



Environmental Protection Act 1990

1990 CHAPTER 43

PART VIII U.K.

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. U.K.

- (1) The Secretary of State may by regulations prohibit or restrict—
 - (a) the importation into and the landing and unloading in the United Kingdom,
 - (b) the use for any purpose,
 - (c) the supply for any purpose, and
 - (d) the storage,of any specified substance or article if he considers it appropriate to do so for the purpose of preventing the substance or article from causing pollution of the environment or harm to human health or to the health of animals or plants.
- (2) Any such prohibition or restriction may apply—
 - (a) in all, or only in specified, areas;
 - (b) in all, or only in specified, circumstances or if conditions imposed by the regulations are not complied with; and
 - (c) to all, or only to specified descriptions of, persons.
- (3) Regulations under this section may—
 - (a) confer on the Secretary of State power to direct that any substance or article whose use, supply or storage is prohibited or restricted is to be treated as waste or controlled waste of any description and in relation to any such substance or article—
 - (i) to apply, with or without modification, specified provisions of Part II; or

Status: Point in time view as at 14/03/2012.

Changes to legislation: Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 03 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)

- (ii) to direct that it be disposed of or treated in accordance with the direction;
 - (b) confer on the Secretary of State power, where a substance or article has been imported, landed or unloaded in contravention of a prohibition or restriction imposed under subsection (1)(a) above, to require that the substance or article be disposed of or treated in or removed from the United Kingdom;
 - (c) confer powers corresponding to those conferred by [^{F1}section 108 of the Environment Act 1995] on persons authorised for any purpose of the regulations by the Secretary of State or any local or other authority; and
 - (d) include such other incidental and supplemental, and such transitional provisions, as the Secretary of State considers appropriate.
- (4) The Secretary of State may, by regulations under this section, direct that, for the purposes of any power conferred on him under subsection (3)(b) above, any prohibition or restriction on the importation into or the landing and unloading in the United Kingdom imposed—
- (a) by or under any [^{F2}EU] instrument, or
 - (b) by or under any enactment,
- shall be treated as imposed under subsection (1)(a) above and any power conferred on him under subsection (3)(b) above shall be exercisable accordingly.
- (5) The Secretary of State may by order establish a committee to give him advice in relation to the exercise of the power to make regulations under this section and Schedule 12 to this Act shall have effect in relation to it.
- (6) Subject to subsection (7) below, it shall be the duty of the Secretary of State before he makes any regulations under this section other than regulations under subsection (4) above—
- (a) to consult the committee constituted under subsection (5) above about the proposed regulations;
 - (b) having consulted the committee, to publish in the London Gazette and, if the regulations apply in Scotland or Northern Ireland, the Edinburgh Gazette or, as the case may be, Belfast Gazette and in any other publication which he considers appropriate, a notice indicating the effect of the proposed regulations and specifying—
 - (i) the date on which it is proposed that the regulations will come into force;
 - (ii) a place where a draft of the proposed regulations may be inspected free of charge by members of the public during office hours; and
 - (iii) a period of not less than fourteen days, beginning with the date on which the notice is first published, during which representations in writing may be made to the Secretary of State about the proposed regulations; and
 - (c) to consider any representations which are made to him in accordance with the notice.
- (7) The Secretary of State may make regulations under this section in relation to any substance or article without observing the requirements of subsection (6) above where it appears to him that there is an imminent risk, if those requirements are observed, that serious pollution of the environment will be caused.

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- (8) The Secretary of State may, after performing the duty imposed on him by subsection (6) above with respect to any proposed regulations, make the regulations either—
- (a) in the form of the draft mentioned in subsection (6)(b) above, or
 - (b) in that form with such modifications as he considers appropriate;
- but the Secretary of State shall not make any regulations incorporating modifications unless he is of opinion that it is appropriate for the requirements of subsection (6) above to be disregarded.
- (9) Regulations under this section may provide that a person who contravenes or fails to comply with a specified provision of the regulations or causes or permits another person to contravene or fail to comply with a specified provision of the regulations commits an offence and may prescribe the maximum penalty for the offence.
- (10) No offence under the regulations shall be made punishable with imprisonment for more than two years or punishable on summary conviction with a fine exceeding level 5 on the standard scale (if not calculated on a daily basis) or, in the case of a continuing offence, exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence.
- (11) In this section—
- “the environment” means the air, water and land, or any of those media, and the medium of air includes the air within buildings and the air within other natural or man-made structures above or below ground;
 - “specified” means specified in the regulations; and
 - “substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour and it includes mixtures of substances.

Textual Amendments

- F1** Words in s. 140(3)(c) substituted (E.W.S.) (6.5.1999) by [S.I. 1999/1108, reg. 2](#)
- F2** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\), arts. 2, 3, 6 \(with art. 3\(2\)\(3\), 4\(2\), 6\(4\)\(5\)\)](#)

Modifications etc. (not altering text)

- C1** S. 140 extended (with modifications) (19.2.1999) by [S.I. 1999/396, reg. 2](#)

141 Power to prohibit or restrict the importation or exportation of waste. **U.K.**

- (1) The Secretary of State may, for the purpose of preventing any risk of pollution of the environment or of harm to human health arising from waste being imported or exported or of conserving the facilities or resources for dealing with waste, make regulations prohibiting or restricting, or providing for the prohibition or restriction of—
- (a) the importation into and the landing and unloading in the United Kingdom, or
 - (b) the exportation, or the loading for exportation, from the United Kingdom, of waste of any description.
- (2) Regulations under this section may make different provision for different descriptions of waste or waste of any description in different circumstances.

