Environmental Protection Act 1990

CHAPTER 43

ENVIRONMENTAL PROTECTION ACT 1990

PART I

INTEGRATED POLLUTION CONTROL AND AIR POLLUTION CONTROL BY LOCAL AUTHORITIES

Preliminary

1 Preliminary.
2 Prescribed processes and prescribed substances.
3 Emission etc. limits and quality objectives.
4 Discharge and scope of functions.
5 Further provision as to discharge and scope of functions: Scotland.

Authorisations

6 Authorisations: general provisions.
7 Conditions of authorisations.
8 Fees and charges for authorisations.
9 Transfer of authorisations.
10 Variation of authorisations by enforcing authority.
11 Variation of conditions etc: applications by holders of authorisations.
12 Revocation of authorisation.

Enforcement

13 Enforcement notices.
14 Prohibition notices.
15 Appeals as respects authorisations and against variation, enforcement and prohibition notices.
16 Appointment of chief inspector and other inspectors.
17 Powers of inspectors and others.
18  Power to deal with cause of imminent danger of serious harm.
19  Obtaining of information from persons and authorities.

Publicity
20  Public registers of information.
21  Exclusion from registers of information affecting national security.
22  Exclusion from registers of certain confidential information.

Provisions as to offences
23  Offences.
24  Enforcement by High Court.
25  Onus of proof as regards techniques and evidence.
26  Power of court to order cause of offence to be remedied.
27  Power of chief inspector to remedy harm.

Authorisations and other statutory controls
28  Authorisations and other statutory controls.

PART II
WASTE ON LAND

Preliminary
29  Preliminary.
30  Authorities for purposes of this Part.
31  Power to create regional authorities for purposes of waste regulation.
32  Transition to waste disposal companies etc.

Prohibition on unauthorised or harmful depositing, treatment or disposal of waste
33  Prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste.
33ZA Fixed penalty notices for contravention of section 33(1)(a): England
33ZB Fixed penalty notices for contravention of section 33(1)(a): Wales
33A Section 33 offences: investigation and enforcement costs
33B Section 33 offences: clean-up costs
33C Section 33 offences: forfeiture of vehicles

Duty of care etc. as respects waste
34  Duty of care etc. as respects waste.
34ZA Fixed penalty notices: offences under section 34(6) relating to section 34(2A): England
34ZB Fixed penalty notices: offences under section 34(6) relating to section 34(2A): Wales
34A Fixed penalty notices for certain offences under section 34

Offences under sections 33 and 34: powers of seizure etc
34B Power to search and seize vehicles etc
34C Seizure of vehicles etc: supplementary
Waste Management Licences

35 Waste management licences: general.
35A Compensation where rights granted pursuant to section 35(4) or 38(9A).
36 Grant of licences.
36A Consultation before the grant of certain licences.
37 Variation of licences.
37A Consultation before certain variations.
38 Revocation and suspension of licences.
39 Surrender of licences.
40 Transfer of licences.
40A Consolidated Licences
41 ........................................
42 Supervision of licensed activities.
43 Appeals to Secretary of State from decisions with respect to licences.
44 Offences of making false or misleading statements or false entries.

Integrated waste management plans: Scotland

44ZA Duty to prepare integrated waste management plan
44ZB Approval of integrated waste management plan
44ZC Implementation of integrated waste management plan
44ZD Modification of integrated waste management plan

Collection, disposal or treatment of controlled waste

44A National waste strategy: England and Wales.
44B National waste strategy: Scotland.
45 Collection of controlled waste.
45A Arrangements for separate collection of recyclable waste
45B Power to apply section 45A to Welsh waste collection authorities
45C Separate collection of dry recyclable waste and food waste: Scotland
46 Receptacles for household waste.
46A Written warnings and penalties for failure to comply with requirements relating to household waste receptacles: England
46B Amount of penalty under section 46A and recovery of penalty
46C Penalties under section 46A: procedure regarding notices of intent and final notices
46D Appeals against penalties under section 46A
47 Receptacles for commercial or industrial waste.
47ZA Fixed penalty notices for offences under sections 46 and 47
47ZB Amount of fixed penalty under section 47ZA
47A Recycling and composting: duty to report to Parliament
48 Duties of waste collection authorities as respects disposal of waste collected.
49 Waste recycling plans by collection authorities.
50 Waste disposal plans of waste regulation authorities.
51 Functions of waste disposal authorities.
52 Payments for recycling and disposal etc. of waste.
52A Payments for delivering waste pre-separated
53 Duties of authorities as respects disposal of waste collected: Scotland.
54 Special provisions for land occupied by disposal authorities: Scotland.
55 Powers for recycling waste.
56 Powers for recycling waste: Scotland.
57 Power of Secretary of State to require waste to be accepted, treated, disposed of or delivered.
58 Power of Secretary of State to require waste to be accepted, treated, disposed of or delivered: Scotland.
59 Powers to require removal of waste unlawfully deposited.
59ZA Section 59: supplementary power in relation to owner of land
59ZB Powers to require removal of waste unlawfully kept or disposed of: England and Wales
59ZC Section 59ZB: supplementary power in relation to owner of land
59A Directions in relation to exercise of powers under section 59, 59ZA, 59ZB or 59ZC
60 Interference with waste sites and receptacles for waste.
61 Duty of waste regulation authorities as respects closed landfills.

