

SCHEDULE 4

ENFORCEMENT—MODIFICATIONS OF THE ACT

PART 2

EFFECT OF HAZARDOUS SUBSTANCES CONTRAVENTION NOTICES, ETC.

2. In section 86 (offence where enforcement notice not complied with)—
 - (a) for subsection (1) there shall be substituted—

“(1) Where, at any time after the end of the period for compliance with a hazardous substances contravention notice, any step required by the notice to be taken has not been taken, the person who is then the owner of the land and any person other than the owner who is in control of the land are in breach of the notice.”;
 - (b) in subsection (2) for the words “the owner of the land” there shall be substituted the words “a person”;
 - (c) subsections (4) and (5) shall be omitted;
 - (d) in subsection (6) the words “or (5)” shall be omitted;
 - (e) in subsection (7)(a) for the words “enforcement notice” there shall be substituted the words “hazardous substances contravention notice”.
3. In section 88 of the Act (execution and cost of works required by enforcement notice)—
 - (a) for the words “an enforcement notice” in each place where they occur there shall be substituted the words “a hazardous substances contravention notice”;
 - (b) in subsection (2) for the words “breach of planning control” in both places where they occur there shall be substituted the words “contravention of hazardous substances control”.
4. For section 89 (enforcement notice to have effect against subsequent development) there shall be substituted—
 - (1) Compliance with a hazardous substances contravention notice shall not discharge that notice.
 - (2) Without prejudice to subsection (1) of this section, where a provision of a hazardous sub-stances contravention notice requires a hazardous substance to be removed from the land to which the notice relates, the presence on, over or under that land of a quantity of that substance equal to or exceeding its controlled quantity at any time after the substance has been removed in compliance with the hazardous substances contravention notice shall be in contravention of that notice.
 - (3) Without prejudice to subsection (1) of this section, where a provision of a hazardous sub-stances contravention notice requires the quantity of a hazardous substance on, over or under the land to which the notice relates to be reduced below a specified quantity (being greater than the controlled quantity), the presence on, over or under that land of a quantity of that substance equal to or in excess of the specified quantity at any time after the quantity of that substance has been reduced below the specified quantity in compliance with the hazardous substances contravention notice, shall be in contravention of that notice.
 - (4) A person who, without the grant of hazardous substances consent in that behalf, is responsible for the presence of a hazardous substance on land in contravention of the requirements of a hazardous substances contravention notice as described in subsection (2) or (3) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. In section 89A (effect of planning permission etc on enforcement or breach of condition notice)

(a) for subsection (1) there shall be substituted:—

“(1) Where, after the service of a copy of a hazardous substances contravention notice, hazardous substances consent is granted for the presence of a hazardous substance on, over or under the land to which the notice relates, the notice shall cease to have effect so far as inconsistent with that consent.”;

(b) subsection (2) shall be omitted;

(c) in subsection (3), for the words “an enforcement notice or breach of condition notice” there shall be substituted the words “a hazardous substances contravention notice”.