

**Status:** Point in time view as at 23/12/1997. This version of this schedule contains provisions that are prospective.  
**Changes to legislation:** Environmental Protection Act 1990, SCHEDULE 15 is up to date with all changes known to be in force on or before 28 August 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)

## SCHEDULES

### SCHEDULE 15

Section 162.

#### CONSEQUENTIAL AND MINOR AMENDMENTS OF ENACTMENTS

F11 .....

#### Textual Amendments

F1 Sch. 15 para 1 repealed (1.4.1993) by 1992 c. 14, s. 117(2), Sch.14; S.I. 1993/575, art. 2(d), Sch. (with art. 5)

#### *Exclusion of Alkali Works Act for prescribed processes*

2 In the <sup>M1</sup>Alkali, &c. Works Regulation Act 1906 there shall be inserted, after section 2, the following section—

#### **“2A Relation to Environmental Protection Act 1990, Part I.**

- (1) The preceding provisions of this Part of this Act shall not apply to any process which is a prescribed process as from the date which is the determination date for that process.
- (2) The “determination date” for a prescribed process is—
  - (a) in the case of a process for which an authorisation is granted, the date on which the enforcing authority grants it, whether in pursuance of the application or, on an appeal, of a direction to grant it;
  - (b) in the case of a process for which an authorisation is refused, the date of the refusal or, on an appeal, of the affirmation of the refusal.
- (3) In this section “authorisation”, “enforcing authority” and “prescribed process” have the meaning given in section 1 of the Environmental Protection Act 1990 and the reference to an appeal is a reference to an appeal under section 15 of that Act.”.

and, immediately before section 25, as section 24A, a section in the same terms as the section 2A inserted after section 2.

#### Commencement Information

II Sch. 15 para. 2 in force at 1.4.1991, see s. 164(3) and S.I. 1991/1042, art. 2

#### Marginal Citations

M1 1906 c. 14.

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### *Stray dogs*

- 3 (1) The following provisions of the <sup>M2</sup>Dogs Act 1906 shall be amended as follows.
- (2) The amendments made to section 3 by section 39(2) of the <sup>M3</sup>Local Government Act 1988 and section 128(1)(a) of the <sup>M4</sup>Civic Government (Scotland) Act 1982 shall cease to have effect.
- (3) In section 4—
- (a) subsection (1) shall be omitted;
  - (b) in subsection (2), for the words “so taken to a police station” there shall be substituted the words “ taken to a police station in pursuance of section 150(1) of the Environmental Protection Act 1990 ”;
  - (c) in subsection (2)(a), for the words from “his name and address” to “other” there shall be substituted the words “ this fact and shall furnish his name and address and the police officer shall, having complied with the procedure (if any) prescribed under subsection (5) below, allow the finder to remove the dog ”;
  - (d) in subsection (3), for the words from “fails” to “section” there shall be substituted the words “ removes the dog but fails to keep it for at least one month, ”; and
  - (e) after subsection (3) or, as respects Scotland, subsection (4) there shall be inserted as subsection (4) or subsection (5) the following subsection—
 

“(0) The Secretary of State may, by regulations made by statutory instrument, prescribe the procedure to be followed under subsection (2)(a) above and any instrument containing regulations under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### **Commencement Information**

**I2** Sch. 15 para. 3 wholly in force at 1.4.1992 see S.I. 1992/266, art. 3

#### **Marginal Citations**

**M2** 1906 c. 32.

**M3** 1988 c. 9.

**M4** 1982 c. 45.

### *Statutory nuisances*

- 4 (1) The following provisions of the <sup>M5</sup>Public Health Act 1936 (matters deemed statutory nuisances) shall be amended as follows.
- (2) In section 141, for the words “Part III of this Act” there shall be substituted the words “ Part III of the Environmental Protection Act 1990 ”.
- (3) in section 259(1), for the words “Part III of this Act” there shall be substituted the words “ Part III of the Environmental Protection Act 1990 ”.
- (4) In section 268—

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- (a) in subsection (1), for the words “Parts III” there shall be substituted the words “ Part III of the Environmental Protection Act 1990 and Parts ”;
- (b) in subsection (2), for the words “the said Part III” there shall be substituted the words “ Part III of the Environmental Protection Act 1990 ”; and
- (c) in subsection (3), for the words “Part III of this Act” there shall be substituted the words “ Part III of the Environmental Protection Act 1990 ”.

