



# Control of Pollution (Amendment) Act 1989

## 1989 CHAPTER 14

### 1 Offence of transporting controlled waste without registering.

- (1) Subject to the following provisions of this section, it shall be an offence for any person who is not a registered carrier of controlled waste, in the course of any business of his or otherwise with a view to profit, to transport any controlled waste to or from any place in Great Britain.
- (2) A person shall not be guilty of an offence under this section in respect of—
  - (a) the transport of controlled waste within the same premises between different places in those premises;
  - (b) the transport to a place in Great Britain of controlled waste which has been brought from a country or territory outside Great Britain and is not landed in Great Britain until it arrives at that place;
  - (c) the transport by air or sea of controlled waste from a place in Great Britain to a place outside Great Britain.
- (3) The Secretary of State may by regulations provide that a person shall not be required for the purposes of this section to be a registered carrier of controlled waste if—
  - (a) he is a prescribed person or a person of such a description as may be prescribed; <sup>F1</sup>...
  - <sup>F2</sup>(b) .....
- (4) In proceedings against any person for an offence under this section in respect of the transport of any controlled waste it shall be a defence for that person to show—
  - (a) that the waste was transported in an emergency of which notice was given, as soon as practicable after it occurred, to the [<sup>F3</sup>disposal authority][<sup>F3</sup>regulation authority] in whose area the emergency occurred; [<sup>F4</sup> or ]
  - (b) that he neither knew nor had reasonable grounds for suspecting that what was being transported was controlled waste and took all such steps as it was reasonable to take for ascertaining whether it was such waste; or
  - (c) [<sup>F5</sup>that he acted under instructions from his employer.]

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**Changes to legislation:** There are currently no known outstanding effects for the Control of Pollution (Amendment) Act 1989, Section 1. (See end of Document for details)

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- (5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) In this section “emergency”, in relation to the transport of any controlled waste, means any circumstances in which, in order to avoid, remove or reduce any serious danger to the public or serious risk of damage to the environment, it is necessary for the waste to be transported from one place to another without the use of a registered carrier of such waste.

#### Textual Amendments

- F1** Word in s. 1(3) omitted (31.12.2020) by virtue of The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/620), regs. 1(2)(b), **4(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 1(3)(b) omitted (31.12.2020) by virtue of The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/620), regs. 1(2)(b), **4(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 1 (4)(a) substituted (31.5.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15 para. 31(2)**, S.I. 1991/1319, art.2
- F4** Word in s. 1(4)(a) inserted (E.W.) (7.6.2005) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 35(1)(a), 108(4)** (with s. 35(2))
- F5** S. 1(4)(c) repealed (E.W.) (7.6.2005) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 35(1)(b), 108(4), Sch. 5 Pt. 4** (with s. 35(2))

#### Commencement Information

- I1** S. 1 wholly in force; s. 1(3) in force at 16.07.1991 see s. 11(2) and S.I. 1991/1618, **art. 2(a)**; and s. 1 fully in force at 1.4.1992 by S.I. 1991/1618, **art. 4**.

**Changes to legislation:**

There are currently no known outstanding effects for the Control of Pollution (Amendment) Act 1989, Section 1.