



Control of Pollution Act 1974

1974 CHAPTER 40

PART I

WASTE ON LAND

Licensing of disposal of controlled waste.

[^{F13} **Prohibition of unlicensed disposal of waste.**

- (1) Except in prescribed cases, a person shall not—
 - (a) deposit controlled waste on any land or cause or knowingly permit controlled waste to be deposited on any land; or
 - (b) use any plant or equipment, or cause or knowingly permit any plant or equipment to be used, for the purpose of disposing of controlled waste or of dealing in a prescribed manner with controlled waste,unless the land on which the waste is deposited or, as the case may be, which forms the site of the plant or equipment is occupied by the holder of a licence issued in pursuance of section 5 of this Act (in this Part of this Act referred to as a “disposal licence”) which authorises the deposit or use in question and the deposit or use is in accordance with the conditions, if any, specified in the licence.
- (2) Except in a case falling within the following subsection, a person who contravenes any of the provisions of the preceding subsection shall, subject to subsection (4) of this section, be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.
- (3) A person who contravenes paragraph (a) of subsection (1) of this section in a case where—
 - (a) the waste in question is of a kind which is poisonous, noxious or polluting; and
 - (b) its presence on the land is likely to give rise to an environmental hazard; and
 - (c) it is deposited on the land in such circumstances or for such a period that whoever deposited it there may reasonably be assumed to have abandoned

Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 3. (See end of Document for details)

it there or to have brought it there for the purpose of its being disposed of (whether by himself or others) as waste,

shall, subject to the following subsection, be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding £400 or both or, on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or both.

- (4) It shall be a defence for a person charged with an offence under this section to prove—
- (a) that he—
 - (i) took care to inform himself, from persons who were in a position to provide the information, as to whether the deposit or use to which the charge relates would be in contravention of subsection (1) of this section, and
 - (ii) did not know and had no reason to suppose that the information given to him was false or misleading and that the deposit or use might be in contravention of that subsection; or
 - (b) that he acted under instructions from his employer and neither knew nor had reason to suppose that the deposit or use was in contravention of the said subsection (1); or
 - (c) in the case of an offence of making, causing or permitting a deposit or use otherwise than in accordance with conditions specified in a disposal licence, that he took all such steps as were reasonably open to him to ensure that the conditions were complied with; or
 - (d) that the acts specified in the charge were done in an emergency in order to avoid danger to the public and that, as soon as reasonably practicable after they were done, particulars of them were furnished to the disposal authority in whose area the acts were done.

[In this section and subsections (5) and (6) of the following section “land” includes land ^{F2}(5) covered with waters where the land is above the low-water mark of ordinary spring tides and the waters are not inland waters (within the meaning of Chapter I of Part III of the Water Act 1989).]]

Textual Amendments

- F1** S. 3 repealed (1.5.1994 save in respect of specified activities, as to which in force as provided by [S.I. 1994/1096](#), art. 3, 1.4.2015 for S. in so far as not already in force) by [Environmental Protection Act 1990](#) (c. 43), s. 162, [Sch. 16 Pt. II](#); [S.I. 1994/1096](#), [arts. 2, 3](#) (as amended by [S.I. 1994/2487](#), [art. 2](#) and [S.I. 1994/3234](#), [art. 2](#)), [S.S.I. 2015/72](#), art. 2(2)(a)
- F2** S. 3(5) inserted (E.W.) by [Water Act 1989](#) (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 25 para. 48\(2\)](#), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\)](#), [58](#)

Modifications etc. (not altering text)

- C1** Ss. 3-10: functions transferred (12.10.1995) by [1995 c. 25, s. 21\(1\)\(c\)](#) (with ss. 7(6), 115, 117); [S.I. 1995/2649](#), [art. 2](#)
- C2** S. 3(1) excluded (E.W.) (1.4.1991) and (S.) (1.4.1992) by [S.I. 1991/508](#), [reg. 2\(1\)](#).
- C3** S. 3(1) modified (27.7.1999) by [1999 c. 24, s. 4\(6\)\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 3.