



Environmental Protection Act 1990

1990 CHAPTER 43

PART VIII

MISCELLANEOUS

Other controls on substances, articles or waste

142 Powers to obtain information about potentially hazardous substances. E+W

- (1) The Secretary of State may, for the purpose of assessing their potential for causing pollution of the environment or harm to human health, by regulations make provision for and in connection with the obtaining of relevant information relating to substances which may be specified by him by order for the purposes of this section.
- (2) The Secretary of State shall not make an order under subsection (1) above specifying any substance—
 - (a) which was first supplied in any member State [^{F1}or in the United Kingdom] on or after 18th September 1981; or
 - (b) in so far as it is a regulated substance for the purposes of any relevant enactment.

^{F2}(3)

- (4) Regulations under this section may—
 - (a) prescribe the descriptions of relevant information which are to be furnished under this section in relation to specified substances;
 - (b) impose requirements on manufacturers, importers or suppliers generally to furnish information prescribed under paragraph (a) above;
 - (c) provide for the imposition of requirements on manufacturers, importers or suppliers generally to furnish relevant information relating to products or articles containing specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
 - (d) provide for the imposition of requirements on particular manufacturers, importers or suppliers to furnish further information relating to specified

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Changes to legislation: Environmental Protection Act 1990, Section 142 is up to date with all changes known to be in force on or before 20 April 2024. 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

- substances in relation to which information has been furnished in pursuance of paragraph (b) above;
- (e) provide for the imposition of requirements on particular manufacturers or importers to carry out tests of specified substances and to furnish information of the results of the tests;
 - (f) authorise persons to comply with requirements to furnish information imposed on them by or under the regulations by means of representative persons or bodies;
 - (g) impose restrictions on the disclosure of information obtained under this section and provide for determining what information is, and what information is not, to be treated as furnished in confidence;
 - (h) create offences, subject to the limitation that no offence shall be punishable with imprisonment or punishable on summary conviction with a fine exceeding level 5 on the standard scale;
 - (i) make any public authority designated by the regulations responsible for the enforcement of the regulations to such extent as may be specified in the regulations;
 - (j) include such other incidental and supplemental, and such transitional, provisions as the Secretary of State considers appropriate.
- (5) The Secretary of State shall have regard, in imposing or providing for the imposition of any requirement under subsection (4)(b), (c), (d) or (e) above, to the cost likely to be involved in complying with the requirement.
- (6) In this section—
- “the environment” means the air, water and land or any of them;
 - “relevant information”, in relation to substances, products or articles, means information relating to their properties, production, distribution, importation or use or intended use and, in relation to products or articles, to their disposal as waste;
 - “substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour and it includes mixtures of substances.

^{F3}(7) The enactments which are relevant for the purposes of subsection (2)(b) above are the following—

- [^{F4}the Explosives Regulations 2014];
- [^{F5}[^{F6}the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)] in relation to radioactive material or radioactive waste;]
- [^{F7}Parts 3 to 8 and 16 of the Human Medicines Regulations 2012];
- Part IV of the ^{M1}Agriculture Act 1970;
- the ^{M2}Misuse of Drugs Act 1971;
- Part III of the ^{M3}Food and Environment Protection Act 1985; ^{F8} . . .
- the ^{M4}Food Safety Act 1990;
- [^{F9}the Veterinary Medicines Regulations 2006;

and a substance is a regulated substance for the purposes of any such enactment in so far as any prohibition, restriction or requirement is imposed in relation to it by or under the enactment for the purposes of that enactment.]

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Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only

Textual Amendments

- F1** Words in s. 142(2)(a) inserted (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **2(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 142(3) repealed (22.7.2012) by [The Advisory Committee on Hazardous Substances \(Abolition\) Order 2012 \(S.I. 2012/1923\)](#), art. 1(2), **Sch.**
- F3** By [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), arts. 1, 27(1), **Sch. 6 para. 14(3)** (with reg. 26) it is provided that for the words "Explosive Substances Act 1875" in s. 142(7) there be substituted (N.I.) (1.12.2006) the words "Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006"
- F4** Words in s. 142(7) substituted (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 13 para. 6**
- F5** Words in s. 142(7) substituted (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), regs. 1(1)(b), 107, **Sch. 26 para. 5(12)** (with Sch. 4)
- F6** Words in s. 142(7) substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 para. 6(7)** (with regs. 1(3), 77-79, Sch. 4)
- F7** Words in s. 142(7) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 41** (with Sch. 32)
- F8** Word in s. 142(7) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(a)** (with reg. 3)
- F9** Words in s. 142(7) added (1.10.2006) by [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(b)** (with reg. 3)

