

Status: Point in time view as at 16/03/2007.

Changes to legislation: Environment Act 1995, Cross Heading: Compensation is up to date with all changes known to be in force on or before 16 June 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)

SCHEDULES

SCHEDULE 18

SUPPLEMENTAL PROVISIONS WITH RESPECT TO POWERS OF ENTRY

Modifications etc. (not altering text)

- C1** Sch. 18 applied (with modifications) (2.8.2004) by [The Justification of Practices Involving Ionising Radiation Regulations 2004 \(S.I. 2004/1769\)](#), reg. 1, **Sch. 1 para. 3** (with reg. 2)

Compensation

- 6 (1) Where any person exercises any power conferred by section 108(4)(a) or (b) or (5) of this Act, it shall be the duty of the enforcing authority under whose authorisation he acts to make full compensation to any person who has sustained loss or damage by reason of—
- (a) the exercise by the designated person of that power; or
 - (b) the performance of, or failure of the designated person to perform, the duty imposed by paragraph 5 above.
- (2) Compensation shall not be payable by virtue of sub-paragraph (1) above in respect of any loss or damage if the loss or damage—
- (a) is attributable to the default of the person who sustained it; or
 - (b) is loss or damage in respect of which compensation is payable by virtue of any other provision of the pollution control enactments.
- (3) Any dispute as to a person's entitlement to compensation under this paragraph, or as to the amount of any such compensation, shall be referred to the arbitration of a single arbitrator or, in Scotland, arbiter appointed by agreement between the enforcing authority in question and the person who claims to have sustained the loss or damage or, in default of agreement, by the Secretary of State.
- (4) A designated person shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of any relevant power if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Modifications etc. (not altering text)

- C1** Sch. 18 paras. 2-6 applied (with modifications) (6.3.1997) by [S.I. 1997/648](#), **reg. 28(5)(6)**
- C2** [Sch. 18 paras. 2-6](#) applied (with modifications) (16.12.2005) by [The Producer Responsibility Obligations \(Packaging Waste\) Regulations 2005 \(S.I. 2005/3468\)](#), regs. 1(1), **35(5)**
- C3** [Sch. 18 paras. 2-6](#) applied (with modifications) (16.3.2007) by [The Producer Responsibility Obligations \(Packaging Waste\) Regulations 2007 \(S.I. 2007/871\)](#), regs. 1(1), **35(5)**

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