



Control of Pollution Act 1974

1974 CHAPTER 40

PART I

WASTE ON LAND

Waste disposal arrangements

1 Arrangements for disposing of controlled waste

It shall be the duty of each disposal authority to ensure that the arrangements made by the authority and other persons for the disposal of waste are adequate for the purpose of disposing of all controlled waste which becomes situated in its area after this section comes into force and all controlled waste which is likely to become so situated.

Waste disposal plans

2 Preparation and revision of waste disposal plans

- (1) It shall be the duty of each disposal authority—
- (a) to carry out an investigation with a view to deciding what arrangements are needed for the purpose of disposing of controlled waste which is situated in its area and of controlled waste which is likely to be so situated;
 - (b) to decide what arrangements are in the opinion of the authority needed for that purpose;
 - (c) to prepare a statement of the arrangements made and proposed to be made by the authority and other persons for disposing of such waste during a period specified in the statement (hereafter in this section referred to as "the plan");
 - (d) to carry out from time to time further investigations with a view to deciding what changes in the plan are needed for the purpose aforesaid ; and
 - (e) to make any modification of the plan which the authority thinks appropriate in consequence of any further investigation in pursuance of the preceding paragraph;

and in considering any arrangements or modification for the purposes of paragraph (c) or (e) of this subsection it shall be the duty of the authority to have regard to the effect which the arrangements or modification would be likely to have on the amenities of any relevant locality and to the likely cost to the authority of the arrangements or modification.

- (2) It shall be the duty of a disposal authority to include in the plan information as to—
- (a) the kinds and quantities of controlled waste which the authority expects will be situated in its area during the period specified in the plan ;
 - (b) the kinds and quantities of controlled waste which the authority expects to be brought for disposal into or taken for disposal out of the authority's area during that period;
 - (c) the kinds and quantities of controlled waste which the authority expects to dispose of itself during that period ;
 - (d) the kinds and quantities of controlled waste which the authority expects to be disposed of in its area during that period by persons other than the authority ;
 - (e) the methods by which in the opinion of the authority controlled waste in its area should be disposed of, either by reclaiming substances from it or otherwise, during that period and the priorities which in its opinion should be accorded during that period to the provision of different methods of disposal;
 - (f) the sites and equipment which the authority and other persons are providing and during that period proposes itself to provide and expects other persons to provide for disposing of controlled waste ; and
 - (g) the estimated costs of the methods of disposal mentioned in the plan;

but provision may be made by regulations for modifying paragraphs (a) to (g) of this subsection and for requiring a disposal authority to take prescribed factors into account in preparing the plan and any modification of it.

- (3) It shall be the duty of a disposal authority—
- (a) in preparing the plan and any modification of it, to consult—
 - (i) any water authority any part of whose area is included in the area of the disposal authority, except where the plan or modification is prepared by an islands council, and
 - (ii) in a case where the plan or modification is prepared by an English disposal authority, the collection authorities whose areas are included in the area of the disposal authority, and
 - (iii) in a case where the plan or modification is prepared by a Scottish disposal authority other than an islands council, the council of the region in which the area of the authority is included, and
 - (iv) in a case where the plan or modification is prepared by a disposal authority of which the area is in Wales, the county council whose area includes that of the authority, and
 - (v) in a case where provisions of the plan or modification relate to the taking of waste for disposal into the area of another disposal authority, that other authority, and
 - (vi) in any case, such persons as the disposal authority considers it appropriate to consult from among persons who in the opinion of the authority are or are likely to be, or are representative of persons who are or are likely to be, engaged by way of trade or business in the disposal of controlled waste situated in the area of the authority and such other persons as are prescribed ; and

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- (b) before finally determining the content of the plan or modification (excluding a modification which in the opinion of the authority is such that no person will be prejudiced if the following provisions of this paragraph are disregarded with respect to it), to take such steps as in the opinion of the authority will—
 - (i) give adequate publicity in its area to the plan or modification, and
 - (ii) provide members of the public with opportunities of making representations to the authority about it,and to consider any representations made in pursuance of sub-paragraph (ii) of this paragraph and make any change in the plan or modification which the authority considers appropriate in consequence of the representations.
- (4) Without prejudice to the generality of the duty imposed on disposal authorities by the preceding subsection, it shall be the duty of a disposal authority, in preparing the plan and any modification of it (excluding a modification which the authority considers irrelevant for the purposes of this subsection), to consider, in consultation with such persons as the authority considers appropriate and as agree to participate in the consultations and, in the case of an English disposal authority, in consultation with the collection authorities whose areas are included in the area of the disposal authority.—
 - (a) what arrangements can reasonably be expected to be made for the purpose of reclaiming substances from controlled waste which is situated in the area of the disposal authority; and
 - (b) what provisions should be included in the plan for that purpose.
- (5) A disposal authority shall not finally determine the content of the plan or a modification of it in a case falling within paragraph (a)(v) of subsection (3) of this section except with the consent of the other disposal authority or, if the other authority withholds its consent, with the consent of the Secretary of State.
- (6) When a disposal authority has finally determined the content of the plan or a modification of it in accordance with the preceding provisions of this section it shall be the duty of the authority—
 - (a) to take such steps as in the opinion of the authority will give adequate publicity in its area to the plan or modification; and
 - (b) to send to the Secretary of State a copy of the plan or, as the case may be, particulars of the modification.
- (7) The Secretary of State may give to any authority a direction as to the time by which the authority is to perform any duty specified in the direction which is imposed on the authority by the preceding provisions of this section; and it shall be the duty of the authority to comply with the direction.

Licensing of disposal of controlled waste

3 Prohibition of unlicensed disposal of waste

- (1) Except in prescribed cases, a person shall not—
 - (a) deposit controlled waste on any land or cause or knowingly permit controlled waste to be deposited on any land; or
 - (b) use any plant or equipment, or cause or knowingly permit any plant or equipment to be used, for the purpose of disposing of controlled waste or of dealing in a prescribed manner with controlled waste,

unless the land on which the waste is deposited or, as the case may be, which forms the site of the plant or equipment is occupied by the holder of a licence issued in pursuance of section 5 of this Act (in this Part of this Act referred to as a "disposal licence") which authorises the deposit or use in question and the deposit or use is in accordance with the conditions, if any, specified in the licence.