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- (3) Regulations under this section may, as respects any description of waste, confer or impose on waste regulation authorities or any of them such functions in relation to the importation of waste as appear to be appropriate to the Secretary of State, subject to such limitations and conditions as are specified in the regulations.
- (4) Regulations under this section may confer or impose on waste regulation authorities or any of them functions of enforcing any of the regulations on behalf of the Secretary of State whether or not the functions fall within subsection (3) above.
- (5) Regulations under this section may—
- (a) as respects functions conferred or imposed on waste regulation authorities—
 - (i) make them exercisable in relation to individual consignments or consignments in a series by the same person but not in relation to consignments or descriptions of consignments generally; and
 - (ii) confer on the Secretary of State power, by direction to the authorities or any of them, to make the functions or any of them exercisable instead by him whether indefinitely or for any period;
 - (b) impose or provide for the imposition of prohibitions either absolutely or only if conditions or procedures prescribed in or under the regulations are not complied with;
 - (c) impose duties to be complied with before, on or after any importation or exportation of waste by persons who are, or are to be, consignors, consignees, carriers or holders of the waste or any waste derived from it;
 - (d) confer powers corresponding to those conferred by section 69(3) above;
 - (e) provide for appeals to the Secretary of State from determinations made by authorities under the regulations;
 - (f) provide for the keeping by the Secretary of State, waste regulation authorities and waste collection authorities of public registers of information relating to the importation and exportation of waste and for the transmission of such information between any of those persons;
 - (g) create offences, subject to the limitation that no offence shall be punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than six months or a fine exceeding level 5 on the standard scale (if not calculated on a daily basis) or, in the case of a continuing offence, exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence.
- (6) In this section—
- “the environment” means land, water and air or any of them;
- “harm” includes offence to any of man’s senses;
- “waste”, “waste collection authority”, and “waste regulation authority” have the same meaning as in Part II; and
- “the United Kingdom” includes its territorial sea.
- (7) In the application of this section to Northern Ireland and the territorial sea of the United Kingdom adjacent to Northern Ireland “waste regulation authority” means [^{F3}the Department of the Environment for Northern Ireland].

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Textual Amendments

- F3** Words in s. 141(7) substituted (N.I.) (27.11.2003 save for specified purposes and otherwise in accordance with art. 3 of the commencing S.R.) by [S.I. 1997/2778 \(N.I. 19\)](#), [art. 83\(1\)](#), [Sch. 5 para. 5](#); [S.R. 2003/489](#), [art. 2](#), [Sch.](#)

142 Powers to obtain information about potentially hazardous substances. **E+W**

- (1) The Secretary of State may, for the purpose of assessing their potential for causing pollution of the environment or harm to human health, by regulations make provision for and in connection with the obtaining of relevant information relating to substances which may be specified by him by order for the purposes of this section.
- (2) The Secretary of State shall not make an order under subsection (1) above specifying any substance—
 - (a) which was first supplied in any member State on or after 18th September 1981; or
 - (b) in so far as it is a regulated substance for the purposes of any relevant enactment.
- (3) The Secretary of State shall not make an order under subsection (1) above specifying any substance without consulting the committee established under section 140(5) except where it appears to him that information about the substance needs to be obtained urgently under this section.
- (4) Regulations under this section may—
 - (a) prescribe the descriptions of relevant information which are to be furnished under this section in relation to specified substances;
 - (b) impose requirements on manufacturers, importers or suppliers generally to furnish information prescribed under paragraph (a) above;
 - (c) provide for the imposition of requirements on manufacturers, importers or suppliers generally to furnish relevant information relating to products or articles containing specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
 - (d) provide for the imposition of requirements on particular manufacturers, importers or suppliers to furnish further information relating to specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
 - (e) provide for the imposition of requirements on particular manufacturers or importers to carry out tests of specified substances and to furnish information of the results of the tests;
 - (f) authorise persons to comply with requirements to furnish information imposed on them by or under the regulations by means of representative persons or bodies;
 - (g) impose restrictions on the disclosure of information obtained under this section and provide for determining what information is, and what information is not, to be treated as furnished in confidence;
 - (h) create offences, subject to the limitation that no offence shall be punishable with imprisonment or punishable on summary conviction with a fine exceeding level 5 on the standard scale;

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- (i) make any public authority designated by the regulations responsible for the enforcement of the regulations to such extent as may be specified in the regulations;
 - (j) include such other incidental and supplemental, and such transitional, provisions as the Secretary of State considers appropriate.
- (5) The Secretary of State shall have regard, in imposing or providing for the imposition of any requirement under subsection (4)(b), (c), (d) or (e) above, to the cost likely to be involved in complying with the requirement.

(6) In this section—

“the environment” means the air, water and land or any of them;

“relevant information”, in relation to substances, products or articles, means information relating to their properties, production, distribution, importation or use or intended use and, in relation to products or articles, to their disposal as waste;

“substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour and it includes mixtures of substances.

^{F4}(7) The enactments which are relevant for the purposes of subsection (2)(b) above are the following—

[^{F5}the Manufacture and Storage of Explosives Regulations 2005];

[^{F6}the Environmental Permitting (England and Wales) Regulations 2010 in relation to radioactive material or radioactive waste;]

Parts II, III and VIII of the ^{M1}Medicines Act 1968;

Part IV of the ^{M2}Agriculture Act 1970;

the ^{M3}Misuse of Drugs Act 1971;

Part III of the ^{M4}Food and Environment Protection Act 1985; ^{F7} . . .

the ^{M5}Food Safety Act 1990;

[^{F8}the Veterinary Medicines Regulations 2006;

and a substance is a regulated substance for the purposes of any such enactment in so far as any prohibition, restriction or requirement is imposed in relation to it by or under the enactment for the purposes of that enactment.]

