



Control of Pollution Act 1974

1974 CHAPTER 40

PART I

WASTE ON LAND

Collection and disposal of controlled waste

12 Collection of waste

- (1) It shall be the duty of each collection authority—
 - (a) subject to subsection (3) of this section, to arrange for the collection of all household waste in its area except waste—
 - (i) which is situated at a place which in the opinion of the authority is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and
 - (ii) as to which the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste; and
 - (b) if requested by the occupier of premises in its area to collect any commercial waste from the premises, to arrange for the collection of the waste.
- (2) Each English disposal authority and each collection authority may, if requested by the occupier of premises in its area to collect any industrial waste from the premises, arrange for the collection of the waste; but an English collection authority shall not be entitled to exercise the powers conferred on it by this subsection except with the consent of the relevant disposal authority.
- (3) No charge shall be made for the collection of household waste in pursuance of the preceding provisions of this section except in prescribed cases; and in any of those cases—
 - (a) the duty to arrange for the collection of the waste in question which is imposed on the collection authority by subsection (1)(a) of this section shall not arise until a person who controls the waste requests the authority to collect it; and

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- (b) the authority may recover a reasonable charge for the collection of the waste from the person who made the request in respect of it in pursuance of the preceding paragraph.
- (4) A person at whose request waste other than household waste is collected in pursuance of the preceding provisions of this section shall be liable to pay a reasonable charge for the collection and disposal of the waste to the authority which arranged for its collection; and it shall be the duty of that authority to recover the charge unless in the case of a charge in respect of commercial waste the authority considers it inappropriate to do so.
- (5) It shall be the duty of each collection authority—
- (a) to make such arrangements for the emptying of privies serving one or more private dwellings in its area as the authority considers appropriate and to make no charge for emptying done in pursuance of the arrangements;
 - (b) if requested by the person who controls a cesspool serving only one or more private dwellings in its area to empty the cesspool, to remove such of the contents of the cesspool as the authority considers appropriate on payment if the authority so requires of a reasonable charge;

and a collection authority may, if requested by the person who controls any other privy or cesspool in its area to empty the privy or cesspool, remove matter from it on payment as aforesaid.

In this subsection " privy" means a latrine which has a moveable receptacle for faecal matter and " cesspool" includes a settlement tank or other tank for the reception or disposal of foul matter from buildings.

- (6) An English disposal authority and any collection authority may—
- (a) construct, lay and maintain, within or outside its area, pipes and associated works for the purpose of collecting waste in pursuance of this section ;
 - (b) contribute towards the cost incurred by another person in providing or maintaining pipes or associated works connecting with pipes provided by the authority in pursuance of the preceding paragraph.
- (7) Parts V and VI of Schedule 3 to the Water Act 1945 (which relate to the laying of mains and the breaking up of streets) shall apply in relation to pipes and associated works provided or to be provided in pursuance of paragraph (a) of the preceding subsection as those Parts apply in relation to water mains and pipes but as if—
- (a) sections 19(4) and 21 of that Schedule (which relate to the erection of street notices and the laying of service pipes) were omitted, and in section 22 of that Schedule the words " which they are authorised to lay " were omitted; and
 - (b) for any reference to undertakers or limits of supply there were substituted respectively a reference to the authority in question and the area of the authority; and
 - (c) for the reference to the special Act in section 25(4) of that Schedule there were substituted a reference to this subsection;

and the Pipe-lines Act 1962 shall not apply to pipes or associated works provided or to be provided in pursuance of paragraph (a) of the preceding subsection.

- (8) A collection authority may contribute towards the cost incurred by another person in providing or maintaining plant or equipment intended to deal with household waste before it is collected under arrangements made by the authority in pursuance of subsection (1)(a) of this section; and an English disposal authority and any collection

authority may contribute towards the cost incurred by another person in providing or maintaining plant or equipment intended to deal with commercial or industrial waste before it is collected under arrangements made by the authority in pursuance of subsection (1)(b) or subsection (2) of this section.

(9) Subject to section 14(1) and (9) of this Act, anything collected under arrangements made by an authority in pursuance of this section shall belong to the authority and may be dealt with accordingly.

(10) In the application of this section to Scotland—

- (a) in subsection (5), paragraph (b) and the references to a cesspool occurring later in that subsection shall be omitted;
- (b) for subsection (7) there shall be substituted the following subsection:—

“(7) Sections 2, 3, 4 and 41 of the Sewerage (Scotland) Act 1968 (which relate to the maintenance etc. of public sewers and other works and the breaking open of streets etc.) shall apply in relation to pipes and associated works provided or to be provided in pursuance of paragraph (a) of the preceding subsection as those sections apply in relation to public sewers but as if—

- (a) the said section 2 conferred a power, and did not impose a duty, on a local authority to do the things mentioned in that section ; and
- (b) in the said section 4, the words from " but, before any person" to the end were omitted;

and the Pipe-lines Act 1962 shall not apply to pipes and associated works provided or to be provided in pursuance of paragraph (a) of the preceding subsection.

