



Environmental Protection Act 1990

1990 CHAPTER 43

PART II U.K.

WASTE ON LAND

Supplemental

77 Transition from Control of Pollution Act 1974 to this Part. E+W+S

- (1) This section has effect for the purposes of the transition from the provisions of Part I of the ^{M1}Control of Pollution Act 1974 (“the 1974 Act”) to the corresponding provisions of this Part of this Act and in this section—

[^{F1} “existing disposal authority” has the same meaning as in section 32 above;]

“existing disposal licence” means a disposal licence under section 5 of the 1974 Act subsisting on the day appointed under section 164(3) below for the repeal of sections 3 to 10 of the 1974 Act and “relevant appointed day for licences” shall be construed accordingly;

[^{F1} “existing disposal plan” means a plan under section 2 of the 1974 Act subsisting on the day appointed under section 164(3) below for the repeal of that section and “relevant appointed day for plans” shall be construed accordingly;]

[^{F1} “relevant part of its undertaking”, in relation to an existing disposal authority, has the same meaning as in section 32 above; and]

[^{F1} “the vesting date”, in relation to an existing disposal authority and its waste disposal contractors, means the vesting date under Schedule 2 to this Act.]

- (2) [^{F2}Subject to section 4 of the Pollution Prevention and Control Act 1999,] an existing disposal licence shall, on and after the relevant appointed day for licences, be treated as a site licence until it expires or otherwise ceases to have effect; and accordingly it shall be variable and subject to revocation or suspension under this Part of this Act and may not be surrendered or transferred except under this Part of this Act.

Status: Point in time view as at 18/10/2006. This version of this provision has been superseded.

Changes to legislation: Environmental Protection Act 1990, Section 77 is up to date with all changes known to be in force on or before 25 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)

- (3) ^{F3}
- (4) [^{F4}Any existing disposal plan of an existing disposal authority shall, on and after the relevant appointed day for plans, be treated as the plan of that authority under section 50 above and that section shall accordingly have effect as if references in it to “the plan” included the existing disposal plan of that authority.]
- (5) Subsection (4) above applies to Scotland and, for the purposes of that application, “existing disposal authority” means any authority constituted as a disposal authority for any area before the day appointed for this section to come into force and “that authority” means the waste disposal authority for that area under section 30(2) above.
- (6) [^{F4}Subject to subsection (7) below, as respects any existing disposal authority—
- (a) the restriction imposed by section 51(1) of this Act on the means whereby the authority arranges for the disposal of controlled waste shall not apply to the authority—
- (i) in the case of an authority which transfers the relevant part of its undertaking in accordance with a scheme under Schedule 2 to this Act, until the date which is the vesting date for that authority; and
- (ii) in any other case, until the date on which the authority transfers, or ceases itself to carry on, the relevant part of its undertaking or ceases to provide places at which and plant and equipment by means of which controlled waste can be disposed of or deposited for the purposes of disposal; and
- (b) on and after that date, section 14(4) of the 1974 Act shall not authorise the authority to arrange for the disposal of controlled waste except by means of arrangements made (in accordance with Part II of Schedule 2 to this Act) with waste disposal contractors.]
- (7) [^{F4}The Secretary of State may, as respects any existing disposal authority, direct that the restriction imposed by section 51(1) above shall not apply in the case of that authority until such date as he specifies in the direction and where he does so paragraph (a) of subsection (6) above shall not apply and paragraph (b) shall be read as referring to the date so specified.]
- (8) [^{F4}In section 14(4) of the 1974 Act, after the words “this subsection”, there shall be inserted the words “but subject to subsection (6) of section 77 of the Environmental Protection Act 1990 as respects any time after the date applicable to the authority under paragraph (a) or (b) of that subsection”.]
- (9) [^{F4}As respects any existing disposal authority, until the date which is, under subsection (6)(a) above, the date until which the restriction imposed by section 51(1) of this Act is disapplied,—
- (a) the powers conferred on a waste disposal authority by section 55(2)(a) and (b) of this Act as respects the recycling of waste and the use of waste to produce heat or electricity shall be treated as powers which the authority may exercise itself; and
- (b) the power conferred on a waste disposal authority by section 48(4) of this Act to object to a waste collection authority having waste recycled where the disposal authority has made arrangements with a waste disposal contractor for the contractor to recycle the waste shall be available to the waste disposal authority where it itself has the waste recycled.]

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Textual Amendments

- F1** In s. 77(1) definitions repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 107, 108, [Sch. 5 Pt. 4](#); S.I. 2005/2896, [art. 3\(k\)](#); S.I. 2006/768, [art. 2\(d\)](#)
- F2** Words in s. 77(2) inserted (21.3.2000 for E.W. and 29.9.2000 for S.) by 1999 c. 24, s. 6, [Sch. 2 para. 5](#); S.I. 2000/800, [art. 2](#); S.S.I. 2000/322, [art. 2](#)
- F3** S. 77(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), [Sch. 1 Pt. 13](#)
- F4** S. 77(4)(6)-(9) repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 107, 108, [Sch. 5 Pt. 4](#); S.I. 2005/2896, [art. 3\(k\)](#); S.I. 2006/768, [art. 2\(d\)](#)

Modifications etc. (not altering text)

- C1** S. 77(2) extended (27.7.1999) by 1999 c. 24, [s. 4\(3\)\(5\)\(8\)](#)

Commencement Information

- I1** S. 77 wholly in force at 31.5.1991 see s. 164(3) and S.I. 1991/1319, [art. 2](#)

Marginal Citations

- M1** 1974 c. 40.

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