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only

Textual Amendments

- F4** By [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), arts. 1, 27(1), [Sch. 6 para. 14\(3\)](#) (with [reg. 26](#)) it is provided that for the words "Explosive Substances Act 1875" in s. 142(7) there be substituted (N.I.) (1.12.2006) the words "Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006"
- F5** Words in s. 142(7) substituted (26.4.2005 with application as mentioned in [reg. 3](#) of the amending S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [regs. 1\(1\), 28\(1\)](#), [Sch. 5 para. 19\(3\)](#)
- F6** Words in s. 142(7) 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\(12\)](#) (with [Sch. 4](#))

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- F7** Word in s. 142(7) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(a)** (with reg. 3)
- F8** Words in s. 142(7) added (1.10.2006) by [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(b)** (with reg. 3)

Marginal Citations

- M1** 1968 c. 67.
M2 1970 c. 40.
M3 1971 c. 38.
M4 1985 c. 48.
M5 1990 c. 16.

142 Powers to obtain information about potentially hazardous substances. **S+N.I.**

- (1) The Secretary of State may, for the purpose of assessing their potential for causing pollution of the environment or harm to human health, by regulations make provision for and in connection with the obtaining of relevant information relating to substances which may be specified by him by order for the purposes of this section.
- (2) The Secretary of State shall not make an order under subsection (1) above specifying any substance—
 - (a) which was first supplied in any member State on or after 18th September 1981; or
 - (b) in so far as it is a regulated substance for the purposes of any relevant enactment.
- (3) The Secretary of State shall not make an order under subsection (1) above specifying any substance without consulting the committee established under section 140(5) except where it appears to him that information about the substance needs to be obtained urgently under this section.
- (4) Regulations under this section may—
 - (a) prescribe the descriptions of relevant information which are to be furnished under this section in relation to specified substances;
 - (b) impose requirements on manufacturers, importers or suppliers generally to furnish information prescribed under paragraph (a) above;
 - (c) provide for the imposition of requirements on manufacturers, importers or suppliers generally to furnish relevant information relating to products or articles containing specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
 - (d) provide for the imposition of requirements on particular manufacturers, importers or suppliers to furnish further information relating to specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
 - (e) provide for the imposition of requirements on particular manufacturers or importers to carry out tests of specified substances and to furnish information of the results of the tests;
 - (f) authorise persons to comply with requirements to furnish information imposed on them by or under the regulations by means of representative persons or bodies;

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- (g) impose restrictions on the disclosure of information obtained under this section and provide for determining what information is, and what information is not, to be treated as furnished in confidence;
 - (h) create offences, subject to the limitation that no offence shall be punishable with imprisonment or punishable on summary conviction with a fine exceeding level 5 on the standard scale;
 - (i) make any public authority designated by the regulations responsible for the enforcement of the regulations to such extent as may be specified in the regulations;
 - (j) include such other incidental and supplemental, and such transitional, provisions as the Secretary of State considers appropriate.
- (5) The Secretary of State shall have regard, in imposing or providing for the imposition of any requirement under subsection (4)(b), (c), (d) or (e) above, to the cost likely to be involved in complying with the requirement.
- (6) In this section—
- “the environment” means the air, water and land or any of them;
 - “relevant information”, in relation to substances, products or articles, means information relating to their properties, production, distribution, importation or use or intended use and, in relation to products or articles, to their disposal as waste;
 - “substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour and it includes mixtures of substances.
- ^{F4}(7) The enactments which are relevant for the purposes of subsection (2)(b) above are the following—
- [^{F5}the Manufacture and Storage of Explosives Regulations 2005];
 - [^{F54}the ^{M17}Radioactive Substances Act 1993];
 - Parts II, III and VIII of the ^{M1}Medicines Act 1968;
 - Part IV of the ^{M2}Agriculture Act 1970;
 - the ^{M3}Misuse of Drugs Act 1971;
 - Part III of the ^{M4}Food and Environment Protection Act 1985; ^{F7} . . .
 - the ^{M5}Food Safety Act 1990;
 - [^{F8}the Veterinary Medicines Regulations 2006;
- and a substance is a regulated substance for the purposes of any such enactment in so far as any prohibition, restriction or requirement is imposed in relation to it by or under the enactment for the purposes of that enactment.]

Extent Information

- E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only

Textual Amendments

- F4** By [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), arts. 1, 27(1), **Sch. 6 para. 14(3)** (with [reg. 26](#)) it is provided that for the words "Explosive Substances Act 1875" in s. 142(7) there be substituted (N.I.) (1.12.2006) the words "Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006"

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- F5** Words in s. 142(7) substituted (26.4.2005 with application as mentioned in reg. 3 of the amending S.I.) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), regs. 1(1), 28(1), [Sch. 5 para. 19\(3\)](#)
- F7** Word in s. 142(7) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), [Sch. 9 Pt. 1 para. 8\(a\)](#) (with reg. 3)
- F8** Words in s. 142(7) added (1.10.2006) by [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), [Sch. 9 Pt. 1 para. 8\(b\)](#) (with reg. 3)
- F54** Words in s. 142(7) substituted (27.8.1993) by 1993 c. 12, ss. 49(1), 51(2), [Sch. 4 para.8](#) (with ss. 42, 46)

Marginal Citations

- M1** 1968 c. 67.
- M2** 1970 c. 40.
- M3** 1971 c. 38.
- M4** 1985 c. 48.
- M5** 1990 c. 16.
- M17** 1993 C. 12.

