



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Collection, disposal or treatment of controlled waste

45 Collection of controlled waste.

- (1) It shall be the duty of each waste collection authority—
- (a) to arrange for the collection of household waste in its area except waste—
 - (i) which is situated at a place which in the opinion of the authority is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and
 - (ii) as to which the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste; [^{F1}and]
 - (b) if requested by the occupier of premises in its area to collect any commercial waste from the premises, to arrange for the collection of the waste. [^{F2}; and
 - (c) if requested by the occupier of premises in its area to collect from the premises dry recyclable waste or food waste presented for collection in accordance with section 34(2E) or (2F), to arrange for the collection of the waste.]

[^{F3}(1A) In subsection (1)(c), the reference to “dry recyclable waste or food waste” does not include—

- (a) household waste; and
 - (b) food waste from premises in a rural area.]
- (2) Each waste collection authority may, if requested by the occupier of premises in its area to collect any industrial waste from the premises, arrange for the collection of the waste; but a collection authority in England and Wales shall not exercise the power except with the consent of the waste disposal authority whose area includes the area of the waste collection authority.

Status: Point in time view as at 23/09/2016.

Changes to legislation: Environmental Protection Act 1990, Section 45 is up to date with all changes known to be in force on or before 16 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)

- (3) No charge shall be made for the collection of household waste except in cases prescribed in regulations made by the Secretary of State; and in any of those cases—
- (a) the duty to arrange for the collection of the waste shall not arise until a person who controls the waste requests the authority to collect it; and
 - (b) the authority may recover a reasonable charge for the collection of the waste from the person who made the request.
- (4) A person at whose request waste other than household waste is collected under this section shall be liable to pay a reasonable charge for the collection and disposal of the waste to the authority which arranged for its collection; and it shall be the duty of that authority to recover the charge unless in the case of a charge in respect of commercial waste the authority considers it inappropriate to do so.
- (5) It shall be the duty of each waste collection authority—
- (a) to make such arrangements for the emptying, without charge, of privies serving one or more private dwellings in its area as the authority considers appropriate;
 - (b) if requested by the person who controls a cesspool serving only one or more private dwellings in its area to empty the cesspool, to remove such of the contents of the cesspool as the authority considers appropriate on payment, if the authority so requires, of a reasonable charge.
- (6) A waste collection authority may, if requested by the person who controls any other privy or cesspool in its area to empty the privy or cesspool, empty the privy or, as the case may be, remove from the cesspool such of its contents as the authority consider appropriate on payment, if the authority so requires, of a reasonable charge.
- (7) A waste collection authority may—
- (a) construct, lay and maintain, within or outside its area, pipes and associated works for the purpose of collecting waste;
 - (b) contribute towards the cost incurred by another person in providing or maintaining pipes or associated works connecting with pipes provided by the authority under paragraph (a) above.
- (8) A waste collection authority may contribute towards the cost incurred by another person in providing or maintaining plant or equipment intended to deal with commercial or industrial waste before it is collected under arrangements made by the authority under subsection (1)(b) or (2) above.
- (9) Subject to section 48(1) below, anything collected under arrangements made by a waste collection authority under this section shall belong to the authority and may be dealt with accordingly.
- (10) In relation to Scotland, sections 2, 3, 4 and 41 of the ^{M1}Sewerage (Scotland) Act 1968 (maintenance of public sewers etc.) shall apply in relation to pipes and associated works provided or to be provided under subsection (7)(a) above as those sections apply in relation to public sewers but as if—
- ^{F4}(a) the said section 2 conferred a power on a waste collection authority rather than a duty on ^{F5}[Scottish Water] ;
 - (b) in the said section 3—
 - (i) references to ^{F5}[Scottish Water] were references to a waste collection authority; and

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- (ii) in references to public sewers and public sewage works the word “public” were omitted;
- (c) in the said section 4, the reference to ^{F5}Scottish Water] were a reference to a waste collection authority and the words from “by virtue” to the end were omitted; and
- (d) in the said section 41, the reference to ^{F5}Scottish Water] were a reference to a waste collection authority,]
- and the ^{M2}Pipe-lines Act 1962 shall not apply to pipes and associated works provided or to be provided under the said subsection (7)(a).
- ^{F6}(10A) Where a waste collection authority, in the exercise of its powers under subsection (7) (a) above, proposes to execute works outside its area, it shall, in addition to any notice served under section 3(2) of the Sewerage (Scotland) Act 1968 as applied by virtue of subsection (10) above, serve notice of its intention on the waste collection authority within whose area it is proposed to execute the works together with a description of the proposed works and if, within two months after the service of the notice, the waste collection authority on whom it was served objects to the proposed works, and that objection is not withdrawn, the first-mentioned authority shall not proceed to execute the works without consent aftermentioned but may refer the matter for the determination of the Scottish Ministers who may grant consent to the proposed works either unconditionally or subject to such terms and conditions as they think just, or who may withhold their consent, and their decision on the matter shall be final.]
- (11) In the application of this section to Scotland, subsection (5)(b) and the references to a cesspool occurring in subsection (6) shall be omitted.
- (12) ^{F7}In this section—
- “privy” means a latrine which has a moveable receptacle;
 - “cesspool” includes a settlement tank or other tank for the reception or disposal of foul matter from buildings; and
 - “rural area” has the same meaning as in section 34(4B).]

Textual Amendments

- F1** Word in s. 45(1)(a) omitted (S.) (17.5.2012) by virtue of [The Waste \(Scotland\) Regulations 2012 \(S.S.I. 2012/148\)](#), regs. 1(1), **2(4)(a)(i)**
- F2** S. 45(1)(c) and word inserted (S.) (17.5.2012) by [The Waste \(Scotland\) Regulations 2012 \(S.S.I. 2012/148\)](#), regs. 1(1), **2(4)(a)(ii)**
- F3** S. 45(1A) inserted (S.) (17.5.2012) by [The Waste \(Scotland\) Regulations 2012 \(S.S.I. 2012/148\)](#), regs. 1(1), **2(4)(b)**
- F4** S. 45(10)(a)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 167(6)**; S.I. 1996/323, **art. 4(1)(c)**
- F5** Words in s. 45(10) substituted (S.) (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 7 para. 20(2)(a)**; S.S.I. 2002/118, **art. 2(3)**
- F6** S. 45(10A) inserted (S.) (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 7 para. 20(2)(b)**; S.S.I. 2002/118, **art. 2(3)**
- F7** S. 45(12) substituted (S.) (17.5.2012) by [The Waste \(Scotland\) Regulations 2012 \(S.S.I. 2012/148\)](#), regs. 1(1), **2(4)(c)**

Commencement Information

- I1** S. 45 partly in force; s. 45 in force for certain purposes at 14.2.1992, s. 45(1)(3)-(12) wholly in force and s. 45(2) in force (S) at 1.4.1992 see s. 164(3) and [S.I. 1992/266](#), **arts. 2, 3**.

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Marginal Citations

M1 1968 c. 47.

M2 1962 c. 58.

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