(2) Except in a case falling within the following subsection, a person who contravenes any of the provisions of the preceding subsection shall, subject to subsection (4) of this section, be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(3) A person who contravenes paragraph (a) of subsection (1) of this section in a case where—

- (a) the waste in question is of a kind which is poisonous, noxious or polluting ; and
- (b) its presence on the land is likely to give rise to an environmental hazard; and
- (c) it is deposited on the land in such circumstances or for such a period that whoever deposited it there may reasonably be assumed to have abandoned it there or to have brought it there for the purpose of its being disposed of (whether by himself or others) as waste,

shall, subject to the following subsection, be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding £400 or both or, on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or both.

(4) It shall be a defence for a person charged with an offence under this section to prove—

- (a) that he—
 - (i) took care to inform himself, from persons who were in a position to provide the information, as to whether the deposit or use to which the charge relates would be in contravention of subsection (1) of this section, and
 - (ii) did not know and had no reason to suppose that the information given to him was false or misleading and that the deposit or use might be in contravention of that subsection ; or
- (b) that he acted under instructions from his employer and neither knew nor had reason to suppose that the deposit or use was in contravention of the said subsection (1); or
- (c) in the case of an offence of making, causing or permitting a deposit or use otherwise than in accordance with conditions specified in a disposal licence, that he took all such steps as were reasonably open to him to ensure that the conditions were complied with; or
- (d) that the acts specified in the charge were done in an emergency in order to avoid danger to the public and that, as soon as reasonably practicable after they were done, particulars of them were furnished to the disposal authority in whose area the acts were done.

4 Provisions supplementary to s. 3

(1) Where activities for which a disposal licence is required apart from this subsection have been carried on on any land during the period of six months ending with the date when subsection (1) of the preceding section comes into force, nothing in that

subsection shall apply to the carrying on of those activities on the land during the period of one year beginning with that date and, where at the end of that period an appeal is pending in pursuance of section 10 of this Act against a rejection of an application for a disposal licence in respect of those activities on the land or against a decision to issue such a licence which specifies conditions, until the appeal is determined.

- (2) Nothing in subsection (1) of the preceding section applies to household waste from a private dwelling which is deposited, disposed of or dealt with within the curtilage of the dwelling by or with the permission of the occupier of the dwelling.
- (3) It shall be the duty of the Secretary of State, in exercising the power conferred on him by subsection (1) of the preceding section to prescribe excepted cases, to have regard in particular to the expediency of excluding from the controls imposed by virtue of that subsection—
 - (a) any deposits which are small enough to be properly excluded from those controls or are of such a temporary nature that they may be so excluded;
 - (b) any uses of plant or equipment which are innocuous enough to be so excluded ;
 - (c) cases for which adequate controls are provided by an enactment other than that subsection ;

and without prejudice to the generality of section 104(1)(a) of this Act the said power may be so exercised as to prescribe different excepted cases for different areas.

- (4) References to land in the preceding section and this section include references to water which covers any land above low-water mark of ordinary spring tides and is not water in a stream within the meaning of Part II of this Act.
- (5) For the purposes of subsection (3) of the preceding section—
 - (a) the presence of waste on land gives rise to an environmental hazard if the waste has been deposited in such a manner or in such a quantity (whether that quantity by itself or cumulatively with other deposits of the same or different substances) as to subject persons or animals to a material risk of death, injury or impairment of health or as to threaten the pollution (whether on the surface or underground) of any water supply; and
 - (b) the fact that waste is deposited in containers shall not of itself be taken to exclude any risk which might be expected to arise if the waste were not in containers.
- (6) In the case of any deposit of waste, the degree of risk relevant for the purposes of the preceding subsection shall be assessed with particular regard—
 - (a) to the measures, if any, taken by the person depositing the waste, or by the owner or occupier of the land, or by others, for minimising the risk; and
 - (b) to the likelihood of the waste, or any container in which it is deposited, being tampered with by children or others.

5 Licences to dispose of waste

- (1) An application for a disposal licence in respect of any land in the area of a disposal authority must be made in writing to the authority and include such information as is prescribed.
- (2) A disposal licence shall not be issued for a use of land, plant or equipment for which planning permission is required in pursuance of the Town and Country Planning Act

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1971 or, in Scotland, the Town and Country Planning (Scotland) Act 1972 unless such permission is in force; but provision may be made by regulations for an application for a disposal licence to be considered while an application for any relevant planning permission is pending and for any proceedings connected with either application to be conducted concurrently with any proceedings connected with the other application.

- (3) Where a disposal authority receives an application for a disposal licence for a use of land, plant or equipment for which such planning permission as aforesaid is in force, it shall be the duty of the authority not to reject the application unless the authority is satisfied that its rejection is necessary for the purpose of preventing pollution of water or danger to public health.
- (4) Where a disposal authority proposes to issue a disposal licence, it shall be the duty of the authority before it does so—
- (a) to refer the proposal to the water authority and any collection authority of which the area includes any of the relevant land and to any other prescribed person; and
 - (b) to consider any representations about the proposal which, during the period of twenty-one days beginning with that on which the proposal is received by a body or person mentioned in paragraph (a) of this subsection or during such longer period as the disposal authority and that body or person agree in writing, the disposal authority receives from that body or person (including in particular any representations about the conditions which that body or person considers should be specified in the licence);

and if a water authority to which the proposal is referred requests the disposal authority not to issue the licence or disagrees with the disposal authority as to the conditions to be specified in the licence either of them may refer the matter to the Secretary of State and the licence shall not be issued except in accordance with his decision.

- (5) The preceding subsection shall not apply to Scotland, but in Scotland where a disposal authority (other than an islands council) proposes to issue a disposal licence, it shall be the duty of the authority before it does so—
- (a) to refer the proposal to—
 - (i) the river purification authority whose area includes any of the relevant land,
 - (ii) where the disposal authority is not also a district planning authority within the meaning of section 172 of the Local Government (Scotland) Act 1973, the general planning authority within the meaning of that section whose area includes any of the relevant land, and
 - (iii) any other prescribed person ; and
 - (b) to consider any representations about the proposal which during the period of twenty-one days beginning with that on which the proposal is received by a body or person mentioned in paragraph (a) of this subsection or during such longer period as the disposal authority and that body or person agree in writing, the disposal authority receives from that body or person (including in particular any representations about the conditions which that body or person considers should be specified in the licence);

and if a river purification authority to which the proposal is referred requests the disposal authority not to issue the licence or disagrees with the disposal authority as to the conditions to be specified in the licence either of them may refer the matter to

the Secretary of State and the licence shall not be issued except in accordance with his decision.