**Waste reduction schemes**

60A Waste reduction schemes

**Hazardous waste and non-controlled waste**

62 Special provision with respect to certain dangerous or intractable waste.
62A Lists of waste displaying hazardous properties
63 Waste other than controlled waste.

Powers of waste collection authority or waste disposal authority in relation to generation of controlled waste

63A Power to take steps to minimise generation of controlled waste.

**Publicity**

64 Public registers.
65 Exclusion from registers of information affecting national security.
66 Exclusion from registers of certain confidential information.
67 Annual reports.

**Supervision and enforcement**

68 Functions of Secretary of State and appointment of inspectors.
69 Powers of entry of inspectors.
70 Power to deal with cause of imminent danger of serious pollution
71 Obtaining of information from persons and authorities.
72 Default powers of Secretary of State.

**Supplemental**

73 Appeals and other provisions relating to legal proceedings and civil liability.
73A Use of fixed penalty receipts
74 Meaning of “fit and proper person”.
75 Meaning of “waste” and household, commercial and industrial waste and hazardous waste.
76 Application to the Isles of Scilly.
77 Transition from Control of Pollution Act 1974 to this Part.
78 This Part and radioactive substances.
PART IIA

CONTAMINATED LAND

78A Preliminary.
78B Identification of contaminated land.
78C Identification and designation of special sites.
78D Referral of special site decisions to the Secretary of State.
78E Duty of enforcing authority to require remediation of contaminated land etc.
78F Determination of the appropriate person to bear responsibility for remediation.
78G Grant of, and compensation for, rights of entry etc.
78H Restrictions and prohibitions on serving remediation notices.
78J Restrictions on liability relating to the pollution of controlled waters.
78K Liability in respect of contaminating substances which escape to other land.
78L Appeals against remediation notices.
78M Offences of not complying with a remediation notice.
78N Powers of the enforcing authority to carry out remediation.
78P Recovery of, and security for, the cost of remediation by the enforcing authority.
78Q Special sites.
78QA Land no longer considered to be contaminated
78R Registers.
78S Exclusion from registers of information affecting national security.
78T Exclusion from registers of certain confidential information.
78TA Registers: removal of information about land designated as special site
78TB Effect of removal of information from register
78U Reports by the appropriate Agency on the state of contaminated land.
78V Site-specific guidance by the appropriate Agency concerning contaminated land.
78W The appropriate Agency to have regard to guidance given by the Secretary of State.
78X Supplementary provisions.
78Y Application to the Isles of Scilly.
78YA Supplementary provisions with respect to guidance by the Secretary of State.
78YB Interaction of this Part with other enactments.
78YC This Part and radioactivity.

PART III

STATUTORY NUISANCES AND CLEAN AIR

Statutory nuisances . . .

79 Statutory nuisances and inspections therefor.
80 Summary proceedings for statutory nuisances.
80ZA Fixed penalty notice: supplemental
80A Abatement notice in respect of noise in street.
81 Supplementary provisions.
81A Expenses recoverable from owner to be a charge on premises.
81B Payment of expenses by instalments.
82 Summary proceedings by persons aggrieved by statutory nuisances.
Statutory nuisances: Scotland

Termination of existing controls over offensive trades and businesses

Termination of Public Health Act controls over offensive trades etc.

Application to gases of certain Clean Air Act provisions

Application to gases of certain Clean Air Act provisions.

PART IV

LITTER ETC

Provisions relating to litter

Preliminary.

Offence of leaving litter.

Fixed penalty notices for leaving litter.

Littering from vehicles: civil penalty regime

Duty to keep land and highways clear of litter etc.

Litter control areas.

Summary proceedings by persons aggrieved by litter.

Summary proceedings by litter authorities.

Litter clearing notices

Appeals against litter clearing notices

Failure to comply with litter clearing notice

Street litter control notices.

Street litter: supplementary provisions.

Fixed penalty notices relating to sections 92C and 94

Free distribution of printed matter

Public registers.

