Environmental Protection Act 1990

CHAPTER 43

ENVIRONMENTAL PROTECTION ACT 1990

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11 (1) The Secretary of State may by regulations make provision...

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3 Products whose date for appropriate use has expired.
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5 Materials contaminated or soiled as a result of planned actions...
6 Usable parts (e.g. reject batteries, exhausted catalysts, etc.).
7 Substances which no longer perform satisfactorily (e.g. contaminated solvents, exhausted...
8 Residues of industrial processes (e.g. slags, still bottoms, etc.)....
9 Residues from pollution abatement processes (e.g. scrubber sludges, baghouse dusts,...
10 Machining or finishing residues (e.g. lathe turnings, mill scales, etc....
11 Residues from raw materials extraction and processing (e.g. mining residues,...
12 Adulterated materials (e.g. oils contaminated with PCBs, etc.).
13 Any materials, substances or products whose use has been banned...
14 Products for which the holder has no further use (e.g....
15 Contaminated materials, substances or products resulting from remedial action with...
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5 (1) Any person aggrieved by a decision of a principal...
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2 (1) Where this Schedule applies in relation to a shopping...

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2 (1) In section 9 (functions of public and local authorities)... 

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5 In section 19 (interpretation), in the definition of “prescribed” after...

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7 (1) In section 3 of the 1960 Act (registration of...
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8 After section 8 of the 1960 Act there shall be...

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9 (1) In section 11 of the 1960 Act (procedure in...

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10 After the section 11C of the 1960 Act inserted by...

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11 (1) In section 1 of the 1960 Act (registration for...

Directions to chief inspector

12 After section 12 of the 1960 Act there shall be...

Inspectors: powers and protection

13 (1) Section 12 of the 1960 Act (rights of entry...

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14 (1) Section 13 of the 1960 Act (offences) shall be...

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15 After section 13 (offences) of the 1960 Act there shall...

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17 In section 18 of the 1960 Act (meaning of expression...

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19 (1) In Schedule 1 to the 1960 Act (enactments, other...

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4 (1) The Secretary of State shall appoint one of the...
5 A member of the council who ceases to be a...
6 The Secretary of State may remove a member of the...

Remuneration and allowances for members of council
7 (1) The council shall— (a) pay to their members such...

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9 The council may appoint such number of other employees as...
10 The council shall pay to the chief officer and their...
11 The council shall, in the case of such of their...

Proceedings
12 (1) The council may regulate their own procedure (including making...

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13 (1) Anything authorised or required by or under any enactment...

Committees
14 (1) The council may appoint persons who are not members...

Documents
15 (1) This paragraph applies in England and Wales only.
16 ........................................

Public Records
17 In Schedule 1 to the Public Records Act 1958 (definition...

Land
18 (1) For the purposes of the application of any enactment...

Reports, accounts et cetera etc.
19 The council shall— (a) furnish the Secretary of State with...
20 (1) The council shall— (a) as soon as possible after...
21 (1) The council shall keep proper accounts and other records,...

Superannuation Act 1965 (c. 74)
22 In paragraph 7 of section 39(1) of the Superannuation Act...

Parliamentary Commissioner Act 1967 (c. 13)
23 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

House of Commons Disqualification Act 1975 (c. 24)
24 In Part III of Schedule 1 to the House of...
Inheritance Tax Act 1984 (c. 51)

25 In Schedule 3 to the Inheritance Tax Act 1984 (gifts...
Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 11 December 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Highways Act 1980 (c. 66)
5 (1) The Highways Act 1980 shall be amended as follows...

Wildlife and Countryside Act 1981 (c. 69)
6 (1) The Wildlife and Countryside Act 1981 shall be amended...

The Road Traffic Regulation Act 1984 (c.27)
7 In section 22 of the Road Traffic Regulation Act 1984...

The Water Act 1989 (c. 15)
8 . . . . . . . . . . . . . . . . . . . . . . . . . . .

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National Parks and Access to the Countryside Act 1949 (c. 97)
1 (1) The National Parks and Access to the Countryside Act...