- (6) A person who, in an application for a disposal licence, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

6 Provisions supplementary to s. 5

- (1) Provision may be made by regulations as to the conditions which are or are not to be specified in a disposal licence, and as to the conditions specified in a disposal licence which shall be disregarded for the purposes of sections 3(1) and 31(2)(a) of this Act.
- (2) Subject to regulations made in pursuance of the preceding subsection, a disposal licence may include such conditions as the disposal authority which issues it sees fit to specify in the licence ; and without prejudice to the generality of the preceding provisions of this subsection, any such conditions may relate to—
- (a) the duration of the licence;
 - (b) the supervision by the holder of the licence of activities to which the licence relates ;
 - (c) the kinds and quantities of waste which may be dealt with in pursuance of the licence or which may be so dealt with during a specified period, the methods of dealing with them and the recording of information relating to them;
 - (d) the precautions to be taken on any land to which the licence relates;
 - (e) the steps to be taken with a view to facilitating compliance with any conditions of such planning permission as is mentioned in subsection (2) of the preceding section;
 - (f) the hours during which waste may be dealt with in pursuance of the licence; and
 - (g) the works to be carried out, in connection with the land, plant or equipment to which the licence relates, before the activities authorised by the licence are begun or while they are continuing;

and it is hereby declared that a condition may require the carrying out of works or the doing of any other thing which the authority considers appropriate in connection with the licence notwithstanding that the licence holder is not entitled as of right to carry out the works or do the thing.

- (3) The holder of a disposal licence who without reasonable excuse contravenes a condition of the licence which in pursuance of regulations made by virtue of subsection (1) of this section is to be disregarded for the purposes mentioned in that subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 ; but no proceedings for such an offence shall be brought in England and Wales except by or with the consent of the Director of Public Prosecutions or by the disposal authority which issued the licence.
- (4) It shall be the duty of each disposal authority—
- (a) to maintain a register containing prescribed particulars of all disposal licences issued by the authority which are for the time being in force ; and
 - (b) to secure that the register is open to inspection at its principal office by members of the public free of charge at all reasonable hours ; and

- (c) to afford members of the public reasonable facilities for obtaining from the authority, on payment of reasonable charges, copies of entries in the register.
- (5) If within the period of two months beginning with the date on which a disposal authority receives an application duly made to it for a disposal licence, or within such longer period as the authority and the applicant may at any time agree in writing, the authority has neither issued a licence in consequence of the application nor given notice to the applicant that the authority has rejected the application, the authority shall be deemed to have rejected the application.
- (6) References to land in the preceding section and this section include such water as is mentioned in section 4(4) of this Act.

7 Variation of conditions and revocation of licences

- (1) While a disposal licence issued by a disposal authority is in force, then—
 - (a) subject to any regulations in force by virtue of subsection (1) of the preceding section, the authority may—
 - (i) on its own initiative, serve a notice on the holder of the licence modifying the conditions specified in the licence to any extent which, in the opinion of the authority, is desirable and is unlikely to require unreasonable expenditure by the licence holder, and
 - (ii) on the application of the licence holder, serve a notice on him modifying the said conditions to the extent requested in the application ; and
 - (b) it shall be the duty of the authority to serve a notice on the licence holder modifying the conditions specified in the licence—
 - (i) subject to subsection (4) of this section, to the extent which in the opinion of the authority is required for the purpose mentioned in section 9(1)(a) of this Act, and
 - (ii) to the extent required by any regulations in force as aforesaid.
- (2) Subsection (4) or, in relation to Scotland, subsection (5) of section 5 of this Act shall with the necessary modifications apply to a proposal to serve a notice in pursuance of paragraph (a) or paragraph (b)(i) of the preceding subsection as it applies to a proposal to issue a disposal licence, except that—
 - (a) the disposal authority may postpone the reference in pursuance of the said subsection (4) or (5) so far as the authority considers that by reason of an emergency it is appropriate to do so ; and
 - (b) the disposal authority may disregard any other authority for the purposes of the preceding provisions of this subsection in relation to a modification which, in the opinion of the disposal authority, will not affect the other authority.
- (3) Section 5(6) of this Act shall apply to an application in pursuance of subsection (1)(a) (ii) of this section as it applies to an application for a disposal licence.
- (4) Where a disposal licence issued by a disposal authority is in force and it appears to the authority—
 - (a) that the continuation of activities to which the licence relates would cause pollution of water or danger to public health or would be so seriously detrimental to the amenities of the locality affected by the activities that the continuation of them ought not to be permitted ; and

(b) that the pollution, danger or detriment cannot be avoided by modifying the conditions specified in the licence,

it shall be the duty of the authority by a notice served on the holder of the licence to revoke the licence.

(5) A notice served in pursuance of this section shall state the time at which the modification or revocation in question is to take effect.

8 Transfer and relinquishment of licences

(1) The holder of a disposal licence may, after giving notice to the authority which issued the licence that he proposes to transfer it on a day specified in the notice to a person whose name and address are so specified, transfer the licence to that person; but a licence in respect of which such a notice is given shall cease to have effect on the expiration of the period of ten weeks beginning with the date on which the authority receives the notice if during the period of eight weeks beginning with that date the authority gives notice to the transferee that it declines to accept him as the holder of the licence.

(2) If by operation of law the right of the holder of a disposal licence to occupy the relevant land is transferred to some other person, that person shall be deemed to be the holder of the licence during the period of ten weeks beginning with the date of the transfer.

(3) Except as provided by the preceding provisions of this section, references in this Part of this Act to the holder of a disposal licence are references to the person to whom the licence was issued.

(4) The holder of a disposal licence may cancel the licence by delivering it to the authority which issued it and giving notice to the authority that he no longer requires the licence.

