



Control of Pollution Act 1974

1974 CHAPTER 40

PART I

WASTE ON LAND

Licensing of disposal of controlled waste.

[^{F14} Provisions supplementary to s. 3.

- (1) Where activities for which a disposal licence is required apart from this subsection have been carried on on any land during the period of six months ending with the date when subsection (1) of the preceding section comes into force, nothing in that subsection shall apply to the carrying on of those activities on the land during the period of one year beginning with that date and, where at the end of that period an appeal is pending in pursuance of section 10 of this Act against a rejection of an application for a disposal licence in respect of those activities on the land or against a decision to issue such a licence which specifies conditions, until the appeal is determined.
- (2) Nothing in subsection (1) of the preceding section applies to household waste from a private dwelling which is deposited, disposed of or dealt with within the curtilage of the dwelling by or with the permission of the occupier of the dwelling.
- (3) It shall be the duty of the Secretary of State, in exercising the power conferred on him by subsection (1) of the preceding section to prescribe excepted cases, to have regard in particular to the expediency of excluding from the controls imposed by virtue of that subsection—
 - (a) any deposits which are small enough to be properly excluded from those controls or are of such a temporary nature that they may be so excluded;
 - (b) any uses of plant or equipment which are innocuous enough to be so excluded;
 - (c) cases for which adequate controls are provided by an enactment other than that subsection;

Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 4. (See end of Document for details)

and without prejudice to the generality of section 104(1)(a) of this Act the said power may be so exercised as to prescribe different excepted cases for different areas.

^{F2}(4)

(5) For the purposes of subsection (3) of the preceding section—

- (a) the presence of waste on land gives rise to an environmental hazard if the waste has been deposited in such a manner or in such a quantity (whether that quantity by itself or cumulatively with other deposits of the same or different substances) as to subject persons or animals to a material risk of death, injury or impairment of health or as to threaten the pollution (whether on the surface or underground) of any water supply; and
- (b) the fact that waste is deposited in containers shall not of itself be taken to exclude any risk which might be expected to arise if the waste were not in containers.

(6) In the case of any deposit of waste, the degree of risk relevant for the purposes of the preceding subsection shall be assessed with particular regard—

- (a) to the measures, if any, taken by the person depositing the waste, or by the owner or occupier of the land, or by others, for minimising the risk; and
- (b) to the likelihood of the waste, or any container in which it is deposited, being tampered with by children or others.]

Textual Amendments

- F1** S. 4 repealed (1.5.1994 save in respect of specified activities, as to which in force as provided by [S.I. 1994/1096](#), art. 3, 1.4.2015 for S. in so far as not already in force) by [Environmental Protection Act 1990](#) (c. 43), s. 162, [Sch. 16 Pt. II](#); [S.I. 1994/1096](#), [arts. 2, 3](#) (as amended by [S.I. 1994/2487](#), [art. 2](#) and [S.I. 1994/3234](#), [art. 2](#)), [S.S.I. 2015/72](#), art. 2(2)(a)
- F2** S. 4(4) repealed (E.W.) by [Water Act 1989](#) (c. 15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26](#) paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. I](#)

Modifications etc. (not altering text)

- C1** Ss. 3-10: functions transferred (12.10.1995) by [1995 c. 25](#), s. [21\(1\)\(c\)](#) (with ss. 7(6), 115, 117); [S.I. 1995/2649](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 4.