



Deregulation and Contracting Out Act 1994

1994 CHAPTER 40

PART I

DEREGULATION

CHAPTER II

MISCELLANEOUS DEREGULATORY PROVISIONS

33 Amendment of duty of care etc. as respects waste.

- (1) In section 34 of the Environmental Protection Act ^{M1}1990 (duty of care etc. as respects controlled waste), after subsection (4) there shall be inserted—

“(4A) For the purposes of subsection (1)(c)(ii) above—

- (a) a transfer of waste in stages shall be treated as taking place when the first stage of the transfer takes place, and
 - (b) a series of transfers between the same parties of waste of the same description shall be treated as a single transfer taking place when the first of the transfers in the series takes place.”
- (2) Subsection (1) above shall be deemed always to have had effect, except in relation to any proceedings for failure to comply with the duty imposed by section 34(1) of that Act which were commenced before the coming into force of subsection (1) above.
- (3) Where any such proceedings have not been disposed of before the coming into force of subsection (1) above, it shall be a defence to show that the conduct in question would not have constituted a breach of the duty concerned had subsection (1) above been in force at the time.

Changes to legislation: There are currently no known outstanding effects for the
Deregulation and Contracting Out Act 1994, Section 33. (See end of Document for details)

Commencement Information

II [S. 33](#) in force at Royal Assent (subject as mentioned in s. 33(2))

Marginal Citations

M1 [1990 c. 43](#).

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