9 Supervision of licensed activities

(1) While a disposal licence is in force it shall be the duty of the authority which issued the licence to take the steps needed—

(a) for the purpose of ensuring that the activities to which the licence relates do not cause pollution of water or danger to public health or become seriously detrimental to the amenities of the locality affected by the activities ; and

(b) for the purpose of ensuring that the conditions specified in the licence are complied with.

(2) For the purpose of performing the duty which is imposed on a disposal authority by the preceding subsection in connection with a licence, any officer of the authority authorised in writing in that behalf by the authority may, if it appears to him that by reason of an emergency it is necessary to do so, carry out work on the relevant land and on any plant or equipment to which the licence relates.

(3) Where a disposal authority incurs any expenditure by virtue of the preceding subsection, the authority may recover the amount of the expenditure from the holder of the disposal licence in question, or if the licence has been revoked or cancelled from the last holder of it, except where the holder or last holder of the licence shows that there was no emergency requiring any work or except such of the expenditure as he shows was unnecessary.

- (4) Where it appears to a disposal authority that a condition specified in a disposal licence issued by the authority is not being complied with, then, without prejudice to any proceedings in pursuance of section 3 or 6(3) of this Act in consequence of any failure to comply with the condition, the authority may—
- (a) serve on the licence holder a notice requiring him to comply with the condition before a time specified in the notice; and
 - (b) if in the opinion of the authority the licence holder has not complied with the condition by that time, serve on him a further notice revoking the licence at a time specified in the further notice.

10 Appeals to Secretary of State from decisions with respect to licences

- (1) Where—
- (a) an application for a disposal licence or a modification of a disposal licence is rejected; or
 - (b) a disposal licence which specifies conditions is issued; or
 - (c) the conditions specified in a disposal licence are modified; or
 - (d) a disposal licence is revoked,

the applicant for the licence or, as the case may be, the holder or last holder of it may, in accordance with regulations, appeal from the decision in question to the Secretary of State; and where on such an appeal the Secretary of State determines that the decision is to be altered it shall be the duty of the disposal authority concerned to give effect to the determination.

- (2) While an appeal in pursuance of the preceding subsection is pending in a case falling within paragraph (c) or (d) of that subsection, the decision in question shall, subject to the following subsection, be ineffective; and if the appeal is dismissed or withdrawn the decision shall be effective again from the end of the day on which the appeal is dismissed or withdrawn.
- (3) The preceding subsection shall not apply to a decision of a disposal authority as respects which the notice relating to the decision which was served on the holder of the relevant licence in pursuance of section 7 or section 9(4)(b) of this Act includes a statement that in the opinion of the authority it is necessary for the purpose of preventing pollution of water or danger to public health that the preceding subsection should not apply to the decision ; but if on the application of the holder or former holder of the relevant licence the Secretary of State determines that the authority acted unreasonably in including such a statement in the said notice, then—
- (a) if the appeal in question is still pending at the end of the day on which the determination is made, the preceding subsection shall apply to the decision from the end of that day ; and
 - (b) the holder or former holder of the licence shall be entitled to recover compensation from the authority in respect of any loss suffered by him in consequence of the statement;

and any dispute as to a person's entitlement to compensation in pursuance of paragraph (b) of this subsection or as to the amount of the compensation shall be determined by arbitration.

11 Special provisions for land occupied by disposal authorities

- (1) Nothing In subsection (1) of section 3 of this Act shall apply to—

- (a) the deposit of controlled waste on land in the area of a disposal authority which is occupied by the authority ; or
 - (b) the use on land so occupied of any plant or equipment for the purpose of disposing of controlled waste or of dealing with controlled waste in a manner prescribed in pursuance of paragraph (b) of that subsection,

if the deposit is made or the plant or equipment is used by the authority or is made or used with the consent of the authority and in accordance with the conditions, if any, to which the consent is subject (other than a condition as to which it is provided by regulations that the condition shall be disregarded for the purposes of this subsection).
- (2) If any land occupied by a disposal authority is used by the authority as a site on which to deposit or permit other persons to deposit controlled waste or on which to use or permit other persons to use any plant or equipment for the purpose aforesaid, it shall be the duty of the authority to ensure that the land is used in accordance with conditions which are—
 - (a) calculated to prevent its use from causing pollution of water, danger to public health and serious detriment to the amenities of the locality in which the land is situated; and
 - (b) specified in a resolution passed by the authority in accordance with the following provisions of this section.
- (3) Where a disposal authority proposes that any land which the authority occupies or intends to occupy should be used by the authority as mentioned in the preceding subsection, it shall be the duty of the authority before it gives effect to the proposal—
 - (a) to prepare a statement of the conditions which the authority intends to specify in a resolution to be passed by the authority in pursuance of paragraph (e) of this subsection;
 - (b) to include in or, as the case may be, exclude from the statement any condition which by virtue of section 6(1) of this Act is required to be included in or excluded from a disposal licence ;
 - (c) to refer the proposal and the statement to each water authority and collection authority of which the area includes any of the land in question and to any other prescribed person;
 - (d) to consider any representations about the proposal and statement which, during the period of twenty-one days beginning with that on which the proposal and statement are received by a water authority or collection authority or during such longer period as the disposal authority and the other authority agree in writing, the disposal authority receives from the other authority (including in particular any representations about the conditions which the other authority considers should be included in any resolution passed in pursuance of the following paragraph);
 - (e) subject to subsection (5) of this section, to pass a resolution specifying the conditions in accordance with which the land in question is to be used by the disposal authority as mentioned in the preceding subsection.
- (4) In the application of the preceding subsection to Scotland—
 - (a) for paragraphs (c) and (d) there shall be substituted the following paragraphs—
 - “(c) to refer the proposal and the statement to the river purification authority whose area includes any of the land in question and, where the disposal authority is not also a district planning authority within the meaning of section 172 of the Local

