



Environmental Protection Act 1990

1990 CHAPTER 43

PART IV

LITTER ETC

Provisions relating to litter

98 Definitions.

(1) The following definitions apply for the interpretation of this Part.

[^{F1}(1A) “Appropriate person” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the National Assembly for Wales.]

(2) “Educational institution”, in relation to England and Wales, means—

- ^{F2}(a)
- (b) the Open University;
- (c) any institution which provides higher education or further education (or both) which is full-time education being an institution which—
 - (i) is maintained by grants made by the Secretary of State under [^{F3}section 485 of the Education Act 1996];
 - (ii) ^{F4}.....
 - (iii) is maintained by a [^{F5}local authority as defined in section 579(1) of the Education Act 1996];
- [^{F6}(d) any institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992]
- (e) any city technology college [^{F7}, city college for the technology of the arts or [^{F8}Academy]];
- [^{F9}(f) any community, foundation or voluntary school;
- (g) any community or foundation special school.]

(3) “Educational institution”, in relation to Scotland, means—

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- (a) any university within the meaning of the Education Reform Act 1988 funded by the Universities Funding Council under section 131 of that Act;
 - (b) the Open University;
 - [^{F10}(c) any educational establishment (not being a school) within the meaning of section 135(1) of the Education (Scotland) Act 1980 for the provision of any form of further education for the management of which establishment an education authority is responsible;
 - (cc) any college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 managed by a board of management established under Part I of that Act;]
 - [^{F11}(d) a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992;]
 - [^{F12}(da) any institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992]
 - (e) a technology academy within the meaning of section 68(1) of the 1989 Act;
 - (f) a public school as defined in section 135(1) of the [^{F13}Education (Scotland) Act 1980 (“the 1980 Act”)];
 - (g) a grant-aided school as defined in section 135(1) of the 1980 Act;
 - [^{F14}(h) a self-governing school within the meaning of section 1(3) of the 1989 Act.]
- (4) “Joint board”, in relation to Scotland, has the meaning given by section 235(1) of the ^{M1}Local Government (Scotland) Act 1973.
- (5) “Highway” (and “highway maintainable at the public expense”), “special road” and “trunk road”, in relation to England and Wales, have the same meaning as in the ^{M2}Highways Act 1980 and “public road”, “special road” and “trunk road”, in relation to Scotland, have the same meaning as in the ^{M3}Roads (Scotland) Act 1984.
- [^{F15}(5A) “Litter” includes—
- (a) the discarded ends of cigarettes, cigars and like products, and
 - (b) discarded chewing-gum and the discarded remains of other products designed for chewing.]
- (6) “Statutory undertaker” means—
- (a) any person authorised by any enactment to carry on any railway, light railway, tramway or road transport undertaking;
 - (b) any person authorised by any enactment to carry on any canal, inland navigation, dock, harbour or pier undertaking; or
 - (c) any relevant airport operator (within the meaning of Part V of the ^{M4}Airports Act 1986).

Annotations:

Amendments (Textual)

- F1** S. 98(1A) inserted (E.W.) (7.4.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 26
- F2** S. 98(2)(a) repealed (1.4.1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt. II para. 95(a), [Sch. 9](#); S.I. 1992/831, art. 2, [Sch. 3](#).
- F3** Words in s. 98(2)(c)(i) substituted (1.11.1996) by [1996 c. 56](#), s. 582(1), 583(2), [Sch. 37 Pt. I para. 100\(a\)](#) (with ss. 1(4), [Sch. 39](#)).

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- F4** Words in s. 98(2)(c)(ii) repealed (6.11.2006 for E. and 2.1.2008 for W.) by Education Act 2002 (c. 32), ss. 215(1)(2), 216, Sch. 21 para. 10, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2006/2895, **art. 2**; S.I. 2007/3611, **art. 4(1)**, Sch. Pt. 1 (with Sch. Pt. 3 para. 1)
- F5** Words in s. 98(2)(c)(iii) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 39**
- F6** S. 98(2)(d) substituted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. II para. 95(b)**; S.I. 1992/831, art. 2, **Sch. 3**.
- F7** Words in s. 98(2)(e) substituted (28.7.2000 for specified purposes and otherwise *prosp.*) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 19** (with s. 150)
- F8** Words in s. 98(2)(e) substituted (26.7.2002) by Education Act 2002 (c. 32), s. 65(3), **Sch. 7 Pt. 2 para. 2** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2** (as amended by S.I. 2002/2018)
- F9** S. 98(2)(f)(g) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 23** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F10** S. 98(3)(c)(cc) substituted (1.4.1993) by Further and Higher Education (Scotland) Act 1992 (c. 37) s. 62(2), Sch. 9 para. 13(a); S.I. 1992/817, art. 3(2), **Sch. 4**.
- F11** S. 98(3)(d) substituted (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(2), **Sch. 9**, para. 13(b); S.I. 1992/817, art. 3(2), **Sch. 1**
- F12** S. 98(2)(da) inserted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. II para. 95(c)**; S.I. 1992/831, art. 2, **Sch. 3**.
- F13** Words in s. 98(3)(f) substituted (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37) s. 62(2), Sch. 9 para. 13(c); S.I. 1992/817, art. 3(2), **Sch. 1**
- F14** S. 98(3)(h) repealed (S.) (31.12.2004) by 2000 asp 6, ss. 60(2), 61(2), Sch. 3; S.S.I. 2004/528, **art. 2**
- F15** S. 98(5A) inserted (E.W.) (7.6.2005) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 27, 108(4)(c)**

Modifications etc. (not altering text)

- C1** S. 98(2) applied (E.W.)(1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt. I**.

