



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### [<sup>F1</sup>PART IIA

#### CONTAMINATED LAND

##### <sup>F2</sup>[<sup>F1</sup>78B Identification of contaminated land.

- (1) Every local authority shall cause its area to be inspected from time to time for the purpose—
  - (a) of identifying contaminated land; and
  - (b) of enabling the authority to decide whether any such land is land which is required to be designated as a special site.
- (2) In performing its functions under subsection (1) above a local authority shall act in accordance with any guidance issued for the purpose by the Secretary of State in accordance with section 78YA below.
- (3) If a local authority identifies any contaminated land in its area, it shall give notice of that fact to—
  - (a) the appropriate Agency;
  - (b) the owner of the land;
  - (c) any person who appears to the authority to be in occupation of the whole or any part of the land; and
  - (d) each person who appears to the authority to be an appropriate person;and any notice given under this subsection shall state by virtue of which of paragraphs (a) to (d) above it is given.
- (4) If, at any time after a local authority has given any person a notice pursuant to subsection (3)(d) above in respect of any land, it appears to the enforcing authority that another person is an appropriate person, the enforcing authority shall give notice to that other person—
  - (a) of the fact that the local authority has identified the land in question as contaminated land; and

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**Changes to legislation:** Environmental Protection Act 1990, Section 78B is up to date with all changes known to be in force on or before 26 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

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(b) that he appears to the enforcing authority to be an appropriate person.]

#### Textual Amendments

- F1** Pt. 2A (ss. 78A-78YC) inserted (in force at 21.9.1995 for certain purposes only, at 1.4.2000 for E. in so far as not already in force, at 14.7.2000 for S. for certain purposes and otherwise 14.7.2000) by 1995 c. 25, s. 57, (with ss. 7(6), 115, 117); S.I. 1995/1983, art. 3; S.I. 2000/340, art. 2(a); S.S.I. 2000/180, art. 2(1)(a)(2); S.I. 2000/1986, art. 2
- F2** Pt. IIA (ss. 78A-78YC) inserted (in force at 21.9.1995 for certain purposes only, at 1.4.2000 for E. in so far as not already in force, at 14.7.2000 for S. for certain purposes and otherwise 14.7.2000) by 1995 c. 25, s. 57 (with ss. 7(6), 115, 117); S.I. 1995/1983, art. 3; S.I. 2000/340, art. 2(a); S.S.I. 2000/180, art. 2(1)(a)(2); S.I. 2000/1986, art. 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\(4\)](#)