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- Government (Scotland) Act 1973, to the general planning authority within the meaning of that section whose area includes any of the land and to any other prescribed person;
- (d) to consider any representations about the proposal and statement which, during the period of twenty-one days beginning with that on which the proposal and statement are received by the river purification authority or the general planning authority or during such longer period as the disposal authority and the other authority agree in writing, the disposal authority receives from that authority (including in particular any representations about the conditions which the river purification authority or the general planning authority considers should be included in any resolution passed in pursuance of the following paragraph);”
- (b) paragraphs (a) to (d), and in paragraph (e) the words " subject to subsection (5) of this section ", shall have effect only in a case where the proposal is made by a disposal authority other than an islands council.
- (5) If a water authority or, in Scotland, a river purification authority to which a proposal is referred by a disposal authority in pursuance of paragraph (c) of subsection (3) of this section requests the disposal authority not to proceed with the proposal or disagrees with the disposal authority as to the conditions to be specified in a resolution in pursuance of paragraph (e) of that subsection, either of them may refer the matter to the Secretary of State and it shall be the duty of the disposal authority not to pass a resolution in pursuance of that paragraph except in accordance with his decision.
- (6) A disposal authority by which a resolution has been passed in pursuance of paragraph (e) of subsection (3) of this section or this subsection—
- (a) may vary or rescind the resolution by a subsequent resolution of the authority ; and
- (b) shall so vary the resolution when it is necessary to do so in order to secure that the conditions specified in the resolution include or, as the case may be, exclude a condition which by virtue of section 6(1) of this Act is required to be included in or excluded from a disposal licence.
- (7) Paragraphs (a) to (d) of subsection (3) and subsection (5) of this section shall with the necessary modifications apply to a proposal to pass a resolution in pursuance of paragraph (a) of the preceding subsection and to such a resolution as they apply to such a proposal as is mentioned in those provisions and to a resolution in pursuance of the said paragraph (e), except that—
- (a) those provisions shall not apply to or to a proposal to pass a resolution which only rescinds a previous resolution ; and
- (b) the disposal authority may postpone the reference in pursuance of the said subsection (3) so far as the authority considers that by reason of an emergency it is appropriate to do so ; and
- (c) the disposal authority may disregard any other authority for the purposes of the preceding provisions of this subsection in relation to a resolution which, in the opinion of the disposal authority, will not affect the other authority.
- (8) If while a resolution is in force in pursuance of the preceding provisions of this section it appears to the authority which passed the resolution—
- (a) that the continuation of activities to which the resolution relates would cause pollution of water or danger to public health or would be so seriously

detrimental to the amenities of the locality affected by the activities that the activities ought not to continue ; and

- (b) that the pollution, danger or detriment cannot be avoided by modifying the conditions relating to the carrying on of the activities,

it shall be the duty of the authority to discontinue the activities and to rescind the resolution.

- (9) If it appears to a water authority or, in Scotland, a river purification authority that activities to which a resolution in pursuance of this section relates are causing or likely to cause pollution to relevant waters (within the meaning of Part II of this Act) in the area of the authority the authority may, without prejudice to the provisions of the preceding subsection or the said Part II, request the Secretary of State to direct the disposal authority which passed the resolution to discontinue the activities; and it shall be the duty of a disposal authority to comply with a direction given to it in pursuance of this sub section.
- (10) While a resolution passed by a disposal authority in pursuance of subsection (3) or (6) of this section is in force it shall be the duty of the authority to secure that particulars of the resolution are included in the register maintained by the authority in pursuance of section 6(4)(a) of this Act.
- (11) References to land in this section include such water as is mentioned in section 4(4) of this Act.

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;

- (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.

*Waste other than controlled waste***18 Application of preceding provisions to other waste**

- (1) The Secretary of State may, after consultation with such bodies as he considers appropriate, make regulations providing that prescribed provisions of sections 1 to 11 and 14 to 17 of this Act shall have effect in a prescribed area—

- (a) as if references in those provisions to controlled waste or controlled waste of a kind specified in the regulations included references to such waste as is mentioned in section 30(3)(c)(ii) of this Act which is of a kind so specified; and
- (b) with such other modifications as are prescribed;

and regulations made in pursuance of this subsection may make such modifications of any enactment other than the sections aforesaid as the Secretary of State considers appropriate in connection with the regulations.

(2) A person who—

- (a) deposits on any land any waste other than controlled waste; or
- (b) causes or knowingly permits the deposit on any land of any waste other than controlled waste,

in a case where, if the waste were controlled waste and any disposal licence relating to the land were not in force, he would be guilty of an offence under section 3(3) of this Act shall be guilty of such an offence and punishable accordingly unless the act charged was done in pursuance of and in accordance with the terms of any consent, licence, approval or authority granted under any enactment (excluding any planning permission under the enactments relating to town and country planning); and in this subsection "land" includes such water as is mentioned in section 4(4) of this Act.

(3) Subsection (2) of section 12 and subsection (4) of section 13 of this Act shall apply to waste other than controlled waste as the subsections apply to controlled waste.

19 Powers of disposal authorities as respects other waste

Each disposal authority shall have power to collect information about, and to make arrangements for the disposal of, waste which is situated or likely to be situated in its area and is not controlled waste; but nothing in sections 91 to 94 of this Act shall apply to functions conferred on an authority or information collected by an authority in pursuance of this section.

Reclamation etc. of waste

20 Reclamation of waste

Without prejudice to the powers of disposal authorities apart from this section, any disposal authority may—

- (a) do such things as the authority considers appropriate for the purpose of—
 - (i) enabling waste belonging to the authority, or belonging to another person who requests the authority to deal with it in pursuance of this section, to be used again, or
 - (ii) enabling substances to be reclaimed from such waste;
- (b) buy or otherwise acquire waste with a view to its being used again or to the reclamation of substances from it; and
- (c) use, sell or otherwise dispose of waste belonging to the authority or anything produced from such waste.

21 Production of heat and electricity from waste etc.

- (1) A disposal authority may, subject to subsections (2) and (3) of this section.—
- (a) use waste belonging to the authority for the purpose of producing from it heat or electricity or both;
 - (b) establish and operate, within or outside its area, such generating stations and other installations as the authority thinks fit for the purpose aforesaid; and
 - (c) where the authority operates an installation in which waste is usually used as the main fuel for the purpose of producing heat or electricity, then—
 - (i) in the case of an installation for producing heat, use other fuel in addition to waste to produce the heat, and
 - (ii) in the case of an installation for producing electricity, use other fuel to assist in burning the waste to produce the electricity,and, in an emergency, use other fuel instead of waste to produce the heat or electricity ;

and a disposal authority may use, sell or otherwise dispose of any heat produced by the authority by virtue of this section.

