

Control of Pollution Act 1974

1974 CHAPTER 40

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An Act to make further provision with respect to waste disposal, water pollution, noise atmospheric pollution and public health; and for purposes connected with the matters aforesaid

[31st July 1974]

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Notes

¹ Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Extent

Preamble: England, Wales, Scotland

PART I

WASTE ON LAND

Waste disposal arrangements

 Repealed

1. [...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (May 1, 1994 as SI 1994/1096)

Waste disposal plans

 Repealed

2.— [...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (May 31, 1991 as SI 1991/1319)

Licensing of disposal of controlled waste

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#) | [Other Application](#)

 Partially Repealed

England and Wales

3.— Prohibition of unlicensed disposal of waste.

(1) Except in prescribed cases, a person shall not—

- (a) deposit controlled waste on any land or cause or knowingly permit controlled waste to be deposited on any land; or
- (b) use any plant or equipment, or cause or knowingly permit any plant or equipment to be used, for the purpose of disposing of controlled waste or of dealing in a prescribed manner with controlled waste,

unless the land on which the waste is deposited or, as the case may be, which forms the site of the plant or equipment is occupied by the holder of a licence issued in pursuance of section 5 of this Act (in this Part of this Act referred to as a “disposal licence”) which authorises the deposit or use in question and the deposit or use is in accordance with the conditions, if any, specified in the licence.

(2) Except in a case falling within the following subsection, a person who contravenes any of the provisions of the preceding subsection shall, subject to subsection (4) of this section, be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding [the prescribed sum]¹ or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(3) A person who contravenes paragraph (a) of subsection (1) of this section in a case where—

- (a) the waste in question is of a kind which is poisonous, noxious or polluting; and
- (b) its presence on the land is likely to give rise to an environmental hazard; and
- (c) it is deposited on the land in such circumstances or for such a period that whoever deposited it there may reasonably be assumed to have abandoned it there or to have brought it there for the purpose of its being disposed of (whether by himself or others) as waste,

shall, subject to the following subsection, be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding [the prescribed sum]¹ or both or, on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or both.

(4) It shall be a defence for a person charged with an offence under this section to prove—

(a) that he—

(i) took care to inform himself, from persons who were in a position to provide the information, as to whether the deposit or use to which the charge relates would be in contravention of subsection (1) of this section, and

(ii) did not know and had no reason to suppose that the information given to him was false or misleading and that the deposit or use might be in contravention of that subsection; or

(b) that he acted under instructions from his employer and neither knew nor had reason to suppose that the deposit or use was in contravention of the said subsection (1); or

(c) in the case of an offence of making, causing or permitting a deposit or use otherwise than in accordance with conditions specified in a disposal licence, that he took all such steps as were reasonably open to him to ensure that the conditions were complied with; or

(d) that the acts specified in the charge were done in an emergency in order to avoid danger to the public and that, as soon as reasonably practicable after they were done, particulars of them were furnished to the disposal authority in whose area the acts were done.

[(5) In this section and subsections (5) and (6) of the following section 'land' includes land covered with waters where the land is above the low-water mark of ordinary spring tides and the waters are not inland waters (within the meaning of Chapter I of Part III of the Water Act 1989).]²

Notes

¹ Words substituted (E.W.) by Magistrates' Courts Act 1980 (c.43), s. 32(2) and (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289B(1)

² S. 3(5) inserted (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. 25 para. 48(2), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

Scotland

[...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Other Application

Except in relation to certain applications, appeals and activities specified in SI 1994/1096 regs 2 and 3: s.3 is repealed.[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (May 1, 1994: repeal brought into force in accordance with SI 1994/1096 regs.2 and 3 which allow that the repeal does not take immediate effect in relation to certain applications, appeals and activities; SI 1994/1096 was further amended by SIs 1994/2487 and 1994/3234)

Commencement

Pt I s. 3: June 14, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland (SI 1976/731 art. 3, Sch. 1 para. 1; SI 1977/1587 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 3-(5): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Other Application](#) | [Scotland](#)

 Partially Repealed

England and Wales

4.— 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;

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.

(4) [...]¹

(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.

Notes

- ¹ Repealed 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

Other Application

Except in relation to certain applications, appeals and activities specified in SI 1994/1096 regs 2 and 3: s.4 is repealed.[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (May 1, 1994: repeal brought into force in accordance with SI 1994/1096 regs.2 and 3 which allow that the repeal does not take immediate effect in relation to certain applications, appeals and activities; SI 1994/1096 was further amended by SIs 1994/2487 and 1994/3234)

Scotland

[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Commencement

Pt I s. 4: June 14, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland (SI 1976/731 art. 3, Sch. 1 para. 1; SI 1977/1587 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 4-(6)(b): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#) | [Other Application](#)

 Partially Repealed

England and Wales

5.— Licences to dispose of waste.

(1) An application for a disposal licence in respect of any land in the area of a disposal authority must be made in writing to the authority [...]¹

(2) A disposal licence shall not be issued for a use of land, plant or equipment for which planning permission is required in pursuance of [the Town and Country Planning Act 1990]² or, in Scotland, [the Town and Country Planning (Scotland) Act 1997]³ unless such permission is in force; [...]¹

(3) [Where an application has been received]⁴ for a disposal licence for a use of land, plant or equipment for which such planning permission as aforesaid is in force, it shall be the duty of [the appropriate Agency]⁵ not to reject the application unless [that Agency]⁵ is satisfied that its rejection is necessary for the purpose of preventing pollution of water or danger to public health.

(4) Where [the appropriate Agency]⁶ proposes to issue a disposal licence, it shall be the duty of [that Agency]⁷ before it does so—

[(a) to refer the proposal to any collection authority whose area includes any part of the relevant land; and]⁸

(b) to consider any representations about the proposal which, during the period of twenty-one days beginning with that on which the proposal is received by a body [...]¹ mentioned in paragraph (a) of this subsection or during such longer period as [that Agency]⁹ and that body [...]¹ agree in writing, [that Agency]⁹ receives from that body [...]¹ (including in particular any representations about the conditions which that body [...]¹ considers should be specified in the licence);

[...]¹⁰

(5) [...]¹¹

(6) A person who, in an application for a disposal licence, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding [the prescribed sum]¹² or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

Notes

¹ Words repealed by Local Government, Planning and Land Act 1980 (c. 65), Sch. 34 Pt. II

² Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 31(1)

- ³ Words substituted by Planning (Consequential Provisions) (Scotland) Act 1997 c. 11 Sch.2 para.23(1) (May 27, 1997: with transitional provisions in 1997 c.11 Sch.3 relating to repeals and consequential amendments made by this Act)
- ⁴ Words substituted by Environment Act 1995 c. 25 Sch.22 para.19(2)(a) (April 1, 1996)
- ⁵ Words substituted by Environment Act 1995 c. 25 Sch.22 para.19(2)(b) (April 1, 1996)
- ⁶ Words substituted by Environment Act 1995 c. 25 Sch.22 para.19(3)(a) (April 1, 1996)
- ⁷ Words substituted by Environment Act 1995 c. 25 Sch.22 para.19(3)(b) (April 1, 1996)
- ⁸ Substituted by Environment Act 1995 c. 25 Sch.22 para.19(3)(c) (April 1, 1996)
- ⁹ Words substituted by Environment Act 1995 c. 25 Sch.22 para.19(3)(d) (April 1, 1996)
- ¹⁰ Words repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996: Commenced by SI 1996/186)
- ¹¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)
- ¹² Words substituted (E.W.) by Magistrates' Courts Act 1980 (c.43), s. 32(2) and (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289B(1)

Scotland

[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Other Application

Except in relation to certain applications, appeals and activities specified in SI 1994/1096 regs 2 and 3: s.5 is repealed.[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (May 1, 1994: repeal brought into force in accordance with SI 1994/1096 regs.2 and 3 which allow that the repeal does not take immediate effect in relation to certain applications, appeals and activities; SI 1994/1096 was further amended by SIs 1994/2487 and 1994/3234)

Commencement

Pt I s. 5: June 14, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland (SI 1976/731 art. 3, Sch. 1 para. 1; SI 1977/1587 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 5-(6): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#) | [Other Application](#)



England and Wales

6.— Provisions supplementary to s. 5.

(1) Provision may be made by regulations [...] ¹ as to the conditions specified in a disposal licence which shall be disregarded for the purposes of sections 3(1) and 31(2)(a) of this Act.

(2) [...] ¹, a disposal licence may include such conditions as [the appropriate Agency] ² sees fit to specify in the licence; and without prejudice to the generality of the preceding provisions of this subsection, any such conditions may relate to—

- (a) the duration of the licence;
- (b) the supervision by the holder of the licence of activities to which the licence relates;
- (c) the kinds and quantities of waste which may be dealt with in pursuance of the licence or which may be so dealt with during a specified period, the methods of dealing with them and the recording of information relating to them;
- (d) the precautions to be taken on any land to which the licence relates;
- (e) the steps to be taken with a view to facilitating compliance with any conditions of such planning permission as is mentioned in subsection (2) of the preceding section;
- (f) the hours during which waste may be dealt with in pursuance of the licence; and
- (g) the works to be carried out, in connection with the land, plant or equipment to which the licence relates, before the activities authorised by the licence are begun or while they are continuing;

and it is hereby declared that a condition may require the carrying out of works or the doing of any other thing which [that Agency] ³ considers appropriate in connection with the licence notwithstanding that the licence holder is not entitled as of right to carry out the works or do the thing.

(3) The holder of a disposal licence who without reasonable excuse contravenes a condition of the licence which in pursuance of regulations made by virtue of subsection (1) of this section is to be disregarded for the purposes mentioned in that subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding [level 5 on the standard scale] ⁴; but no proceedings for such an offence shall be brought in England and Wales except by or with the consent of the Director of Public Prosecutions or by [the Environment Agency] ⁵.

(4) It shall be the duty of [the Environment Agency and of SEPA] ⁶ —

- [(a) to refer the proposal to any collection authority whose area includes any part of the relevant land; and] ⁷
- (b) to secure that the register is open to inspection [...] ⁸ by members of the public free of charge at all reasonable hours; and
- (c) to afford members of the public reasonable facilities for obtaining from [that Agency] ⁹, on payment of reasonable charges, copies of entries in the register.

(5) If within the period of two months beginning with the date on which [a duly made application for a disposal licence was received] ¹⁰, or within such longer period as [the appropriate Agency] ¹¹ and the applicant may at any time agree in writing, [the appropriate Agency] ¹¹ has neither issued

a licence in consequence of the application nor given notice to the applicant that [that Agency]¹² has rejected the application, [that Agency]¹² shall be deemed to have rejected the application.

(6) References to land in the preceding section and this section include such water as is mentioned in section 4(4) of this Act.