Application of Part II.

Transitional provision relating to section 89.

Fixed penalty notices: supplementary

Exclusion of liability

Definitions.

Abandoned trolleys

Powers in relation to abandoned shopping and luggage trolleys.

PART V

AMENDMENT OF THE RADIOACTIVE SUBSTANCES ACT 1960

Appointment of inspectors and chief inspector.

Fees and charges under 1960 Act.

Enforcement powers of chief inspector.

Withdrawal of UKAEA exemptions from requirements of 1960 Act.


Consequential and further amendments of 1960 Act.

PART VI

GENETICALLY MODIFIED ORGANISMS
Preliminary

106 Purpose of Part VI and meaning of “genetically modified organisms” and related expressions.
107 Meaning of “damage to the environment”, “control” and related expressions in Part VI.

General controls

108 Risk assessment and notification requirements.
109 General duties relating to importation, acquisition, keeping, release or marketing of organisms.
110 Prohibition notices.

Consents

111 Consents required by certain persons.
112 Consents: limitations and conditions.
113 Fees and charges.

Inspectors

114 Appointment etc of inspectors.
115 Rights of entry and inspection.

Enforcement powers and offences

116 Obtaining of information from persons.
117 Power to deal with cause of imminent danger of damage to the environment.
118 Offences.
119 Onus of proof as regards techniques and evidence.
120 Power of court to order cause of offence to be remedied.
121 Power of Secretary of State to remedy harm.

Publicity

122 Public register of information.
123 Exclusion from register of certain information.

Supplementary

124 Advisory committee for purposes of Part VI.
125 Delegation of enforcement functions.
126 Mode of exercise of certain functions.
127 Definitions.

PART VII

NATURE CONSERVATION IN GREAT BRITAIN AND COUNTRYSIDE MATTERS IN WALES

New Councils for England, Scotland and Wales

128 Creation and constitution of new Councils.
129 Grants to the Council
Countryside matters

130 Countryside functions of Welsh Council.

Nature conservation in Great Britain

131 Nature conservation functions: preliminary.
132 General functions of the Council.
133 Special functions of Councils.
134 Grants and loans by the Council.

Transfer of property, rights and liabilities to new Councils

135 Schemes for the transfer of property etc. of the Nature Conservancy Council.
136 Transfer to Welsh Council of certain property etc. of Countryside Commission.

Employment by new Councils of staff of existing bodies

137 Offers of employment to employees of Nature Conservancy Council and certain employees of Countryside Commission.

Dissolution of Nature Conservancy Council

138 Winding up and dissolution of Nature Conservancy Council.

Transitional provisions and savings

139 Transitional provisions and savings.

PART VIII

MISCELLANEOUS

Other controls on substances, articles or waste

140 Power to prohibit or restrict the importation, use, supply or storage of injurious substances or articles.
141 Power to prohibit or restrict the importation or exportation of waste.
142 Powers to obtain information about potentially hazardous substances.
143 Amendments of hazardous substances legislation.
144 Penalties for offences of polluting controlled waters etc.

Pollution at sea

146 Deposits of substances and articles in the sea, etc.
147 Public registers relating to deposits in the sea and incineration at sea.
148 Oil pollution from ships.

Control of Dogs

149 Seizure of stray dogs.
150 Delivery of stray dogs to . . . local authority officer.
151 Enforcement of orders about collars and tags for dogs.
Straw and stubble burning

Burning of straw and stubble etc.

Environmental expenditure

Financial assistance for environmental purposes.
The Groundwork Foundation: superannuation.
Remuneration of chairman of Inland Waterways Amenity Advisory Council.

PART IX

GENERAL

Power to give effect to Community and other international obligations etc.
Offences by bodies corporate.
Offences under Parts I, II, IV, VI, etc. due to fault of others.
Application to Crown.
Service of notices.
Regulations, orders and directions.
Consequential and minor amendments and repeals.
Financial provisions.
Application of Part VI: England and Wales
Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — AUTHORISATIONS FOR PROCESSES: SUPPLEMENTARY PROVISIONS

Part I — GRANT OF AUTHORISATIONS

Applications for authorisations

1 (1) An application to the enforcing authority for an authorisation...

Determination of applications

2 (1) Subject to sub-paragraph (2) below, the enforcing authority shall...
3 (1) The Secretary of State may give directions to the...
4 The Secretary of State may give the enforcing authority a...
5 (1) Except in a case where an application has been...

Part II — VARIATION OF AUTHORISATIONS

Variations by the enforcing authority

6 (1) Except as provided by sub-paragraph (1A) below, The requirements...