F9 143 **E+W+S**

Textual Amendments

- F9** S. 143 repealed (1.4.2000 for E., 14.7.2000 for S. and 15.9.2001 for W.) by 1995 c. 25, s. 120(1)(3), [Sch. 22 para. 91](#), [Sch. 24](#) (with ss. 7(6), 115, 117); [S.I. 2000/340](#), [art. 2\(b\)\(c\)](#) (with art. 3); [S.S.I. 2000/180](#), [art. 2\(1\)\(b\)](#) (with art. 3); [S.I. 2001/3211](#), [art. 2\(b\)](#) (with saving in art. 3)

144 **Amendments of hazardous substances legislation.** **E+W+S**

Schedule 13 to this Act (which contains miscellaneous amendments to the legislation relating to hazardous substances) shall have effect.

Commencement Information

- II** S. 144 partly in force; s. 144 not in force at Royal Assent see s.164(3); s. 144 in force for certain purposes at 1.1.1992 by [S.I. 1991/2829](#) art. 3; s. 144 in force at 18.2.1993 (insofar as it relates to paras. 11 and 12 of Schedule 13, Part II) and 1.5.1993 (insofar as it relates to para. 13 of Schedule 13, Part II) by [S.I. 1993/274](#), [arts. 2\(1\), 3](#)

145 **Penalties for offences of polluting controlled waters etc.** **E+W+S**

F10(1)

- (2) In sections 31(7)(a), 31A(2)(c)(i) and 32(7)(a) of the ^{M6}Control of Pollution Act 1974 (corresponding penalties for Scotland), for the words “the statutory maximum” there shall be substituted “£20,000”.

Status: Point in time view as at 14/03/2012.

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Textual Amendments

F10 S. 145(1) repealed (1. 12. 1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), **Sch. 3** (with Sch. 2 paras. 10, 14(1), 15)

Marginal Citations

M6 1974 c. 40.

Pollution at sea

146 Deposits of substances and articles in the sea, etc. **U.K.**

(1) Part II of the ^{M7}Food and Environment Protection Act 1985 (under which licences are required for deposits by British vessels etc at sea anywhere or by foreign vessels etc in United Kingdom waters or, in certain circumstances, within British fishery limits) shall be amended as follows.

^{F11}(2)

^{F11}(3)

^{F11}(4)

^{F11}(5)

(6) In section 21 (penalties for offences)—

(a) in subsection (2), for the words “2(4) and 9(1)” there shall be substituted the words “and 2(4)”; and

(b) after that subsection, there shall be inserted the following subsection—

“(2A) A person guilty of an offence under section 9(1) shall be liable—

(a) on summary conviction, to a fine of an amount not exceeding £50,000; and

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.”

^{F12}(7)

(8) In Schedule 2 (powers in relation to vessels, aircraft, etc. for the purposes of Part I or Part II or both Parts of the Act), in paragraph 3(3) (removal to United Kingdom), after the words “Part I” there shall be inserted the words “or II”.

Textual Amendments

F11 S. 146(2)-(5) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 22 Pt. 2**; S.I. 2011/556, art. 3(2)(d)

F12 S. 146(7) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 22 Pt. 2**; S.I. 2011/556, art. 3(2)(d)

Marginal Citations

M7 1985 c. 48.

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147 Public registers relating to deposits in the sea and incineration at sea. **U.K.**

In Part II of the ^{M8}Food and Environment Protection Act 1985, for section 14 (registers of licences) there shall be substituted the following section—

“14 Duty of licensing authority to keep public registers of information.

- (1) It shall be the duty of each licensing authority, as respects licences for which it is the licensing authority, to maintain, in accordance with regulations, a register containing prescribed particulars of or relating to—
 - (a) applications for licences made to that authority;
 - (b) the licences issued by that authority;
 - (c) variations of licences effected by that authority;
 - (d) revocations of licences effected by that authority;
 - (e) convictions for any offences under section 9 above;
 - (f) information obtained or furnished in pursuance of section 8(3), (4) or (5) above;
 - (g) the occasions on which either of the Ministers has carried out any operation under section 10 above; and
 - (h) such other matters relating to operations for which licences are needed under this Part of this Act as may be prescribed.
- (2) No information shall be included in any register which, in the opinion of either of the Ministers, is such that its disclosure on the register—
 - (a) would be contrary to the interests of national security, or
 - (b) would prejudice to an unreasonable degree some person’s commercial interests.
- (3) Information excluded from a register by virtue of subsection (2)(b) above shall be treated as ceasing to prejudice a person’s commercial interests at the expiry of the period of four years beginning with the date on which the Minister made his decision under that subsection; but, on the application of any person to whom it relates, the Minister shall decide whether the information should be included or continue to be excluded from the register.
- (4) Where information of any description is excluded from a register by virtue of subsection (2)(b) above, a statement shall be entered in the register indicating the existence of information of that description.
- (5) It shall be the duty of each licensing authority—
 - (a) to secure that the register maintained by the authority under this section is available, at all reasonable times, for inspection by the public free of charge; and
 - (b) to afford to members of the public facilities for obtaining copies of entries, on payment of reasonable charges.
- (6) Registers under this section may be kept in any form.
- (7) In this section “prescribed” means prescribed in regulations.
- (8) Either of the Ministers may exercise any power to make regulations under this section and any such power shall be exercisable by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.”

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Commencement Information

I2 S. 147 wholly in force at 31.5.1991 see s. 164(3) and S.I. 1991/1319, **art. 2**

Marginal Citations

M8 1985 c. 48.