**Marginal Citations**

**M5** 1936 c. 49.

- 5 (1) Section 151 of the <sup>M6</sup>Mines and Quarries Act 1954 (matters deemed statutory nuisances) shall be amended as follows.
- (2) In subsection (2), for the words “Part III of the Public Health Act 1936” there shall be substituted the words “ Part III of the Environmental Protection Act 1990 ”.
- (3) In subsection (3), for the words “Part III of the Public Health Act 1936” there shall be substituted the words “ Part III of the Environmental Protection Act 1990 ”.
- <sup>F2</sup>(4) .....

**Textual Amendments**

**F2** Sch. 15 para. 5(4) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch.24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**.

**Marginal Citations**

**M6** 1954 c. 70.

*Exclusion of Clean Air Act 1956 for prescribed processes*

- <sup>F3</sup>6 .....

**Textual Amendments**

**F3** Sch. 15 para. 6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), **Sch.6**

*Statutory nuisances*

- <sup>F4</sup>7 .....

**Textual Amendments**

**F4** Sch. 15 para. 7 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), **Sch.6**

- <sup>F5</sup>8 .....

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**Textual Amendments**

**F5** Sch. 15 para. 8 repealed (27.8.1993) by 1993 c. 12, ss. 50, 51(2), **Sch. 6 Pt.I** (with ss. 42, 46)

9 In section 1(1)(g) of the Hovercraft Act 1986 (power to exclude noise nuisance proceedings), after the word “1974” there shall be inserted the words “ or Part III of the Environmental Protection Act 1990. ”

*Goods vehicle operators’ licences: pollution offences*

10 (1) The following provisions of the <sup>M7</sup>Transport Act 1968 shall be amended as follows.

<sup>F6</sup>(2) .....

(3) In section 108(1) (statutory nuisance proceedings in relation to waterways), for the words “said Act of 1936” there shall be substituted the words “ Environmental Protection Act 1990 ”.

**Textual Amendments**

**F6** Sch. 15, para. 10(2) repealed (1.1.1996) by 1995 c. 23, s. 60(2), **Sch. 8 Pt.I** (with ss. 54, 55); S.I. 1995/2181, **art.2** and para. 10(2)(a) repealed (1.1.1996) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1995/2835, **art. 2**.

**Commencement Information**

**I3** Sch. 15 partly in force; Sch. 15 not in force at Royal Assent see s.164(2); Sch. 15 para. 10(3) in force at 14.1.1991 by S.I. 1991/96, **art. 2**

**Marginal Citations**

**M7** 1968 c. 73.

*National Park Wardens*

11 In section 42 of the <sup>M8</sup>Countryside Act 1968 (National Park Wardens), in subsection (4)(a), for the words “section 1 of the Litter Act 1983” there shall be substituted the words “ section 87 of the Environmental Protection Act 1990 ”.

**Commencement Information**

**I4** Sch. 15, para. 11 in at force 1.4.1991, see s. 164(3) and S.I. 1991/1042, **art. 2**

**Marginal Citations**

**M8** 1968 c. 41

*Exclusion of Clean Air Act 1968 for prescribed processes*

<sup>F7</sup>12 .....

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#### Textual Amendments

**F7** Sch. 15 para. 12 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch.6

#### *Sale of electricity: Scotland*

- 13 In section 170A(3) of the <sup>M9</sup>Local Government (Scotland) Act 1973 (restriction on sale of electricity by local authority) after the word “prescribed,” there shall be inserted the words “ or in cases where it is produced from waste, ”.