- (c) in subsection (9), for the reference to section 14(1) and (9) of this Act there shall be substituted a reference to section 15(4) of this Act.”

(11) References to waste in the preceding provisions of this section include waste on premises occupied by the Crown but exclude waste as to which the Commissioners executing the Crown Estate Paving Act 1851 (which among other things relates to premises in the Regent's Park) make arrangements for its collection; but a disposal or collection authority shall not be entitled by virtue of this subsection to exercise, in relation to such premises or waste on such premises, any power conferred on the authority by virtue of sections 91 to 93 of this Act.

13 Dustbins etc.

- (1) Where a collection authority has a duty by virtue of subsection (1)(a) of the preceding section to arrange for the collection of household waste from any premises, then, subject to any regulations made by virtue of subsection (7) of this section, the authority may, by a notice served on the occupier of the premises, require him to place the waste for collection in receptacles which are of a kind and number reasonably specified in the notice; and a person who fails to comply with such a requirement shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £100.
- (2) A notice served by an authority in pursuance of the preceding subsection may provide for the receptacles in question to be provided by the authority free of charge or—

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- (a) if the recipient of the notice agrees, by the authority on payment by the recipient of the notice of such a single payment or such periodical payments as he agrees with the authority ; or
 - (b) by the recipient of the notice if he does not enter into an agreement in pursuance of the preceding paragraph within a period specified in the notice or the notice does not propose such an agreement.
- (3) Where by virtue of such a notice the recipient of it is required to provide any receptacles he may within the period of twenty-one days beginning with the last day of the period specified in the notice in pursuance of paragraph (b) of the preceding subsection or, where no period is so specified, beginning with the day on which the notice is served on him, appeal to a magistrates' court against the notice on the ground that the kind or number of the receptacles required by the notice is unreasonable or on the ground that the receptacles in which household waste in the premises in question is placed for collection are adequate; and where an appeal against a notice is brought in pursuance of this subsection—
 - (a) the notice shall be of no effect pending the determination of the appeal; and
 - (b) the court shall either quash or modify the notice or dismiss the appeal; and
 - (c) no question as to whether the kind or number of receptacles specified in the notice is unreasonable shall be entertained in any proceedings for an offence under this section in respect of the notice.
- (4) An English disposal authority and any collection authority may at the request of any person supply him with receptacles for commercial waste or industrial waste which he has requested the authority to arrange to collect and shall make a reasonable charge for any receptacle supplied in pursuance of this subsection unless in the case of a receptacle for commercial waste the authority considers it appropriate not to make a charge.
- (5) If it appears to a collection authority that there is likely to be situated, on any premises in its area, commercial waste or industrial waste of a kind which, if the waste is not stored in receptacles of a particular kind, is likely to cause a nuisance or to be detrimental to the amenities of the locality in which the premises are situated, the authority may, by a notice served on the occupier of the premises, require him to provide at the premises receptacles for the storage of such waste which, subject to subsection (7) of this section, are of a kind and number reasonably specified in the notice; and a person who fails to comply with such a requirement shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £100.
- (6) A person on whom a notice is served in pursuance of the preceding subsection may, within the period of twenty-one days beginning with the day on which the notice is served on him, appeal to a magistrates' court against the notice on the grounds that the kind or number of receptacles specified in the notice is unreasonable or that the waste is not likely to cause a nuisance or be detrimental to the amenities of the locality in "which the premises are situated; and where an appeal against a notice is brought in pursuance of this subsection, paragraphs (a) to (c) of subsection (3) of this section shall apply in relation to the notice as they apply in relation to such a notice as is mentioned in that subsection.
- (7) Provision may be made by regulations with respect to—
 - (a) the size, construction and maintenance of receptacles for controlled waste;
 - (b) the placing of the receptacles on premises for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose ;

- (c) the placing of the receptacles for that purpose on highways with the consent of the relevant highway authorities and the liability for any damage arising out of the placing of the receptacles on highways in pursuance of regulations made by virtue of this subsection ;
 - (d) the substances which may and may not be put into the receptacles and the precautions to be taken where particular substances are put into them ;
 - (e) the steps to be taken by occupiers of premises for the purpose of facilitating the collection of waste from receptacles for controlled waste which are provided in connection with the premises ;
 - (f) the giving of directions by collection authorities with respect to matters mentioned in any of the preceding paragraphs and compliance with the directions by occupiers of premises and other persons; and
 - (g) the imposition of a fine of an amount not exceeding £100 on summary conviction of a contravention of the regulations or directions given in pursuance of the regulations.
- (8) References to receptacles in the preceding provisions of this section include references to holders for receptacles.

