



Environment Act 1995

1995 CHAPTER 25

PART V

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Waste

VALID FROM 01/04/1996

92 National waste strategy.

- (1) Before section 45 of the ^{M1}Environmental Protection Act 1990 there shall be inserted—

“44A National waste strategy: England and Wales.

- (1) The Secretary of State shall as soon as possible prepare a statement (“the strategy”) containing his policies in relation to the recovery and disposal of waste in England and Wales.
- (2) The strategy shall consist of or include—
 - (a) a statement which relates to the whole of England and Wales; or
 - (b) two or more statements which between them relate to the whole of England and Wales.
- (3) The Secretary of State may from time to time modify the strategy.
- (4) Without prejudice to the generality of what may be included in the strategy, the strategy must include—
 - (a) a statement of the Secretary of State’s policies for attaining the objectives specified in Schedule 2A to this Act;
 - (b) provisions relating to each of the following, that is to say—

Status: Point in time view as at 01/02/1996. This version of this provision is not valid for this point in time.

Changes to legislation: Environment Act 1995, Section 92 is up to date with all changes known to be in force on or before 04 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)

- (i) the type, quantity and origin of waste to be recovered or disposed of;
 - (ii) general technical requirements; and
 - (iii) any special requirements for particular wastes.
- (5) In preparing the strategy or any modification of it, the Secretary of State—
- (a) shall consult the Environment Agency,
 - (b) shall consult—
 - (i) such bodies or persons appearing to him to be representative of the interests of local government, and
 - (ii) such bodies or persons appearing to him to be representative of the interests of industry,
 as he may consider appropriate, and
 - (c) may consult such other bodies or persons as he considers appropriate.
- (6) Without prejudice to any power to give directions conferred by section 40 of the Environment Act 1995, the Secretary of State may give directions to the Environment Agency requiring it—
- (a) to advise him on the policies which are to be included in the strategy;
 - (b) to carry out a survey of or investigation into—
 - (i) the kinds or quantities of waste which it appears to that Agency is likely to be situated in England and Wales,
 - (ii) the facilities which are or appear to that Agency likely to be available or needed in England and Wales for recovering or disposing of any such waste,
 - (iii) any other matter upon which the Secretary of State wishes to be informed in connection with his preparation of the strategy or any modification of it,
 and to report its findings to him.
- (7) A direction under subsection (6)(b) above—
- (a) shall specify or describe the matters or the areas which are to be the subject of the survey or investigation; and
 - (b) may make provision in relation to the manner in which—
 - (i) the survey or investigation is to be carried out, or
 - (ii) the findings are to be reported or made available to other persons.
- (8) Where a direction is given under subsection (6)(b) above, the Environment Agency shall, in accordance with any requirement of the direction,—
- (a) before carrying out the survey or investigation, consult—
 - (i) such bodies or persons appearing to it to be representative of local planning authorities, and
 - (ii) such bodies or persons appearing to it to be representative of the interests of industry,
 as it may consider appropriate; and
 - (b) make its findings available to those authorities.
- (9) In this section—

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“local planning authority” has the same meaning as in the ^{M2}Town and Country Planning Act 1990;

“strategy” includes the strategy as modified from time to time and “statement” shall be construed accordingly.

- (10) This section makes provision for the purpose of implementing Article 7 of the ^{M3}directive of the Council of the European Communities, dated 15th July 1975, on waste, as amended by—
- (a) the ^{M4}directive of that Council, dated 18th March 1991, amending directive [75/442/EEC](#) on waste; and
 - (b) the ^{M5}directive of that Council, dated 23rd December 1991, standardising and rationalising reports on the implementation of certain Directives relating to the environment.

44B National waste strategy: Scotland.

- (1) SEPA shall as soon as possible prepare a statement (“the strategy”) containing its policies in relation to the recovery and disposal of waste in Scotland.
- (2) SEPA may from time to time modify the strategy.
- (3) Without prejudice to the generality of what may be included in the strategy, the strategy must include—
 - (a) a statement of SEPA’s policies for attaining the objectives specified in Schedule 2A to this Act;
 - (b) provisions relating to each of the following, that is to say—
 - (i) the type, quantity and origin of waste to be recovered or disposed of;
 - (ii) general technical requirements; and
 - (iii) any special requirements for particular wastes.
- (4) In preparing the strategy or any modification of it SEPA shall consult—
 - (a) such bodies or persons appearing to it to be representative of the interests of industry as it may consider appropriate;
 - (b) such local authorities as appear to it to be likely to be affected by the strategy or modification,and may consult such other bodies or persons as it considers appropriate.
- (5) Without prejudice to any power to give directions conferred by section 40 of the Environment Act 1995, the Secretary of State may give directions to SEPA—
 - (a) as to the policies which are to be included in the strategy;
 - (b) requiring it to carry out a survey or investigation into—
 - (i) the kinds or quantities of waste which it appears to it is likely to be situated in Scotland,
 - (ii) the facilities which are or appear to it likely to be available or needed in Scotland for recovering or disposing of any such waste,

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- (iii) any other matter which the Secretary of State considers appropriate in connection with its preparation of the strategy or any modifications of it.
- (6) A direction under subsection (5)(b) above—
- (a) shall specify or describe the matters or the areas which are to be the subject of the survey or investigation; and
 - (b) may make provision in relation to the manner in which—
 - (i) the survey or investigation is to be carried out, or
 - (ii) the findings are to be reported or made available to other persons.
- (7) Where a direction is given under subsection (5)(b) above SEPA shall, in accordance with any requirement of the direction—
- (a) before carrying out the survey or investigation, consult—
 - (i) such bodies or persons appearing to it to be representative of planning authorities, and
 - (ii) such bodies or persons appearing to it to be representative of the interests of industry,
 as it may consider appropriate; and
 - (b) make its findings available to those authorities.
- (8) In this section—
- “planning authority” means an authority within the meaning of section 172 of the ^{M6}Local Government (Scotland) Act 1973;
- “strategy” includes the strategy as modified from time to time and
- “statement” shall be construed accordingly.
- (9) This section makes provision for the purpose of implementing Article 7 of the ^{M7}directive of the Council of the European Communities dated 15th July 1975 on waste, as amended by—
- (a) the ^{M8}directive of that Council dated 18th March 1991 amending directive [75/442/EEC](#) on waste; and
 - (b) the ^{M9}directive of that Council dated 23rd December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment.”
- (2) After Schedule 2 to that Act there shall be inserted the Schedule set out in Schedule 12 to this Act.

Marginal Citations

M1	1990 c. 43.
M2	1990 c. 8.
M3	91/692/EEC.
M4	91/156/EEC.
M5	75/442/EEC.
M6	1973 c. 65.
M7	91/692/EEC.
M8	91/156/EEC.
M9	75/442/EEC.

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