



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Waste Management Licences

39 Surrender of licences.

- [^{F1}(1) A licence may be surrendered by its holder to the authority which granted it but, in the case of a site licence, only if the authority accepts the surrender.
- (2) The following provisions apply to the surrender and acceptance of the surrender of a site licence.
- [^{F2}(2A) A surrender of a site licence may extend to the whole of the land to which the licence extends or to any part of it.]
- (3) The holder of a site licence who desires to surrender it shall make an application for that purpose to the authority [^{F3}on a form provided by the authority for the purpose, giving such information and accompanied by such evidence as the authority reasonably requires and accompanied by the charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995.]
- (4) An authority which receives an application for the surrender of a site licence—
- (a) shall inspect the land to which the [^{F4}licence][^{F4}application] relates, and
 - (b) may require the holder of the licence to furnish to it further information or further evidence.
- (5) The authority shall determine whether it is likely or unlikely that the condition of the land, so far as that condition is the result of the use of the land for the treatment, keeping or disposal of waste (whether or not in pursuance of the licence), will cause pollution of the environment or harm to human health.

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- (6) If the authority is satisfied that the condition of the land is unlikely to cause the pollution or harm mentioned in subsection (5) above, the authority shall, subject to subsection (7) below, accept the surrender of the licence; but otherwise the authority shall refuse to accept it.
- (7) Where the authority proposes to accept the surrender of a site licence, the authority must, before it does so,—
- (a) refer the proposal to [^{F5}the appropriate planning authority]; and
 - (b) consider any representations about the proposal which [^{F5}the appropriate planning authority] makes to it during the allowed period;
- ^{F6} . . .
- ^{F7}(8)
- (9) Where the surrender of a licence is accepted under this section the authority shall issue to the applicant, with the notice of its determination, a certificate (a “certificate of completion”) stating that it is satisfied as mentioned in subsection (6) above and, on the issue of that certificate, the licence shall cease to have effect [^{F8}or, in the case of a partial surrender referred to in subsection (2A), the licence shall cease to have effect in relation to the land to which the surrender extends] .
- [^{F9}(9A) If, in the case of a partial surrender referred to in subsection (2A), the authority is of the opinion that it is necessary to modify the conditions of the licence to take account of the surrender, it shall specify the necessary modifications in the notice of its determination issued under subsection (9) and the modifications specified in the notice shall take effect on the date specified in the notice.]
- (10) If within the period of three months beginning with the date on which an authority receives an application to surrender a 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 certificate of completion nor given notice to the applicant that the authority has rejected the application, the authority shall be deemed to have rejected the application.
- (11) Section 36(10) above applies for the interpretation of the “allowed period” in [^{F10}subsection (7) above].
- ^{F11}[(12) In this section—
- “the appropriate planning authority” means—
 - (a) where the relevant land is situated in the area of a London borough council, that London borough council;
 - (b) where the relevant land is situated in the City of London, the Common Council of the City of London;
 - (c) where the relevant land is situated in a non-metropolitan county in England, the council of that county;
 - (d) where the relevant land is situated in a National Park or the Broads, the National Park authority for that National Park or, as the case may be, the Broads Authority;
 - (e) where the relevant land is situated elsewhere in England or Wales, the council of the district or, in Wales, the county or county borough, in which the land is situated;
 - (f) where the relevant land is situated in Scotland, the council constituted under section 2 of the ^{M1}Local Government etc. (Scotland) Act 1994 for the area in which the land is situated;

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“the Broads” has the same meaning as in the ^{M2}Norfolk and Suffolk Broads Act 1988;

“National Park authority”, ^{F12}. . . means a National Park authority established under section 63 of the Environment Act 1995 which has become the local planning authority for the National Park in question;

“the relevant land”, in the case of any site licence, means the land to which the licence relates.

^{F13}(13)

^{F11}(14) The Secretary of State may by regulations amend the definition of “appropriate planning authority” in subsection (12) above.]]

Textual Amendments

- F1** S. 39 repealed (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), regs. 73, 74(2), Sch. 21 para. 10, **Sch. 23** (with reg. 72, Sch. 4)
- F2** S. 39(2A) inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **2(8)(a)**
- F3** Words in s. 39(3) substituted (1.4.1996 for limited purposes and 1.4.1998 so far as not already in force) by [1995 c. 25, s. 120\(1\)](#), **Sch. 22 para. 73(2)** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**; [S.I. 1998/604](#), **art.2**.
- F4** Word in s. 39(4)(a) substituted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **2(8)(b)**
- F5** Words in s. 39(7)(a)(b) substituted (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), **Sch. 22 para. 73(3)(a)** (with ss. 7(6), 115, 117); [S.I. 1996/1286](#), **art. 3**
- F6** In s. 39(7) words following para. (b) repealed (1.4.1996) by [1995 c. 25, s. 120\(1\)\(3\)](#), Sch. 22 para. **73(3)(b)**, **Sch. 24** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**
- F7** S. 39(8) repealed (1.4.1996) by [1995 c. 25, s. 120\(1\)\(3\)](#), Sch. 22 para. 73(4), **Sch. 24** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**
- F8** Words in s. 39(9) inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **2(8)(c)**
- F9** S. 39(9A) inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **2(8)(d)**
- F10** Words in s. 39(11) substituted (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), **Sch. 22 para. 73(5)** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**
- F11** S. 39(12)-(14) added (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), **Sch. 22 para. 73(6)** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**
- F12** In s. 39(12) in the definition of "National Park authority" words repealed (1.4.1997) by [1995 c. 25, s. 120\(3\)](#), **Sch.24** (with ss. 7(6), 115, 117); [S.I. 1996/2560](#), **art. 2**,Sch.
- F13** S. 39(13) repealed (1.4.1997) by [1995 c. 25, s. 120\(3\)](#), **Sch.24** (with ss. 7(6), 115, 117); [S.I. 1996/2560](#), **art. 2**,Sch.

Modifications etc. (not altering text)

- C1** S. 39 excluded (E.W.) (15.6.2002) by [The Landfill \(England and Wales\) Regulations 2002 \(S.I. 2002/1559\)](#), regs. 15(6), 17(1), 18, **Sch. 4 para. 1(8)(iii)** (with regs. 3, 4)
S. 39 excluded (S.) (11.4.2003) by [The Landfill \(Scotland\) Regulations 2003 \(S.S.I. 2003/235\)](#), regs. 1(1), 17(6), 20, **Sch. 5 para. 1(5)(a)(iii)** (with regs. 3, 4)

Commencement Information

- I1** S. 39 not in force at Royal Assent, see s. 164(3); s. 39(3) in force at 18.2.1993 by [S.I. 1993/274](#), **art. 2(1)**; s. 39 in force in so far as not already in force at 1.5.1994 save for purposes of application to activities specified in art. 2(2) of the commencing S.I. and otherwise in force in relation to those

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activities in accordance with art. 3 of the commencing S.I. by S.I. 1994/1096, **arts. 2(2)(3), 3** (as amended by S.I. 1994/2487, **art. 2** and S.I. 1994/3234, **art. 2**)

Marginal Citations

M1 1994 c. 39.

M2 1988 c. 4.

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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\(4\)](#)