



Environmental Protection Act 1990

1990 CHAPTER 43

PART I

INTEGRATED POLLUTION CONTROL AND AIR POLLUTION CONTROL BY LOCAL AUTHORITIES

Authorisations

7 Conditions of authorisations.

[^{F1}(1) There shall be included in an authorisation—

- (a) subject to paragraph (b) below, such specific conditions as the enforcing authority considers appropriate, when taken with the general condition implied by subsection (4) below, for achieving the objectives specified in subsection (2) below;
- (b) such conditions as are specified in directions given by the Secretary of State under subsection (3) below; and
- (c) such other conditions (if any) as appear to the enforcing authority to be appropriate;

but no conditions shall be imposed for the purpose only of securing the health of persons at work (within the meaning of Part I of the ^{M1}Health and Safety at Work etc. Act 1974).

(2) Those objectives are—

- (a) ensuring that, in carrying on a prescribed process, the best available techniques not entailing excessive cost will be used—
 - (i) for preventing the release of substances prescribed for any environmental medium into that medium or, where that is not practicable by such means, for reducing the release of such substances to a minimum and for rendering harmless any such substances which are so released; and
 - (ii) for rendering harmless any other substances which might cause harm if released into any environmental medium;

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- (b) compliance with any directions by the Secretary of State given for the implementation of any [^{F2}[^{F3}assimilated] obligations] or international law relating to environmental protection;
 - (c) compliance with any limits or requirements and achievement of any quality standards or quality objectives prescribed by the Secretary of State under any of the relevant enactments;
 - (d) compliance with any requirements applicable to the grant of authorisations specified by or under a plan made by the Secretary of State under section 3(5) above.
- (3) Except as respects the general condition implied by subsection (4) below, the Secretary of State may give directions to the enforcing authorities as to the conditions which are, or are not, to be included in all authorisations, in authorisations of any specified description or in any particular authorisation.
- (4) Subject to subsections (5) and (6) below, there is implied in every authorisation a general condition that, in carrying on the process to which the authorisation applies, the person carrying it on must use the best available techniques not entailing excessive cost—
- (a) for preventing the release of substances prescribed for any environmental medium into that medium or, where that is not practicable by such means, for reducing the release of such substances to a minimum and for rendering harmless any such substances which are so released; and
 - (b) for rendering harmless any other substances which might cause harm if released into any environmental medium.
- (5) In the application of subsections (1) to (4) above to authorisations granted by a local enforcing authority references to the release of substances into any environmental medium are to be read as references to the release of substances into the air.
- (6) The obligation implied by virtue of subsection (4) above shall not apply in relation to any aspect of the process in question which is regulated by a condition imposed under subsection (1) above.
- (7) The objectives referred to in subsection (2) above shall, where the process—
- (a) is one designated for central control; and
 - (b) is likely to involve the release of substances into more than one environmental medium;
- include the objective of ensuring that the best available techniques not entailing excessive cost will be used for minimising the pollution which may be caused to the environment taken as a whole by the releases having regard to the best practicable environmental option available as respects the substances which may be released.
- (8) An authorisation for carrying on a prescribed process may, without prejudice to the generality of subsection (1) above, include conditions—
- (a) imposing limits on the amount or composition of any substance produced by or utilised in the process in any period; and
 - (b) requiring advance notification of any proposed change in the manner of carrying on the process.
- (9) This section has effect subject to section 28 below ^{F4} . . .
- (10) References to the best available techniques not entailing excessive cost, in relation to a process, include (in addition to references to any technical means and technology)

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references to the number, qualifications, training and supervision of persons employed in the process and the design, construction, lay-out and maintenance of the buildings in which it is carried on.

- (11) It shall be the duty of enforcing authorities to have regard to any guidance issued to them by the Secretary of State for the purposes of the application of subsections (2) and (7) above as to the techniques and environmental options that are appropriate for any description of prescribed process.
- (12) In subsection (2) above “the relevant enactments” are any enactments or instruments contained in or made for the time being under—
- (a) section 2 of the ^{M2}Clean Air Act 1968;
 - ^{F5}(b) [^{F6}assimilated] law;]
 - (c) Part I of the ^{M3}Health and Safety at Work etc. Act 1974;
 - (d) Parts II, III or IV of the ^{M4}Control of Pollution Act 1974;
 - ^{F7}[(e) the Water Resources Act 1991; [^{F8}and]]
 - (f) section 3 of this Act [^{F9}; [^{F8}and]
 - (g) section 87 of the Environment Act 1995. [^{F10} and
 - (h) Part 1 of the Water Environment and Water Services (Scotland) Act 2003 (asp 3).]]]

Textual Amendments

- F1** Ss. 1-28 repealed (1.4.2015 for S. for the repeal of ss. 1-19, 22-28) by Pollution Prevention and Control Act 1999 (c. 24), s. 7(3), **Sch. 3** (with s. 7(7)); S.S.I. 2015/74, art. 2(2)(b)
- F2** Words in s. 7(2)(b) substituted (31.12.2020) by The Environment (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/458), regs. 1(1), **2(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in s. 7(2)(b) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 29(2)**
- F4** Words in s. 7(9) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 49(1), **Sch.24** (with ss. 7(6), 115); S.I. 1996/186, **art.3**
- F5** S. 7(12)(b) substituted (31.12.2020) by The Environment (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/458), regs. 1(1), **2(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in s. 7(12)(b) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 29(2)**
- F7** S. 7(12)(e) substituted (1. 12. 1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2, 4(2), **Sch. 1 para. 56(2)**
- F8** Words in s. 7(12) omitted (S.) (1.4.2006) by virtue of The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181), art. 2, **Sch. Pt. IV para. 5(2)(a)**
- F9** S. 7(12)(g) and the word immediately preceding it added (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 49(2)**(with ss. 7(6), 115); S.I. 1996/186, **art.3**
- F10** S. 7(12)(h) and preceding word inserted (S.) (1.4.2006) by The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181), art. 2, **Sch. Pt. IV para. 5(2)(b)**

Marginal Citations

- M1** 1974 c. 37.
- M2** 1968 c. 62.
- M3** 1974 c. 37.
- M4** 1974 c. 40.

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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\(4\)](#)