^{F13} **148** **U.K.**

Textual Amendments

F13 S. 148 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with savings in s. 312(1) and Sch. 14 para. 1)

Control of Dogs

149 **Seizure of stray dogs.** **E+W+S**

- (1) Every local authority shall appoint an officer (under whatever title the authority may determine) for the purpose of discharging the functions imposed or conferred by this section for dealing with stray dogs found in the area of the authority.
- (2) The officer may delegate the discharge of his functions to another person but he shall remain responsible for securing that the functions are properly discharged.
- (3) Where the officer has reason to believe that any dog found in a public place or on any other land or premises is a stray dog, he shall (if practicable) seize the dog and detain it, but, where he finds it on land or premises which is not a public place, only with the consent of the owner or occupier of the land or premises.
- (4) Where any dog seized under this section wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the officer shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been seized and where it is being kept and stating that the dog will be liable to be disposed of if it is not claimed within seven clear days after the service of the notice and the amounts for which he would be liable under subsection (5) below are not paid.
- (5) A person claiming to be the owner of a dog seized under this section shall not be entitled to have the dog returned to him unless he pays all the expenses incurred by reason of its detention and such further amount as is for the time being prescribed.
- (6) Where any dog seized under this section has been detained for seven clear days after the seizure or, where a notice has been served under subsection (4) above, the service of the notice and the owner has not claimed the dog and paid the amounts due under subsection (5) above the officer may dispose of the dog—
 - (a) by selling it or giving it to a person who will, in his opinion, care properly for the dog;
 - (b) by selling it or giving it to an establishment for the reception of stray dogs; or
 - (c) by destroying it in a manner to cause as little pain as possible;

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but no dog seized under this section shall be sold or given for the purposes of vivisection.

- (7) Where a dog is disposed of under subsection (6)(a) or (b) above to a person acting in good faith, the ownership of the dog shall be vested in the recipient.
- (8) The officer shall keep a register containing the prescribed particulars of or relating to dogs seized under this section and the register shall be available, at all reasonable times, for inspection by the public free of charge.
- (9) The officer shall cause any dog detained under this section to be properly fed and maintained.
- (10) Notwithstanding anything in this section, the officer may cause a dog detained under this section to be destroyed before the expiration of the period mentioned in subsection (6) above where he is of the opinion that this should be done to avoid suffering.
- (11) In this section—

“local authority”, in relation to England ^{F14}. . . , means a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly [^{F15}in relation to Wales, means a county council or a county borough council] and, in relation to Scotland, means [^{F16}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“officer” means an officer appointed under subsection (1) above;

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

“public place” means—

- (i) as respects England and Wales, any highway and any other place to which the public are entitled or permitted to have access;
- (ii) as respects Scotland, any road (within the meaning of the ^{M9}Roads (Scotland) Act 1984) and any other place to which the public are entitled or permitted to have access;

and, for the purposes of section 160 below in its application to this section, the proper address of the owner of a dog which wears a collar includes the address given on the collar.

Textual Amendments

F14 Words in s. 149(11) repealed (1.4.1996) by 1994 c. 19, ss. 22(3), 66(8), Sch. 9 para. 17(13), **Sch.18** (with ss. 54(7), 66(7), Sch. 17 paras. 22, 23(2)); S.I. 1996/396, art. 3, **Sch.1**

F15 Words in s. 149(11) inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 17(13)** (with ss. 54(7), 66(7), Sch. 17 paras. 22, 23(2)); S.I. 1996/396, art. 3, **Sch.1**

F16 Words in s. 149(11) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 167(17)**; S.I. 1996/323, **art. 4(c)**

Modifications etc. (not altering text)

C2 S. 149 extended (1.4.1992) by S.I. 1992/901, **art. 4**.

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Commencement Information

- I3** S. 149 wholly in force; s. 149 not in force at Royal Assent see s. 164(3); s. 149 in force for certain purposes at 14.2.1992 see S.I. 1992/266, art. 2; s. 149 in force in so far as not then already in force at 1.4.1992 see s. 164(3) and S.I. 1992/266, art. 3.

Marginal Citations

- M9** 1984 c. 54.

150 Delivery of stray dogs to ^{F17} . . . local authority officer. **E+W+S**

- (1) Any person (in this section referred to as “the finder”) who takes possession of a stray dog shall forthwith either—
- (a) return the dog to its owner; or
 - (b) take the dog—
 - (i) to the officer of the local authority for the area in which the dog was found; ^{F18} . . .
 - (ii) ^{F18}
 and shall inform the officer of the local authority ^{F19} . . . where the dog was found.
- (2) Where a dog has been taken under subsection (1) above to the officer of a local authority, then—
- (a) if the finder desires to keep the dog, he shall inform the officer of this fact and shall furnish his name and address and the officer shall, having complied with the procedure (if any) prescribed under subsection (6) below, allow the finder to remove the dog;
 - (b) if the finder does not desire to keep the dog, the officer shall, unless he has reason to believe it is not a stray, treat it as if it had been seized by him under section 149 above.
- (3) Where the finder of a dog keeps the dog by virtue of this section he must keep it for not less than one month.
- (4) In Scotland a person who keeps a dog by virtue of this section for a period of two months without its being claimed by the person who has right to it shall at the end of that period become the owner of the dog.
- (5) If the finder of a dog fails to comply with the requirements of subsection (1) or (3) above he shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) The Secretary of State may, by regulations, prescribe the procedure to be followed under subsection (2)(a) above.
- (7) In this section “local authority” and “officer” have the same meaning as in section 149 above.