Commencement Information

- I1** S. 98 partly in force; s. 98 not in force at Royal Assent see s. 164(2); s. 98(1) (2) (5) (6) in force (E.W) 13.2.1991 by S.I. 1991/96, **art. 3**
S. 98(3)(4) in force 1.4.1991; s. 98(1)(5)(6) in force (S.) 1.4.1991 see s. 164(3) and S.I. 1991/1042, **art. 2**

Marginal Citations

- M1** 1973 c. 65.
M2 1980 c. 66.
M3 1984 c. 54.
M4 1986 c. 31.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 98(5) words inserted by 2015 c. 7 Sch. 1 para. 112(2)

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

- Blanket amendment words substituted by S.I. 2011/1043 art. 3 4
- Blanket amendment words substituted by S.I. 2011/1043 art. 3 6

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

- Pt. 2A amendment to earlier affecting provision SI 2006/1379 regs. 3-17 Sch. by S.I. 2016/562 Sch. 2 para. 9
- Pt. 2A amendment to earlier affecting provision SI 2006/2988 regs. 3-17 Sch. by S.I. 2016/562 Sch. 2 para. 10
- Pt. 2A amendment to earlier affecting provision SI 2007/3240 regs. 3, 15 by S.I. 2016/562 Sch. 2 para. 11
- s. 29(5A) inserted by S.S.I. 2011/226 reg. 2(2)(a)
- s. 29(5A)(ba) inserted by S.S.I. 2012/148 reg. 2(2)
- s. 30(1)(aa) inserted by S.I. 2013/755 Sch. 2 para. 208(3)
- s. 33A(8A)-(8C) inserted by 2014 asp 3 sch. 3 para. 11(2)(c)
- s. 33A(11A) inserted by 2014 asp 3 sch. 3 para. 11(2)(e)
- s. 33A(12)(b) inserted by 2014 asp 3 sch. 3 para. 11(2)(f)(ii)
- s. 33A(13A)(13B) inserted by 2014 asp 3 sch. 3 para. 11(2)(h)
- s. 33B(3)(aa) inserted by S.I. 2013/755 Sch. 2 para. 210(2)
- s. 33ZA inserted by S.I. 2016/334 reg. 2(2)
- s. 34(1)(ab) inserted by S.S.I. 2012/148 reg. 2(3)(a)(ii)
- s. 34(1)(ba) inserted by S.S.I. 2011/226 reg. 2(4)(a)(ii)
- s. 34(1)(ba) words substituted by S.S.I. 2012/148 reg. 2(3)(a)(iii)
- s. 34(2A)-(2D) inserted by S.S.I. 2011/226 reg. 2(4)(b)
- s. 34(2E)-(2L) inserted by S.S.I. 2012/148 reg. 2(3)(b)
- s. 34(4B) inserted by S.S.I. 2011/226 reg. 2(4)(c)
- s. 34(4B) words substituted by S.S.I. 2012/148 reg. 2(3)(d)
- s. 34(4AB) inserted by S.S.I. 2012/148 reg. 2(3)(c)
- s. 34D and cross-heading inserted by 2016 anaw 3 s. 66(1)
- s. 35(3)(c) inserted by S.S.I. 2011/226 reg. 2(5)
- s. 37(2A) inserted by S.S.I. 2011/226 reg. 2(6)(b)
- s. 38(3A) inserted by S.S.I. 2011/226 reg. 2(7)(a)
- s. 38(6A) inserted by S.S.I. 2011/226 reg. 2(7)(c)
- s. 38(12A) inserted by S.S.I. 2011/226 reg. 2(7)(e)
- s. 39(2A) inserted by S.S.I. 2011/226 reg. 2(8)(a)
- s. 39(9A) inserted by S.S.I. 2011/226 reg. 2(8)(d)
- s. 40(1A) inserted by S.S.I. 2011/226 reg. 2(9)(a)
- s. 40(5A)-(5C) inserted by S.S.I. 2011/226 reg. 2(9)(c)
- s. 40A inserted by S.S.I. 2011/226 reg. 2(10)
- s. 42(6ZA) inserted by S.S.I. 2011/226 reg. 2(11)(a)
- s. 45(1)(c) and words inserted by S.S.I. 2012/148 reg. 2(4)(a)(ii)
- s. 45(1A) inserted by S.S.I. 2012/148 reg. 2(4)(b)
- s. 45C inserted by S.S.I. 2012/148 reg. 2(5)
- s. 45AA 45AB inserted by 2016 anaw 3 s. 65
- s. 46(4)(f) (g) added by 2014 asp 3 sch. 3 para. 3(3)(b)
- s. 46A-46D inserted by 2015 c. 20 s. 58(3)
- s. 47(4)(f) (g) added by 2014 asp 3 sch. 3 para. 3(4)(b)