- (2) A disposal authority shall not be entitled to make any arrangements with a view to the production from waste of electricity for use otherwise than by the authority unless—
- (a) the authority has had consultations about the arrangements with the Central Electricity Generating Board and with any Electricity Board proposed to be specified in the arrangements in pursuance of paragraph (b) of the following subsection; and
 - (b) the arrangements are approved by the Secretary of State and are in accordance with any conditions which he attaches to his approval.

In the application of this subsection to Scotland the reference to the Central Electricity Generating Board shall be omitted.

- (3) Where a disposal authority produces electricity by virtue of this section the authority—
- (a) may use any of the electricity at the installation at which it was produced and on any premises occupied by the authority in connection with the installation, but shall not use any of it elsewhere;
 - (b) may sell any of the electricity, on such terms as are specified in the relevant arrangements made in pursuance of the preceding subsection, to any Electricity Board (within the meaning of the Electricity Act 1947) which is so specified, but shall not sell or otherwise dispose of any of it to any other person;

and it shall be the duty of any Electricity Board so specified to buy electricity from the authority in accordance with the said arrangements.

- (4) Subsection (6) of section 12 of this Act (except paragraph (b) of that subsection) and subsection (7) of that section (except so much of it as relates to the Pipe-lines Act 1962) shall have effect in relation to a disposal authority as if the reference in the said subsection (6) to the collection of waste in pursuance of that section included the conveying of heat produced by the authority by virtue of this section and of air, steam and water heated by such heat.
- (5) It shall be the duty of a disposal authority by which an installation for producing heat is operated in pursuance of this section in any year to furnish to the Secretary of State, as soon as practicable after the end of that year, such particulars relating to the installation and heat produced at it as are prescribed.

- (6) Nothing in this section (except the restrictions imposed by subsections (2) and (3)) shall be construed as prejudicing any power exercisable by a disposal authority apart from this section.

Street cleaning and litter

22 Street cleaning etc.

- (1) It shall be the duty of each highway authority to undertake the cleaning of the highways for which it is the highway authority so far as the cleaning of the highways is necessary for the maintenance of the highways or the safety of traffic on them.
- (2) It shall be the duty of each local authority to undertake the cleaning of the highways in its area so far as the cleaning of them appears to the authority to be necessary in the interests of public health or the amenities of the area ; but that duty shall not include a duty to undertake the cleaning of any special road which is a trunk road or any other cleaning falling to be done by a highway authority in pursuance of the preceding subsection.
- (3) A local authority may, with the consent of any person who has an interest in or is the occupier of any relevant land, arrange for the cleaning of the land and may enter into an agreement with such a person for the payment by him of charges in respect of the cleaning; and in this subsection " relevant land " means any land in the open air to which members of the public have access, either as of right or otherwise, and which is not the site of a highway.
- (4) In the preceding provisions of this section and in the following section—
" highway " means highway maintainable at the public expense within the meaning of the Highways Act 1959:
" local authority " means the council of a district or London borough and the Common Council of the City of London ; and
" special road " and " trunk road " have the same meanings as in the Highways Act 1959.
- (5) In the application of this section to Scotland the preceding subsection shall not have effect and in this section and in the following section—
" highway " and " highway authority " have respectively the same meanings as in the Roads (Scotland) Act 1970; "local authority" means a collection authority;
" special road " has the same meaning as in the Special Roads Act 1949;
" trunk road " means a highway which by virtue of the Trunk Roads Acts 1936 and 1946 or an order under section 1 of the Trunk Roads Act 1946, or by virtue of section 9(1) of the said Act of 1949, is a trunk road.

23 Prohibition of parking to facilitate street cleaning

- (1) Where in the case of any part of a highway (hereafter in this section referred to as " the relevant area ") the highway authority for the relevant area or the local authority in whose area the relevant area is situated considers that, in order to facilitate the cleaning of the relevant area on a particular day (hereafter in this section referred to as " the relevant day "), it is appropriate to prohibit the parking of vehicles in the relevant area

during certain hours of the relevant day, the authority may give notice in accordance with the following provisions of this section prohibiting such parking.

- (2) Such a notice must specify the relevant area, the relevant day and the hours in question and must be in such form and contain such other information as are prescribed; and subject to paragraphs (a) and (b) of the following subsection a copy of the notice must—
 - (a) be served in accordance with regulations on the occupier of any premises adjoining the relevant area and on any prescribed person ; and
 - (b) be conspicuously displayed in accordance with regulations at places in the relevant area.
- (3) Regulations may provide—
 - (a) that such a notice which is served in a prescribed manner in respect of any premises shall be treated for the purposes of this section as served on the occupier of the premises;
 - (b) that a failure to serve or display a notice as required by virtue of this section apart from the regulations shall in prescribed circumstances be disregarded for the purposes of this section ; and
 - (c) for the covering up of traffic signs and parking meters on the relevant day or any part of it, but without prejudice to the effect of the notice in question if regulations made in pursuance of this paragraph are not observed.
- (4) Regulations may also provide that sections 20, 52 and 53 of the Road Traffic Regulation Act 1967 (which among other things provide for the removal, storage and disposal of vehicles left on roads in contravention of a statutory prohibition) shall have effect, in relation to any vehicle which is or was standing on any part of a highway while parking on that part is or was prohibited by virtue of this section, with such modifications as are prescribed.
- (5) If, either before or during the hours on the relevant day which are specified in a notice given by an authority as mentioned in subsection (1) of this section, the authority displays such further notices in the relevant area and takes such other steps (if any) as are prescribed, the prohibition on parking attributable to the notice so given shall not come into force or, if it is already in force, shall cease to be in force.
- (6) It shall be the duty of the highway authority for any part of a highway and of the local authority in whose area the part is situated to co-operate with each other" in performing the functions conferred on them by virtue of this section; and where a highway authority or a local authority gives notice as mentioned in subsection (1) of this section in respect of any part of a highway for which it is the highway authority or, as the case may be, which is within its area, any other authority which is the highway authority for that part or which is the local authority within whose area that part is situated shall, with the approval of the authority which gave the notice, be entitled to act in pursuance of this section as if the other authority had given similar notice.
- (7) Where any parking in the relevant area is, by virtue of a notice given as mentioned in subsection (1) of this section, prohibited during specified hours on the relevant day, no right of action shall accrue to any person by reason of the fact that all or some of the cleaning of the relevant area which the highway authority or, as the case may be, the local authority proposes to do or has done during those hours is not cleaning which that authority has or had power to do if the other of those authorities has or had power to do it.

