

*Status: Point in time view as at 01/04/2000.*

*Changes to legislation: Environment Act 1995, Paragraph 89 is up to date with all changes known to be in force on or before 01 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)*

## SCHEDULES

### SCHEDULE 22

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Environmental Protection Act 1990*

- 89 (1) Section 79 of that Act (statutory nuisances) shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (1) (the paragraphs of which specify, subject to subsections (2) to (6A), the matters which constitute statutory nuisances) for the words “Subject to subsections (2) to (6A) below” there shall be substituted the words “ Subject to subsections (1A) to (6A) below ”.
- (3) After that subsection there shall be inserted—
- “(1A) No matter shall constitute a statutory nuisance to the extent that it consists of, or is caused by, any land being in a contaminated state.
- (1B) Land is in a “contaminated state” for the purposes of subsection (1A) above if, and only if, it is in such a condition, by reason of substances in, on or under the land, that—
- (a) harm is being caused or there is a possibility of harm being caused;  
or
- (b) pollution of controlled waters is being, or is likely to be, caused;  
and in this subsection “harm”, “pollution of controlled waters” and “substance” have the same meaning as in Part IIA of this Act.”.

#### **Commencement Information**

- II** S. 89 wholly in force; s. 89 not in force at Royal Assent see s. 125(3); s. 89 in force for E. at 1.4.2000 by S.I. 2000/340, art. 2 (with art. 3); s. 89 in force for S. at 14.7.2000 by S.S.I. 2000/180, art. 2(1)(b) (subject to art. 2(2) and with art. 3); s. 89 in force for W. at 15.9.2001 by S.I. 2001/3211, art. 2(b) (with art. 3)

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