#### Commencement Information

**I5** Sch. 15, para. 13 in force at 1.4.1991, see s. 164(3) and S.I. 1991/1042, art. 2

#### Marginal Citations

**M9** 1973 c. 65.

#### *Workplace emissions into the air*

- 14 Section 5 of the <sup>M10</sup>Health and Safety at Work etc. Act 1974 (general duty in relation to harmful emissions into the air from prescribed premises) shall be amended by the insertion—
- (a) in subsection (1), at the beginning, of the words “Subject to subsection (5) below,”; and
  - (b) after subsection (4), of the following subsections—
    - “(5) The foregoing provisions of this section shall not apply in relation to any process which is a prescribed process as from the date which is the determination date for that process.
    - (6) For the purposes of subsection (5) above, the “determination date” for a prescribed process is—
      - (a) in the case of a process for which an authorisation is granted, the date on which the enforcing authority grants it, whether in pursuance of the application or, on an appeal, of a direction to grant it;
      - (b) in the case of a process for which an authorisation is refused, the date of the refusal or, on an appeal, of the affirmation of the refusal.
    - (7) In subsections (5) and (6) above “authorisation”, “enforcing authority” and “prescribed process” have the meaning given in section 1 of the Environmental Protection Act 1990 and the reference to an appeal is a reference to an appeal under section 15 of that Act.”

#### Commencement Information

**I6** Sch. 15, para. 14 in force at 1. 4. 1991, see s. 164(3) and S.I. 1991/1042, art. 2

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**Marginal Citations**

**M10** 1974 c. 37.

*Water, noise and atmospheric pollution*

- 15 (1) The following provisions of the <sup>M11</sup>Control of Pollution Act 1974 shall be amended as follows.
- (2) In section 30D, after the words “and 1965” there shall be inserted the words “ and of the Environmental Protection Act 1990 ”.
- (3) In section 61(9), at the end, there shall be inserted the words “ (in relation to Scotland) or section 82 of the Environmental Protection Act 1990 (in relation to England and Wales) ”.
- (4) In section 65(8), at the end, there shall be inserted the words “ (in relation to Scotland) or section 82 of the Environmental Protection Act 1990 (in relation to England and Wales) ”.
- (5) In section 74(2), after paragraph (b), there shall be inserted the following “; or  
(c) under section 80(4) of the Environmental Protection Act 1990,”.

- <sup>F8</sup>(6) .....
- <sup>F8</sup>(7) .....
- <sup>F8</sup>(8) .....
- <sup>F8</sup>(9) .....

**Textual Amendments**

**F8** Sch. 15(6)-(9) repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), **Sch.6**

**Commencement Information**

**I7** Sch. 15 partly in force; Sch. 15 not in force at Royal Assent see s. 164(2); Sch. 15 paras. 15(3)-(5) in force at 14.1.1991 see s. 164(3) and S.I. 1991/96, **art. 2**  
Sch. 15, para. 15 partly in force; Sch. 15 paras. 15(6)-(9) in force at 1. 4. 1991 see s. 164(3) and S.I. 1991/1042, **art. 2**

**Marginal Citations**

**M11** 1974, c. 40.

<sup>F9</sup>16 .....

**Textual Amendments**

**F9** Sch. 15 para. 16 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch.24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**.

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PROSPECTIVE

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

17 [F10 For subsection (6) of section 56 of the M12 Control of Pollution Act 1974 (interpretation of Part II) there shall be substituted the following subsection—

“(6) Except as provided by regulations made under this subsection, nothing in this Part of this Act applies to radioactive waste within the meaning of the Radioactive Substances Act 1960; but regulations may—

- (a) provide for prescribed provisions of this Part of this Act to have effect with such modifications as the Secretary of State considers appropriate for the purposes of dealing with such radioactive waste;
- (b) make such modifications of the Radioactive Substances Act 1960 and any other Act as the Secretary of State considers appropriate in connection with regulations made under paragraph (a) above.”]

**Textual Amendments**

F10 Sch. 15 para. 17 repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 23\(e\)\(iii\)](#); S.S.I. 2014/160, art. 2(1)(2), sch.

**Marginal Citations**

M12 1974 c. 40.

*Statutory nuisances*

F11 18 .....

**Textual Amendments**

F11 Sch. 15 para. 18 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)

*Refuse Disposal: Scotland*

19 (1) Section 1 of the M13 Refuse Disposal (Amenity) Act 1978 (provision by waste disposal authorities of places etc. for disposal of refuse) shall be amended in relation to Scotland as follows.

