. 1](#)
- F16** Words in s. 30(2)(g) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 167(3)** (with s. 128(8)); [S.I. 1996/323, art.4\(1\)\(c\)](#)
- F17** Words in s. 30(3)(a) repealed (1.4.1996) by 1994 c. 19, ss. 22(3), 66(8), Sch. 9 para. 17(3), **Sch. 18** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); [S.I. 1996/396, art. 4, Sch. 2](#)
- F18** S. 30(3)(bb) inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 17(3)** (with s. 54(7), Sch. 17 para. 22(1), 23(2)); [S.I. 1996/396, art. 3, Sch.1](#)
- F19** Words in s. 30(3)(c) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 167(3)** (with s. 128(8)); [S.I. 1996/323, art.4\(1\)\(c\)](#)
- F20** In s. 30(4) words "or regulation" cease to have effect (1.4.1996) by virtue of 1995 c. 25, s. 120(1), **Sch. 22 para. 62(3)(a)** (with ss. 7(6), 115, 117); [S.I. 1996/186, art. 3](#) and by s. 120(3), Sch. 24 of that 1995 Act commenced by [S.I. 1996/186, art. 3](#) words "or regulation authorities" are repealed (1.4.1996)
- F21** Words in s. 30(4) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 62(3)(b), **Sch.24** (with ss. 7(6), 115, 117); [S.I. 1996/186, art.3](#)
- F22** S. 30(5) repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 47, 107, 108, **Sch. 5 Pt. 4**; [S.I. 2005/2896, art. 3\(g\)\(k\)](#) (with art. 6 (as amended (1.4.2006) by [S.I. 2006/1002, art. 2](#))); [S.I. 2006/768, art. 2\(a\)\(d\)](#) (with art. 5 (as amended (17.10.2006) by [S.I. 2006/2797, art. 11](#)))
- F23** Words in s. 30(5) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order ([S.I. 2009/1941](#)), art. 2(1), {Sch. 1 para. 120(a)} (with art. 10)
- F24** Words in s. 30(5) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order ([S.I. 2009/1941](#)), art. 2(1), {Sch. 1 para. 120(b)} (with art. 10)
- F25** S. 30(6)(7)(8) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 62(4), **Sch.24** (with ss. 7(6), 115, 117); [S.I. 1996/186, art. 3](#)

Commencement Information

- I2** S. 30 wholly in force at 31.5.1991 see s. 164(3) and [S.I. 1991/1319, art. 2](#)

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Marginal Citations

M1 S.I. 1985/1884.

M2 1985 c. 51.

^{F26}**31**

Textual Amendments

F26 S. 31 repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 63, **Sch.24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

32 Transition to waste disposal companies etc.

^{F27}

Textual Amendments

F27 S. 32 repealed (18.10.2005 for E. and 16.3.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 47, 107, 108, **Sch. 5 Pt. 4**; S.I. 2005/2896, **art. 3(g)(k)** (with art. 6 (as amended (1.4.2006) by S.I. 2006/1002, art. 2)); S.I. 2006/768, **art. 2(a)(d)** (with art. 5 (as amended (17.10.2006) by S.I. 2006/2797, art. 11))

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