Textual Amendments

- F17** Words in s. 150 heading repealed (E.W.) (6.4.2008) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 68(4), 107, 108, Sch. 5 Pt. 6; S.I. 2008/956, art. 2(b)

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- F18** S. 150(1)(b)(ii) and preceding word repealed (E.W.) (6.4.2008) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 68(3)(a), 107, 108, **Sch. 5 Pt. 6**; S.I. 2008/956, **art. 2(b)**
- F19** Words in s. 150(1) repealed (E.W.) (6.4.2008) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 68(3)(b), 107, 108, **Sch. 5 Pt. 6**; S.I. 2008/956, **art. 2(b)**

Commencement Information

- I4** S. 150 wholly in force; s. 150 not in force at Royal Assent see s. 164(3); s. 150 in force for certain purposes at 14.2.1992 see s. 164(3) and S.I. 1992/266, **art. 2**; s. 150 in force in so far as not then already in force at 1.4.1992 see s. 164(3) and S.I. 1992/266, **art. 3**.

151 Enforcement of orders about collars and tags for dogs. **E+W+S**

- (1) Section 13 of the Animal Health Act 1981 (orders for control, etc. of dogs) shall be amended by the insertion, after subsection (2), of the following subsections—
- “(3) An order under subsection (2)(a) above may include provision for the execution and enforcement of the order by the officers of local authorities (and not by the police force for any area).
- (4) In subsection (3) above “local authority” and “officer” have the same meaning as in section 149 of the Environmental Protection Act 1990.”
- (2) In section 50(1) of that Act (meaning of “local authority”) at the end there shall be inserted the words “and to section 13(3) above”.
- (3) In section 60(1) of that Act (enforcement), at the end, there shall be inserted the words “but subject, in the case of orders under section 13, to any provision made under subsection (3) of that section.”

Commencement Information

- I5** S. 151 wholly in force; s. 151 not in force at Royal Assent see s. 164(3); s. 151 in force for certain purposes at 14.2.1992 see s. 164(3) and S.I. 1992/266, **art. 2**; s. 151 in force in so far as not then already in force at 1.4.1992 see s. 164(3) and S.I. 1992/266, **art. 3**.

Straw and stubble burning

152 Burning of straw and stubble etc. **E+W+S**

- (1) The appropriate Minister may by regulations prohibit or restrict the burning of crop residues on agricultural land by persons engaged in agriculture and he may (by the same or other regulations) provide exemptions from any prohibition or restriction so imposed.
- (2) Regulations providing an exemption from any prohibition or restriction may make the exemption applicable—
- (a) in all, or only in specified, areas;
- (b) to all, or only to specified, crop residues; or
- (c) in all, or only in specified, circumstances.
- (3) Any power to make regulations under this section includes power—
- (a) to make different provision for different areas or circumstances;

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- (b) where burning of a crop residue is restricted, to impose requirements to be complied with before or after the burning;
 - (c) to create offences subject to the limitation that no offence shall be made punishable otherwise than on summary conviction and the fine prescribed for the offence shall not exceed level 5 on the standard scale; and
 - (d) to make such incidental, supplemental and transitional provision as the appropriate Minister considers appropriate.
- (4) Where it appears to the appropriate Minister appropriate to do so in consequence of any regulations made under the foregoing provisions of this section, the appropriate Minister may, by order, repeal any byelaws of local authorities dealing with the burning of crop residues on agricultural land.
- (5) In this section—
- “agriculture” and “agricultural land” have, as respects England or as respects Wales, the same meaning as in the ^{M10}Agriculture Act 1947 and, as respects Scotland, the same meaning as in the ^{M11}Agriculture (Scotland) Act 1948;
 - “crop residue” means straw or stubble or any other crop residue;
 - “the appropriate Minister” means the Minister of Agriculture, Fisheries and Food or the Secretary of State or both of them.

Commencement Information

I6 S. 152 wholly in force at 10.7.1991 see s. 164(3) and S.I. 1991/1577, art. 2

Marginal Citations

M10 1947 c. 48.

M11 1948 c. 45.

Environmental expenditure

153 Financial assistance for environmental purposes. U.K.

- (1) The Secretary of State may, with the consent of the Treasury, give financial assistance to, or for the purposes of, any of the following—
- (a) the United Nations Environment Programme;
 - (b) the European Environmental Bureau;
 - (c) the chemicals programme of the Organisation for Economic Co-operation and Development;
 - (d) the joint inter-Governmental panel on Climate Change of the United Nations Environment Programme and the World Meteorological Organisation;
 - (e) the International Union for the Conservation of Nature and Natural Resources;
 - (f) the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
 - (g) the Convention on Wetlands of International Importance Especially as Waterfowl Habitat;
 - (h) the Convention on Long-range Transboundary Air Pollution and any protocol to that Convention;