- (2) In subsection (1) at the end there shall be inserted the words “ and to dispose of refuse so deposited ”.
- (3) In subsection (6) for the words from “mandamus” to the end of the subsection there shall be substituted the words “ by proceedings under section 45 of the Court of Session Act 1988 ”.
- (4) In subsection (7) the definition of “local authority” and the word “and” which follows it shall be omitted.

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**Commencement Information**

**I8** Sch. 15 para. 19 wholly in force at 1.4.1992 see S.I. 1992/266, art. 3

**Marginal Citations**

**M13** 1978 c. 3.

*Street cleansing: Scotland*

20 In section 25 of the <sup>M14</sup>Local Government and Planning (Scotland) Act 1982, for subsection (3) there shall be substituted—

“(3) In subsection (2) above “cleansing” means such cleansing as appears to the islands or as the case may be district council to be necessary in the interests of public health or safety or of the amenities of their area but does not include operations for the removal of snow or ice and “relevant land” means any land, in the open air, to which members of the public have access and which is not comprehended in a public road within the meaning of the Roads (Scotland) Act 1984.”.

**Commencement Information**

**I9** Sch. 15, para. 20 in force at 1.4.1991, see s. 164(3) and S.I. 1991/1042, art. 2

**Marginal Citations**

**M14** 1982 c. 43.

*Byelaws relating to straw or stubble burning*

21 Section 43 of the <sup>M15</sup>Criminal Justice Act 1982 (creation by byelaws of offences relating to burning of straw or stubble) shall cease to have effect.

**Commencement Information**

**I10** Sch. 15 para. 21 in force at 18.2.1993 see s. 164(3) and S.I. 1993/274, art. 2(1)

**Marginal Citations**

**M15** 1982 c. 48.

*Functions assignable to London port health authority*

22 In section 7(4) of the <sup>M16</sup>Public Health (Control of Disease) Act 1984 (enactments functions under which are assignable to London port health authority), after the paragraph (k) inserted by paragraph 23 of Schedule 6 to the <sup>M17</sup>Building Act 1984, there shall be inserted the following paragraphs—

- “(l) Part I of the Environmental Protection Act 1990;
- (m) Part III of the Environmental Protection Act 1990;”.



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**Commencement Information**

**I11** Sch. 15 para. 22 partly in force at 1.1.1991 see s. 164(2) and wholly in force at 1.4.1991, see s. 164(3) and S.I. 1991/1042, art. 2

**Marginal Citations**

**M16** 1984 c. 22.  
**M17** 1984 c. 55.

*Street cleaning, etc: restriction of traffic*

**F12**<sup>23</sup> .....

**Textual Amendments**

**F12** Sch. 15 para. 23 repealed (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26), s. 2(2), Sch.2; S.I. 1992/1218, art.2

*Statutory nuisance*

24 In section 76(1)(b) and (4)(a) of the <sup>M18</sup>Building Act 1984, for the words “sections 93 to 96 of the Public Health Act 1936” there shall be substituted the words “section 80 of the Environmental Protection Act 1990”.

**Marginal Citations**

**M18** 1984 c. 55.

PROSPECTIVE

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

25 In section 25(3) of the <sup>M19</sup>Food and Environment Protection Act 1985, after paragraph (a)(ii) there shall be inserted the following sub-paragraph—  
“(iii) in section 14(8), for the words from “and any such power” onwards there shall be substituted the words “ and any such regulations shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954; and ””.

**Marginal Citations**

**M19** 1985 c. 48.

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*Constitution of authorities for waste disposal*

26 In section 10 of the <sup>M20</sup>Local Government Act 1985 (joint arrangements for waste disposal functions), in subsection (4), for the words “Part I of the Control of Pollution Act 1974” there shall be substituted the words “ Part II of the Environmental Protection Act 1990 ”.