14 Disposal of waste in England and Wales

- (1) Subject to the following subsection, it shall be the duty of each English collection authority to deliver to the relevant disposal authority, at such places as the disposal authority directs, all waste which is collected by the collection authority in pursuance of section 12 of this Act except waste paper which the collection authority decides is not to be delivered to the disposal authority; and anything delivered to a disposal authority in pursuance of this subsection shall belong to that authority and may be dealt with accordingly.
- (2) An English collection authority and the relevant disposal authority may agree that, subject to such conditions as to payment or otherwise as may be specified in the agreement, waste to which the agreement relates shall not be delivered to the disposal authority in pursuance of the preceding subsection but shall be dealt with under arrangements made by the collection authority for the purpose of enabling the waste to be used again or substances to be reclaimed from it.
- (3) Without prejudice to the powers of collection authorities apart from this subsection, a collection authority shall have power to provide plant and equipment for the sorting and baling of waste paper retained by the authority in pursuance of subsection (1) of this section or for sorting or processing waste retained by the authority in pursuance of the preceding subsection.
- (4) It shall be the duty of each disposal authority to arrange for the disposal of the waste collected by it in pursuance of section 12 of this Act or delivered to it in pursuance of subsection (1) of this section; and, without prejudice to the authority's powers apart from the following provisions of this subsection, the powers exercisable by the authority for the purpose of performing that duty shall include power—
- (a) to provide, within or outside its area, places at which to deposit waste before the authority transfers it to a place or plant or equipment provided in pursuance of the following paragraph; and
 - (b) to provide, within or outside its area, places at which to dispose of the waste and plant or equipment for processing it or otherwise disposing of it.

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- (5) Subsections (6) and (7) of section 12 of this Act shall have effect in relation to a disposal authority as if the reference in paragraph (a) of the said subsection (6) to the collection of waste in pursuance of that section included the disposal of waste in pursuance of this section and the disposal of anything produced from waste belonging to the authority.
- (6) A disposal authority or a collection authority may permit another person to use facilities provided by the authority in pursuance of the preceding provisions of this section and may provide for the use of another person any such facilities as the authority has power to provide in pursuance of those provisions; and—
- (a) subject to the following paragraph, it shall be the duty of the authority to make a reasonable charge in respect of the use by another person of the facilities unless the authority considers it appropriate not to make a charge;
 - (b) no charge shall be made in pursuance of this subsection in respect of household waste; and
 - (c) anything delivered to the authority by another person in the course of using the facilities shall belong to the authority and may be dealt with accordingly.
- (7) A collection authority and the relevant disposal authority may enter into an agreement for the making by either authority to the other of such payments as may be determined by or under the agreement in respect of waste collected by the collection authority in pursuance of section 12 of this Act including, without prejudice to the generality of the preceding provisions of this subsection, an agreement for the making of payments to the collection authority in respect of such arrangements as are mentioned in subsection (2) of this section.
- (8) Except as otherwise agreed in pursuance of the preceding subsection, the relevant disposal authority shall—
- (a) be entitled to receive from an English collection authority such sums as are needed to defray the reasonable cost to the disposal authority of disposing of commercial and industrial waste delivered to the disposal authority by the collection authority in pursuance of this section ; and
 - (b) pay to an English collection authority a reasonable contribution towards expenditure reasonably incurred by the collection authority in delivering waste to the disposal authority in pursuance of subsection (1) of this section where the place of delivery is unreasonably far from the collection authority's area ;
- and any question arising in pursuance of paragraph (a) of this subsection as to what cost is reasonable or in pursuance of paragraph (b) of this subsection as to whether a contribution is reasonable or expenditure was reasonably incurred or as to whether a place is unreasonably far from a collection authority's area shall, in default of agreement between the two authorities in question, be determined by arbitration.
- (9) References to waste in subsections (1), (2), (4), (7) and (8) of this section do not include matter removed from privies or cesspools in pursuance of section 12(5) of this Act, and it shall be the duty of a collection authority by which matter is so removed—
- (a) to deliver the matter, in accordance with any directions of the water authority of which the area includes that of the collection authority, at a place specified in the directions (which must be in or within a reasonable distance from the collection authority's area) to the water authority or to another person so specified;

