



# Control of Pollution Act 1974

## 1974 CHAPTER 40

### PART I

#### WASTE ON LAND

##### *Licensing of disposal of controlled waste.*

#### **[<sup>F1</sup>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 [<sup>F2</sup>the appropriate Agency] 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the decision in question shall, subject to the following subsection, be ineffective; and if the appeal is dismissed or withdrawn the decision shall be effective again from the end of the day on which the appeal is dismissed or withdrawn.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 [<sup>F3</sup>if the decision in question is a decision] 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 [<sup>F3</sup>in the opinion of the body making the decision in question] 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

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*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 10. (See end of Document for details)*

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of the holder or former holder of the relevant licence the Secretary of State determines that [<sup>F3</sup>that body 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 [<sup>F3</sup>the appropriate Agency] 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.]

#### Textual Amendments

- F1** S. 10 repealed (1.5.1994 save in respect of specified activities, as to which in force as provided by S.I. 1994/1096, art. 3, 1.4.2015 for S. in so far as not already in force) by [Environmental Protection Act 1990 \(c. 43\)](#), s. 162, [Sch. 16 Pt. II](#); S.I. 1994/1096, [arts. 2, 3](#) (as amended by S.I. 1994/2487, [art. 2](#) and S.I. 1994/3234, [art. 2](#)), S.S.I. 2015/72, art. 2(2)(a)
- F2** Words in s. 10(1) substituted (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 24\(2\)](#) (Sch. 22 para. 24 *prospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S. I. 1996/186, [art. 3](#)
- F3** Words in s. 10(3) substituted (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 24\(3\)](#) (Sch. 22 para. 24 *prospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3](#)

#### Modifications etc. (not altering text)

- C1** Ss. 3-10: functions transferred (12.10.1995) by 1995 c. 25, [s. 21\(1\)\(c\)](#) (with ss. 7(6), 115, 117); S.I. 1995/2649, [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 10.