**Commencement Information**

**I12** Sch. 15 para. 26 not in force at Royal Assent, see s. 164(3); Sch. 15 para. 26 in force at 1.5.1994 save for purposes of application to activities specified in art. 2(2) of the commencing S.I. and otherwise in force in relation to those activities in accordance with art. 3 of the commencing S.I. by S.I. 1994/1096, arts. 2(2)(3), 3 (as amended by S.I. 1994/2487, art. 2 and S.I. 1994/3234, art. 2)

**Marginal Citations**

**M20** 1985 c. 51.

*Meaning of household waste: competition*

27 In Schedule 1 to the <sup>M21</sup>Local Government Act 1988 (competition: collection of household waste), paragraph 1 shall be amended as follows—

- (a) in sub-paragraph (1), the words “In the application of this Part to England and Wales,” shall be omitted;
- (b) in sub-paragraph (2)(a), for the words “section 12 of the Control of Pollution Act 1974” there shall be substituted the words “ section 45 of the Environmental Protection Act 1990 ”;
- (c) in sub-paragraph (3), for the words “section 30(4) of the Control of Pollution Act 1974” there shall be substituted the words “ section 75(8) of the Environmental Protection Act 1990 ”; and
- (d) sub-paragraph (4) shall be omitted.

**Marginal Citations**

**M21** 1988 c. 9.

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

<sup>F13</sup>28 .....

**Textual Amendments**

**F13** Sch. 15, para. 28 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)

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

<sup>F14</sup>29 .....

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**Textual Amendments**

**F14** Sch. 15 para. 29 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)

*Contents of registers of National Rivers Authority*

<sup>F15</sup>30 .....

**Textual Amendments**

**F15** Sch. 15, para. 30 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)

*Carriers of controlled waste*

- 31 (1) The <sup>M22</sup>Control of Pollution (Amendment) Act 1989 shall be amended as follows.
- (2) In the following provisions, for the words “disposal authority” and “disposal authorities” there shall be substituted the words “ regulation authority ” and “ regulation authorities ” respectively, that is to say, in sections 1(4)(a), 2(1), 2(b) and (e), (3)(a) and (e) and (4)(a), (b) and (c), 3(1), (2) and (6), 4(1), (3), (4), (5) and (8) (b) and (c), 5(1) and (4)(a), 6(1), (2), (3), (5), <sup>F16</sup> . . . , (7)(a) and (c), (8) and (9) and 7(1), <sup>F16</sup> . . . , (3)(a) and (8).
- (3) In section 6(1) (offences justifying seizure of vehicles), in paragraph (a)(i)—
- (a) after “1974” there shall be inserted the words “ or section 33 of the Environmental Protection Act 1990 ”; and
- (b) after the word “unlicensed” there shall be inserted the words “ deposit, treatment or ”.
- (4) In section 7 (enforcement)—
- (a) in subsection (1), for the words from “91” to “information)” there shall be substituted the words “ 68(3), (4) and (5), 69, 70 and 71 of the Environmental Protection Act 1990 (powers of entry, of dealing with imminent pollution and to obtain information) ”;
- (b) in subsection (2), paragraph (b) shall be omitted; and
- <sup>F17</sup>(c) .....
- (5) In section 9(1)—
- (a) in the definition of “controlled waste”—
- (i) for the words “, subject to subsection (2) below,” there shall be substituted the words “, at any time, ”; and
- (ii) for the words “in Part I of the Control of Pollution Act 1974” there shall be substituted the words “ for the purposes of Part II of the Environmental Protection Act 1990 ”,
- (b) the definition of “disposal authority” shall be omitted; and
- <sup>F17</sup>(c) .....
- (6) Section 9(2) shall be omitted.

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#### Textual Amendments

- F16** Words in Sch. 15, para. 31(2) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch.24** (with s. 7(6), 115, 117); S.I. 1996/186, **art.3**.
- F17** Sch. 15, paras. 31(4)(c)(5)(c) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch.24** (with s. 7(6), 115, 117); S.I. 1996/186, **art.3**.

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#### Commencement Information

- I13** Sch. 15, para. 31 wholly in force at 1.4.1992; Sch. 15, para. 31(4)(b) in force at 1.1.1991 ; Sch. 15, para. 31(1)-(3)(4)(a)(c)(5)(b)(c) in force at 31.5.1991 by S.I. 1991/1319, **art. 2**; Sch. 15, para. 31(5)(a)(6) in force at 1.4.1992 by S.I. 1991/2829, **art. 2**.

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#### Marginal Citations

- M22** 1989 c. 14.

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