Applications for variation

7 (1) The requirements of this paragraph apply where an application...
Call in of applications for variation

8 (1) The Secretary of State may give directions to the...
9 The Secretary of State may give the enforcing authority a...
10 (1) Except in a case where an application for the...

SCHEDULE 2 — Waste Disposal Authorities and Companies
Part I — TRANSITION TO COMPANIES

Preliminary

1 In this Part of this Schedule—“authority” means...

Notice of direction

2 (1) The Secretary of State, before giving any directions to...

Applications for exemption from and representations about directions

3 (1) An authority which has been given notice under paragraph...

Directions

4 (1) A direction may require the authority or authorities to...

Formation and status of companies

5 (1) An authority which has been directed to form a...

Transfer schemes

6 (1) Where an authority has formed a company or companies...

Transfer schemes: supplementary provisions

7 A scheme under paragraph 6 above may define the property,...
8 (1) The provisions of this paragraph apply to the transfer...

Tax and company provisions

9 (1) Any shares in a company which are issued as...

Benefit of certain planning permission

10 (1) This paragraph applies in relation to planning permission deemed...

Right to production of documents of title

11 Where on any transfer by virtue of a transfer scheme...

Proof of title by certificate

12 (1) A joint certificate by or on behalf of the...

Construction of agreements

13 Where any of the rights or liabilities transferred by a...
14 Without prejudice to the generality of the provisions of paragraph...
Third parties affected by vesting provisions

15 (1) Without prejudice to the provisions of paragraphs 13 and...

Transfer of staff

16 (1) The Transfer of Undertakings (Protection of Employment) Regulations 1981...

Information for purposes of transfer scheme

17 (1) The Secretary of State may, by directions, prescribe descriptions...

Part II — PROVISIONS REGULATING WASTE DISPOSAL AUTHORITIES AND COMPANIES

Terms of waste disposal contracts

18 A waste disposal authority shall, in determining the terms and...
19 (1) A waste disposal authority shall have regard to the...

Procedure for putting waste disposal contracts out to tender

20 (1) A waste disposal authority which proposes to enter into...
21 A waste disposal authority, in taking any of the following...

Variation of waste disposal contracts

22 Where a waste disposal authority has entered into a contract...

Avoidance of restrictions on transfer of securities of companies

23 (1) Subject to sub-paragraph (3) below, any provision to which...

Schedule 2A —

SCHEDULE 2AA — Waste reduction schemes

Introductory

1 (1) The purpose of a waste reduction scheme is to...

Conditions for making waste reduction scheme

2 (1) A waste collection authority may make a waste reduction...

Incentive under waste reduction scheme

3 (1) A waste reduction scheme must provide for a financial...

Charges in respect of residual domestic waste

4 (1) A waste reduction scheme may include provision for charging...

Charging: supplementary provisions

5 (1) The Secretary of State may by order set a...
Requirement of revenue neutrality
6 (1) From year to year, and taking one year with...

Procedure for putting scheme in place
7 (1) The authority must comply with the following requirements after...

Appeals
8 A waste reduction scheme must contain provision enabling a person...

Separate account to be kept
9 (1) A waste collection authority that operates a waste reduction...

Contributions by waste disposal authority
10 (1) Where a waste collection authority that operates a waste...

Power to make provision as to administration etc
11 (1) The Secretary of State may by regulations make provision...

Use of information obtained for council tax purposes
12 An authority may use for the purpose of administering a...

Amendment or revocation of waste reduction scheme
13 (1) An authority that has made a waste reduction scheme...

Guidance
14 (1) The Secretary of State may issue guidance to waste...

Interpretation
15 (1) In this Schedule—“domestic premises”means—a...

Orders and regulations
16 (1) An order under paragraph 2(3), 6(2) or 15(2) is...

SCHEDULE 2B — Categories of waste
1 Production or consumption residues not otherwise specified below.
2 Off-specification products.
3 Products whose date for appropriate use has expired.
4 Materials spilled, lost or having undergone other mishap, including any...
5 Materials contaminated or soiled as a result of planned actions...
6 Unusable 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. ... action with...
16 Any materials, substances or products which are not contained in...

SCHEDULE 3 — Statutory Nuisances: Supplementary Provisions

Appeals to magistrates’ court
1 (1) This paragraph applies in relation to appeals under section...
1A Appeals to Sheriff

Powers of entry etc
2 (1) Subject to sub-paragraph (2) below, any person authorised by...
2A (1) Any person authorised by a local authority may on...

Offences relating to entry
3 (1) A person who wilfully obstructs any person acting in...

Default powers
4 (1) This paragraph applies to the following function of a...