Deer (Scotland) Act 1959 (c. 40)
2 . . . . . . . . . . . . . . . . . . . . . . . . . . .

Deer Act 1963 (c. 36)
3 . . . . . . . . . . . . . . . . . . . . . . . . . . .

Countryside Act 1968 (c. 41)
4 (1) The Countryside Act 1968 shall be amended as follows....

Conservation of Seals Act 1970 (c. 30)
5 In section 10 of the Conservation of Seals Act 1970...

Badgers Act 1973 (c. 57)
6 . . . . . . . . . . . . . . . . . . . . . . . . . . .

Import of Live Fish (Scotland) Act 1978 (c. 35)
7 . . . . . . . . . . . . . . . . . . . . . . . . . . .

Import of Live Fish (England and Wales) Act 1980 (c. 27)
8 In section 1 of the Import of Live Fish (England...

Highways Act 1980 (c. 66)
9 In section 105A of the Highways Act 1980 (environmental assessment...

Animal Health Act 1981 (c. 22)
10 (1) The Animal Health Act 1981 shall be amended as...
Winter and Countryside Act 1981 (c. 69)

11 (1) The Wildlife and Countryside Act 1981 shall be amended...

Roads (Scotland) Act 1984 (c. 54)

Agriculture Act 1986 (c. 49)

13 In section 18 of the Agriculture Act 1986 (environmentally sensitive...

Channel Tunnel Act 1987 (c. 53)

14 In paragraph 5 of Schedule 2, and in paragraph 17...

Norfolk and Suffolk Broads Act 1988 (c. 4)

15 In the Norfolk and Suffolk Broads Act 1988, for each...

Electricity Act 1989 (c. 29)

16 In Schedule 9 to the Electricity Act 1989 (preservation of...

Water Act 1989 (c. 15)

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Modification of schemes

2 (1) If at any time after a transfer scheme has...

Provision of information to Secretary of State

3 It shall be the duty of the Nature Conservancy Council...

Contents of schemes

4 A transfer scheme may— (a) define the property, rights and...

5 For the avoidance of doubt property, rights and liabilities of...
Part II — TRANSFER SCHEMES: THE COUNTRYSIDE COMMISSION

Making and approval of schemes

6 (1) Before such date or dates as the Secretary of...

Modification of schemes

7 (1) If at any time after a transfer scheme has...

Provision of information to Secretary of State

8 It shall be the duty of the Countryside Council for...
Contents of schemes

9  (1) A transfer scheme may— (a) define the property, rights...

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Proposals for staff of Nature Conservancy Council

10  Not later than such date or dates as the Secretary...
11  (1) The Secretary of State may, after consultation with the...

Proposals for certain staff of the Countryside Commission

12  Not later than such date or dates as the Secretary...
13  (1) The Secretary of State may, after consultation with the...

Offers of employment

14  (1) Each new Council shall, before such date as the...

Continuity of employment, redundancy etc.

15  Where a person becomes an employee of a new Council...
16  Where an offer is made to a person in pursuance...

Disputes

17  (1) Any dispute as to whether an offer under paragraph...

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Preliminary

1  In this Part of this Schedule— “the appointed day” means...

Continuity of exercise of functions

2  (1) Any relevant thing done by or in relation to...

Construction of references to the Countryside Commission

3  (1) This paragraph applies to any provision of any agreement,...
4  (1) This paragraph applies to any provision of a local...

Existing areas of outstanding natural beauty and long distance routes

5  (1) This paragraph applies to— (a) any area of land...

Part II — NATURE CONSERVATION FUNCTIONS

Preliminary

6  In this Part of this Schedule— “appointed day” means the...
7  (1) In this Part of this Schedule a reference to...

Continuity of exercise of functions

8  (1) Anything done (or deemed by any enactment to have...
Construction of references to the Nature Conservancy Council

9 (1) This paragraph applies to any agreement, any instrument and...
10 (1) This paragraph applies to any provision of a local...

Pensions for Nature Conservancy Council staff

11 (1) The repeal by this Act of paragraph 12 of...

