



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART II

#### WASTE ON LAND

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

#### **[<sup>F1</sup>45AZC] Sections 45A to 45AZB: powers to exempt and extend**

- (1) The Secretary of State may by regulations provide—
  - (a) for exemptions from the condition in section 45A(5), 45AZA(5) or 45AZB(5);
  - (b) for exemptions from the application of section 45AZA or 45AZB;
  - (c) for exemptions from the application of section 45AZA or 45AZB in relation to household waste or relevant waste in recyclable waste streams specified in the regulations.
- (2) The Secretary of State may exercise the power in subsection (1)(a) in relation to two or more recyclable waste streams only if satisfied that doing so will not significantly reduce the potential for recyclable household waste or recyclable relevant waste in those waste streams to be recycled or composted.
- (3) The Secretary of State may by regulations amend sections 45A to 45AZB so as to—
  - (a) add further recyclable waste streams, and
  - (b) make provision about the extent to which recyclable household waste or recyclable relevant waste in any of those waste streams may or may not be collected together with recyclable household waste or recyclable relevant waste in another recyclable waste stream.
- (4) The Secretary of State may exercise the power in subsection (3)(a) in relation to a waste stream only if satisfied that—
  - (a) there is waste in that waste stream which is suitable for recycling or composting, and recycling or composting it will have an environmental benefit,

---

**Changes to legislation:** Environmental Protection Act 1990, Section 45AZC is up to date with all changes known to be in force on or before 19 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) View outstanding changes

---

- (b) all English waste collection authorities can make arrangements for collecting waste in that waste stream which comply with the conditions in section 45A, 45AZA or 45AZB (as appropriate), taking account of any amendments to be made under subsection (3)(b), and
  - (c) there is a market for it after its collection.
- (5) Before making regulations under this section the Secretary of State must consult—
- (a) the Environment Agency,
  - (b) English waste collection authorities,
  - (c) English waste disposal authorities, and
  - (d) anyone else the Secretary of State considers appropriate.
- (6) The requirement in subsection (5) may be met by consultation carried out before this section comes into force.]

---

#### Textual Amendments

- F1** Ss. 45A-45AZG substituted for s. 45A (17.5.2024) by [Environment Act 2021 \(c. 30\)](#), ss. 57(4), 147(3) (with s. 144); S.I. 2024/639, reg. 2(a) (with regs. 5, 6, 7, Sch.)

**Changes to legislation:**

Environmental Protection Act 1990, Section 45AZC is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)