Notes

- ¹ Words repealed by Local Government, Planning and Land Act 1980 (c. 65), Sch. 34 Pt. II
- ² Words substituted by Environment Act 1995 c. 25 Sch.22 para.20(2)(a) (April 1, 1996)
- ³ Words substituted by Environment Act 1995 c. 25 Sch.22 para.20(2)(b) (April 1, 1996)
- ⁴ Substituted (11.4.1983) by virtue of Criminal Justice Act 1982 (c. 48), ss. 38, 46 and Criminal Procedure (Scotland) Act 1975 (c. 21), ss. 289F, 289G (as inserted by Criminal Justice Act 1982 (c. 48), s. 54)
- ⁵ Words substituted by Environment Act 1995 c. 25 Sch.22 para.20(3) (April 1, 1996)
- ⁶ Words substituted by Environment Act 1995 c. 25 Sch.22 para.20(4)(a) (April 1, 1996)
- ⁷ Substituted by Environment Act 1995 c. 25 Sch.22 para.20(4)(b) (April 1, 1996)
- ⁸ Words repealed by Environment Act 1995 (Consequential Amendments) Regulations 1996/593 Sch.2 para.2 (April 1, 1996)
- ⁹ Words substituted by Environment Act 1995 c. 25 Sch.22 para.20(4)(c) (April 1, 1996)
- ¹⁰ Words substituted by Environment Act 1995 c. 25 Sch.22 para.20(5)(a) (April 1, 1996)
- ¹¹ Words substituted by Environment Act 1995 c. 25 Sch.22 para.20(5)(b) (April 1, 1996)
- ¹² Words substituted by Environment Act 1995 c. 25 Sch.22 para.20(5)(c) (April 1, 1996)

Scotland

[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Other Application

Except in relation to certain applications, appeals and activities specified in SI 1994/1096 regs 2 and 3: s.6 is repealed.[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (May 1, 1994: repeal brought into force in accordance with SI 1994/1096 regs.2 and 3 which allow that the repeal does not take immediate effect in relation to certain applications, appeals and activities; SI 1994/1096 was further amended by SIs 1994/2487 and 1994/3234)

Commencement

Pt I s. 6: June 14, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland (SI 1976/731 art. 3, Sch. 1 para. 1; SI 1977/1587 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 6-(6): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#) | [Other Application](#)

 Partially Repealed

England and Wales

7.— Variation of conditions and revocation of licences.

(1) While a disposal licence [...] ¹ is in force, then—

(a) subject to any regulations in force by virtue of subsection (1) of the preceding section, [the appropriate Agency] ² may—

(i) on its own initiative, serve a notice on the holder of the licence modifying the conditions specified in the licence to any extent which, in the opinion of [that Agency] ², is desirable and is unlikely to require unreasonable expenditure by the licence holder, and

(ii) on the application of the licence holder, serve a notice on him modifying the said conditions to the extent requested in the application;

and

(b) it shall be the duty of [that Agency] ² to serve a notice on the licence holder modifying the conditions specified in the licence—

(i) subject to subsection (4) of this section, to the extent which in the opinion of [that Agency] ² is required for the purpose mentioned in section 9(1)(a) of this Act, and

(ii) to the extent required by any regulations in force as aforesaid.

(2) Subsection (4)[...] ¹ of this Act shall with the necessary modifications apply to a proposal to serve a notice in pursuance of paragraph (a) or paragraph (b)(i) of the preceding subsection as it applies to a proposal to issue a disposal licence, except that—

[(a) the Environment Agency or SEPA, as the case may be, may postpone the reference in pursuance of the said subsection (4) so far as it considers that by reason of an emergency it is appropriate to do so; and

(b) the Environment Agency or SEPA, as the case may be, may disregard any collection authority for the purposes of the preceding provisions of this subsection in relation to a modification which, in the opinion of that Agency, will not affect that authority.] ³

(3) Section 5(6) of this Act shall apply to an application in pursuance of subsection (1)(a)(ii) of this section as it applies to an application for a disposal licence.

(4) Where a disposal licence [...] ¹ is in force and it appears to [the appropriate Agency] ⁴ —

(a) that the continuation of activities to which the licence relates would cause pollution of water or danger to public health or would be so seriously detrimental to the amenities of the locality affected by the activities that the continuation of them ought not to be permitted; and

(b) that the pollution, danger or detriment cannot be avoided by modifying the conditions specified in the licence,

it shall be the duty of [that Agency]⁴ by a notice served on the holder of the licence to revoke the licence.

(5) A notice served in pursuance of this section shall state the time at which the modification or revocation in question is to take effect.

Notes

¹ Words repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

² Words substituted by Environment Act 1995 c. 25 Sch.22 para.21(2)(b) (April 1, 1996)

³ Substituted by Environment Act 1995 c. 25 Sch.22 para.21(3)(b) (April 1, 1996)

⁴ Words substituted by Environment Act 1995 c. 25 Sch.22 para.21(4)(b) (April 1, 1996)

Scotland

[...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Other Application

Except in relation to certain applications, appeals and activities specified in SI 1994/1096 regs 2 and 3: s.7 is repealed.[...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (May 1, 1994: repeal brought into force in accordance with SI 1994/1096 regs.2 and 3 which allow that the repeal does not take immediate effect in relation to certain applications, appeals and activities; SI 1994/1096 was further amended by SIs 1994/2487 and 1994/3234)


Commencement

Pt I s. 7: June 14, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland (SI 1976/731 art. 3, Sch. 1 para. 1; SI 1977/1587 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 7-(5): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#) | [Other Application](#)

 Partially Repealed

England and Wales

8.— Transfer and relinquishment of licences.

- (1) The holder of a disposal licence may, after giving notice to [the appropriate Agency]¹ that he proposes to transfer it on a day specified in the notice to a person whose name and address are so specified, transfer the licence to that person; but a licence in respect of which such a notice is given shall cease to have effect on the expiration of the period of ten weeks beginning with the date on which [that Agency]² receives the notice if during the period of eight weeks beginning with that date [that Agency]² gives notice to the transferee that it declines to accept him as the holder of the licence.
- (2) If by operation of law the right of the holder of a disposal licence to occupy the relevant land is transferred to some other person, that person shall be deemed to be the holder of the licence during the period of ten weeks beginning with the date of the transfer.
- (3) Except as provided by the preceding provisions of this section, references in this Part of this Act to the holder of a disposal licence are references to the person to whom the licence was issued.
- (4) The holder of a disposal licence may cancel the licence by delivering it to [the appropriate Agency]³ and giving notice to [that Agency]⁴ that he no longer requires the licence.

Notes

- ¹ Words substituting by Environment Act 1995 c. 25 Sch.22 para.22(2)(a) (April 1, 1996)
- ² Words substituted by Environment Act 1995 c. 25 Sch.22 para.22(2)(b) (April 1, 1996)
- ³ Words substituted by Environment Act 1995 c. 25 Sch.22 para.22(3)(a) (April 1, 1996)
- ⁴ Words substituted by Environment Act 1995 c. 25 Sch.22 para.22(3)(b) (April 1, 1996)

Scotland

[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Other Application

Except in relation to certain applications, appeals and activities specified in SI 1994/1096 regs 2 and 3: s.8 is repealed.[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (May 1, 1994: repeal brought into force in accordance with SI 1994/1096 regs.2 and 3 which allow that the repeal does not take immediate effect in relation to certain applications, appeals and activities; SI 1994/1096 was further amended by SIs 1994/2487 and 1994/3234)

Commencement

Pt I s. 8: June 14, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland (SI 1976/731 art. 3, Sch. 1 para. 1; SI 1977/1587 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 8-(4): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#) | [Other Application](#)



Partially Repealed

England and Wales

9.— Supervision of licensed activities.

(1) While a disposal licence is in force it shall be the duty of [the appropriate Agency]¹ to take the steps needed—

- (a) for the purpose of ensuring that the activities to which the licence relates do not cause pollution of water or danger to public health or become seriously detrimental to the amenities of the locality affected by the activities; and
- (b) for the purpose of ensuring that the conditions specified in the licence are complied with.

(2) For the purpose of performing the duty which is imposed on [the Environment Agency or SEPA, as the case may be,]² by the preceding subsection in connection with a licence, any officer of [that Agency]³ authorised in writing in that behalf by [that Agency]³ may, if it appears to him that by reason of an emergency it is necessary to do so, carry out work on the relevant land and on any plant or equipment to which the licence relates.

(3) Where [the Environment Agency or SEPA]⁴ incurs any expenditure by virtue of the preceding subsection, [it]⁵ may recover the amount of the expenditure from the holder of the disposal licence in question, or if the licence has been revoked or cancelled from the last holder of it, except where the holder or last holder of the licence shows that there was no emergency requiring any work or except such of the expenditure as he shows was unnecessary.

(4) Where it appears to [the appropriate Agency]⁶ that a condition specified in a disposal licence [...] ⁷ is not being complied with, then, without prejudice to any proceedings in pursuance of section 3 or 6(3) of this Act in consequence of any failure to comply with the condition, [that Agency]⁸ may—

- (a) serve on the licence holder a notice requiring him to comply with the condition before a time specified in the notice; and
- (b) if in the opinion of [that Agency]⁸ the licence holder has not complied with the condition by that time, serve on him a further notice revoking the licence at a time specified in the further notice.

Notes

- ¹ Words substituted by Environment Act 1995 c. 25 Sch.22 para.23(2) (April 1, 1996)
- ² Words substituted by Environment Act 1995 c. 25 Sch.22 para.23(3)(a) (April 1, 1996)
- ³ Words substituted by Environment Act 1995 c. 25 Sch.22 para.23(3)(b) (April 1, 1996)
- ⁴ Words substituted by Environment Act 1995 c. 25 Sch.22 para.23(4)(a) (April 1, 1996)
- ⁵ Words substituted by Environment Act 1995 c. 25 Sch.22 para.23(4)(b) (April 1, 1996)
- ⁶ Words substituted by Environment Act 1995 c. 25 Sch.22 para.23(5)(a) (April 1, 1996)
- ⁷ Words repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)
- ⁸ Words substituted by Environment Act 1995 c. 25 Sch.22 para.23(5)(c) (April 1, 1996)

Scotland

[...] ¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Other Application

Except in relation to certain applications, appeals and activities specified in SI 1994/1096 regs 2 and 3: s.9 is repealed.[...] ¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (May 1, 1994: repeal brought into force in accordance with SI 1994/1096 regs.2 and 3 which allow that the repeal does not take immediate effect in relation to certain applications, appeals and activities; SI 1994/1096 was further amended by SIs 1994/2487 and 1994/3234)


Commencement

Pt I s. 9: June 14, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland (SI 1976/731 art. 3, Sch. 1 para. 1; SI 1977/1587 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 9-(4)(b): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#) | [Other Application](#)

 Partially Repealed

England and Wales

10.— Appeals to Secretary of State from decisions with respect to licences.

(1) Where—

- (a) an application for a disposal licence or a modification of a disposal licence is rejected; or
- (b) a disposal licence which specifies conditions is issued; or
- (c) the conditions specified in a disposal licence are modified; or
- (d) a disposal licence is revoked,

the applicant for the licence or, as the case may be, the holder or last holder of it may, in accordance with regulations, appeal from the decision in question to the Secretary of State; and where on such an appeal the Secretary of State determines that the decision is to be altered it shall be the duty of [the appropriate agency]¹ to give effect to the determination.

(2) While an appeal in pursuance of the preceding subsection is pending in a case falling within paragraph (c) or (d) of that subsection, the decision in question shall, subject to the following subsection, be ineffective; and if the appeal is dismissed or withdrawn the decision shall be effective again from the end of the day on which the appeal is dismissed or withdrawn.

