



# Control of Pollution (Amendment) Act 1989

## 1989 CHAPTER 14

### 5 Duty to produce authority to transport controlled waste. **S**

- (1) If it reasonably appears to any duly authorised officer of a [<sup>F1</sup>disposal authority][<sup>F1</sup>regulation authority] or to a constable that any controlled waste is being or has been transported in contravention of section 1(1) above, he may—
  - (a) stop any person appearing to him to be or to have been engaged in transporting that waste and require that person to produce his authority or, as the case may be, his employer's authority for transporting that waste; and
  - (b) search any vehicle that appears to him to be a vehicle which is being or has been used for transporting that waste, carry out tests on anything found in any such vehicle and take away for testing samples of anything so found.
- (2) Nothing in subsection (1) above shall authorise any person other than a constable in uniform to stop a vehicle on any road.
- (3) Subject to the following provisions of this section, a person who is required by virtue of this section to produce an authority for transporting controlled waste shall do so by producing it forthwith to the person making the requirement, by producing it at the prescribed place and within the prescribed period or by sending it to that place within that period.
- (4) A person shall be guilty of an offence under this section if he—
  - (a) intentionally obstructs any authorised officer of a [<sup>F1</sup> disposal authority][<sup>F1</sup> regulation authority] or constable in the exercise of the power conferred by subsection (1) above; or
  - (b) subject to subsection (5) below, fails without reasonable excuse to comply with a requirement imposed in exercise of that power;

and in paragraph (b) above the words “ without reasonable excuse ” shall be construed in their application to Scotland, as in their application to England and Wales, as making it a defence for a person against whom proceedings for the failure are brought to show that there was a reasonable excuse for the failure, rather than as requiring the person bringing the proceedings to show that there was no such excuse.

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*Status: Point in time view as at 16/03/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution (Amendment) Act 1989, Section 5 . (See end of Document for details)*

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- (5) A person shall not be guilty of an offence by virtue of subsection (4)(b) above unless it is shown—
- (a) that the waste in question was controlled waste; and
  - (b) that that person did transport it to or from a place in Great Britain.
- (6) For the purposes of this section a person's authority for transporting controlled waste is—
- (a) his certificate of registration as a carrier of controlled waste or such a copy of that certificate as satisfies prescribed requirements; or
  - (b) such evidence as may be prescribed that he is not required to be registered as a carrier of controlled waste.
- (7) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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#### **Textual Amendments**

- F1** Words in s. 5(1)(4)(a) substituted (31.5.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 15 para. 31\(2\)](#), [S.I. 1991/1319](#), art. 2

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#### **Commencement Information**

- II** S. 5 wholly in force; s. 5(3) and (6) in force for certain purposes at 16.07.1991 see s. 11(2) and [S.I. 1991/1618](#), [art. 2\(b\)](#); and s. 5 fully in force at 01.04.1992 by [S.I. 1991/1618](#), [art. 4](#).

**Status:**

Point in time view as at 16/03/2006. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Control of Pollution (Amendment) Act 1989, Section 5 .