- (b) to give to the water authority from time to time a notice stating the quantity of the matter which the collection authority expects to deliver to or as directed by the water authority in pursuance of the preceding paragraph during a period specified in the notice.
- (10) Any question arising in pursuance of paragraph (a) of the preceding subsection as to whether a place is within a reasonable distance from a collection authority's area shall, in default of agreement between the collection authority and the water authority in question, be determined by arbitration; and anything delivered to a water authority in pursuance of that subsection shall belong to the authority and may be dealt with accordingly.
- (11) For the purposes of section 30 and 31 of the Water Act 1973 (which among other things relate to charges for services performed by water authorities) the reception and disposal by a water authority or other person of matter delivered to it or him by another authority in pursuance of subsection (9) of this section shall be treated as a service performed by the water authority for the other authority.
- (12) This section does not apply to Scotland.

15 Disposal of waste in Scotland

- (1) It shall be the duty of each Scottish disposal authority to arrange for the disposal of any waste collected by it, in its capacity as a collection authority, in pursuance of section 12 of this Act; and, without prejudice to the authority's powers apart from the following provisions of this subsection, the powers exercisable by the authority for the purpose of performing that duty shall include power—
 - (a) to provide, within or outside its area, places at which to deposit waste before the authority transfers it to a place or plant or equipment provided in pursuance of the following paragraph ; and
 - (b) to provide, within or outside its area, places at which to dispose of the waste and plant or equipment for processing it or otherwise disposing of it.
- (2) Subsections (6) and (7) of section 12 of this Act shall have effect in relation to a Scottish disposal authority as if the reference in paragraph (a) of the said subsection (6) to the collection of waste in pursuance of that section included the disposal of waste in pursuance of this section and the disposal of anything produced from waste belonging to the authority.
- (3) A Scottish disposal authority may permit another person to use facilities provided by the authority in pursuance of the preceding provisions of this section and may provide for the use of another person any such facilities as the authority has power to provide in pursuance of those provisions, and—
 - (a) subject to the following paragraph, it shall be the duty of the authority to make a reasonable charge in respect of the use by another person of the facilities unless the authority considers it appropriate not to make a charge;
 - (b) no charge shall be made in pursuance of this subsection in respect of household waste; and
 - (c) anything delivered to the authority by another person in the course of using the facilities shall belong to the authority and may be dealt with accordingly.
- (4) References to waste in subsection (1) of this section do not include matter removed from privies in pursuance of section 12(5) of this Act, and it shall be the duty of

a Scottish collection authority (other than an islands council) by which matter is so removed—

- (a) to deliver the matter, in accordance with any directions of the regional council of which the area includes that of the collection authority, at a place specified in the directions (which must be in or within a reasonable distance from the collection authority's area) to the regional council or another person so specified;
 - (b) to give to the regional council from time to time a notice stating the quantity of the matter which the collection authority expects to deliver to or as directed by the regional council in pursuance of the preceding paragraph during a period specified in the notice;
- (5) Any question arising in pursuance of paragraph (a) of the preceding subsection as to whether a place is within a reasonable distance from a collection authority's area shall, in default of agreement between the collection authority and the regional council in question, be determined by arbitration; and anything delivered to a regional council in pursuance of that subsection shall belong to the council and may be dealt with accordingly.
- (6) This section applies to Scotland only.

16 Removal of waste deposited in breach of licensing provisions

- (1) If any controlled waste is deposited on any land in the area of a disposal authority or a collection authority in contravention of section 3(1) of this Act, the authority may serve a notice on the occupier of the land requiring him—
 - (a) to remove the waste from the land within a period specified in the notice, which shall not be less than twenty-one days beginning with the date of service of the notice; or
 - (b) to take within such a period such steps as are so specified with a view to eliminating or reducing the consequences of the deposit of the waste,or requiring him both to remove the waste as mentioned in paragraph (a) of this subsection and to take such steps as are mentioned in paragraph (b) of this subsection within such a period as aforesaid.
- (2) A person served with a notice in pursuance of the preceding subsection may within the twenty-one days aforesaid appeal to a magistrates' court against the notice; and on any such appeal the court shall quash the notice if it is satisfied that—
 - (a) the appellant neither deposited nor caused nor knowingly permitted the deposit of the waste on the land; or
 - (b) service of the notice on the appellant was not authorised by the preceding subsection; or
 - (c) there is a material defect in the notice;and in any other case shall either modify the notice or dismiss the appeal.
- (3) Where a person appeals against a notice in pursuance of this section, the notice shall be of no effect pending the determination of the appeal; and where the court modifies the notice or dismisses the appeal it may extend the period specified in the notice.
- (4) If a person on whom a notice is served in pursuance of subsection (1) of this section fails to comply with the notice, then—

