



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Prohibition on unauthorised or harmful depositing, treatment or disposal of waste

[^{F1}33B Section 33 offences: clean-up costs

- [^{F2}(1) This section applies where a person is convicted of an offence—
- (a) under section 33 above, in respect of a contravention of subsection (1) of that section consisting of the deposit or disposal of controlled waste [^{F3}or extractive waste];
 - (b) under regulation 38(1)(a) of the 2007 Regulations, in respect of a contravention of regulation 12 of those Regulations consisting of the disposal of waste.]
- (2) The reference in section 130(1)(a) of the Powers of Criminal Courts (Sentencing) Act 2000 (compensation orders) to loss or damage resulting from the offence includes costs incurred or to be incurred by a relevant person in—
- (a) removing the waste deposited or disposed of in or on the land;
 - (b) taking other steps to eliminate or reduce the consequences of the deposit or disposal; or
 - (c) both.
- (3) In subsection (2) above “relevant person” means—
- (a) the Environment Agency;
 - (b) a waste collection authority;
 - (c) the occupier of the land;
 - (d) the owner of the land (within the meaning of section 78A(9) below).

Status: Point in time view as at 07/07/2009. This version of this provision has been superseded.

Changes to legislation: Environmental Protection Act 1990, Section 33B is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) The reference in subsection (2) above to costs incurred does not, in the case of the Environment Agency or a waste collection authority, include any costs which the Agency or authority has already recovered under section 59(8) below.
- (5) [^{F4}Subject to subsection (6) below,] in relation to the costs referred to in subsection (2) above, the reference in section 131(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (limit on amount payable) to £5000 is instead to be construed as a reference to the amount of those costs (or, if the costs have not yet been incurred, the likely amount).
- [Subsection (5) above does not apply where a person (other than an establishment ^{F5}(6) or undertaking) is convicted of a relevant offence within the meaning of section 33 above.]]

Textual Amendments

- F1** S. 33B inserted (E.W.) (18.10.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 43(1)**, 108 (with [s. 43\(3\)](#)); [S.I. 2005/2896](#), **art. 2(b)**
- F2** S. 33B(1) substituted (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), [reg. 73](#), **Sch. 21 para. 6** (with [reg. 72](#), [Sch. 4](#))
- F3** Words in s. 33B inserted (E.W.) (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations \(S.I. 2009/1799\)](#), [reg. 28](#), {[Sch. 2 para. 1\(5\)](#)}
- F4** Words in s. 33B(5) inserted (15.5.2006) by [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), **reg. 2(3)(a)**
- F5** S. 33B(6) inserted (15.5.2006) by [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), **reg. 2(3)(b)**

Status:

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