



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART VIII

#### MISCELLANEOUS

##### *Straw and stubble burning*

#### **152 Burning of straw and stubble etc.**

- (1) The appropriate Minister may by regulations prohibit or restrict the burning of crop residues on agricultural land by persons engaged in agriculture and he may (by the same or other regulations) provide exemptions from any prohibition or restriction so imposed.
- (2) Regulations providing an exemption from any prohibition or restriction may make the exemption applicable—
  - (a) in all, or only in specified, areas;
  - (b) to all, or only to specified, crop residues; or
  - (c) in all, or only in specified, circumstances.
- (3) Any power to make regulations under this section includes power—
  - (a) to make different provision for different areas or circumstances;
  - (b) where burning of a crop residue is restricted, to impose requirements to be complied with before or after the burning;
  - (c) to create offences subject to the limitation that no offence shall be made punishable otherwise than on summary conviction and the fine prescribed for the offence shall not exceed level 5 on the standard scale; and
  - (d) to make such incidental, supplemental and transitional provision as the appropriate Minister considers appropriate.
- (4) Where it appears to the appropriate Minister appropriate to do so in consequence of any regulations made under the foregoing provisions of this section, the appropriate

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**Changes to legislation:** Environmental Protection Act 1990, Section 152 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

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Minister may, by order, repeal any byelaws of local authorities dealing with the burning of crop residues on agricultural land.

(5) In this section—

“agriculture” and “agricultural land” have, as respects England or as respects Wales, the same meaning as in the <sup>M1</sup>Agriculture Act 1947 and, as respects Scotland, the same meaning as in the <sup>M2</sup>Agriculture (Scotland) Act 1948;

“crop residue” means straw or stubble or any other crop residue;

“the appropriate Minister” means the Minister of Agriculture, Fisheries and Food or the Secretary of State or both of them.

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#### Commencement Information

**I1** S. 152 wholly in force at 10.7.1991 see s. 164(3) and S.I. 1991/1577, art. 2

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#### Marginal Citations

**M1** 1947 c. 48.

**M2** 1948 c. 45.

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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\(4\)](#)