
STATUTORY INSTRUMENTS

1991 No. 2829 (C. 86)

ENVIRONMENTAL PROTECTION

**The Environmental Protection Act 1990
(Commencement No. 10) Order 1991**

Made - - - - 12th December 1991

The Secretary of State, in exercise of his powers under section 164(3) of the Environmental Protection Act 1990(1), hereby makes the following Order:

Citation

1. This Order may be cited as the Environmental Protection Act 1990 (Commencement No. 10) Order 1991.

Provisions coming into force on 13th December 1991

2. The following provisions of the Environmental Protection Act 1990 shall come into force on 13th December 1991—

- section 33(3) and (4);
- section 34(5), (7) to (9) and (11);
- section 52(8) in so far as it relates to section 52(1) and (3);
- section 78.

Provisions coming into force on 1st January 1992

3. The following provisions of the Environmental Protection Act 1990 shall come into force on 1st January 1992—

- section 144 in so far as it relates to Part I of Schedule 13;
- section 162(2) in so far as it relates to the repeals in Part VII of Schedule 16 relating to the Planning (Hazardous Substances) Act 1990(2).

Provisions coming into force on 1st April 1992

4. The following provisions of the Environmental Protection Act 1990 shall come into force on 1st April 1992—

- section 33(1)(c);

(1) 1990 c. 43.
(2) 1990 c. 10.

section 33(2) and (6) to (9) in so far as they relate to section 33(1)(c);
section 34 (in so far as not already in force);
section 69;
section 70;
section 162(1) in so far as it relates to paragraphs 10 and 31 of Schedule 15 (in so far as not
already in force);
section 162(2) in so far as it relates to the following repeals in Schedule 16–
in Part II, the repeal of section 9(2) of the Control of Pollution (Amendment) Act 1989⁽³⁾;
in Part VI, the repeals relating to the Nature Conservancy Council Act 1973⁽⁴⁾ .

Michael Heseltine
One of Her Majesty's Principal Secretaries of
State

12th December 1991

⁽³⁾ 1989 c. 14.
⁽⁴⁾ 1973 c. 54.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force on 13th December 1991 certain provisions of Part II of the Environmental Protection Act 1990 “the Act”) which confer power to make regulations and issue codes of practice, and provide for the general disapplication of that Part in relation to radioactive waste.

Article 3 brings section 144 of the Act into force on 1st January 1992 in relation to Part I of Schedule 13 to the Act, (which makes amendments of hazardous substances legislation in relation to England and Wales) and certain associated repeals.

Article 4 brings into force on 1st April 1992–

- (1) provisions of Part II of the Act–
 - (a) which make it a criminal offence to treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health;
 - (b) imposing a duty of care on anyone who imports, produces, carries, keeps, treats or disposes of controlled waste or, as a broker, has control of such waste;
 - (c) conferring powers of entry on inspectors, including powers to deal with a cause of imminent danger of serious pollution of the environment or serious harm to human health;
- (2) certain amendments and repeals.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Environmental Protection Act 1990 have been brought into force by commencement orders made before the date of this Order:

Provisions	Date of commencement	S.I. No.
ss.128 to 139 (save for the amendments made by ss.128, 130 and 132)	5.11.1990	1990/2226
s.89(7) to (9) and (11) to (13)	13.11.1990	1990/2243
s.105 (partially)	7.12.1990	1990/2565
s.3	19.12.1990	1990/2635
ss.1, 2, 4 to 28, 100 to 104, 105 (partially), 159 and 162(2) (partially)	1.1.1991	1990/2635
ss.86(2), (6) to (8), (11), (14) and (15), 88(5), (7) and (9)(b), 89(4), 90(1), (2) and (7), 94(1) and (2) and 96(2) and (3) and 162(1) (partially)	14.1.1991	1991/96

Provisions	Date of commencement	S.I. No.
ss.86(1), (4), (5), (9) and (13), 87(1), (2), (3)(a) to (e) and (4) to (6), 88(1) to (4), (6), (8), (9)(a) and (c) to (e) and (10), 98(1), (2), (5) and (6)	(England and Wales only) 13.2.1991	1991/96
the amendments made by ss. 128, 130 and 132 s.162(2) (partially)	1.4.1991	1991/685
ss.86(3) and (10), 87(7), 89(1) (a) to (f), (2), (3), (5), (6), (10) and (14), 91(1)(a) to (f), (2) to (13), 92(1)(a) to (c), (2) to (10), 93, 94(3) to (9), 95, 96(1), 98(3) and (4), 106(4) and (5), 107(8), 108(1)(b), (3) (b), (5), (7) and (9), 111(1), (2), (4), (5), (7) and (11), 113, 114(1) to (3), 115(4), 122(1), (partially) and (4), 123(7) and (9), 124 to 126, 156, 158, 162(1) and (2) (partially)	1.4.1991	1991/1042
ss.86(1), (4), (5) and (13), 87(1), (2), (3)(a) to (e) and (4) to (6), 88(1) to (4), (6), (8), (9) (a), (c) and (d) and (10) and only 98(1), (5) and (6)	(Scotland only) 1.4.1991	1991/1042
ss.29 to 32, 50, 51, 60 (partially), 68, 71, 72, 75, 77, 147, 162(1) and (2) (partially)	31.5.1991	1991/1319
ss.86(12), 87(3)(f), 89(1)(g), 90(3) to (6), 91(1)(g) and 92(1) (d)	1.6.1991	1991/1042
s.152	10.7.1991	1991/1577
s.49	1.8.1991	1991/1577