Existing nature reserves and areas of special scientific interest

12 (1) This paragraph applies to any land which, immediately before...
   Part III — SUPPLEMENTARY
13 Paragraphs 3, 4, 5, 8, 9, 10 and 12 above...
14 The Secretary of State may, in relation to any particular...
15 In this Schedule “the 1949 Act” means the National Parks...

SCHEDULE 12 — Injurious or Hazardous Substances: Advisory Committee
1 The Secretary of State shall appoint the members of the...
2 The committee shall include persons who appear to the Secretary...
3 The Secretary of State may make provision by regulations with...
4 The Secretary of State shall provide the committee with such...
5 The Secretary of State may pay to the members of...

SCHEDULE 13 — Amendments of Hazardous Substances Legislation
   Part I — ENGLAND AND WALES
1 The Planning (Hazardous Substances) Act 1990 shall be amended as...
2 (1) Section 2 (appropriate Minister to be hazardous substances...
3 In section 7(1)(a) (applications for consent), after the word...
4 In section 11 (deemed hazardous substances consent in transitional...
5 In section 12 (deemed consent: government authorisation), at the end...
6 In section 13 (applications for hazardous substances consent in place...
7 In section 22 (validity of decisions as to applications), in...
8 In section 25(1)(c) (provisions of principal Act capable of application...
9 Before section 27 there shall be inserted the following section——...
10 In section 303(6) of the Town and Country Planning Act...
   Part II — SCOTLAND
11 ..................................................
12 ..................................................
13 ..................................................

SCHEDULE 14 — Amendments of the Prevention of Oil Pollution Act 1971
1 The Prevention of Oil Pollution Act 1971 shall be amended...
2 In section 19 (prosecutions), after subsection (4), there shall be...
3 After that section there shall be inserted the following section——...
4 In section 20(1) (power of court to direct amount of...
5 In section 24(2) (application of Act to Government ships), for...
6 In section 25(1) (power to extend provisions of Act to...
7 In section 30 (provisions as to Northern Ireland), after subsection...

SCHEDULE 15 — Consequential and Minor Amendments of Enactments
1  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Exclusion of Alkali Works Act for prescribed processes

2  In the Alkali, &c. Works Regulation Act 1906 there shall...

Stray dogs

3  (1) The following provisions of the Dogs Act 1906 shall...

Statutory nuisances

4  (1) The following provisions of the Public Health Act 1936...
5  (1) Section 151 of the Mines and Quarries Act 1954...

Exclusion of Clean Air Act 1956 for prescribed processes

6  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Statutory nuisances

7  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
8  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
9  In section 1(1)(g) of the Hovercraft Act 1986 (power to...

Goods vehicle operators’ licences: pollution offences

10  (1) The following provisions of of the Transport Act 1968...

National Park Wardens

11  In section 42 of the Countryside Act 1968 (National Park...

Exclusion of Clean Air Act 1968 for prescribed processes

12  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Sale of electricity: Scotland

13  In section 170A(3) of the Local Government (Scotland) Act 1973...

Workplace emissions into the air

14  Section 5 of the Health and Safety at Work etc....

Water, noise and atmospheric pollution

15  (1) The following provisions of the Control of Pollution Act...
16  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Exclusion of Part II of Control of Pollution Act 1974 for radioactive substances: Scotland

17  For subsection (6) of section 56 of the Control of...

Statutory nuisances

18  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
Refuse Disposal: Scotland

19  (1) Section 1 of the Refuse Disposal (Amenity) Act 1978...

Street cleansing: Scotland

20  In section 25 of the Local Government and Planning (Scotland)...

Byelaws relating to straw or stubble burning

21  Section 43 of the Criminal Justice Act 1982 (creation by...

Functions assignable to London port health authority

22  In section 7(4) of the Public Health (Control of Disease)...

Street cleaning, etc: restriction of traffic

23  ..............................

