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Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Collection, disposal or treatment of controlled waste

57 Power of Secretary of State to require waste to be accepted, treated, disposed of or delivered. E+W

- (1) The Secretary of State may, by notice in writing, direct the holder of any [^{F1}environmental permit authorising a waste operation] to accept and keep, or accept and treat or dispose of, [^{F2}waste] at specified places on specified terms.
- (2) The Secretary of State may, by notice in writing, direct any person who is keeping [^{F2}waste] on any land to deliver the waste to a specified person on specified terms with a view to its being treated or disposed of by that other person.
- (3) A direction under this section may impose a requirement as respects waste of any specified kind or as respects any specified consignment of waste.
- (4) A direction under subsection (2) above may require the person who is directed to deliver the waste to pay to the specified person his reasonable costs of treating or disposing of the waste.
- (5) A person who fails, without reasonable excuse, to comply with a direction under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) A person shall not be guilty of an offence under any other enactment prescribed by the Secretary of State by regulations made for the purposes of this subsection by reason only of anything necessarily done or omitted in order to comply with a direction under this section.
- (7) The Secretary of State may, where the costs of the treatment or disposal of waste are not paid or not fully paid in pursuance of subsection (4) above to the person treating

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or disposing of the waste, pay the costs or the unpaid costs, as the case may be, to that person.

[^{F3}(7A) ^{F4}.....]

[^{F5}(8) In this section—

“specified” means specified in a direction under this section; and

“waste” means anything which is waste as defined in Article 1 of, and Annex 1 to, Directive 75/442/EEC (as amended by Directive 91/156/EEC) including anything which is excluded from the scope of that Directive by Article 2(1)(b) (iii) of that Directive, but not including anything excluded by the remainder of that Article.]

Textual Amendments

- F1** Words in s. 57(1) substituted (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 73, **Sch. 21 para. 13(a)** (with reg. 72, Sch. 4)
- F2** Words in s. 57(1)(2) substituted (E.W.) (22.11.2005) by [The Environmental Protection Act 1990 \(Amendment of Section 57\) \(England and Wales\) Regulations 2005 \(S.I. 2005/3026\)](#), **reg. 2(3)**
- F3** S. 57(7A) inserted (E.W.) (22.11.2005) by [The Environmental Protection Act 1990 \(Amendment of Section 57\) \(England and Wales\) Regulations 2005 \(S.I. 2005/3026\)](#), **reg. 2(4)**
- F4** S. 57(7A) repealed (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), regs. 73, 74(2), Sch. 21 para. 13(b), **Sch. 23** (with reg. 72, Sch. 4)
- F5** S. 57(8) substituted (E.W.) (22.11.2005) by [The Environmental Protection Act 1990 \(Amendment of Section 57\) \(England and Wales\) Regulations 2005 \(S.I. 2005/3026\)](#), **reg. 2(5)**

Modifications etc. (not altering text)

- C2** S. 57 modified (E.) (13.4.2001) by [S.I. 2001/1478](#), **reg. 2(1)**
S. 57 modified (W.) (21.4.2001) by [S.I. 2001/1506](#), **reg. 2(1)**

Commencement Information

- I2** S. 57 not in force at Royal Assent, see s. 164(3); s. 57 in force at 1.5.1994 save for purposes of application to activities specified in art. 2(2) of the commencing S.I. and otherwise in force in relation to those activities in accordance with art. 3 of the commencing S.I. by [S.I. 1994/1096](#), **arts. 2(2)(3), 3** (as amended by [S.I. 1994/2487](#), **art. 2** and [S.I. 1994/3234](#), **art. 2**)

57 Power of Secretary of State to require waste to be accepted, treated, disposed of or delivered. **S**

- (1) The Secretary of State may, by notice in writing, direct the holder of any waste management licence to accept and keep, or accept and treat or dispose of, controlled waste at specified places on specified terms.
- (2) The Secretary of State may, by notice in writing, direct any person who is keeping controlled waste on any land to deliver the waste to a specified person on specified terms with a view to its being treated or disposed of by that other person.
- (3) A direction under this section may impose a requirement as respects waste of any specified kind or as respects any specified consignment of waste.
- (4) A direction under subsection (2) above may require the person who is directed to deliver the waste to pay to the specified person his reasonable costs of treating or disposing of the waste.

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- (5) A person who fails, without reasonable excuse, to comply with a direction under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) A person shall not be guilty of an offence under any other enactment prescribed by the Secretary of State by regulations made for the purposes of this subsection by reason only of anything necessarily done or omitted in order to comply with a direction under this section.
- (7) The Secretary of State may, where the costs of the treatment or disposal of waste are not paid or not fully paid in pursuance of subsection (4) above to the person treating or disposing of the waste, pay the costs or the unpaid costs, as the case may be, to that person.
- (8) In this section “specified” means specified in a direction under this section.

Extent Information

- E1** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Modifications etc. (not altering text)

- C2** S. 57 modified (E.) (13.4.2001) by [S.I. 2001/1478](#), **reg. 2(1)**
S. 57 modified (W.) (21.4.2001) by [S.I. 2001/1506](#), **reg. 2(1)**

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