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- (i) the Convention and Protocol for the Protection of the Ozone Layer;
- (j) the Convention on the Conservation of Migratory Species of Wild Animals;
- (k) the Groundwork Foundation and Trusts;
- (l) the environmental protection technology scheme for research and development in the United Kingdom in relation to such technology;
- (m) the programme known as the special grants programme so far as it relates to the protection, improvement or better understanding of the environment of, or of any part of, Great Britain.
- [^{F20}(n) the programmes of regional and islands councils in Scotland, as local authorities exercising functions under the Sewerage (Scotland) Act ^{M12}1968, for the carrying out of works to improve the quality of inland, coastal and relevant territorial waters, as defined in section 30A of the Control of Pollution Act ^{M13}1974, or otherwise to benefit the environment.]
- [^{F21}(n) the Royal Society for the Encouragement of Arts, Manufactures and Commerce so far as its activities relate to the protection, improvement or better understanding of the environment.]
- [^{F22}(o) UK 2000 Scotland.]
- [^{F23}(p) the programme known as the Environment Wales programme so far as it relates to the protection, improvement or better understanding of the environment of, or of any part of, Wales.]
- [^{F24}(q) the grant programme known as the Environmental Action Fund;
- (r) the programmes or schemes of the United Nations Habitat and Human Settlements Foundation;
- (s) the programmes or schemes of the International Federation for Housing and Planning so far as they relate to the protection, improvement or better understanding of the environment;
- (t) the programmes or schemes of the INTA.AIVN-International Urban Development Association so far as they relate to the protection, improvement or better understanding of the environment;
- (u) the scheme known as the Darwin Initiative for the Survival of Species that provides support for the conservation and sustainable use of biological resources and habitats and for the furtherance of the aims of the Convention on Biological Diversity.]
- [^{F25}(v) the programme known as the Promotion of Positive Environmental Management in Industry Programme.]
- [^{F26}(w) any national or international architectural award scheme or competition scheme relating to the protection, improvement or better understanding of the environment;
- (x) the National Forest Company.]
- [^{F27}(y) the Energy Saving Trust Limited.]
- [^{F28}(z) the Convention on Biological Diversity;
- (aa) the United Nations Framework Convention on Climate Change.]
- [^{F29}(bb) the programme known as Radon Measurement and Support for Remedial Works Campaigns in England;]
- [^{F30}(cc) the programme known as the Mersey Basin Campaign, in so far as it relates to the protection, improvement or better understanding of the environment, administered by the Mersey Basin Business Foundation;

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- (dd) Going For Green Limited, in so far as the activities of that company relate to the protection, improvement or better understanding of the environment.]
- [^{F31}(ee) the programme known as the Sustainable Action Fund.]
- [^{F32}(ff) The Tidy Britain Group.]
- [^{F33}(gg) The Wales Wildlife and Countryside Link.]
- [^{F34}(hh) Environmental Campaigns Limited.]
- [^{F35}(ii) the Convention for the Protection of the Marine Environment of the North East Atlantic.]
- [^{F36}(jj) the programme known as Pollution Emergency Response Services;
- (kk) the programme known as the Waste and Resources Action Programme;
- (ll) the Protocol on Energy Efficiency and Related Environmental Aspects to the Energy Charter Treaty;]
- [^{F37}(mm) the programme known as the Strategic Waste Fund.]
- [^{F38}(nn) any scheme for the storage, treatment or disposal of any material or product for the purpose of preventing or reducing environmental damage;]
- [^{F39}(oo) the programme known as the Waste Minimisation and Recycling Programme;
- (pp) the Carbon Trust;]
- [^{F40}(qq) the fund known as the Aggregates Levy Sustainability Fund;]
- (rr) ^{F41}
- [^{F42}(rr) the programme known as the Waste Minimisation and Recycling Programme;
- (ss) the Carbon Trust;
- (tt) any scheme for the regulation of emissions from motor vehicles.]
- [^{F43}(uu) the scheme known as the Bio-energy Infrastructure Scheme for Scotland.]
- [^{F44}[^{F45}(uu) the International Sustainable Development Fund;]]
- [^{F46}(vv) the scheme known as the Bio-energy Infrastructure Scheme.]
- [^{F47}(ww) [^{F48}the scheme known as the World Summit on Sustainable Development Implementation Fund;]]
- [^{F49}(xx) the programme known as the Envirowise Programme, in relation to its activities in England.]
- [^{F50}(yy) the Zero Carbon Hub Limited.]
- [^{F51}(zz) the scheme known as the Community and Renewable Energy Scheme.]
- [^{F52}(aaa) the Low Carbon Vehicle Partnership Limited, in relation to its activities as respects England and Wales.]

- (2) Financial assistance may be given in respect of particular activities or generally in respect of all or some part of the activities carried on or supported by the recipient.
- (3) Financial assistance shall be given in such form and on such terms as the Secretary of State may think fit and, in particular, assistance may be given by making grants (whether or not repayable), loans or guarantees to, or by incurring expenditure, or providing services, staff or equipment for the benefit of, the recipient.
- (4) The Secretary of State may, by order, vary subsection (1) above by adding to or deleting from it any description of organisation, scheme, programme or international agreement whose purposes relate to the protection, improvement or better understanding of the environment.

^{F53}(5)