(3) The preceding subsection shall not apply [if the decision in question is a decision]² as respects which the notice relating to the decision which was served on the holder of the relevant licence in pursuance of section 7 or section 9(4)(b) of this Act includes a statement that [in the opinion of the body making the decision in question]³ it is necessary for the purpose of preventing pollution of water or danger to public health that the preceding subsection should not apply to the decision; but if on the application of the holder or former holder of the relevant licence the Secretary of State determines that [that body acted]⁴ unreasonably in including such a statement in the said notice, then—

- (a) if the appeal in question is still pending at the end of the day on which the determination is made, the preceding subsection shall apply to the decision from the end of that day; and
- (b) the holder or former holder of the licence shall be entitled to recover compensation from [the appropriate agency]⁵ in respect of any loss suffered by him in consequence of the statement;

and any dispute as to a person's entitlement to compensation in pursuance of paragraph (b) of this subsection or as to the amount of the compensation shall be determined by arbitration.

Notes

¹ Words substituted by Environment Act 1995 c. 25 Sch.22 para.24(2) (April 1, 1996)

² Words substituted by Environment Act 1995 c. 25 Sch.22 para.24(3)(a) (April 1, 1996)

- ³ Words substituted by Environment Act 1995 c. 25 Sch.22 para.24(3)(b) (April 1, 1996)
- ⁴ Words substituted by Environment Act 1995 c. 25 Sch.22 para.24(3)(c) (April 1, 1996)
- ⁵ Words substituted by Environment Act 1995 c. 25 Sch.22 para.24(3)(d) (April 1, 1996)

Scotland

[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Other Application

Except in relation to certain applications, appeals and activities specified in SI 1994/1096 regs 2 and 3: s.10 is repealed.[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (May 1, 1994: repeal brought into force in accordance with SI 1994/1096 regs.2 and 3 which allow that the repeal does not take immediate effect in relation to certain applications, appeals and activities; SI 1994/1096 was further amended by SIs 1994/2487 and 1994/3234)

Commencement

Pt I s. 10: June 14, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland (SI 1976/731 art. 3, Sch. 1 para. 1; SI 1977/1587 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 10-(3)(b): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)



Partially Repealed With Amendments Pending

England and Wales

11.— Special provisions for land occupied by disposal authorities.

[(12) Any resolution passed in pursuance of this section by the Greater London Council or the Greater Manchester County Council which is in force immediately before 1st April 1986 in relation to land transferred by or under the Local Government Act 1985 to a London waste disposal authority,

the Common Council of the City of London, the council of a London borough or the council of the metropolitan district of Wigan (“the transferee authority”) shall have effect from that date as if it were a disposal licence granted under section 5 of this Act by the London Waste Regulation Authority or, as the case may be, the Greater Manchester Waste Disposal Authority to the transferee authority to use the land in question subject to the conditions specified in the resolution.]¹

Notes

¹ S. 11(12) added by S.I. 1985/1884, art. 5, Sch. 2 para. 7(c)

Scotland

[...]¹

Notes

¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

Amendments Pending

Pt I s. 11: repealed by Environmental Protection Act 1990 c. 43 Sch. 16(II) para. 1 (date to be appointed: commencement order)

Commencement

Pt I s. 11: June 14, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland (SI 1976/731 art. 3, Sch. 1 para. 1; SI 1977/1587 Sch. 1 para. 1)

Extent

Pt I s. 11-(12): England, Wales, Scotland

Collection and disposal of controlled waste

 Repealed

12.— [...]¹

Notes

¹ Repealed, for the purposes specified in SI 1992/266 art.3, by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 1992: repeal has effect for the purposes specified in SI 1992/266 art.3)

 Repealed

13.— [...]¹

Notes

- ¹ Repealed, for the purposes specified in SI 1992/266 art.3, by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 1992: repeal has effect for the purposes specified in SI 1992/266 art.3)
-

 Law In Force With Amendments Pending

14.— Disposal of waste in England and Wales.

(1)-(5) [...] ¹

(6) A disposal authority or a collection authority may permit another person to use facilities provided by the authority in pursuance of the preceding provisions of this section and may provide for the use of another person any such facilities as the authority has power to provide in pursuance of those provisions; and—

- (a) subject to the following paragraph, it shall be the duty of the authority to make a reasonable charge in respect of the use by another person of the facilities unless the authority considers it appropriate not to make a charge;
- (b) no charge shall be made in pursuance of this subsection in respect of household waste; and
- (c) anything delivered to the authority by another person in the course of using the facilities shall belong to the authority and may be dealt with accordingly.

(7)-(11) [...] ¹

(12) This section does not apply to Scotland.

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 1992 as SI 1992/266, save insofar as relates to industrial waste in England and Wales)

Amendments Pending

Pt I s. 14(6): repealed by Environmental Protection Act 1990 c. 43 Sch. 16(II) para. 1 (date to be appointed: commencement order)

Pt I s. 14(12): repealed by Environmental Protection Act 1990 c. 43 Sch. 16(II) para. 1 (date to be appointed: commencement order)

Commencement

Pt I s. 14(1)-(8): June 6, 1988 (SI 1988/818 art. 2, Sch. 1 para. 1)

Pt I s. 14(9): April 1, 1977 in relation to inner London Boroughs; June 6, 1988 otherwise (SI 1977/336 art. 3, Sch. 1 para. 1; SI 1988/818 art. 2, Sch. 1 para. 1)

Pt I s. 14(10)-(11): May 1, 1977 April 1, 1977 in relation to inner London Boroughs; June 6, 1988 otherwise (SI 1977/336 art. 3, Sch. 1 para. 1; SI 1988/818 art. 2, Sch. 1 para. 1)

Pt I s. 14(12): June 6, 1988 (SI 1988/818 art. 2, Sch. 1 para. 1)

Extent

Pt I s. 14(1)-(12): England, Wales



Repealed

15.— [...]¹**Notes**

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 1992 as SI 1992/266)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)



Partially Repealed With Amendments Pending

England and Wales

16.— Removal of waste deposited in breach of licensing provisions.

(1) If any controlled waste is deposited on any land [in contravention of section 3(1) of this Act, any authority to which this section applies may]¹ serve a notice on the occupier of the land requiring him—

- (a) to remove the waste from the land within a period specified in the notice, which shall not be less than twenty-one days beginning with the date of service of the notice; or
- (b) to take within such a period such steps as are so specified with a view to eliminating or reducing the consequences of the deposit of the waste,

or requiring him both to remove the waste as mentioned in paragraph (a) of this subsection and to take such steps as are mentioned in paragraph (b) of this subsection within such a period as aforesaid.

(2) A person served with a notice in pursuance of the preceding subsection may within the twenty-one days aforesaid appeal to a magistrates' court against the notice; and on any such appeal the court shall quash the notice if it is satisfied that—

- (a) the appellant neither deposited nor caused nor knowingly permitted the deposit of the waste on the land; or
- (b) service of the notice on the appellant was not authorised by the preceding subsection; or
- (c) there is a material defect in the notice;

and in any other case shall either modify the notice or dismiss the appeal.

(3) Where a person appeals against a notice in pursuance of this section, the notice shall be of no effect pending the determination of the appeal; and where the court modifies the notice or dismisses the appeal it may extend the period specified in the notice.

(4) If a person on whom a notice is served in pursuance of subsection (1) of this section fails to comply with the notice, then—

- (a) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [level 5 on the standard scale]² and a further fine not exceeding £50 for each day on which

the failure continues after conviction for the offence and before the authority which served the notice has begun to exercise its powers in pursuance of the following paragraph; and
 (b) the said authority may do what that person was required by the notice to do and may recover from him any expenses reasonably incurred by the authority in doing it.

(5) If it appears to such an authority as is mentioned in subsection (1) of this section that waste has been deposited as there mentioned and that—

(a) in order to remove or prevent pollution of water or danger to public health it is necessary forthwith to remove the waste or to take other steps with a view to eliminating or reducing the consequences of the deposit of it or necessary forthwith to remove the waste and to take such other steps; or

(b) there is no occupier of the land in question; or

(c) the occupier of the land neither made nor knowingly permitted the deposit of the waste, the authority may remove the waste from the land or take such other steps as aforesaid or, as the case may require, may remove it and take such other steps.

(6) Where an authority exercises in respect of any land a power conferred on it by the preceding subsection it shall be entitled to recover the cost of doing so and of disposing of any waste removed in the exercise of the power—

(a) in a case falling within paragraph (a) of that subsection, from the occupier of the land unless he proves that he neither made nor caused nor knowingly permitted the deposit in question;

(b) in any case, from any person who deposited or caused or knowingly permitted the deposit of any of the waste in question on the land,

except such of the cost as the occupier or other person shows was incurred unnecessarily.

(7) Any waste removed by an authority in pursuance of this section shall belong to the authority and may be dealt with accordingly.

[(8) The authorities to which this section applies are—

(a) the appropriate Agency;

(b) any collection authority in whose area the land mentioned in subsection (1) above is situated.

]³

Notes

¹ Words substituted by Environment Act 1995 c. 25 Sch.22 para.26(2) (April 1, 1996)

² Substituted (E.W.) by virtue of Criminal Justice Act 1982 (c. 48), ss. 38, 46 and (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), ss. 289F, 289G (as inserted by Criminal Justice Act 1982 (c. 48), s. 54)

³ Added by Environment Act 1995 c. 25 Sch.22 para.26(3) (April 1, 1996)

Scotland

[...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Amendments Pending

Pt I s. 16: repealed by Environmental Protection Act 1990 c. 43 Sch. 16(II) para. 1 (date to be appointed: commencement order)

Commencement

Pt I s. 16: June 14, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland (SI 1976/731 art. 3, Sch. 1 para. 1; SI 1977/1587 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 16-(8)(b): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)



Partially Repealed With Amendments Pending

England and Wales

17.— Special provisions with respect to certain dangerous or intractable waste.

(1) If the Secretary of State considers that controlled waste of any kind is or may be so dangerous or difficult to dispose of that special provision in pursuance of this subsection is required for the disposal of waste of that kind by disposal authorities or other persons, it shall be his duty to make provision by regulations for the disposal of waste of that kind (hereafter in this section referred to as “special waste”); and, without prejudice to the generality of the Secretary of State's power to make regulations in pursuance of the preceding provisions of this subsection, any such regulations may include provision—

- (a) for the giving of directions by disposal authorities with respect to matters connected with the disposal of special waste;
- (b) for securing that special waste is not, while awaiting disposal in pursuance of the regulations, kept at any one place in quantities greater than those which are prescribed and in circumstances which differ from those which are prescribed;
- (c) for requiring the occupier of premises on which special waste is situated to give notice of that fact and other prescribed information to a prescribed authority;
- (d) for the keeping of records by persons who produce or dispose of special waste or transfer it to another person for disposal, for the inspection of the records and for the furnishing by such persons to prescribed authorities of copies of or information derived from the records;
- (e) providing that a contravention of the regulations shall be an offence and prescribing the maximum penalty for the offence (which shall not exceed, on summary conviction, a fine of [the prescribed sum]¹ and, on conviction on indictment, imprisonment for a term of two years and a fine).

(2) Without prejudice to the generality of the power to make regulations conferred by the preceding subsection, regulations made in pursuance of that subsection may include provision—

- (a) requiring special waste of particular kinds to be disposed of only by disposal authorities or, in the case of special waste of a kind which the Secretary of State considers involves or may involve such a risk of damage to persons or animals or vegetation that it should be disposed of only by him, to be disposed of only by the Secretary of State;
- (b) for the supervision by disposal authorities (whether by the application with modifications of provisions of section 9 of this Act or otherwise) of activities authorised by virtue of the regulations;
- (c) as to the recovery of expenses or other charges for disposals by disposal authorities or the Secretary of State in pursuance of the regulations;
- (d) as to appeals to the Secretary of State from decisions of disposal authorities in pursuance of the regulations.