- (a) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 and a further fine not exceeding £50 for each day on which the failure continues after conviction for the offence and before the authority which served the notice has begun to exercise its powers in pursuance of the following paragraph ; and
 - (b) the said authority may do what that person was required by the notice to do and may recover from him any expenses reasonably incurred by the authority in doing it.
- (5) If it appears to such an authority as is mentioned in subsection (1) of this section that waste has been deposited as there mentioned and that—
- (a) in order to remove or prevent pollution of water or danger to public health it is necessary forthwith to remove the waste or to take other steps with a view to eliminating or reducing the consequences of the deposit of it or necessary forthwith to remove the waste and to take such other steps; or
 - (b) there is no occupier of the land in question; or
 - (c) the occupier of the land neither made nor knowingly permitted the deposit of the waste,
- the authority may remove the waste from the land or take such other steps as aforesaid or, as the case may require, may remove it and take such other steps.
- (6) Where an authority exercises in respect of any land a power conferred on it by the preceding subsection it shall be entitled to recover the cost of doing so and of disposing of any waste removed in the exercise of the power—
- (a) in a case falling within paragraph (a) of that subsection, from the occupier of the land unless he proves that he neither made nor caused nor knowingly permitted the deposit in question ;
 - (b) in any case, from any person who deposited or caused or knowingly permitted the deposit of any of the waste in question on the land,
- except such of the cost as the occupier or other person shows was incurred unnecessarily.
- (7) Any waste removed by an authority in pursuance of this section shall belong to the authority and may be dealt with accordingly.

17 Special provisions with respect to certain dangerous or intractable waste

- (1) If the Secretary of State considers that controlled waste of any kind is or may be so dangerous or difficult to dispose of that special provision in pursuance of this subsection is required for the disposal of waste of that kind by disposal authorities or other persons, it shall be his duty to make provision by regulations for the disposal of waste of that kind (hereafter in this section referred to as " special waste "); and, without prejudice to the generality of the Secretary of State's power to make regulations in pursuance of the preceding provisions of this subsection, any such regulations may include provision—
- (a) for the giving of directions by disposal authorities with respect to matters connected with the disposal of special waste;
 - (b) for securing that special waste is not, while awaiting disposal in pursuance of the regulations, kept at any one place in quantities greater than those which are prescribed and in circumstances which differ from those which are prescribed;

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- (c) for requiring the occupier of premises on which special waste is situated to give notice of that fact and other prescribed information to a prescribed authority;
 - (d) for the keeping of records by persons who produce or dispose of special waste or transfer it to another person for disposal, for the inspection of the records and for the furnishing by such persons to prescribed authorities of copies of or information derived from the records;
 - (e) providing that a contravention of the regulations shall be an offence and prescribing the maximum penalty for the offence (which shall not exceed, on summary conviction, a fine of £400 and, on conviction on indictment, imprisonment for a term of two years and a fine).
- (2) Without prejudice to the generality of the power to make regulations conferred by the preceding subsection, regulations made in pursuance of that subsection may include provision—
- (a) requiring special waste of particular kinds to be disposed of only by disposal authorities or, in the case of special waste of a kind which the Secretary of State considers involves or may involve such a risk of damage to persons or animals or vegetation that it should be disposed of only by him, to be disposed of only by the Secretary of State;
 - (b) for the supervision by disposal authorities (whether by the application with modifications of provisions of section 9 of this Act or otherwise) of activities authorised by virtue of the regulations ;
 - (c) as to the recovery of expenses or other charges for disposals by disposal authorities or the Secretary of State in pursuance of the regulations;
 - (d) as to appeals to the Secretary of State from decisions of disposal authorities in pursuance of the regulations.
- (3) Provision may also be made by regulations—
- (a) for the giving of a direction, in respect of any place in respect of which a disposal licence or a resolution in pursuance of section 11 of this Act is in force, requiring the holder of the licence or the authority which passed the resolution to accept and dispose of at the place, on such terms as are specified in the direction (including terms as to the making of payments to the recipient of the direction), such special waste as is so specified ;
 - (b) as to the consents to be obtained and the other steps to be taken before a direction may be given in pursuance of the regulations and as to appeals to the Secretary of State against a direction so given ;
 - (c) providing that a failure to comply with such a direction shall be an offence punishable on summary conviction by a fine not exceeding £400 or such less amount as is prescribed and that a person shall not be guilty of an offence under any prescribed enactment by reason only of anything necessarily done or omitted in order to comply with such a direction.