



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Collection, disposal or treatment of controlled waste

[^{F1}59ZB.Powers to require removal of waste unlawfully kept or disposed of: England and Wales

- (1) Subsection (2) applies if any controlled waste or extractive waste is kept or disposed of in or on any land in the area of an authority in contravention of section 33(1) or regulation 12 of the Environmental Permitting Regulations.
- (2) The authority may, by notice served on the occupier, require the occupier to do one or both of the following—
 - (a) remove the waste from the land within a specified period of not less than 21 days beginning with the service of the notice;
 - (b) take within such a period specified steps with a view to eliminating or reducing the consequences of the keeping or disposal of the waste.
- (3) A person on whom a requirement is imposed under subsection (2) may, within 21 days beginning with the service of the notice, appeal against the requirement to a magistrates' court.
- (4) On any appeal under subsection (3), the court must quash the requirement if it is satisfied that—
 - (a) the appellant did not keep or dispose of, or knowingly cause or knowingly permit the keeping or disposal of, the waste, or
 - (b) there is a material defect in the notice,and in any other case may modify the requirement or dismiss the appeal.
- (5) Where a person appeals against a requirement imposed under subsection (2), the requirement has no effect pending the determination of the appeal; and where the court

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modifies the requirement or dismisses the appeal it may extend the period specified in the notice.

- (6) If a person on whom a requirement imposed under subsection (2) fails, without reasonable excuse, to comply with the requirement, that person is liable, on summary conviction, to a fine.
- (7) Where a person on whom a requirement has been imposed under subsection (2) by an authority fails to comply with the requirement, the authority may do what that person was required to do and may recover from that person any expenses reasonably incurred by the authority in doing it.
- (8) If it appears to an authority that controlled waste or extractive waste has been kept or disposed of in or on any land in the authority's area in contravention of section 33(1) or regulation 12 of the Environmental Permitting Regulations, and that—
 - (a) in order to remove or prevent pollution of land, water or air or harm to human health, it is necessary that the waste be forthwith removed, or that steps are taken to eliminate or reduce the consequences of the keeping or disposal, or both,
 - (b) there is no occupier of the land or the occupier cannot be found without the authority incurring unreasonable expense, or
 - (c) the occupier did not keep or dispose of, or knowingly cause or knowingly permit the keeping or disposal of, the waste,
 the authority may remove the waste from the land, or take steps to eliminate or reduce the consequences of the keeping or disposal of the waste, or both.
- (9) Where an authority exercises any of the powers conferred on it by subsection (8), it is entitled to recover the cost incurred by it in removing the waste or taking the steps or both, and in disposing of the waste—
 - (a) in a case falling within subsection (8)(a), from the occupier of the land, unless the occupier proves that the occupier did not keep or dispose of, or knowingly cause or knowingly permit the keeping or disposal of, the waste,
 - (b) in any case, from any person who kept or disposed of, or knowingly caused or knowingly permitted the keeping or disposal of, the waste,
 except such of the cost as the occupier or that person shows was incurred unnecessarily.
- (10) An authority may not recover costs under subsection (9) if [F2a compensation order (within the meaning given by section 133 of the Sentencing Code) has been made] in favour of the authority in respect of any part of those costs.
- (11) Subsection (10) does not apply if the compensation order is set aside on appeal.
- (12) Any waste removed by an authority under subsection (8) belongs to that authority and may be dealt with accordingly.
- (13) Subsections (2) and (8) do not apply in relation to household waste from a domestic property which is kept or disposed of within the curtilage of that property by a person other than an establishment or undertaking.
- (14) In this section and section 59ZC, “authority” means—
 - (a) a waste regulation authority in England or Wales, or
 - (b) a waste collection authority in England or Wales.]

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Textual Amendments

- F1** Ss. 59ZB, 59ZC inserted (E.W.) (9.5.2018) by [The Waste Enforcement \(England and Wales\) Regulations 2018 \(S.I. 2018/369\)](#), reg. 1(3), **Sch. 1 para. 2** (with reg. 4(2))
- F2** Words in s. 59ZB(10) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 119** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2

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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\(4\)](#)