- s. 47ZB(2)(b)(i)(ii) inserted by S.I. 2012/1150 art. 2
- s. 47ZB(2)(b)(i) and word omitted by 2015 c. 20 s. 58(4)(a)
- s. 47ZB(2)(b)(ii) words omitted by 2015 c. 20 s. 58(4)(b)
- s. 59(3A) words substituted by 2012 c. 2 s. 17(2)
- s. 59(8C)(8D) inserted by 2014 asp 3 sch. 3 para. 11(3)
- s. 63(5) added by 2014 asp 3 sch. 3 para. 40(4)
- s. 65(8) excluded by S.I. 2016/779 art. 9(2)
- s. 71(5)(6) inserted by 2016 c. 25 Sch. 2 para. 4
- s. 73(10) added by 2014 asp 3 sch. 3 para. 40(5)
- s. 73A(1A) inserted by S.I. 2013/755 Sch. 2 para. 215
- s. 74(7)(c) (ia) inserted by 2014 asp 3 s. 48(d)(ii)
- s. 74(7)(aa) inserted by 2014 asp 3 s. 48(a)
- s. 74(7)(ba) inserted by 2014 asp 3 s. 48(c)
- s. 75(2A) inserted by S.S.I. 2011/226 reg. 2(12)(b)
- s. 75(7A)(7B) inserted by S.S.I. 2012/148 reg. 2(7)
- s. 78A(9)(a) words omitted by S.I. 2013/755 Sch. 2 para. 216(a)
- s. 78A(9)(c) inserted by S.I. 2013/755 Sch. 2 para. 216(b)
- s. 78F(5A) inserted by 2014 asp 3 s. 45(2)
- s. 78X(4)(g) inserted by 2014 asp 3 s. 45(5)
- s. 78X(4A) inserted by 2014 asp 3 sch. 3 para. 40(6)
- s. 78QA inserted by 2014 asp 3 s. 45(3)
- s. 78TA 78TB inserted by 2014 asp 3 s. 45(4)
- s. 79(6B) inserted by 2014 asp 3 sch. 3 para. 40(7)
- s. 88(5A)(a)(b) substituted for words by 2014 asp 3 sch. 3 para. 11(4)(b)
- s. 88(8A)-(8D) inserted by 2014 asp 3 sch. 3 para. 11(4)(e)
- s. 88(10A)(10B) inserted by 2014 asp 3 sch. 3 para. 11(4)(g)
- s. 88A inserted by 2014 c. 12 s. 154(2)
- s. 89(1)(ba) inserted by 2015 c. 7 Sch. 1 para. 111(2)(b)
- s. 89(2)(c) inserted by 2015 c. 7 Sch. 1 para. 111(3)(b)
- s. 98(5B) inserted by 2015 c. 7 Sch. 1 para. 112(3)
- s. 98(6A) inserted by 2014 asp 3 sch. 3 para. 40(8)
- s. 108(11) inserted by 2015 asp 1 sch. para. 4(2)
- s. 111(12) inserted by 2015 asp 1 sch. para. 4(3)
- s. 126(9) inserted by 2015 asp 1 sch. para. 4(4)
- s. 153(1)(a)-(nn) substituted for s. 153(1)(a)-(aaa) by S.I. 2015/479 art. 2
- s. 153(1)(ff) omitted by S.S.I. 2013/74 art. 2(a)
- s. 153(1)(mm) substituted by S.S.I. 2013/74 art. 2(b)
- s. 153(1)(nn) words inserted by S.S.I. 2013/74 art. 2(c)
- s. 153(1)(rr) substituted by S.S.I. 2013/74 art. 2(d)
- s. 153(1)(z1) added by S.S.I. 2015/210 art. 2
- s. 153(1)(z2) added by S.S.I. 2016/406 art. 2
- s. 161(2AA)(2AB) inserted by 2016 anaw 3 s. 69(4)
- s. 161(2ZB)(2ZC) inserted by 2014 c. 12 s. 154(3)
- Sch. 4 para. 1(3) added by 2014 asp 3 sch. 3 para. 40(10)

Commencement Orders yet to be applied to the Environmental Protection Act 1990
Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2011/556 art. 1-3 commences (2009 c. 23)
- S.I. 2012/284 art. 2 commences (2003 c. 37)
- S.I. 2012/802 art. 2(c) commences (2008 c. 29)
- S.S.I. 2011/38 art. 2 Sch. commences (2011 asp 2)