- (8) Any reference in the preceding provisions of this section to a part of a highway includes any such part on which the parking of vehicles is, apart from this section, authorised by virtue of any enactment whether on payment or free of charge; and where the parking of vehicles on such a part is prohibited by virtue of this section a person shall not be entitled to recover any sum paid by him in respect of the parking of a vehicle there.

24 Litter

- (1) It shall be the duty of the council of each county in England and Wales and the local authorities of which the areas are included in the county and, where the county includes land in a National Park, the Park authority to consult from time to time together, and with such voluntary bodies as the council and the authorities consider appropriate and as agree to participate in the consultations, about the steps which the council and each of the authorities and bodies is to take for the purpose of abating litter in the county; and it shall be the duty of the county council—
- (a) to prepare and from time to time revise a statement of the steps which the council and each of the authorities and bodies agrees to take for that purpose; and
 - (b) to take such steps as in its opinion will give adequate publicity in the county to the statement; and
 - (c) to keep a copy of the statement available at its principal office for inspection by the public free of charge at all reasonable hours.
- (2) The preceding subsection shall apply to Greater London and the Greater London Council as it applies to a county and the council of a county, and in that subsection " local authority " means a collection authority, a parish council, a parish meeting and a community council and " Park authority " means the National Parks Committee or the joint or special planning board for the Park in question.
- (3) In Scotland, it shall be the duty of—
- (a) the council of each region and the district councils of which the districts are included in the region to consult from time to time together and with such voluntary bodies as the regional council and the district councils consider appropriate and as agree to participate in the consultations;
 - (b) the council of each islands area to consult with such voluntary bodies as the council considers appropriate and as agree to participate in the consultations, about the steps which the regional or islands council and each of the bodies with which it consulted (including, in the case of a regional council, each district council) is to take for the purpose of abating litter in the region or, as the case may be, islands area ; and it shall be the duty of the regional or islands council—
 - (i) to prepare and from time to time revise a statement of the steps which the regional or islands council and each of the bodies agrees to take for the purpose;
 - (ii) to take such steps as in its opinion will give adequate publicity in its area to the statement; and
 - (iii) to keep a copy of the statement available at its principal office for inspection by the public free of charge at all reasonable hours.

- (4) The Secretary of State may with the consent of the Treasury make grants to any body for the purpose of assisting the body to encourage the public not to deface places in Great Britain by litter.

Supplemental

25 Disposal of waste underground by Coal Board etc.

- (1) Where the Coal Commission or the National Coal Board (hereafter in this section referred to respectively as " the Commission " and " the Board ") or any licensees of the Commission or the Board have, in the course of operations carried on for coal-mining purposes, exercised in respect of any underground land a right conferred on the Commission or the Board or the licensees by virtue of section 15 of the Coal Act 1938 (under which the Commission had and the Board have among other things subject to the restrictions mentioned in that section. the right in the course of such operations to enter and to execute works and do the other acts there mentioned in underground land not vested in them), that section shall have effect in relation to the land as if the reference to coal-mining purposes included the purposes of disposing of waste.
- (2) The preceding subsection shall apply to any underground land which—
- (a) is neither land included in a mine of coal which is vested in the Board nor land to which the said section 15 as modified by the preceding subsection applies apart from this subsection ; but
 - (b) is included in the boundaries of a cavity adjacent to such land as is mentioned in the preceding paragraph,
- as if the Board had, in the course of such operations as are mentioned in. the preceding subsection, exercised such a right as is so mentioned in respect of the underground land.
- (3) Paragraph (e) of the proviso to the said section 15 (which provides that the Board and its licensees shall not by virtue of that section be entitled to do any act which apart from that section would be actionable as a trespass or nuisance and likely to cause damage of more than a nominal amount) shall not apply to any right exercisable by virtue of subsection (1) or (2) of this section; but a person having an interest in any underground land who suffers damage by reference to that interest in consequence of the exercise of such a right shall be entitled to recover compensation from the Board in respect of the damage if the amount of the compensation will exceed £50, and any dispute as to a person's entitlement to compensation in pursuance of this subsection or as to the amount of the compensation shall be determined by arbitration.
- (4) The Board and any licensees of the Board shall not be entitled by virtue of subsection (1) or (2) of this section to exercise any right in respect of any underground land unless they have, not less than twenty-eight days before exercising the right, published in a local newspaper circulating in the locality in which the land is situated a notice specifying the right and indicating the location of the land and a place in the said locality at which a plan showing the location of the land may be inspected by the public free of charge at all reasonable hours.
- (5) Expressions used in this section and Part I of the Coal Act 1938 have the same meanings in this section as in that Part.

26 Outfall pipes for sewage disposal works

- (1) 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 outfall pipes and associated works which are provided or to be provided by a water authority for sewage disposal works belonging to the authority as those Parts apply in relation to water mains and pipes but as if in those Parts there were made the modifications specified in paragraphs (a) to (c) of section 12(7) of this Act.
- (2) This section does not apply to Scotland.

27 Interference with refuse tips and dustbins etc.

- (1) No person shall sort over or disturb—
 - (a) anything deposited at a place provided by a disposal authority or a collection authority for the deposit of waste or in a receptacle for waste which is provided by such an authority or a parish or community council for public use; or
 - (b) the contents of any receptacle for waste which, in accordance with regulations made by virtue of section 13(7) of this Act, is placed on any highway or in any other place with a view to its being emptied,

unless he is authorised to do so by the authority or council in the case of anything deposited as mentioned in paragraph (a) above or, in the case of such a receptacle as is mentioned in paragraph (b) above, unless he is a person entitled to the custody of the receptacle or is authorised to do so by such a person or is a person having the function of emptying the receptacle.

In the application of this subsection to Scotland, for the references to a parish or community council there shall be substituted references to a highway authority within the meaning of the Roads (Scotland) Act 1970.

