



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 [^{F4}regulation 38(1) of the Environmental Permitting Regulations], in respect of a contravention of regulation 12 of those Regulations consisting of the disposal of waste.]
- (2) The reference in [^{F5}section 133(a) of the Sentencing Code] (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;
 - [the Natural Resources Body for Wales;]
 - ^{F6}(aa) a waste collection authority;
 - (c) the occupier of the land;
 - (d) the owner of the land (within the meaning of section 78A(9) below).

Changes to legislation: Environmental Protection Act 1990, Section 33B is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- (4) The reference in subsection (2) above to costs incurred does not, in the case of the Environment Agency [^{F7}, the Natural Resources Body for Wales] or a waste collection authority, include any costs which the Agency [^{F8}, Body] or authority has already recovered under section 59(8) below.
- (5) [^{F9}Subject to subsection (6) below,] in relation to the costs referred to in subsection (2) above, [^{F10}a reference in section 139(2) or (3) of the Sentencing Code] (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 ^{F11}(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(1)(b) substituted (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **regs. 1(1)(b)**, 107, **Sch. 26 para. 5(6)(b)** (with [Sch. 4](#))
- F5** Words in s. 33B(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), **s. 416(1)**, **Sch. 24 para. 116(2)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, **reg. 2**
- F6** S. 33B(3)(aa) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), **art. 1(2)**, **Sch. 2 para. 210(2)** (with [Sch. 7](#))
- F7** Words in s. 33B(4) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), **art. 1(2)**, **Sch. 2 para. 210(3)(a)** (with [Sch. 7](#))
- F8** Word in s. 33B(4) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), **art. 1(2)**, **Sch. 2 para. 210(3)(b)** (with [Sch. 7](#))
- F9** 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)**
- F10** Words in s. 33B(5) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), **s. 416(1)**, **Sch. 24 para. 116(3)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, **reg. 2**
- F11** S. 33B(6) inserted (15.5.2006) by [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), **reg. 2(3)(b)**

Modifications etc. (not altering text)

- C1** Ss. 33-34C applied (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), **regs. 1(2)**, **47(3)** (with [regs. 2](#), [47\(2\)](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)