



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART II

#### WASTE ON LAND

##### *Collection, disposal or treatment of controlled waste*

#### **<sup>F1</sup>44B National waste strategy: Scotland.**

- <sup>F2</sup>(1) SEPA shall as soon as possible prepare a statement (“the strategy”) containing its policies in relation to the recovery and disposal of waste in Scotland.
- (2) SEPA may from time to time modify the strategy.
- (3) Without prejudice to the generality of what may be included in the strategy, the strategy must include—
- (a) a statement of SEPA’s policies for attaining the objectives specified in Schedule 2A to this Act;
  - (b) provisions relating to each of the following, that is to say—
    - (i) the type, quantity and origin of waste to be recovered or disposed of;
    - (ii) general technical requirements; and
    - (iii) any special requirements for particular wastes.
- (4) In preparing the strategy or any modification of it SEPA shall consult—
- (a) such bodies or persons appearing to it to be representative of the interests of industry as it may consider appropriate;
  - (b) such local authorities as appear to it to be likely to be affected by the strategy or modification,
- and may consult such other bodies or persons as it considers appropriate.
- (5) Without prejudice to any power to give directions conferred by section 40 of the Environment Act 1995, the Secretary of State may give directions to SEPA—
- (a) as to the policies which are to be included in the strategy;

*Status: Point in time view as at 24/01/2022.*

*Changes to legislation: Environmental Protection Act 1990, Section 44B is up to date with all changes known to be in force on or before 08 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)*

- (b) requiring it to carry out a survey or investigation into—
- (i) the kinds or quantities of waste which it appears to it is likely to be situated in Scotland,
  - (ii) the facilities which are or appear to it likely to be available or needed in Scotland for recovering or disposing of any such waste,
  - (iii) any other matter which the Secretary of State considers appropriate in connection with its preparation of the strategy or any modifications of it.
- (6) A direction under subsection (5)(b) above—
- (a) shall specify or describe the matters or the areas which are to be the subject of the survey or investigation; and
  - (b) may make provision in relation to the manner in which—
    - (i) the survey or investigation is to be carried out, or
    - (ii) the findings are to be reported or made available to other persons.
- (7) Where a direction is given under subsection (5)(b) above SEPA shall, in accordance with any requirement of the direction—
- (a) before carrying out the survey or investigation, consult—
    - (i) such bodies or persons appearing to it to be representative of planning authorities, and
    - (ii) such bodies or persons appearing to it to be representative of the interests of industry,
 as it may consider appropriate; and
  - (b) make its findings available to those authorities.
- (8) In this section—
- “planning authority” means an authority within the meaning of section 172 of the <sup>M1</sup>Local Government (Scotland) Act 1973;
- “strategy” includes the strategy as modified from time to time and
- “statement” shall be construed accordingly.
- (9) This section makes provision for the purpose of implementing Article 7 of the <sup>M2</sup>directive of the Council of the <sup>F3</sup>[European Union] dated 15th July 1975 on waste, as amended by—
- (a) the <sup>M3</sup>directive of that Council dated 18th March 1991 amending directive [75/442/EEC](#) on waste; and
  - (b) the <sup>M4</sup>directive of that Council dated 23rd December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment.]

#### Textual Amendments

- F1** Ss. 44A, 44B inserted (1.4.1996) by 1995, c. 25, s. 92(1) (with ss. 7(6), 115, 117); [S.I. 1996/186, art. 3](#)
- F2** S. 44B repealed (S.) (23.3.2007) by [The National Waste Management Plan for Scotland Regulations 2007 \(S.S.I. 2007/251\)](#), {reg. (8)(1)(a)}
- F3** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 4 (with art. 3(2)(3), 4(2), 6(4)(5))

#### Modifications etc. (not altering text)

- C1** S. 44B applied (6.3.1997) by [S.I. 1997/648](#), reg. 12(3)(d)(e), [Sch. 4 Pt. IV para. 11\(b\)](#)

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**Marginal Citations**

**M1** 1973 c. 65.

**M2** 91/692/EEC.

**M3** 91/156/EEC.

**M4** 75/442/EEC.

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