(3) Provision may also be made by regulations—

- (a) for the giving of a direction, in respect of any place in respect of which a disposal licence or a resolution in pursuance of section 11 of this Act is in force, requiring the holder of the licence or the authority which passed the resolution to accept and dispose of at the place, on such terms as are specified in the direction (including terms as to the making of payments to the recipient of the direction), such special waste as is so specified;
- (b) as to the consents to be obtained and the other steps to be taken before a direction may be given in pursuance of the regulations and as to appeals to the Secretary of State against a direction so given;
- (c) providing that a failure to comply with such a direction shall be an offence punishable on summary conviction by a fine not exceeding [level 3 on the standard scale]² or such less amount as is prescribed and that a person shall not be guilty of an offence under any prescribed enactment by reason only of anything necessarily done or omitted in order to comply with such a direction.

Notes

- ¹ Words substituted (E.W.) by Magistrates' Courts Act 1980 (c.43), s. 32(2) and (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289B(1)
- ² Substituted (E.W.) by virtue of Criminal Justice Act 1982 (c. 48), ss. 38, 46 and (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), ss. 289F, 289G (as inserted by Criminal Justice Act 1982 (c. 48), s. 54)

Scotland

[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Amendments Pending

Pt I s. 17: repealed by Environmental Protection Act 1990 c. 43 Sch. 16(II) para. 1 (date to be appointed: commencement order)

Commencement

Pt I s. 17(1)-(2): January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Pt I s. 17(3)(a): January 1, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland

Pt I s. 17(3)(b)-(3)(c): January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 17(1)-(3)(c): England, Wales, Scotland

Waste other than controlled waste

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#) | [Other Application](#)

 Partially Repealed

England and Wales

18.— Application of preceding provisions to other waste.

(1) The Secretary of State may, after consultation with such bodies as he considers appropriate, make regulations providing that prescribed provisions of sections 1 to 11 and 14 to 17 of this Act shall have effect in a prescribed area—

- (a) as if references in those provisions to controlled waste or controlled waste of a kind specified in the regulations included references to such waste as is mentioned in section 30(3)(c)(ii) of this Act which is of a kind so specified; and

- (b) with such other modifications as are prescribed;

and regulations made in pursuance of this subsection may make such modifications of any enactment other than the sections aforesaid as the Secretary of State considers appropriate in connection with the regulations.

(2) A person who—

- (a) deposits on any land any waste other than controlled waste; or
- (b) causes or knowingly permits the deposit on any land of any waste other than controlled waste,

in a case where, if the waste were controlled waste and any disposal licence relating to the land were not in force, he would be guilty of an offence under section 3(3) of this Act shall be guilty of such an offence and punishable accordingly unless the act charged was done in pursuance of and in accordance with the terms of any consent, licence, approval or authority granted under any enactment (excluding any planning permission under the enactments relating to town and country

planning); and in this subsection “land” includes such water as is mentioned in section 4(4) of this Act.

(3) Subsection (2) of section 12 and subsection (4) of section 13 of this Act shall apply to waste other than controlled waste as the subsections apply to controlled waste.

Scotland

[...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Other Application

Except in relation to certain applications, appeals and activities specified in SI 1994/1096 regs 2 and 3: s.18 is repealed.[...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (May 1, 1994: repeal brought into force in accordance with regs.2 and 3 of the Environmental Protection Act 1990 (Commencement No. 15) Order 1994 (SI 1994/1096) which allow that the repeal does not take immediate effect in relation to certain applications, appeals and activities)

Commencement

Pt I s. 18(1)-(2): June 14, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland (SI 1976/731 art. 3, Sch. 1 para. 1; SI 1977/1587 art. 3, Sch. 1 para. 1)

Pt I s. 18(3): June 6, 1988 (SI 1988/818 art. 2, Sch. 1 para. 1)

Pt I s. 18(4): Date not available

Extent

Pt I s. 18(1)-(3): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)



Partially Repealed With Amendments Pending

England and Wales

19. Powers of disposal authorities as respects other waste.

Each disposal authority shall have power to collect information about, and to make arrangements for the disposal of, waste which is situated or likely to be situated in its area and is not controlled waste; but nothing in sections 91 to 94 of this Act shall apply to functions conferred on an authority or information collected by an authority in pursuance of this section.

Scotland

[...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Amendments Pending

Pt I s. 19: repealed by Environmental Protection Act 1990 c. 43 Sch. 16(II) para. 1 (date to be appointed: commencement order)

Commencement

Pt I s. 19: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(III) para. 1)

Extent

Pt I s. 19: England, Wales, Scotland

Reclamation etc. of waste

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)



Partially Repealed With Amendments Pending

England and Wales

20. Reclamation of waste.

Without prejudice to the powers of disposal authorities apart from this section, any disposal authority may—

- (a) do such things as the authority considers appropriate for the purpose of—
 - (i) enabling waste belonging to the authority, or belonging to another person who requests the authority to deal with it in pursuance of this section, to be used again, or

- (ii) enabling substances to be reclaimed from such waste;
- (b) buy or otherwise acquire waste with a view to its being used again or to the reclamation of substances from it; and
- (c) use, sell or otherwise dispose of waste belonging to the authority or anything produced from such waste.

Scotland

[...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Amendments Pending

Pt I s. 20: repealed by Environmental Protection Act 1990 c. 43 Sch. 16(II) para. 1 (date to be appointed: commencement order)

Commencement

Pt I s. 20: January 1, 1976 in relation to England and Wales; January 1, 1978 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1977/1587 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 20-(c): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)



Partially Repealed With Amendments Pending

England and Wales

21.— Production of heat and electricity from waste etc.

(1) A disposal authority may, subject to [subsection (2)]¹ of this section,—

- (a) use waste belonging to the authority for the purpose of producing from it heat or electricity or both;
- (b) establish and operate, within or outside its area, such generating stations and other installations as the authority thinks fit for the purpose aforesaid; and
- (c) where the authority operates an installation in which waste is usually used as the main fuel for the purpose of producing heat or electricity, then—

- (i) in the case of an installation for producing heat, use other fuel in addition to waste to produce the heat, and
- (ii) in the case of an installation for producing electricity, use other fuel to assist in burning the waste to produce the electricity,

and, in an emergency, use other fuel instead of waste to produce the heat or electricity; and a disposal authority may use, sell or otherwise dispose of any heat produced by the authority by virtue of this section.

[(2) Nothing in subsection (1) of this section shall be construed as exempting a disposal authority from the requirements of Part I of the Electricity Act 1989.]²

(4) Subsection (6) of section 12 of this Act (except paragraph (b) of that subsection) and subsection (7) of that section (except so much of it as relates to the Pipe-lines Act 1962) shall have effect in relation to a disposal authority as if the reference in the said subsection (6) to the collection of waste in pursuance of that section included the conveying of heat produced by the authority by virtue of this section and of air, steam and water heated by such heat.

(5) It shall be the duty of a disposal authority by which an installation for producing heat is operated in pursuance of this section in any year to furnish to the Secretary of State, as soon as practicable after the end of that year, such particulars relating to the installation and heat produced at it as are prescribed.

(6) Nothing in this section[...] ³ shall be construed as prejudicing any power exercisable by a disposal authority apart from this section.

Notes

¹ Words substituted by Electricity Act 1989 (c. 29), s. 12(1), Sch. 16 para. 18(2)

² S. 21(2) substituted for s. 21(2) and (3) by Electricity Act 1989 (c. 29), s. 112(1), Sch. 16 para. 18(3)

³ Words repealed by Electricity Act 1989 (c. 29), s.112(4), Sch. 18

Scotland

[...] ¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Amendments Pending

Pt I s. 21: repealed by Environmental Protection Act 1990 c. 43 Sch. 16(II) para. 1 (date to be appointed: commencement order)

Commencement

Pt I s. 21: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(III) para. 1)

Extent

Pt I s. 21-(6): England, Wales, Scotland

Street cleaning and litter

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)

 Partially Repealed

England and Wales

22.— Street cleaning etc.

(1)-(2) [...] ¹

(3) A local authority may, with the consent of any person who has an interest in or is the occupier of any relevant land, arrange for the cleaning of the land and may enter into an agreement with such a person for the payment by him of charges in respect of the cleaning; and in this subsection “relevant land” means any land in the open air to which members of the public have access, either as of right or otherwise, and which is not the site of a highway.

(4) In the preceding provisions of this section and in the following section—

“highway” means highway maintainable at the public expense within the meaning of [the Highways Act 1980] ²;

“local authority” means the council of a district or London borough and the Common Council of the City of London [but, in relation to Wales, means the council of a county or county borough] ³ ; and

“special road” and “trunk road” have the same meanings as in [the Highways Act 1980] ².

(5) In the application of this section to Scotland the preceding subsection shall not have effect and in this section and in the following section—

“highway” and “highway authority” have respectively the same meanings as in the Roads (Scotland) Act 1970;

“local authority” means a collection authority;

“special road” has the same meaning as in the Special Roads Act 1949;

“trunk road” means a highway which by virtue of the Trunk Roads Acts 1936 and 1946 or an order under section 1 of the Trunk Roads Act 1946, or by virtue of section 9(1) of the said Act of 1949, is a trunk road.

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(IV) para.1 (April 1, 1991)

² Words substituted by Highways Act 1980 (c. 66), Sch. 24 para. 24(a)

³ Words inserted into definition by Local Government (Wales) Act 1994 c. 19 Sch.9 para.10(1) (April 1, 1996)

Scotland

[...]¹

Notes

- ¹ Repealed in relation to Scotland by Local Government and Planning (Scotland) Act 1982 (c. 43), Sch. 4 Pt. I and S.I. 1982/1397, Sch. 2

Commencement

Pt I s. 22: June 14, 1976 (SI 1976/731 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 22-(5) definition of "trunk road": England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)

 Partially Repealed

England and Wales

23.— Prohibition of parking to facilitate street cleaning.

(1) Where in the case of any part of a highway (hereafter in this section referred to as “the relevant area”) the highway authority for the relevant area or the local authority in whose area the relevant area is situated considers that, in order to facilitate the cleaning of the relevant area on a particular day (hereafter in this section referred to as “the relevant day”), it is appropriate to prohibit the parking of vehicles in the relevant area during certain hours of the relevant day, the authority may give notice in accordance with the following provisions of this section prohibiting such parking.

[(2) Such a notice must specify the relevant area, the relevant day and the hours in question; and a copy of the notice must—

- (a) be served on the occupier of any premises adjoining the relevant area; and
- (b) be conspicuously displayed at places in the relevant area.

(2A) The effect of the giving of such a notice and of the service and display of copies of it as required by subsection (2) of this section shall be to suspend during the hours of the relevant day specified in the notice the operation of any provision which is contained in an order under the Road Traffic Regulation Act [1984]² or a local enactment and which authorises, designates or regulates the use of a street parking place in the relevant area.

(2B) The authority giving the notice shall cover up traffic signs and parking meters in the relevant area during the hours of the relevant day specified in the notice, but without prejudice to the effect of the notice.]¹

(3) [...]³

(4) Regulations may [...] ⁴ provide that [sections 99 to 102 of the Road Traffic Regulation Act 1984] ⁵ (which among other things provide for the removal, storage and disposal of vehicles left on roads in contravention of a statutory prohibition) shall have effect, in relation to any vehicle which is or was standing on any part of a highway while parking on that part is or was prohibited by virtue of this section, with such modifications as are prescribed.

