



Pollution Prevention and Control Act 1999

1999 CHAPTER 24

4 Time-limited disposal or waste management licences. **E+W+S**

[^{F1}(1) Where—

- (a) a disposal licence under section 5 of the 1974 Act became a site licence by virtue of section 77(2) of the 1990 Act (conversion, on the appointed day, of existing disposal licence under section 5 of the 1974 Act into a site licence),
- (b) the licence has expired at a time (“the time of expiry”) falling before the day on which this Act is passed but not earlier than the appointed day,
- (c) the licence authorised the carrying on of activities in or on land in England or Wales, and
- (d) relevant activities have taken place at a time falling not more than one year before the day on which this Act is passed,

the licence shall (subject to subsection (7)) for all purposes be deemed not to have expired but to have become, at the time of expiry, a site licence continuing in force in accordance with section 35(11) of the 1990 Act.

(2) Subsection (3) applies where—

- (a) a disposal licence under section 5 of the 1974 Act expired at a time (“the time of expiry”) falling before the appointed day (so that it was not converted into a site licence by section 77(2) of the 1990 Act),
- (b) the licence authorised the carrying on of activities in or on land in England or Wales, and
- (c) relevant activities have taken place at a time falling not more than one year before the day on which this Act is passed.

(3) The licence shall (subject to subsection (7)) for all purposes be deemed—

- (a) not to have expired, and
- (b) to have been subsisting on the appointed day and (accordingly) to have become on that day a site licence by virtue of section 77(2) of the 1990 Act,

and the site licence which the licence is deemed to have become on that day shall for all purposes be deemed to have been one that continues in force in accordance with section 35(11) of the 1990 Act.

Status: Point in time view as at 06/04/2008.

Changes to legislation: There are currently no known outstanding effects for the Pollution Prevention and Control Act 1999, Section 4. (See end of Document for details)

- (4) Where—
- (a) a site licence in force immediately before the day on which this Act is passed—
 - (i) became a site licence by virtue of section 77(2) of the 1990 Act, and
 - (ii) will expire on or after the day on which this Act is passed (if it has not previously been revoked entirely, or had its surrender accepted, under Part II of the 1990 Act), and
 - (b) relevant activities have taken place at a time falling not more than one year before that day,
- the licence shall for all purposes be deemed to have become at the beginning of that day a site licence continuing in force in accordance with section 35(11) of the 1990 Act.
- (5) Where subsection (1), (3) or (4) has effect in relation to a licence, the terms and conditions of the licence as continued in force by that subsection shall, except so far as providing for the expiry of the licence and subject to subsection (6)(b) and (c), be such as were in force immediately before the relevant time (unless and until varied under Part II of the 1990 Act); and “the relevant time” means—
- (a) where subsection (1) or (3) has effect in relation to a licence, the time of expiry;
 - (b) where subsection (4) has effect in relation to a licence, the beginning of the day on which this Act is passed.
- (6) Where subsection (1) or (3) has effect in relation to a licence (but without prejudice to the generality of that subsection)—
- (a) activities carried out during the interim period which (by virtue of subsection (1) or (3)) become authorised by the licence shall be treated as authorised at the time they were carried out (even though at that time their being carried out amounted to a contravention of section 33(1)(a) or (b) of the 1990 Act or section 3(1) of the 1974 Act);
 - (b) anything done in relation to the licence before the time of expiry but purporting to take effect after that time (such as the serving of a notice under section 37(4) or 38(12) of the 1990 Act, or in pursuance of section 7 of the 1974 Act, specifying a time falling during or after the interim period) shall be treated as having had (or having) effect as if the licence had not in fact expired;
 - (c) anything which during the interim period purported to be done in relation to the licence (such as a modification of the licence or the revocation, suspension, transfer or acceptance of the surrender of the licence or the carrying out of consultation, exercise of functions under section 9 of the 1974 Act or section 42 of the 1990 Act, imposition of requirements during a suspension or bringing or determination of an appeal) shall be treated as having had effect as if the licence had then been in force;
 - (d) any fees which (by virtue of subsection (1) or (3)) are treated as having become payable before the passing of this Act shall be taken to have become payable at the time they would have become payable had the licence not in fact expired; and
 - (e) the holder of the licence shall be treated as having been, during the interim period, an authorised person for the purposes of section 34(1)(c) of the 1990 Act.
- (7) Where subsection (1) or (3) has effect in relation to a licence, a person shall not be guilty of an offence under section 33(6) or 38(10) or (11) of the 1990 Act as a result

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of anything done or omitted to be done during the interim period becoming (by virtue of subsection (1) or (3)) a contravention of any condition of the licence or (as the case may be) a failure to comply with any requirement imposed under section 38(9) of the 1990 Act.

- (8) Nothing in this section affects any criminal proceedings which have been concluded before the passing of this Act.
- (9) The waste regulation authority (within the meaning given by section 30(1) of the 1990 Act) shall notify the holder of a licence affected by this section of the fact that the licence is so affected and of how it is so affected.
- (10) For the purposes of this section “relevant activities”, in relation to a licence, are—
- (a) any activities authorised by the licence or, in the case of an expired licence, any which would have been authorised by it had it not expired, and
 - (b) any precautions or works required by the licence to be taken or carried out in connection with or in consequence of those activities or, in the case of an expired licence, any which would have been so required had the licence not expired.

(11) In this section—

“the 1974 Act” means the Control of Pollution Act 1974;

“the 1990 Act” means the Environmental Protection Act 1990;

“the appointed day”, in relation to a licence, means the day which in relation to that licence is (or would have been if the licence had not previously expired) the relevant appointed day for licences (within the meaning of section 77 of the 1990 Act);

“the interim period”, in connection with a licence in relation to which subsection (1) or (3) has effect, means the period beginning with the time of expiry and ending immediately before the day on which this Act is passed;

“site licence” has the same meaning as it has in Part II of the 1990 Act by virtue of section 35(12) of that Act.]

Textual Amendments

F1 S. 4 repealed (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 1(1)(b), Sch. 21 para. 26, **Sch. 23** (with reg. 72, Sch. 4)

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