- (2) A person who contravenes any of the provisions of the preceding subsection shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £100.

28 Supplementary provisions relating to pipes

- (1) Where an authority provides pipes in pursuance of section 12(6), 14(5), 15(2), 21(4) or 26 of this Act, it shall be the duty of the authority—
 - (a) except where the authority is a collection authority and the pipes are situated in its area, to send to the collection authority in whose area the pipes are situated a map in the prescribed form showing the location of the pipes; and
 - (b) where the authority is a collection authority and the pipes are situated in its area, to prepare such a map;

and it shall be the duty of an authority by which a map is received in pursuance of paragraph (a) of this subsection or is prepared in pursuance of paragraph (b) of this subsection to secure that a copy of the map is available at its principal offices for inspection by the public free of charge at all reasonable hours.

In the application of this subsection to Scotland, the words " the authority is a collection authority and " in paragraphs (a) and (b) shall be omitted.

- (2) Section 25 of the Public Health Act 1936 (under which the erection of buildings over a sewer or drain may be prevented or controlled by a local authority or, on appeal,

by a magistrates' court) shall have effect as if references to a drain included any pipe provided as mentioned in the preceding subsection and as if the reference to the map of sewers required by that Act to be kept deposited at the offices of an authority included any map required by the preceding subsection to be kept available at the offices of the authority.

- (3) Section 21 of the Sewerage (Scotland) Act 1968 (under which the erection of buildings over a sewer vested in a local authority may be prevented or controlled by the authority or, on appeal, by the sheriff) shall have effect as if the reference to a sewer vested in a local authority included any pipe provided as mentioned in subsection (1) of this section.
- (4) References to pipes in the preceding provisions of this section include associated works.

29 Modification of Parts I and II to avoid duplication of control

The Secretary of State may by regulations make such modifications of this Part of this Act and Part II of this Act as he considers appropriate with a view to securing that the provisions of one but not both of those Parts apply to prescribed acts and omissions.

30 Interpretation etc of Part I

- (1) Subject to the following subsection, in this Part of this Act—

" associated works ", in relation to pipes, means any of the following connected with the pipes, namely, any valve, filter, stopcock, pump, inspection chamber and manhole and such other works as are prescribed ;

" collection authority " means the council of a district or a London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple and " English collection authority " means a collection authority of which the area is in England ;

" controlled waste " means household, industrial and commercial waste or any such waste ;

" disposal authority " means the council of a county in England, the council of a district in Wales and the Greater London Council, " English disposal authority " means a disposal authority of which the area is in England and " relevant disposal authority ", in relation to an English collection authority, means the disposal authority of which the area includes that of the collection authority;

" disposal licence " has the meaning assigned to it by section 3(1) of this Act, and "holder" in relation to such a licence shall be construed in accordance with section 8(3) of this Act;

" private dwelling " means—

- (a) a hereditament or premises used wholly for the purposes of a private dwelling or private dwellings as determined in accordance with Schedule 13 to the General Rate Act 1967 ; and
- (b) a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960 (disregarding the amendment made by section 13(2) of the Caravan Sites Act 1968) which usually and for the time being is situated on a caravan site within the meaning of that Act;

" relevant land " means—

Status: This is the original version (as it was originally enacted).

- (a) in relation to a proposal to issue a disposal licence, the land on which activities may be carried on in pursuance of the licence if it is issued in accordance with the proposal; and
- (b) in relation to a disposal licence, the land on which activities may be carried on in pursuance of the licence, and references to land in the preceding paragraphs include such water as is mentioned in section 4(4) of this Act;

" waste " includes—

- (a) any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process; and
- (b) any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled,

but does not include a substance which is an explosive within the meaning of the Explosives Act 1875;

and for the purposes of this Part of this Act any thing which is discarded or otherwise dealt with as if it were waste shall be presumed to be waste unless the contrary is proved.

(2) In the application of this Part of this Act to Scotland—

" collection authority " means an islands or district council;

" disposal authority " means an islands or district council;

" private dwelling " means—

- (a) lands and heritages used wholly or mainly for the purposes of a private dwelling or private dwellings; and
- (b) a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960 which usually and for the time being is situated on a caravan site within the meaning of that Act;

" Scottish collection authority " means a collection authority of which the area is in Scotland; " Scottish disposal authority " means a disposal authority of which the area is in Scotland.

(3) Subject to the following subsection, for the purposes of this Part of this Act—

- (a) household waste consists of waste from a private dwelling or residential home or from premises forming part of a university or school or other educational establishment or forming part of a hospital or nursing home;
- (b) industrial waste consists of waste from any factory within the meaning of the Factories Act 1961 and any premises occupied by a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or any undertaking, excluding waste from any mine or quarry ; and
- (c) commercial waste consists of waste from premises used wholly or mainly for the purposes of a trade or business or the purposes of sport, recreation or entertainment excluding—
 - (i) household and industrial waste, and
 - (ii) waste from any mine or quarry and waste from premises used for agriculture within the meaning of the Agriculture Act 1947 or, in Scotland, the Agriculture (Scotland) Act 1948, and
 - (iii) waste of any other description prescribed for the purposes of this sub-paragraph.

Status: This is the original version (as it was originally enacted).

- (4) Regulations may provide that waste of a prescribed description shall be treated for the purposes of prescribed provisions of this Part of this Act as being or not being household waste or industrial waste or commercial waste; but no regulations shall be made by virtue of the preceding provisions of this subsection in respect of such waste as is mentioned in paragraph (c)(ii) of the preceding subsection and references in those provisions and in the preceding subsection to waste do not include sewage except so far as regulations provide otherwise.

In this subsection " sewage " includes matter in or from a privy within the meaning of section 12(5) of this Act.

- (5) Except as provided by regulations made by virtue of this subsection, nothing in this Part of this Act applies to radioactive waste within the meaning of the Radioactive Substances Act 1960 ; but regulations may—
- (a) provide for prescribed provisions of this Part of this Act to have effect with such modifications as the Secretary of State considers appropriate for the purposes of dealing with such radioactive waste ;
 - (b) make such modifications of the said Act of 1960 and any other Act as the Secretary of State considers appropriate in consequence of the passing of this Part of this Act or in connection with regulations made by virtue of the preceding paragraph.