[(5) If, either before or during the hours on the relevant day which are specified in a notice given by an authority as mentioned in subsection (1) of this section, the authority displays notices in the relevant area stating that the prohibition on parking is not to come into force or is to cease to be in force, the effect of the notices under this subsection shall be to prevent the prohibition coming into force or, as the case may be, to terminate it.] ⁶

(6) It shall be the duty of the highway authority for any part of a highway and of the local authority in whose area the part is situated to co-operate with each other in performing the functions conferred on them by virtue of this section; and where a highway authority or a local authority gives notice as mentioned in subsection (1) of this section in respect of any part of a highway for which it is the highway authority or, as the case may be, which is within its area, any other authority which is the highway authority for that part or which is the local authority within whose area that part is situated shall, with the approval of the authority which gave the notice, be entitled to act in pursuance of this section as if the other authority had given similar notice.

[(6A) No authority shall issue a notice under this section whose effect would be to suspend the operation of provisions of an order not made by the highway authority without first consulting the authority who made the order.] ⁷

(7) Where any parking in the relevant area is, by virtue of a notice given as mentioned in subsection (1) of this section, prohibited during specified hours on the relevant day, no right of action shall accrue to any person by reason of the fact that all or some of the cleaning of the relevant area which the highway authority or, as the case may be, the local authority proposes to do or has done during those hours is not cleaning which that authority has or had power to do if the other of those authorities has or had power to do it.

(8) Any reference in the preceding provisions of this section to a part of a highway includes any such part on which the parking of vehicles is, apart from this section, authorised by virtue of any enactment whether on payment or free of charge; and where the parking of vehicles on such a part is prohibited by virtue of this section a person shall not be entitled to recover any sum paid by him in respect of the parking of a vehicle there.

[(9) In this section “parking meter” , “street parking place” and “traffic sign” have the meanings respectively assigned to them by [sections 46(2)(a), 142(1) and 64(1) of the Road Traffic Regulation Act 1984] ⁹ .] ⁸

^{10 11}

Notes

- ¹ S. 23(2)(2A)(2B) substituted for s. 23(2) by Local Government, Planning and Land Act 1980 (c. 65), s. 1(2), Sch. 2 para. 11(1)
- ² Word substituted by Road Traffic Regulation Act 1984 (c.27), s. 146, Sch. 13 para. 30(a)
- ³ Repealed by Local Government, Planning and Land Act 1980 (c. 65), Sch. 34 Pt.II
- ⁴ Word repealed by Local Government, Planning and Land Act 1980 (c. 65), Sch. 34 Pt. II
- ⁵ Words substituted by Road Traffic Regulation Act 1984 (c.27), s. 146, Sch. 13 para. 30(b)
- ⁶ S. 23(5) substituted by Local Government, Planning and Land Act 1980 (c. 65), s. 1(2), Sch. 2 para. 11(3)

- ⁷ S. 23(6A) inserted by Local Government, Planning and Land Act 1980 (c. 65), s. 1(2), Sch. 2 para. 11(4)
- ⁸ S. 23(9) inserted by Local Government, Planning and Land Act 1980 (c. 65), s. 1(2), Sch. 2 para. 11(5)
- ⁹ Words substituted by Road Traffic Regulation Act 1984 (c.27), s. 146, Sch. 13 para. 30(c)
- ¹⁰ Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
- ¹¹ Power to transfer functions conferred by Local Government Act 1985 (c.51), s. 10(4)

Scotland

[...]¹
2 3

Notes

- ¹ Repealed in relation to Scotland by Local Government and Planning (Scotland) Act 1982 (c. 43), Sch. 4 Pt. I and S.I. 1982/1397, Sch. 2
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
- ³ Power to transfer functions conferred by Local Government Act 1985 (c.51), s. 10(4)

Commencement

Pt I s. 23: June 14, 1976 (SI 1976/731 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 23-(9): England, Wales, Scotland



Partially In Force With Amendments Pending

24.— Litter.

(1) It shall be the duty of the council of each county in England and Wales and the local authorities of which the areas are included in the county and, where the county includes land in a National Park, the Park authority to consult from time to time together, and with such voluntary bodies as the council and the authorities consider appropriate and as agree to participate in the consultations, about the steps which the council and each of the authorities and bodies is to take for the purpose of abating litter in the county; and it shall be the duty of the county council—

- (a) to prepare and from time to time revise a statement of the steps which the council and each of the authorities and bodies agrees to take for that purpose; and
- (b) to take such steps as in its opinion will give adequate publicity in the county to the statement; and
- (c) to keep a copy of the statement available at its principal office for inspection by the public free of charge at all reasonable hours.

(2) The preceding subsection shall apply to Greater London and the Greater London Council as it applies to a county and the council of a county, and in that subsection "local authority" means a collection authority, a parish council, a parish meeting and a community council and "Park authority" means the National Parks Committee or the joint or special planning board for the Park in question.

(3) In Scotland, it shall be the duty of—

- (a) the council of each region and the district councils of which the districts are included in the region to consult from time to time together and with such voluntary bodies as the regional council and the district councils consider appropriate and as agree to participate in the consultations;
- (b) the council of each islands area to consult with such voluntary bodies as the council considers appropriate and as agree to participate in consultations,
- about the steps which the regional or islands council and each of the bodies with which it consulted (including, in the case of a regional council, each district council) is to take for the purpose of abating litter in the region or, as the case may be, islands area; and it shall be the duty of the regional or island council—
- (i) to prepare and from time to time revise a statement of the steps which the regional or islands council and each of the bodies agrees to take for the purpose;
- (ii) to take such steps as in its opinion will give adequate publicity in its area to the statement; and
- (iii) to keep a copy of the statement available at its principal office for inspection by the public free of charge at reasonable hours.

(4) [...]¹
 23

Notes

- ¹ Repealed by Litter Act 1983 (c.35), s. 12(3), Sch. 2
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
- ³ Power to transfer functions conferred by Local Government Act 1985 (c.51), s. 10(4)

Amendments Pending

Pt I s. 24: repealed by Litter Act 1983 c. 35 Sch. 2 para. 1 (date to be appointed: commencement order)

Commencement

Pt I s. 24(1)-(3): Date to be appointed (not yet in force) (1974 c. 40 Pt VI s. 109(2))

Pt I s. 24(4): April 1, 1977 (SI 1977/476 art. 3, Sch. 1(I) para. 1)

Extent

Pt I s. 24(1)-(4): England, Wales, Scotland

Supplemental

 Repealed

25.— [...]¹

Notes

- ¹ Repealed by Coal Industry Act 1994 c. 21 Sch.11(II) para.1 (October 31, 1994)
-

 Repealed

26.— [...]¹


23

Notes

- ¹ Repealed 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
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
- ³ Power to transfer functions conferred by Local Government Act 1985 (c.51), s. 10(4)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England, Scotland and Wales](#) | [Other Application](#)

 Partially Repealed

England, Scotland and Wales

27.— Interference with refuse tips and dustbins etc.

(1) No person shall sort over or disturb—

(a) anything deposited at a place provided by a disposal authority or a collection authority for the deposit of waste or in a receptacle for waste which is provided by such an authority or a parish or community council for public use; or

(b) the contents of any receptacle for waste which, in accordance with [a notice under section 13(1) or (5)]¹ of this Act, is placed on any highway or in any other place with a view to its being emptied,

unless he is authorised to do so by the authority or council in the case of anything deposited as mentioned in paragraph (a) above or, in the case of such a receptacle as is mentioned in paragraph (b) above, unless he is a person entitled to the custody of the receptacle or is authorised to do so by such a person or is a person having the function of emptying the receptacle.

[...]²

(2) A person who contravenes any of the provisions of the preceding subsection shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding [level 3 on the standard scale]³.[...]⁴

Notes

- ¹ Words substituted by Local Government, Planning and Land Act 1980 (c. 65), s. 1(2), Sch. 2 para. 12
- ² Words repealed by Roads (Scotland) Act 1984 (c.54), s. 156(1)(3) Sch. 9 para. 74(3)(c), Sch. 11
- ³ Substituted (11.4.1983) by virtue of Criminal Justice Act 1982 (c. 48), ss. 38, 46
- ⁴ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Other Application

Except in relation to certain applications, appeals and activities specified in SI 1994/1096 regs 2 & 3: s.27 is repealed.[...]¹

Notes

- ¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (May 1, 1994: repealed subject to savings and transitional provisions specified in SI 1994/1096 art.2(2))

Commencement

Pt I s. 27(1)(a): January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Pt I s. 27(1)(b): June 6, 1988 (SI 1988/818 art. 2, Sch. 1 para. 1)

Pt I s. 27(2): January 1, 1976 in relation to England and Wales; July 19, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt I s. 27(1)-(2): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)



Partially Repealed With Amendments Pending

England and Wales

28.— Supplementary provisions relating to pipes.

(1) Where an authority provides pipes in pursuance of section 12(6), 14(5), 15(2), [or 21(4)]¹ of this Act, it shall be the duty of the authority—

(a) except where the authority is a collection authority and the pipes are situated in its area, to send to the collection authority in whose area the pipes are situated a map [...] ² showing the location of the pipes; and

(b) where the authority is a collection authority and the pipes are situated in its area, to prepare such a map;

and it shall be the duty of an authority by which a map is received in pursuance of paragraph (a) of this subsection or is prepared in pursuance of paragraph (b) of this subsection to secure that a copy of the map is available at its principal offices for inspection by the public free of charge at all reasonable hours.

In the application of this subsection to Scotland, the words “the authority is a collection authority and” in paragraphs (a) and (b) shall be omitted.

(2) [...]³

(3) Section 21 of the Sewerage (Scotland) Act 1968 (under which the erection of buildings over a sewer vested in a local authority may be prevented or controlled by the authority or, on appeal, by the sheriff) shall have effect as if the reference to a sewer vested in a local authority included any pipe provided as mentioned in subsection (1) of this section.

(4) References to pipes in the preceding provisions of this section include associated works.

Notes

¹ Words substituted by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 25 para. 48(6), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58

² Words repealed by Local Government, Planning and Land Act 1980 (c. 65), Sch. 34 Pt. II

³ Repealed by Building Act 1984 (c.55), s. 133(2), Sch. 7

Scotland

[...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Amendments Pending

Pt I s. 28: repealed by Environmental Protection Act 1990 c. 43 Sch. 16(II) para. 1 (date to be appointed: commencement order)

Commencement

Pt I s. 28: January 1, 1976 for purposes specified in SI 1975/2118 art.3 Sch.1; June 6, 1988 otherwise (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1988/818 art. 2)

Extent

Pt I s. 28-(4): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)



Partially Repealed With Amendments Pending

England and Wales

29. Modification of Parts I and II to avoid duplication of control.

The Secretary of State may by regulations make such modifications of this Part of this Act and Part II of this Act as he considers appropriate with a view to securing that the provisions of one but not both of those Parts apply to prescribed acts and omissions.

Scotland

[...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

Amendments Pending

Pt I s. 29: repealed by Environmental Protection Act 1990 c. 43 Sch. 16(II) para. 1 (date to be appointed: commencement order)

Commencement

Pt I s. 29: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Pt I s. 29: England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)



Partially Repealed With Amendments Pending

England and Wales

[30.— Interpretation etc. of Part I.

