



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Waste Management Licences

39 Surrender of licences

- (1) A licence may be surrendered by its holder to the authority which granted it but, in the case of a site licence, only if the authority accepts the surrender.
- (2) The following provisions apply to the surrender and acceptance of the surrender of a site licence.
- (3) The holder of a site licence who desires to surrender it shall make an application for that purpose to the authority in such form, giving such information and accompanied by such evidence as the Secretary of State prescribes by regulations and accompanied by the prescribed fee payable under section 41 below.
- (4) An authority which receives an application for the surrender of a site licence—
 - (a) shall inspect the land to which the licence relates, and
 - (b) may require the holder of the licence to furnish to it further information or further evidence.
- (5) The authority shall determine whether it is likely or unlikely that the condition of the land, so far as that condition is the result of the use of the land for the treatment, keeping or disposal of waste (whether or not in pursuance of the licence), will cause pollution of the environment or harm to human health.
- (6) If the authority is satisfied that the condition of the land is unlikely to cause the pollution or harm mentioned in subsection (5) above, the authority shall, subject to subsection (7) below, accept the surrender of the licence; but otherwise the authority shall refuse to accept it.

Status: This is the original version (as it was originally enacted).

- (7) Where the authority proposes to accept the surrender of a site licence, the authority must, before it does so,—
- (a) refer the proposal to the National Rivers Authority; and
 - (b) consider any representations about the proposal which the Authority makes to it during the allowed period;
- and if the Authority requests that the surrender of the licence be not accepted either of them may refer the matter to the Secretary of State and the surrender shall not be accepted except in accordance with his decision.
- (8) Subsection (7) above shall not apply to Scotland, but in Scotland where the authority (not being an islands council) proposes to accept the surrender of a licence, the authority must, before it does so,—
- (a) refer the proposal to—
 - (i) the river purification authority whose area includes any of the relevant land;
 - (ii) where the waste regulation authority is not also a district planning authority within the meaning of section 172 of the Local Government (Scotland) Act 1973, the general planning authority within the meaning of that section whose area includes any of the relevant land; and
 - (b) consider any representations about the proposal which the river purification authority or the general planning authority makes to it during the allowed period,
- and if the river purification authority requests that the surrender of the licence be not accepted by the waste regulation authority either of them may refer the matter to the Secretary of State and the surrender shall not be accepted except in accordance with his decision.
- (9) Where the surrender of a licence is accepted under this section the authority shall issue to the applicant, with the notice of its determination, a certificate (a “certificate of completion”) stating that it is satisfied as mentioned in subsection (6) above and, on the issue of that certificate, the licence shall cease to have effect.
- (10) If within the period of three months beginning with the date on which an authority receives an application to surrender a licence, or within such longer period as the authority and the applicant may at any time agree in writing, the authority has neither issued a certificate of completion nor given notice to the applicant that the authority has rejected the application, the authority shall be deemed to have rejected the application.
- (11) Section 36(10) above applies for the interpretation of the “allowed period” in subsections (7) and (8) above.