



# Control of Pollution Act 1974

## 1974 CHAPTER 40

### PART I

#### WASTE ON LAND

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

#### **[<sup>F1</sup>6 Provisions supplementary to s. 5.**

- (1) Provision may be made by regulations . . . <sup>F2</sup> 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) . . . <sup>F2</sup>, a disposal licence may include such conditions as [<sup>F3</sup>the appropriate Agency] 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;

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and it is hereby declared that a condition may require the carrying out of works or the doing of any other thing which [<sup>F3</sup>that Agency] 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 [<sup>F4</sup>level 5 on the standard scale]; 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 [<sup>F5</sup>the Environment Agency].
- (4) It shall be the duty of [<sup>F6</sup>the Environment Agency and of SEPA]—
- <sup>F7</sup>[ to maintain a register containing copies of all disposal licences which are for
    - (a) the time being in force in respect of land in England and Wales or, as the case may be, Scotland;]
    - (b) to secure that the register is open to inspection . . . <sup>F8</sup> 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 [<sup>F6</sup>that Agency], 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 [<sup>F9</sup>a duly made application for a disposal licence was received], or within such longer period as [<sup>F9</sup>the appropriate Agency] and the applicant may at any time agree in writing, [<sup>F9</sup>the appropriate Agency] has neither issued a licence in consequence of the application nor given notice to the applicant that [<sup>F9</sup>that Agency] has rejected the application, [<sup>F9</sup>that Agency] 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.]

#### Textual Amendments

- F1** S. 6 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 repealed by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [Sch. 34 Pt. II](#)
- F3** Words in s. 6(2) substituted (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), [Sch. 22 para. 20\(2\)\(a\)\(b\)](#) (Sch. 22 para. 20 *isprospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3](#)
- F4** Words “level 5 on the standard scale” substituted (11.4.1983) for words “£400” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [ss. 289F, 289G](#) (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), [s. 54](#))
- F5** Words in s. 6(3) substituted (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), [Sch. 22 para. 20\(3\)](#) (Sch. 22 para. 20 *isprospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3](#)
- F6** Words in s. 6(4) and (4)(c) substituted (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), [Sch. 22 para. 20\(4\)\(a\)](#) and (c) (Sch. 22 para. 20 *isprospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3](#)

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- F7** S. 6(4)(a) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 20(4)(b)** (Sch. 22 para. 20 is *prospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F8** Words in s. 6(4)(b) omitted (1.4.1996) by S.I. 1996/593, art. 3, **Sch. 2 para. 2**
- F9** Words in s. 6(5) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 20(5)(a)(b)(c)** (Sch. 22 para. 20 is *prospectively* repealed by Sch. 24 of the same 1995 Act) (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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**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:**

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