(1) Subject to the following subsection and to subsection (6) below, in this Part of this Act—

“the appropriate Agency” means —

- (a) in relation to England, the Environment Agency;
- (aa) in relation to Wales, the Natural Resources Body for Wales; and
- (b) in relation to Scotland, SEPA;

'area', in relation to the Greater Manchester Waste Disposal Authority, means —

- (a) for the purposes of the waste disposal provisions of this Act, the metropolitan county of Greater Manchester excluding the metropolitan district of Wigan; and
- (b) for the purposes of the waste regulation provisions of this Act, the whole county;

“associated works”, in relation to pipes, means any of the following connected with the pipes, namely, any valve, filter, stopcock, pump, inspection chamber and manhole and such other works as are prescribed;

“collection authority” means the council of a district or a London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple and “English collection authority” means a collection authority of which the area is in the area of an English county disposal authority;

“controlled waste” means household, industrial and commercial waste or any such waste;

‘disposal authority’ has the meaning given by subsections (2A) to (2D) of this section;

“disposal licence” has the meaning assigned to it by section 3(1) of this Act, and “holder” in relation to such a licence shall be construed in accordance with section 8(3) of this Act;

‘English county disposal authority’ means the council of a county in England, the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority;

‘London waste disposal authority’ means an authority established by Part II, III, IV or V of Schedule 1 to the Waste Regulation and Disposal (Authorities) Order 1985;

“private dwelling” means —

(a) a hereditament or premises used wholly for the purposes of a private dwelling or private dwellings as determined in accordance with Schedule 13 to the General Rate Act 1967; and

(b) a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960 (disregarding the amendment made by section 13(2) of the Caravan Sites Act 1968) which usually and for the time being is situated on a caravan site within the meaning of that Act;

“relevant land” means —

(a) in relation to a proposal to issue a disposal licence, the land on which activities may be carried on in pursuance of the licence if it is issued in accordance with the proposal; and

(b) in relation to a disposal licence, the land on which activities may be carried on in pursuance of the licence,

and references to land in the preceding paragraphs include such water as is mentioned in section 4(4) of this Act;

“waste” has the same meaning as it has in Part II of the Environmental Protection Act 1990 by virtue of section 75(2) of that Act;

‘waste disposal provisions’ means —

(a) sections 1 and 2 (waste disposal arrangements and plans);

(b) section 12 (collection of waste);

(c) section 13(4) (provision of receptacles for industrial or commercial waste);

(d) section 14 (disposal of waste);

(e) section 17(2)(a) and (c) (disposal of dangerous or intractable waste);

(f) sections 19 to 21 (powers in relation to disposal of waste which is not controlled waste, reclamation of waste and production of heat and electricity from waste); and

(g) section 27(1) (interference with refuse tips and dustbins etc.);

‘waste regulation provisions’ means —

(a) sections 3 to 11 (disposal licences);

(b) section 16 (removal of waste deposited in breach of licensing provisions); and

(c) section 17(1)(a) and (2)(b) to (d) (directions as to disposal of dangerous or intractable waste, supervision of certain activities, recovery of expenses and charges and appeals to the Secretary of State).

(2A) In Greater London the disposal authority is—

(a) for the purposes of the waste disposal provisions of this Act—

- (i) in the area of a London waste disposal authority, that authority;
- (ii) in the City of London, the Common Council;
- (iii) in any other London borough, the council of that borough; and

(b) for the purposes of the waste regulation provisions of this Act, the London Waste Regulation Authority.

(2B) In the metropolitan county of Greater Manchester the disposal authority is—

(a) for the purposes of the waste disposal provisions of this Act—

- (i) in the metropolitan district of Wigan, the district council;
- (ii) in all other areas in the county, the Greater Manchester Waste Disposal Authority; and

(b) for the purposes of the waste regulation provisions of this Act, the Greater Manchester Waste Disposal Authority.

(2C) In the Metropolitan county of Merseyside the disposal authority is the Merseyside Waste Disposal Authority.

(2D) In all other local authority areas in England the disposal authority is the council of the county or metropolitan district and in Wales it is the council of the district.

(2) In the application of this Part of this Act to Scotland—

“collection authority” means an islands or district council;

“disposal authority” means an islands or district council;

“private dwelling” means —

(a) lands and heritages used wholly or mainly for the purposes of a private dwelling or private dwellings; and

(b) a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960 which usually and for the time being is situated on a caravan site within the meaning of that Act;

“Scottish collection authority” means a collection authority of which the area is in Scotland;

“Scottish disposal authority” means a disposal authority of which the area is in Scotland.

(3) Subject to the following subsection, for the purposes of this Part of this Act—

(a) household waste consists of waste from a private dwelling or residential home or from premises forming part of a university or school or other educational establishment or forming part of a hospital or nursing home;

(b) industrial waste consists of waste from any factory within the meaning of the Factories Act 1961 and any premises occupied by a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or any undertaking, excluding waste from any mine or quarry; and

(c) commercial waste consists of waste from premises used wholly or mainly for the purposes of a trade or business or the purposes of sport, recreation or entertainment excluding—

- (i) household and industrial waste, and

- (ii) waste from any mine or quarry and waste from premises used for agriculture within the meaning of the Agriculture Act 1947 or, in Scotland, the Agriculture (Scotland) Act 1948, and
- (iii) waste of any other description prescribed for the purposes of this sub-paragraph.

(4) Regulations may provide that waste of a prescribed description shall be treated for the purposes of prescribed provisions of this Part of this Act as being or not being household waste or industrial waste or commercial waste; but no regulations shall be made by virtue of the preceding provisions of this subsection in respect of such waste as is mentioned in paragraph (c)(ii) of the preceding subsection and references in those provisions and in the preceding subsection to waste do not include sewage except so far as regulations provide otherwise.

In this subsection “sewage” includes matter in or from a privy within the meaning of section 12(5) of this Act.

(5) Except as provided by regulations made by virtue of this subsection, nothing in this Part of this Act applies to radioactive waste within the meaning of [Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2016]²; but regulations may—

- (a) provide for prescribed provisions of this Part of this Act to have effect with such modifications as the Secretary of State considers appropriate for the purposes of dealing with such radioactive waste;
- (b) make such modifications of [the Environmental Permitting (England and Wales) Regulations 2016]³ and any other enactment as the Secretary of State considers appropriate in consequence of the passing of this Part of this Act or in connection with regulations made by virtue of the preceding paragraph.

(6) In the application of this Part of this Act to Wales—

“collection authority” means a county council or county borough council; and

“disposal authority” means a county council or county borough council.

] ¹

Notes

¹ Repealed by Environmental Protection Act 1990 c. 43 Sch.16(II) para.1 (April 1, 2015: as SSI 2015/72)

² Words substituted by Environmental Permitting (England and Wales) Regulations 2016/1154 Sch.29(1) para.3(a) (January 1, 2017)

³ Words substituted by Environmental Permitting (England and Wales) Regulations 2016/1154 Sch.29(1) para.3(b) (January 1, 2017)

Scotland

[...]

Amendments Pending

Pt I s. 30: repealed by Environmental Protection Act 1990 c. 43 Sch. 16(II) para. 1 (date to be appointed: commencement order)

Commencement

Pt I s. 30: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Pt I s. 30-(6) definition of "disposal authority": England, Wales, Scotland

**[PART IA
ABANDONED MINES**

] ¹

Notes

- ¹ Added by Environment Act 1995 c. 25 Pt II s.59 (October 12, 1995 for the purpose of conferring power on Secretary of State to make regulations; January 1, 1999 otherwise)
-

✓ Law In Force

[30Y.— Introductory.

- (1) For the purposes of this Part, “abandonment” , in relation to a mine,—
- (a) subject to paragraph (b) below, includes—
 - (i) the discontinuance of any or all of the operations for the removal of water from the mine;
 - (ii) the cessation of working of any relevant seam, vein or vein-system;
 - (iii) the cessation of use of any shaft or outlet of the mine;
 - (iv) in the case of a mine in which activities other than mining activities are carried on (whether or not mining activities are also carried on in the mine)—
 - (A) the discontinuance of some or all of those other activities in the mine; and
 - (B) any substantial change in the operations for the removal of water from the mine; but
 - (b) does not include—
 - (i) the abandonment of any rights, interests or liabilities by the Accountant in Bankruptcy acting as [trustee] ² or interim trustee in a sequestration (within the meaning of the [Bankruptcy (Scotland) Act 2016] ³); [...] ⁴
 - (ii) any disclaimer under section 178 or 315 of the Insolvency Act 1986 (power of liquidator, or trustee of bankrupt's estate, to disclaim onerous property) by the official receiver acting in a compulsory capacity; [or] ⁵
 - [(iii) any disclaimer by notice signed by the Queen's and Lord Treasurer's Remembrancer under section 1013 of the Companies Act 2006 (Crown disclaimer of property vesting as bona vacantia).] ⁵
- and cognate expressions shall be construed accordingly.
- (2) In this Part, except where the context otherwise requires—
- “acting in a compulsory capacity”, in the case of the official receiver, means acting as—
- (a) liquidator of a company;

- (b) receiver or manager of a bankrupt's estate, pursuant to section 287 of the Insolvency Act 1986;
 - (c) trustee of a bankrupt's estate;
 - (d) liquidator of an insolvent partnership;
 - (e) trustee of an insolvent partnership;
 - (f) trustee, or receiver or manager, of the insolvent estate of a deceased person;
- “the official receiver” has the same meaning as it has in the Insolvency Act 1986 by virtue of section 399(1) of that Act;
- “relevant seam, vein or vein-system”, in the case of any mine, means any seam, vein or vein-system for the purpose of, or in connection with, whose working any excavation constituting or comprised in the mine was made.

(3) This Part extends only to Scotland.

]¹

Notes

- ¹ Added by Environment Act 1995 c. 25 Pt II s.59 (October 12, 1995 for the purpose of conferring power on Secretary of State to make regulations; January 1, 1999 otherwise)
- ² Word substituted by Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016/1034 Sch.1(1) para.2(2)(a) (November 30, 2016 subject to savings specified in SI 2016/1034 art.7(3))
- ³ Word substituted by Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016/1034 Sch.1(1) para.2(2)(b) (November 30, 2016 subject to savings specified in SI 2016/1034 art.7(3))
- ⁴ Word repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(3)(a) (June 30, 2014)
- ⁵ Added by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(3)(b) (June 30, 2014)

Extent

Pt IA s. 30Y(1)-(3): Scotland



Law In Force

[30Z.— Mine operators to give SEPA six months' notice of any proposed abandonment.

- (1) If, in the case of any mine, there is to be an abandonment at any time after the expiration of the initial period, it shall be the duty of the operator of the mine to give notice of the proposed abandonment to SEPA at least six months before the abandonment takes effect.
- (2) A notice under subsection (1) above shall contain such information (if any) as is prescribed for the purpose, which may include information about the operator's opinion as to any consequences of the abandonment.
- (3) A person who fails to give the notice required by subsection (1) above shall be guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (4) A person shall not be guilty of an offence under subsection (3) above if—
 - (a) the abandonment happens in an emergency in order to avoid danger to life or health;
 - and

(b) notice of the abandonment, containing such information as may be prescribed, is given as soon as reasonably practicable after the abandonment has happened.

(5) Where the operator of a mine is—

(a) the Accountant in Bankruptcy acting as [trustee]² or interim trustee in a sequestration (within the meaning of the [Bankruptcy (Scotland) Act 2016]³); or

(b) the official receiver acting in a compulsory capacity,

he shall not be guilty of an offence under subsection (3) above by reason of any failure to give the notice required by subsection (1) above if, as soon as is reasonably practicable (whether before or after the abandonment), he gives to SEPA notice of the abandonment or proposed abandonment, containing such information as may be prescribed.

