



# Environment Act 1995

## 1995 CHAPTER 25

### PART II **E+W+S**

#### CONTAMINATED LAND AND ABANDONED MINES

#### **60 Amendments to sections 89 and 161 of the Water Resources Act 1991. **E+W+S****

<sup>F1</sup>(1) .....

<sup>F1</sup>(2) .....

(3) In section 161 of that Act (anti-pollution works and operations) in subsection (1), after paragraph (b) there shall be inserted the words— “ and, in either case, the Agency shall be entitled to carry out investigations for the purpose of establishing the source of the matter and the identity of the person who has caused or knowingly permitted it to be present in controlled waters or at a place from which it was likely, in the opinion of the Agency, to enter controlled waters. ”

(4) In subsection (3) of that section (Agency entitled to recover expenses of works or operations from the person responsible for the pollution) for the words “or operations” there shall be substituted the words “ operations or investigations ”.

(5) In subsection (4) of that section (exception for expenses of works or operations in respect of water from an abandoned mine)—

(a) for the words “or operations” there shall be substituted the words “ operations or investigations ”; and

(b) after the words “an abandoned mine” there shall be inserted the words “ or an abandoned part of a mine ”.

(6) After that subsection there shall be inserted—

“(4A) Subsection (4) above shall not apply to the owner or former operator of any mine or part of a mine if the mine or part in question became abandoned after 31st December 1999.

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*Changes to legislation: Environment Act 1995, Section 60 is up to date with all changes known to be in force on or before 02 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) View outstanding changes*

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(4B) Subsections (3B) and (3C) of section 89 above shall apply in relation to subsections (4) and (4A) above as they apply in relation to subsections (3) and (3A) of that section.”

(7) In subsection (6) of that section (definitions), after the definition of “controlled waters” there shall be inserted—

““expenses” includes costs;”.

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#### **Textual Amendments**

**F1** S. 60(1)(2) repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), [Sch. 28](#) (with reg. 1(2), Sch. 4)

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#### **Commencement Information**

**II** S. 60 wholly in force at 1.7.1998; s. 60 not in force at Royal Assent see s. 125(3); s. 60(3)(4)(5)(a)(7) in force at 1.7.1997 by [S.I. 1997/1626](#), [art. 2\(a\)](#) (with transitional provisions in [art. 3](#)); s. 60 in force at 1.7.1998 in so far as not already in force by [S.I. 1998/604](#), [art. 3](#)

**Changes to legislation:**

Environment Act 1995, Section 60 is up to date with all changes known to be in force on or before 02 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)