Marginal Citations

- M1** 1970 c. 40.
M2 1971 c. 38.
M3 1985 c. 48.
M4 1990 c. 16.

142 Powers to obtain information about potentially hazardous substances. **S+N.I.**

- (1) The Secretary of State may, for the purpose of assessing their potential for causing pollution of the environment or harm to human health, by regulations make provision for and in connection with the obtaining of relevant information relating to substances which may be specified by him by order for the purposes of this section.
- (2) The Secretary of State shall not make an order under subsection (1) above specifying any substance—
- (a) which was first supplied in any member State [^{F1}or in the United Kingdom] on or after 18th September 1981; or
- (b) in so far as it is a regulated substance for the purposes of any relevant enactment.

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- (4) Regulations under this section may—

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- (a) prescribe the descriptions of relevant information which are to be furnished under this section in relation to specified substances;
 - (b) impose requirements on manufacturers, importers or suppliers generally to furnish information prescribed under paragraph (a) above;
 - (c) provide for the imposition of requirements on manufacturers, importers or suppliers generally to furnish relevant information relating to products or articles containing specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
 - (d) provide for the imposition of requirements on particular manufacturers, importers or suppliers to furnish further information relating to specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
 - (e) provide for the imposition of requirements on particular manufacturers or importers to carry out tests of specified substances and to furnish information of the results of the tests;
 - (f) authorise persons to comply with requirements to furnish information imposed on them by or under the regulations by means of representative persons or bodies;
 - (g) impose restrictions on the disclosure of information obtained under this section and provide for determining what information is, and what information is not, to be treated as furnished in confidence;
 - (h) create offences, subject to the limitation that no offence shall be punishable with imprisonment or punishable on summary conviction with a fine exceeding level 5 on the standard scale;
 - (i) make any public authority designated by the regulations responsible for the enforcement of the regulations to such extent as may be specified in the regulations;
 - (j) include such other incidental and supplemental, and such transitional, provisions as the Secretary of State considers appropriate.
- (5) The Secretary of State shall have regard, in imposing or providing for the imposition of any requirement under subsection (4)(b), (c), (d) or (e) above, to the cost likely to be involved in complying with the requirement.
- (6) In this section—
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^{F3}(7) The enactments which are relevant for the purposes of subsection (2)(b) above are the following—

[^{F4}the Explosives Regulations 2014];

[^{F10}the ^{M5}[^{F11}Radioactive Substances Act 1993][^{F11}Environmental Authorisations (Scotland) Regulations 2018]];

[^{F7}Parts 3 to 8 and 16 of the Human Medicines Regulations 2012];

Part IV of the ^{M1}Agriculture Act 1970;

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the ^{M2}Misuse of Drugs Act 1971;
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and a substance is a regulated substance for the purposes of any such enactment in so far as any prohibition, restriction or requirement is imposed in relation to it by or under the enactment for the purposes of that enactment.]

Extent Information

- E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only

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- F1** Words in s. 142(2)(a) inserted (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **2(7)**; 2020 c. 1, Sch. 5 para. 1(1)
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- F9** Words in s. 142(7) added (1.10.2006) by [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(b)** (with reg. 3)
- F10** Words in s. 142(7) substituted (27.8.1993) by 1993 c. 12, ss. 49(1), 51(2), **Sch. 4 para.8** (with ss. 42, 46)
- F11** Words in s. 142(7) substituted (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 6 para. 2(3)** (with reg. 78, sch. 5 para. 2)

Marginal Citations

- M1** 1970 c. 40.
M2 1971 c. 38.
M3 1985 c. 48.
M4 1990 c. 16.
M5 1993 C. 12.

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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):

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)