(6) Where a person gives notice under subsection (1), (4)(b) or (5) above, he shall publish prescribed particulars of, or relating to, the notice in one or more local newspapers circulating in the locality where the mine is situated.

(7) Where SEPA—

(a) receives notice under this section or otherwise learns of an abandonment or proposed abandonment in the case of any mine, and

(b) considers that, in consequence of the abandonment or proposed abandonment taking effect, any land has or is likely to become contaminated land, within the meaning of Part IIA of the Environmental Protection Act 1990,

it shall be the duty of SEPA to inform the local authority in whose area that land is situated of the abandonment or proposed abandonment.

(8) In this section—

“the initial period” means the period of six months beginning with the day on which subsection (1) above comes into force;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

] ¹

Notes

¹ Added by Environment Act 1995 c. 25 Pt II s.59 (October 12, 1995 for the purpose of conferring power on Secretary of State to make regulations; January 1, 1999 otherwise)

² Word substituted by Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016/1034 Sch.1(1) para.2(3)(a) (November 30, 2016 subject to savings specified in SI 2016/1034 art.7(3))

³ Word substituted by Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016/1034 Sch.1(1) para.2(3)(b) (November 30, 2016 subject to savings specified in SI 2016/1034 art.7(3))

Extent

Pt IA s. 30Z(1)-(8) definition of "local authority": Scotland

[PART II

POLLUTION OF WATER

] ¹

Notes

¹ Inserted in relation to Scotland by Water Act 1989 (c. 15), s. 168, Sch. 23 para. 4

[General Provisions]¹

Notes

¹ Inserted in relation to Scotland by Water Act 1989 (c. 15), s. 168, Sch. 23 para. 4

✔ Law In Force

[30A.— Waters to which Part II applies.

(1) This part applies to any waters (in this Part referred to as “controlled waters”) of any of the following classes—

- (a) relevant territorial waters, that is to say, subject to subsection (5) below, the waters which extend seaward for three miles from the baselines from which the breadth of the territorial sea adjacent to Scotland is measured;
- (b) coastal waters, that is to say, any waters which are within the area which extends landward from those baselines as far as the limit of the highest tide or, in the case of the waters of any relevant river or watercourse, as far as the fresh-water limit of the river or watercourse, together with the waters of any enclosed dock which adjoins waters within that area;
- (c) inland waters, that is to say, the waters of any relevant loch or pond or of so much of any relevant river or watercourse as is above the fresh-water limit;
- (d) ground waters, that is to say, any waters contained in underground strata, or in—
 - (i) a well, borehole or similar work sunk into underground strata, including any adit or passage constructed in connection with the well, borehole or work for facilitating the collection of water in the well, borehole or work; or
 - (ii) any excavation into underground strata where the level of water in the excavation depends wholly or mainly on water entering it from the strata.

(2) The Secretary of State—

- (a) shall deposit maps with [SEPA]² showing what appear to him to be the fresh-water limits of every relevant river or watercourse [...] ³ ; and
- (b) may from time to time, if he considers it appropriate to do so by reason of any change of what appears to him to be the fresh-water limit of any river or watercourse, deposit a map showing a revised limit for that river or watercourse;

and in subsection (1) above “fresh-water limit”, in relation to any river or watercourse, means the place for the time being shown as the fresh-water limit of that river or watercourse in the latest map deposited for that river or watercourse under this subsection.

(3) It shall be the duty of [SEPA]² to keep any maps deposited with it under subsection (2) above available, at all reasonable times, for inspection by the public free of charge.

(4) In this section—

“miles” means international nautical miles of 1,852 metres;

“loch or pond” includes a reservoir of any description;

“relevant loch or pond” means (subject to subsection (5) below) any loch or pond which (whether it is natural or artificial or above or below ground) discharges into a relevant river or watercourse or into another loch or pond which is itself a relevant loch or pond;

“relevant river or watercourse” means any river or watercourse (including an underground river or watercourse and an artificial river or watercourse) which is neither a public sewer nor a sewer or drain which drains into a public sewer.

(5) The Secretary of State may by order provide—

(a) that any area of the territorial sea adjacent to Scotland is to be treated as if it were an area of relevant territorial waters for the purposes of this Part;

(b) that any loch or pond which does not discharge into a relevant river or watercourse or into a relevant loch or pond is to be treated for those purposes as a relevant loch or pond.

(6) The power of the Secretary of State to make an order under subsection (5) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and such an order may—

(a) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate; and

(b) make different provision for different cases, including different provision in relation to different persons, circumstances or localities.

] ¹

Notes

¹ Inserted in relation to Scotland by Water Act 1989 (c. 15), s. 168, Sch. 23 para. 4

² Words substituted by Environment Act 1995 c. 25 Sch.22 para.29(2) (April 1, 1996)

³ Words repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

Extent

Pt II s. 30A(1)-(6)(b): Scotland



Repealed

30B.— [...] ¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(a) (June 30, 2014)



Repealed

30C.— [...] ¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(b) (June 30, 2014)

 Repealed

30D.— [...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(c) (June 30, 2014)

 Repealed

30E. [...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(d) (June 30, 2014)

[Control of entry of polluting matter and effluents into water]¹

Notes

¹ Added by Environment Act 1995 c. 25 Sch.16 para.2 (April 1, 1996)

 Repealed

30F.— [...]¹

Notes

¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3)

 Repealed

30G.— [...]¹

Notes

¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3)

 Repealed

30H.— [...]¹

Notes

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3)
-

 Repealed

30I.— [...]¹

Notes

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3)
-

 Repealed

30J.— [...]¹

Notes

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3)
-

[Control of entry of polluting matter and effluents into water]¹

Notes

- ¹ Substituted by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 168, 189(4)–(10), 190, 193(1), 194(4), Sch. 23 para. 4, Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58
-

 Repealed

31.— [...]¹

Notes

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3)
-

 Repealed

31A.— [...]¹

Notes

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III paras.2 and 3)
-

 Repealed

31B.— [...]¹

Notes

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(e) (June 30, 2014)
-

 Repealed

31C.— [...]¹

Notes

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(f) (June 30, 2014)
-

 Repealed

31D. [...]¹

Notes

- ¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)
-

 Repealed

32.— [...]¹

Notes

- ¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)
-

 Repealed

33.— [...]¹

Notes

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III para.4 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III para.4)
-

Consents for discharges

 Repealed

34.— [...]¹**Notes**

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III para.4 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III para.4)

 Repealed

35.— [...]¹**Notes**

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III para.4 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III para.4)

 Repealed

36.— [...]¹**Notes**

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III para.4 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III para.4)

 Repealed

37.— [...]¹**Notes**

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III para.4 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III para.4)

 Repealed

38.— [...]¹

Notes

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III para.4 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III para.4)
-

 Repealed

38A.— [...]¹

Notes

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III para.4 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III para.4)
-

 Repealed

39.— [...]¹

Notes

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III para.4 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III para.4)
-

 Repealed

40.— [...]¹

Notes

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III para.4 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III para.4)
-

Ancillary provisions relating to control of discharges

 Repealed

41.— [...]¹

Notes

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(g) (June 30, 2014)
-

 Repealed

42.— [...]¹

Notes

¹ S.42 substituted by s.42A and s.42B by Environment Act 1995 c. 25 Sch.22 para.29(20) (April 1, 1996)

 Repealed

42A.— [...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(h) (June 30, 2014)

 Repealed

42B.— [...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(i) (June 30, 2014)

Control of discharges of trade effluent into public sewers

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Scotland](#) | [England and Wales](#)

 Repealed

Scotland

43.— [...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(j) (June 30, 2014)

England and Wales

[...]¹

Notes

- ¹ Repealed by Water Consolidation (Consequential Provisions) Act 1991 c. 60 Sch.3(I) para.1 (December 1, 1991: represents law in force as at date shown)
-

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Scotland](#) | [England and Wales](#)



Repealed

Scotland

44.— [...]¹

Notes

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(k) (June 30, 2014)
-

England and Wales

[...]¹

Notes

- ¹ Repealed by Water Consolidation (Consequential Provisions) Act 1991 c. 60 Sch.3(I) para.1 (December 1, 1991: represents law in force as at date shown)
-

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Scotland](#) | [England and Wales](#)



Repealed

Scotland

45.— [...]¹

Notes

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(l) (June 30, 2014)
-

England and Wales

[...]¹

Notes

- ¹ Repealed by Water Consolidation (Consequential Provisions) Act 1991 c. 60 Sch.3(I) para.1 (December 1, 1991: represents law in force as at date shown)

Miscellaneous

 Repealed

46.— [...]¹

Notes

- ¹ Repealed by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006)

 Repealed

46A.— [...]¹

Notes

- ¹ Repealed by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006)

 Repealed

46B.— [...]¹

Notes

- ¹ Repealed by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006)

 Repealed

46C.— [...]¹

Notes

- ¹ Repealed by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006)
-

 Repealed

46D.— [...]¹

Notes

- ¹ Repealed by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006)
-

 Repealed

47.— [...]¹

Notes

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III para.5 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III para.5)
-

 Repealed

48.— [...]¹

Notes

- ¹ Repealed subject to savings specified in SSI 2006/181 Sch.1 Part III para.5 by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006: repeal has effect subject to savings specified in SSI 2006/181 Sch.1 Part III para.5)
-

 Repealed

49.— [...]¹

Notes

- ¹ Repealed by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006)
-

 Repealed

49A.— [...]¹

Notes

- ¹ Repealed by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006)
-

 Repealed

49B.— [...]¹

Notes


- ¹ Repealed by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006)
-

 Repealed

50. [...]¹

Notes

- ¹ Repealed by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006)
-

 Law In Force

[51.— Codes of good agricultural practice.

(1) The Secretary of State may by order made by statutory instrument approve any code of practice issued (whether by him or by another person) for the purpose of—

- (a) giving practical guidance to persons engaged in agriculture with respect to activities that may affect controlled waters; and
- (b) promoting what appear to him to be desirable practices by such persons for avoiding or minimising the pollution of any such waters,

and may at any time by such an order approve a modification of such a code or withdraw his approval of such a code or modification.

(2) A contravention of a code of practice as for the time being approved under this section shall not of itself give rise to any criminal or civil liability [...]² .

(3) The Secretary of State shall not make an order under this section unless he has first consulted [SEPA]³ .