Protection from personal liability
5 Nothing done by, or by a member of, a local...

Statement of right of appeal in notices
6 Where an appeal against a notice served by a local...

SCHEDULE 3A — Free distribution of printed matter on designated land

Offence of unauthorised distribution
1 (1) A person commits an offence if he distributes any...

Designation
2 (1) A principal litter authority may by order in accordance...

Consent and conditions
3 (1) A principal litter authority may on the application of...

Fees
4 (1) A principal litter authority may require the payment of...

Appeals
5 (1) Any person aggrieved by a decision of a principal...
Seizure of material

6  (1) Where it appears to an authorised officer of a... 

Fixed penalty notices

7  (1) This paragraph applies where on any occasion it appears...

Supplementary

8  In this Schedule “authorised officer”, in relation to...

SCHEDULE 4 — Abandoned Shopping and Luggage Trolleys

Application

1  (1) Subject to sub-paragraph (2) below, this Schedule applies where...

Power to seize and remove trolleys

2  (1) Where this Schedule applies in relation to a shopping...

Retention, return and disposal of trolleys

3  (1) Subject to the following sub-paragraphs, the local authority, as...
3A  (1) This paragraph applies where the local authority is entitled...

Charges

4  (1) The local authority, in fixing the charges to be...

Definitions

5  In this Schedule—“luggage trolley” means a trolley provided by...

SCHEDULE 5 — . . .

Part I — MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS

Amendments relating to appointment of chief inspector

1  (1) Section 8 of the 1960 Act (requirement for disposal... 
2  (1) In section 9 (functions of public and local authorities)... 
3  In section 19 (general interpretation), after the definition of “the...

Amendments consequential on the introduction of fees and charges

4  (1) In section 1(2) (applications for registration of users of...
5  In section 19 (interpretation), in the definition of “prescribed” after...

Documents to be sent to local authorities

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

Mobile radioactive apparatus

7  (1) In section 3 of the 1960 Act (registration of...
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Environmental Protection Act 1990. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Site and disposal records
8 After section 8 of the 1960 Act there shall be...

Hearings in connection with certain authorisations
9 (1) In section 11 of the 1960 Act (procedure in...

Appeals against certain other decisions of the chief inspector
10 After the section 11C of the 1960 Act inserted by...

Period within which applications under Act to be determined
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...

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

Public access to certain information
15 After section 13 (offences) of the 1960 Act there shall...

Expenses and receipts
16 In section 16 of the 1960 Act (expenses and receipts)—...

Meaning of “radioactive material” for purposes of 1960 Act
17 In section 18 of the 1960 Act (meaning of expression...

Part II — AMENDMENTS RELATING TO SCOTLAND AND NORTHERN IRELAND

Scotland
18 In section 20 of the 1960 Act (application of Act...
19 (1) In Schedule 1 to the 1960 Act (enactments, other...

Northern Ireland
20 In section 21 of the 1960 Act (application of Act...

SCHEDULE 6 — The Countryside Council for Wales: Constitution.

Preliminary
1 In this Part of this Schedule any reference to the...

Constitution and membership
2 The council shall be a body corporate.
3 (1) The council shall not be regarded as the servant...
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...

Staff
8 (1) There shall be a chief officer of the council....
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...

Delegation of powers
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 et cetera
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...
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 ........................................

SCHEDULE 9 — Amendment of Enactments conferring Nature Conservancy Functions

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...
Wildlife and Countryside Act 1981 (c. 69)

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

Roads (Scotland) Act 1984 (c. 54)

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

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)

17 ................................................

SCHEDULE 10 —

Part I — TRANSFER SCHEMES: NATURE CONSERVANCY COUNCIL

Making and approval of schemes

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

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...

Part III — EMPLOYMENT OF STAFF OF EXISTING BODIES

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...

SCHEDULE 11 — Transitional Provisions and Savings for Part VII

Part I — COUNTRYSIDE FUNCTIONS

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 authority...)

3 In section 7(1)(a) (applications for consent), after the word “applications”...

4 In section 11 (deemed hazardous substances consent in transitional cases)—...

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
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Environmental Protection Act 1990. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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 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: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Environmental Protection Act 1990. Any changes that have already been made by the team 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:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Environmental Protection Act 1990. Any changes that have already been made by the team 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. 82(1) restricted by S.I. 2020/528 art. 42(1)
- s. 82(2) restricted by S.I. 2020/419 art. 38(1)
- s. 82(2) restricted by S.I. 2020/474 art. 56(1)
- s. 82(2) restricted by S.I. 2020/547 art. 7(1)
- s. 82(2) restricted by S.I. 2020/556 art. 39(1)
- 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)