



Environmental Protection Act 1990

1990 CHAPTER 43

PART I

INTEGRATED POLLUTION CONTROL AND AIR POLLUTION CONTROL BY LOCAL AUTHORITIES

Preliminary

1 Preliminary.

- (1) The following provisions have effect for the interpretation of this Part.
- (2) The “environment” consists of all, or any, of the following media, namely, the air, water and land; and the medium of air includes the air within buildings and the air within other natural or man-made structures above or below ground.
- (3) “Pollution of the environment” means pollution of the environment due to the release (into any environmental medium) from any process of substances which are capable of causing harm to man or any other living organisms supported by the environment.
- (4) “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 caused to any of his senses or harm to his property; and “harmless” has a corresponding meaning.
- (5) “Process” means any activities carried on in Great Britain, whether on premises or by means of mobile plant, which are capable of causing pollution of the environment and “prescribed process” means a process prescribed under section 2(1) below.
- (6) For the purposes of subsection (5) above—
 - “activities” means industrial or commercial activities or activities of any other nature whatsoever (including, with or without other activities, the keeping of a substance);
 - “Great Britain” includes so much of the adjacent territorial sea as is, or is treated as, relevant territorial waters for the purposes of [F1Part III of the

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Water Resources Act 1991] or, as respects Scotland, Part II of the ^{M1}Control of Pollution Act 1974; and

“mobile plant” means plant which is designed to move or to be moved whether on roads or otherwise.

- (7) The “enforcing authority”, in relation to England and Wales, is the chief inspector or the local authority by whom, under section 4 below, the functions conferred or imposed by this Part otherwise than on the Secretary of State are for the time being exercisable in relation respectively to releases of substances into the environment or into the air; and “local enforcing authority” means any such local authority.
- (8) The “enforcing authority”, in relation to Scotland, is—
- (a) in relation to releases of substances into the environment, the chief inspector or the river purification authority (which in this Part means a river purification authority within the meaning of the ^{M2}Rivers (Prevention of Pollution) (Scotland) Act 1951),
 - (b) in relation to releases of substances into the air, the local authority, by whom, under section 4 below, the functions conferred or imposed by this Part otherwise than on the Secretary of State are for the time being exercisable; and “local enforcing authority” means any such local authority.
- (9) “Authorisation” means an authorisation for a process (whether on premises or by means of mobile plant) granted under section 6 below; and a reference to the conditions of an authorisation is a reference to the conditions subject to which at any time the authorisation has effect.
- (10) A substance is “released” into any environmental medium whenever it is released directly into that medium whether it is released into it within or outside Great Britain and “release” includes—
- (a) in relation to air, any emission of the substance into the air;
 - (b) in relation to water, any entry (including any discharge) of the substance into water;
 - (c) in relation to land, any deposit, keeping or disposal of the substance in or on land;
- and for this purpose “water” and “land” shall be construed in accordance with subsections (11) and (12) below.
- (11) For the purpose of determining into what medium a substance is released—
- (a) any release into—
 - (i) the sea or the surface of the seabed,
 - (ii) any river, watercourse, lake, loch or pond (whether natural or artificial or above or below ground) or reservoir or the surface of the riverbed or of other land supporting such waters, or
 - (iii) ground waters,
 is a release into water;
 - (b) any release into—
 - (i) land covered by water falling outside paragraph (a) above or the water covering such land; or
 - (ii) the land beneath the surface of the seabed or of other land supporting waters falling within paragraph (a)(ii) above,
 is a release into land; and

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- (c) any release into a sewer (within the meaning of [^{F2}the Water Industry Act 1991] or, in relation to Scotland, of the ^{M3}Sewerage (Scotland) Act 1968) shall be treated as a release into water;
- but a sewer and its contents shall be disregarded in determining whether there is pollution of the environment at any time.
- (12) In subsection (11) above “ground waters” means any waters contained in underground strata, or in—
- (a) a well, borehole or similar work sunk into underground strata, including any adit or passage constructed in connection with the well, borehole or work for facilitating the collection of water in the well, borehole or work; or
- (b) any excavation into underground strata where the level of water in the excavation depends wholly or mainly on water entering it from the strata.
- (13) “Substance” shall be treated as including electricity or heat and “prescribed substance” has the meaning given by section 2(7) below.

Textual Amendments

- F1** Words in s. 1(6) substituted (1. 12. 1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\), ss. 2, 4\(1\), Sch. 1 para. 56\(1\)\(a\)](#)
- F2** Words in s. 1(11)(c) substituted (1. 12. 1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\), ss. 2, 4\(2\), Sch. 1 para. 56\(1\)\(b\)](#)

Modifications etc. (not altering text)

- C1** Definitions in s. 1 applied (E.W.) (1. 12. 1991) by [Water Industry Act 1991 \(c. 56, SIF 130\), ss. 138\(4\)\(a\), 223 \(with ss. 82\(3\), 186\(1\), 222\(1\), Sch. 14 para. 6\)](#)
S. 1 applied (1.3.1996) by [1986 c. 44, s. 4 \(as substituted \(1.3.1996\) by 1995 c. 45, s.1; S.I. 1996/218, art.2\)](#)

Marginal Citations

- M1** 1974 c. 40.
- M2** 1951 c. 64.
- M3** 1968 c. 47.

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