



Environmental Protection Act 1990

1990 CHAPTER 43

PART VIII

MISCELLANEOUS

Other controls on substances, articles or waste

142 Powers to obtain information about potentially hazardous substances.

- (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

Status: Point in time view as at 07/03/2006. This version of this provision has been superseded.

Changes to legislation: Environmental Protection Act 1990, Section 142 is up to date with all changes known to be in force on or before 01 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)

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;
 - (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.

- (7) The enactments which are relevant for the purposes of subsection (2)(b) above are the following—

[^{F1}the Manufacture and Storage of Explosives Regulations 2005];

[^{F2}the ^{M1}Radioactive Substances Act 1993];

Parts II, III and VIII of the ^{M2}Medicines Act 1968;

Part IV of the ^{M3}Agriculture Act 1970;

the ^{M4}Misuse of Drugs Act 1971;

Part III of the ^{M5}Food and Environment Protection Act 1985; and

the ^{M6}Food Safety Act 1990;

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.

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Textual Amendments

- F1** 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\(3\)](#)
- F2** 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)
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Marginal Citations

- M1** [1993 C. 12](#).
- M2** [1968 c. 67](#).
- M3** [1970 c. 40](#).
- M4** [1971 c. 38](#).
- M5** [1985 c. 48](#).
- M6** [1990 c. 16](#).

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