



# Control of Pollution Act 1974

## 1974 CHAPTER 40

### PART I

#### WASTE ON LAND

##### *Reclamation etc. of waste*

#### **21 Production of heat and electricity from waste etc.**

- [<sup>F1</sup>(1) A disposal authority may, subject to [<sup>F2</sup>subsection (2)] of this section,—
- (a) use waste belonging to the authority for the purpose of producing from it heat or electricity or both;
  - (b) establish and operate, within or outside its area, such generating stations and other installations as the authority thinks fit for the purpose aforesaid; and
  - (c) where the authority operates an installation in which waste is usually used as the main fuel for the purpose of producing heat or electricity, then—
    - (i) in the case of an installation for producing heat, use other fuel in addition to waste to produce the heat, and
    - (ii) in the case of an installation for producing electricity, use other fuel to assist in burning the waste to produce the electricity,and, in an emergency, use other fuel instead of waste to produce the heat or electricity;
- and a disposal authority may use, sell or otherwise dispose of any heat [<sup>F3</sup>or electricity] produced by the authority by virtue of this section.
- [<sup>F4</sup>(2) Nothing in subsection (1) of this section shall be construed as exempting a disposal authority from the requirements of Part I of the Electricity Act 1989.]
- (4) Subsection (6) of section 12 of this Act (except paragraph (b) of that subsection) and subsection (7) of that section (except so much of it as relates to the <sup>M1</sup>Pipe-lines Act 1962) shall have effect in relation to a disposal authority as if the reference in the said subsection (6) to the collection of waste in pursuance of that section included the

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**Changes to legislation:** There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 21. (See end of Document for details)

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conveying of heat produced by the authority by virtue of this section and of air, steam and water heated by such heat.

- (5) It shall be the duty of a disposal authority by which an installation for producing heat is operated in pursuance of this section in any year to furnish to the Secretary of State, as soon as practicable after the end of that year, such particulars relating to the installation and heat produced at it as are prescribed.
- (6) Nothing in this section <sup>F5</sup>. . . shall be construed as prejudicing any power exercisable by a disposal authority apart from this section.]

#### Textual Amendments

- F1** S. 21 repealed (1.4.2015 for S.) by [Environmental Protection Act 1990 \(c. 43\)](#), s. 164(3), **Sch. 16 Pt. II**; S.S.I. 2015/72, art. 2(2)(b)
- F2** Words substituted by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 18(2), Sch. 17 para. 33, **35(1)**
- F3** Words inserted by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 18(2), Sch. 17 para. 33, **35(1)**
- F4** S. 21(2) substituted for subsections (2) and (3) by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 18(3), Sch. 17 para. 33, **35(1)**
- F5** Words repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 18(4), Sch. 17 para. 33, 35(1), **Sch. 18**

#### Marginal Citations

- M1** 1962 c. 58.

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