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Textual Amendments

- F20** S. 153(1) varied (S.) by the addition of s. 153(1)(n) (beginning "the programmes") by [S.I. 1991/146](#), [art. 2](#) (made 26.1.1991 and coming into force 1.3.1991)
- F21** S. 153(1)(n) (beginning "the Royal Society") added (15.4.1991) by [S.I. 1992/682](#), [art. 2](#).
- F22** S. 153(1) varied (S.) by the addition of s. 153(1)(o) by [S.I. 1991/1179](#), [art. 2](#)
- F23** S. 153(1)(p) inserted (1.4.1992) by [S.I. 1992/654](#), [art. 2](#).
- F24** S. 153(1)(q)-(u) added (12.5.1993) by [S.I. 1993/1062](#), [art. 2](#)
- F25** S. 153(1)(v) added (15.7.1993) by [S.I. 1993/1518](#), [art. 2](#)
- F26** S. 153(1)(w)(x) inserted (15.2.1995) by [S.I. 1995/150](#), [art. 2](#)
- F27** S. 153(1)(y) inserted (28.5.1995) by [S.I. 1995/554](#), [art. 2](#)
- F28** S. 153(1)(z)(aa) inserted (16.5.1995) by [S.I. 1995/1085](#), [art. 2](#)
- F29** S. 153(1)(bb) substituted (1.3.2000) by [S.I. 2000/207](#), [art. 2](#)
- F30** S. 153(1)(cc)(dd) added (1.4.1996) by [S.I. 1996/505](#), [art. 2](#)
- F31** S. 153(1)(ee) inserted (1.7.1996) by [S.I. 1996/1431](#), [arts. 1, 2](#)
- F32** S. 153(1)(ff) inserted (1.4.1997) by [S.I. 1997/651](#), [art. 2](#)
- F33** S. 153(1)(gg) inserted (1.4.1998) by [S.I. 1998/538](#), [art. 2](#).
- F34** S. 153(1)(hh) inserted (24.4.1998) by [S.I. 1998/1001](#), [art. 2](#).
- F35** S. 153(1)(ii) inserted (27.1.1999) by [S.I. 1998/3234](#), [art. 2](#).
- F36** S. 153(1)(jj)(kk)(ll) inserted (8.9.2000) by [S.I. 2000/2211](#), [art. 2](#)
- F37** [S. 153\(1\)\(mm\)](#) inserted (S.) (1.1.2001) by [S.S.I. 2000/430](#), [art. 2](#)
- F38** S. 153(1)(nn) added (S.) (26.3.2002) by [The Financial Assistance for Environmental Purposes \(Scotland\) Order 2002 \(S.S.I. 2002/83\)](#), [art. 2](#)
- F39** S. 153(1)(oo)(pp) inserted (29.7.2002) by [The Financial Assistance for Environmental Purposes Order 2002 \(S.I. 2002/1686\)](#), [art. 2](#)
- F40** S. 153(1)(qq) inserted (27.8.2002) by [The Financial Assistance for Environmental Purposes \(No. 2\) Order 2002 \(S.I. 2002/2021\)](#), [art. 2](#)
- F41** S. 153(1)(rr) (which was inserted by [S.I. 2003/714](#), [art. 2](#)) repealed (1.1.2006) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 107, [Sch. 5 Pt. 8](#); [S.I. 2005/3439](#), [art. 2](#)
- F42** S. 153(1)(rr)-(tt) added (S.) (1.4.2003) by [The Financial Assistance for Environmental Purposes \(Scotland\) Order 2003 \(S.S.I. 2003/173\)](#), [art. 2](#)
- F43** S. 153(1)(uu) added (S.) (1.7.2005) by [The Financial Assistance for Environmental Purposes \(Scotland\) Order 2005 \(S.S.I. 2005/324\)](#), [art. 2](#)
- F44** S. 153(1)(uu) inserted (E.W.) (10.9.2003) by [The Financial Assistance for Environmental Purposes \(England and Wales\) Order 2003 \(S.I. 2003/2119\)](#), [art. 2](#)
- F45** S. 153(1)(uu) substituted (E.W.) (9.7.2007) by [The Financial Assistance for Environmental Purposes Order 2007 \(S.I. 2007/1671\)](#), [art. 3\(a\)](#)
- F46** S. 153(1)(vv) inserted (E.W.N.I.) (29.7.2005) by [The Financial Assistance for Environmental Purposes Order 2005 \(S.I. 2005/1805\)](#), [art. 2](#)
- F47** S. 153(1)(ww) inserted (E.W.N.I.) (31.7.2006) by [The Financial Assistance for Environmental Purposes Order 2006 \(S.I. 2006/1735\)](#), [art. 2\(a\)](#)
- F48** S. 153(1)(ww) repealed (E.W.N.I.) (9.7.2007) by [The Financial Assistance for Environmental Purposes Order 2007 \(S.I. 2007/1671\)](#), [art. 3\(b\)](#)
- F49** S. 153(1)(xx) inserted (E.W.) (31.7.2006) by [The Financial Assistance for Environmental Purposes Order 2006 \(S.I. 2006/1735\)](#), [art. 2\(b\)](#)
- F50** S. 153(1)(yy) inserted (E.W.) (23.1.2009) by [The Financial Assistance for Environmental Purposes \(England and Wales\) Order 2008 \(S.I. 2008/3243\)](#), [art. 2](#)
- F51** S. 153(1)(zz) inserted (S.) (6.4.2009) by [The Financial Assistance for Environmental Purposes \(Scotland\) Order \(S.S.I. 2009/75\)](#), {art. 2}
- F52** [S. 153\(1\)\(aaa\)](#) added (E.W.) (15.7.2009) by [The Financial Assistance for Environmental Purposes \(England and Wales\) Order \(S.I. 2009/1506\)](#), {art. 2}

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F53 S. 153(5) repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**

Marginal Citations

M12 1968 c.47 (100:2).

M13 1974 c.40 (46:4).

154 The Groundwork Foundation: superannuation. E+W+S

Employment with the Groundwork Foundation shall be and shall be deemed always to have been included among the kinds of employment to which a superannuation scheme under section 1 of the ^{M14}Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) the words “Groundwork Foundation” shall be inserted after the words “Gaming Board for Great Britain”.

Marginal Citations

M14 1972 c. 11.

155 Remuneration of chairman of Inland Waterways Amenity Advisory Council. E+W+S

In section 110 of the ^{M15}Transport Act ^{M16}1968 (Inland Waterways Amenity Advisory Council) at the end there shall be inserted—

“(7) The Secretary of State may, with the consent of the Treasury, pay the chairman of the Council out of money provided by Parliament such remuneration as the Secretary of State may determine; and where the chairman is in receipt of such remuneration he shall not be paid any allowance under subsection (6) of this section in respect of loss of remunerative time.”

Marginal Citations

M15 1968 c. 78.

M16 1968 c. 73.

Status:

Point in time view as at 14/03/2012.

Changes to legislation:

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