Statutory nuisance

24  In section 76(1)(b) and (4)(a) of the Building Act 1984,...

Registers of deposits etc. at sea: Northern Ireland Assembly control of regulations

25  In section 25(3) of the Food and Environment Protection Act...

Constitution of authorities for waste disposal

26  In section 10 of the Local Government Act 1985 (joint...

 Meaning of household waste: competition

27  In Schedule 1 to the Local Government Act 1988 (competition:...

Exclusion of Water Act 1989 controls of exercise of trade effluent functions in case of prescribed processes

28  ..............................

Exclusion of Part III of Water Act 1989 for discharges from prescribed processes

29  ..............................

Contents of registers of National Rivers Authority

30  ..............................

Carriers of controlled waste

31  (1) The Control of Pollution (Amendment) Act 1989 shall be...

SCHEDULE 16 — Repeals

Part I — ENACTMENTS RELATING TO PROCESSES

Note: The repeal of the Alkali, &c. Works Regulation Act...

Part II — ENACTMENTS RELATING TO WASTE ON LAND

Part III — ENACTMENTS RELATING TO STATUTORY NUISANCES

Part IV — ENACTMENTS RELATING TO LITTER
Changes to legislation: Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 11 December 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Part V — Enactments relating to radioactive substances
Part VI — Enactments relating to nature conservation and countryside matters
Part VII — Enactments relating to hazardous substances
Part VIII — Enactments relating to deposits at sea
Part IX — Miscellaneous enactments
Changes to legislation:
Environmental Protection Act 1990 is up to date with all changes known to be in force on or before 11 December 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to:

- s. 45A heading words substituted by 2016 anaw 3 Sch. 2 para. 14(2)
- s. 7(2)(b) words substituted by S.I. 2019/458 reg. 2(2)(a)
- s. 7(12)(b) substituted by S.I. 2019/458 reg. 2(2)(b)
- s. 19(3) words omitted by S.I. 2019/458 reg. 2(3)
- s. 45B omitted by 2016 anaw 3 Sch. 2 para. 14(3)
- s. 57(8) words inserted by S.I. 2019/620 reg. 5(2)
- s. 75(1A) words inserted by S.I. 2019/620 reg. 5(3)
- s. 78A-78YC amendment to earlier affecting provision S.I. 2005/3467, reg. 2, Sch. 1 by S.I. 2019/24 reg. 4
- s. 78YB(2) words inserted by 2003 c. 37 s. 86(7) (This amendment not applied to legislation.gov.uk. S. 78YB(2) fell when s. 78YB(1) was substituted for s. 78YB(1)-(2C) on 6.4.2012)
- s. 113(5) words substituted by S.I. 2019/458 reg. 2(4)
- s. 116(2) words inserted by S.I. 2019/458 reg. 2(5)(a)
- s. 116(2) words omitted by S.I. 2019/458 reg. 2(5)(b)
- s. 140(4)(a) omitted by S.I. 2019/458 reg. 2(6)
- s. 142(2)(a) words inserted by S.I. 2019/458 reg. 2(7)
- s. 156 heading words substituted by S.I. 2019/458 reg. 2(8)(a)
- s. 156(1)(a) words substituted by S.I. 2019/458 reg. 2(8)(b)
- s. 161(1) words substituted by 2016 anaw 3 s. 69(2)
- s. 161(2A) words substituted by 2016 anaw 3 s. 69(3)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- Pt. 2A amendment to earlier affecting provision S.I. 2006/1379, reg. 3-17, Sch. by S.I. 2019/24 reg. 5
- Pt. 2A amendment to earlier affecting provision S.I. 2006/2988, regs. 3-17, Sch. by S.I. 2019/114 reg. 2
- s. 33(2D) inserted by S.S.I. 2019/26 reg. 12(2)
- s. 34D and cross-heading inserted by 2016 anaw 3 s. 66(1)
- s. 45AA45AB inserted by 2016 anaw 3 s. 65
- s. 71(5)(6) inserted by 2016 c. 25 Sch. 2 para. 4
- s. 75A inserted by S.I. 2019/620 reg. 5(4)
- s. 161(2AA)(2AB) inserted by 2016 anaw 3 s. 69(4)