



Environmental Protection Act 1990

1990 CHAPTER 43

[^{F1}PART IIA

CONTAMINATED LAND]

^{F1}78YB Interaction of this Part with other enactments.

- (1) A remediation notice shall not be served if and to the extent that it appears to the enforcing authority that the powers of the appropriate Agency under section 27 above may be exercised in relation to—
 - (a) the significant harm (if any), and
 - (b) the pollution of controlled waters (if any),by reason of which the contaminated land in question is such land.
- (2) Nothing in this Part shall apply in relation to any land in respect of which there is for the time being in force a site licence under Part II above, except to the extent that any significant harm, or pollution of controlled waters, by reason of which that land would otherwise fall to be regarded as contaminated land is attributable to causes other than—
 - (a) breach of the conditions of the licence; or
 - (b) the carrying on, in accordance with the conditions of the licence, of any activity authorised by the licence.
- (3) If, in a case falling within subsection (1) or (7) of section 59 above, the land in question is contaminated land, or becomes such land by reason of the deposit of the controlled waste in question, a remediation notice shall not be served in respect of that land by reason of that waste or any consequences of its deposit, if and to the extent that it appears to the enforcing authority that the powers of a waste regulation authority or waste collection authority under that section may be exercised in relation to that waste or the consequences of its deposit.
- (4) No remediation notice shall require a person to do anything the effect of which would be to impede or prevent the making of a discharge in pursuance of a consent given under Chapter II of Part III of the ^{M1}Water Resources Act 1991 (pollution offences) or,

Status: Point in time view as at 01/07/1999. This version of this provision has been superseded.

Changes to legislation: Environmental Protection Act 1990, Section 78YB is up to date with all changes known to be in force on or before 14 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)

in relation to Scotland, in pursuance of a consent given under Part II of the ^{M2}Control of Pollution Act 1974.

Textual Amendments

- F1** Pt. IIA (ss. 78A-78YC) inserted (in force at 21.9.1995 for certain purposes only, at 1.4.2000 for E. insofar as not already in force, at 14.7.2000 for S. for certain purposes and otherwise 14.7.2000) by 1995 c. 25, s.57 (with ss. 7(6), 115, 117); S.I. 1995/1983, art.3; S.I. 2000/340, art. 2(a); S.S.I. 2000/180, art. 2(1)(a)(2); S.I. 2000/1986, art. 2

Marginal Citations

- M1** 1991 c. 57.
M2 1974 c. 40.

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