]¹

Notes

- ¹ S. 51 substituted and repealed in relation to England and Wales by Water Act 1989 (c. 15), ss. 168, 190, Sch. 23 para. 5, Sch. 27 Pt. I
- ² Words repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(4) (June 30, 2014)
- ³ Words substituted by Environment Act 1995 c. 25 Sch.22 para.29(2) (April 1, 1996)

Commencement

Pt II s. 51: January 31, 1985 (SI 1985/70 art. 2, Sch. 1 para. 1)

Extent

Pt II s. 51-(3): England, Wales, Scotland

 Repealed

52. [...]¹
2 3

Notes

- ¹ Repealed 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 and further repealed on June 30, 2014 in relation to Scotland by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 57 and Sch. 3 para. 16(2)(m)
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
- ³ Pt. II (ss. 31-56) amended by S.I. 1984/1200, reg. 2(1), modified by S.I. 1984/1200, reg. 3, Sch. 1 and 1985/5, regs. 3(1)(2), 4(1)(a), modified by Channel Tunnel Act 1987 (c.53), ss. 6, 45, Sch. 2 para. 5(5), Sch. 7 Pt. VI para. 2

 Repealed

53. [...]¹

Notes

- ¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Scotland](#) | [England and Wales](#) |

 Repealed

Scotland

[...]¹

Notes

- ¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

England and Wales

[...]¹

Notes

- ¹ S. 54 substituted and repealed in relation to England and Wales by Water Act 1989 (c. 15), ss.168, 190, Sch. 23 para. 6, Sch. 27 Pt. I
-

England and Wales

[...]¹

Notes

- ¹ S. 54 substituted and repealed in relation to England and Wales by Water Act 1989 (c. 15), ss.168, 190, Sch. 23 para. 6, Sch. 27 Pt. I
-

Supplemental

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Scotland](#) | [England and Wales](#)

 Repealed

Scotland

[...]¹

Notes


- ¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)
-

England and Wales

[...]¹

Notes

- ¹ S. 55 substituted and repealed in relation to England and Wales by Water Act 1989 (c. 15), 160(1)(2)(4), ss.168, 190, Sch. 23 para. 6, Sch. 27 Pt. I
-

 Law In Force

[55A. Regulations under this Part.

Regulations made under this Part of this Act may provide that any provision of this Part, except this section [...]², shall have effect with such modifications as may be prescribed for the purpose of enabling Her Majesty's Government in the United Kingdom—

- (a) to give effect to any [EU]³ obligation or exercise any related right; or
- (b) to give effect to any obligation or exercise any related right under any international agreement to which the United Kingdom is for the time being a party,

and “related right”, in relation to an obligation, includes any derogation or other right to make more onerous provisions available in respect of that obligation.

] ¹

Notes


- ¹ Added by Natural Heritage (Scotland) Act 1991 c. 28 Sch.10 para.7(3) (October 1, 1991: represents law in force as at date shown)
- ² Words repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(5) (June 30, 2014)
- ³ Word substituted by Treaty of Lisbon (Changes in Terminology) Order 2011/1043 Pt 2 art.6(1)(e) (April 22, 2011)

Extent

Pt II s. 55A(a)-(b): Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Scotland](#) | [England and Wales](#)

 Partially In Force With Amendments Pending

Scotland

56. Interpretation etc. of Part II.

(1) Except where the context otherwise requires, in this Part of this Act—

“Agriculture” and “agricultural” have the same meanings as in the Agriculture (Scotland) Act 1948;

[“controlled waters” has the meaning given by section 30A(1) above;] ¹

[“drain” has the same meaning as in the Sewerage (Scotland) Act 1968;] ²

[...]³

[“sewer” has the same meaning as in the Sewerage (Scotland) Act 1968;]²

[...]⁴ [...]³

“underground strata” means strata subjacent to the surface of any land;

[...]⁴

“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers, and passages through which water flows except mains and other pipes which belong to [Scottish Water]⁵ or are used by [Scottish Water]⁶ or any other person for the purposes only of providing a supply of water to any premises.

(2) In this Part of this Act—

(a) any reference to the waters of any loch or pond or of any river or watercourse includes a reference to the bottom, channel or bed of any loch, pond, river or, as the case may be, watercourse which is for the time being dry; and

(b) any reference to the water contained in underground strata is a reference to water so contained otherwise than in a sewer, pipe, reservoir, tank or other underground works constructed in any such strata.

(3) [...]⁷

(4) [...]⁸

(5)-(6) [...]⁷

Notes

¹ Words substituted by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(6)(a)(i) (June 30, 2014)

² Definition added by Environment Act 1995 c. 25 Sch.16 para.8 (April 1, 1996)

³ Definitions repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(6)(a)(ii) (June 30, 2014)

⁴ Definition repealed by Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003/331 (Scottish SI) Sch.1(I) para.4(4)(a) (June 25, 2003)

⁵ Words substituted by Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003/331 (Scottish SI) Sch.1(I) para.4(4)(b)(i) (June 25, 2003)

⁶ Words substituted by Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003/331 (Scottish SI) Sch.1(I) para.4(4)(b)(ii) (June 25, 2003)

⁷ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(6)(b) (June 30, 2014)

⁸ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

England and Wales

[...]¹

Notes

¹ S. 56 substituted and repealed in relation to England and Wales by Water Act 1989 (c. 15), ss. 168, 190, Sch. 23 para. 6 and Sch. 27 Pt. I

Amendments Pending

Pt II s. 56(6): substituted by Environmental Protection Act 1990 c. 43 Sch. 15 para. 17 (date to be appointed: commencement order)

Pt II s. 56(6): words substituted. s.56(6) substituted by 1990 c.43 Sch.15 para.17 has not yet come into force. This effect will come into force when s.56(6) is substituted by Radioactive Substances Act 1993 c. 12 Sch. 4 para. 3 (date to be appointed: Commenced by effect)

Commencement

Pt II s. 56: January 1, 1976 in relation to England and Wales; July 4, 1984 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1984/853 art. 2, Sch. 1(III) para. 1)

Extent

Pt II s. 56-(6): England, Wales, Scotland

PART III**NOISE***Periodical inspections by local authorities*

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)

 Repealed

England and Wales

57. [...]¹

Notes

¹ Repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.10 (October 1, 2015)

Scotland

[...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(n) (June 30, 2014)

Summary proceedings to deal with noise

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Scotland](#) | [England and Wales](#)

 Repealed

Scotland

58.— [...] ¹

Notes

¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996: repeal commenced by SI 1996/186)

England and Wales

[...] ¹

Notes

¹ Repealed by Environmental Protection Act 1990 (c.43), s. 162(2), Sch. 16 Pt. III

 Repealed

58A.— [...] ¹

Notes

¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996: repeal commenced by SI 1996/186)

 Repealed

58B.— [...] ¹

Notes

¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996: repeal commenced by SI 1996/186)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Scotland](#) | [England and Wales](#)



Repealed

Scotland

59.— [...]¹

Notes

¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996: repeal commenced by SI 1996/186)

England and Wales

[...]¹

Notes

¹ Repealed by Environmental Protection Act 1990 (c.43), s. 162(2), Sch. 16 Pt. III



Repealed

59A.— [...]¹

Notes

¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996: repeal commenced by SI 1996/186)

Construction sites

Law In Force

60.— Control of noise on construction sites.

(1) This section applies to works of the following description, that is to say—

- (a) the erection, construction, alteration, repair or maintenance of buildings, structures or roads;
 - (b) breaking up, opening or boring under any road or adjacent land in connection with the construction, inspection, maintenance or removal of works;
 - (c) demolition or dredging work; and
 - (d) (whether or not also comprised in paragraph (a), (b) or (c) above) any work of engineering construction.
- (2) Where it appears to a local authority that works to which this section applies are being, or are going to be, carried out on any premises, the local authority may serve a notice imposing requirements as to the way in which the works are to be carried out and may if it thinks fit publish notice of the requirements in such way as appears to the local authority to be appropriate.
- (3) The notice may in particular—
- (a) specify the plant or machinery which is, or is not, to be used;
 - (b) specify the hours during which the works may be carried out;
 - (c) specify the level of noise which may be emitted from the premises in question or at any specified point on those premises or which may be so emitted during specified hours; and
 - (d) provide for any change of circumstances.
- (4) In acting under this section the local authority shall have regard—
- (a) to the relevant provisions of any code of practice issued under this Part of this Act;
 - (b) to the need for ensuring that the best practicable means are employed to minimise noise;
 - (c) before specifying any particular methods or plant or machinery, to the desirability in the interests of any recipients of the notice in question of specifying other methods or plant or machinery which would be substantially as effective in minimising noise and more acceptable to them;
 - (d) to the need to protect any persons in the locality in which the premises in question are situated from the effects of noise.
- (5) A notice under this section shall be served on the person who appears to the local authority to be carrying out, or going to carry out, the works, and on such other persons appearing to the local authority to be responsible for, or to have control over, the carrying out of the works as the local authority thinks fit.
- (6) A notice under this section may specify the time within which the notice is to be complied with, and may require the execution of such works, and the taking of such other steps, as may be necessary for the purpose of the notice, or as may be specified in the notice.
- (7) A person served with a notice under this section may appeal against the notice to a magistrates' court within twenty one days from the service of the notice.
- (8) If a person on whom a notice is served under this section without reasonable excuse contravenes any requirement of the notice he shall be guilty of an offence against this Part of this Act.

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Notes

¹ Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

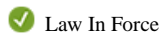
² Pt. III (ss. 57–74) extended by Electricity Act 1989 (c.29), s. 112(1)(3), (ss. 57–74) Sch. 16 para. 1(1)(xxvii), Sch. 17 paras. 33, 35(1)

Commencement

Pt III s. 60: January 1, 1976 in relation to England and Wales; August 1, 1982 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1982/624 art. 2, Sch. 1 para. 1)

Extent

Pt III s. 60-(8): England, Wales, Scotland



Law In Force

61.— Prior consent for work on construction sites.

(1) A person who intends to carry out works to which the preceding section applies may apply to the local authority for a consent under this section.

(2) Where approval under building regulations[...] ¹, or in Scotland a [building warrant] ² under [section 9 of the Building (Scotland) Act 2003 (asp 8)] ³, is required for the carrying out of the works, the application under this section must be made at the same time as, or later than, the request for the approval under building regulations or, as the case may be, the application for a [building warrant] ² under the said Act of [2003] ⁴.

(3) An application under this section shall contain particulars of—

- (a) the works, and the method by which they are to be carried out; and
- (b) the steps proposed to be taken to minimise noise resulting from the works.

(4) If the local authority considers that the application contains sufficient information for the purpose and that, if the works are carried out in accordance with the application, it would not serve a notice under the preceding section in respect of those works, the local authority shall give its consent to the application.

(5) In acting under this section a local authority shall have regard to the considerations set out in subsection (4) of the preceding section and shall have power to—

- (a) attach any conditions to a consent; and
- (b) limit or qualify a consent to allow for any change in circumstances; and
- (c) limit the duration of a consent,

and any person who knowingly carries out the works, or permits the works to be carried out, in contravention of any conditions attached to a consent under this section shall be guilty of an offence against this Part of this Act.

(6) The local authority shall inform the applicant of its decision on the application within twenty-eight days from receipt of the application; and if the local authority gives its consent to the application it may if it thinks fit publish notice of the consent, and of the works to which it relates, in such way as appears to the local authority to be appropriate.

(7) If—

- (a) the local authority does not give a consent within the said period of twenty-eight days; or
- (b) the local authority gives its consent within the said period of twenty-eight days but attaches any condition to the consent or limits or qualifies the consent in any way,

the applicant may appeal to a magistrates' court within twenty-one days from the end of that period.

(8) In any proceedings for an offence under section 60(8) of this Act it shall be a defence to prove that the alleged contravention amounted to the carrying out of the works in accordance with a consent given under this section.

(9) A consent given under this section shall contain a statement to the effect that the consent does not of itself constitute any ground of defence against any proceedings instituted under [...] ⁵ [section 82 of the Environmental Protection Act 1990 [...]] ⁶.

(10) Where a consent has been given under this section and the works are carried out by a person other than the applicant for the consent, it shall be the duty of the applicant to take all reasonable steps to bring the consent to the notice of that other person; and if he fails to comply with this subsection he shall be guilty of an offence against this Part of this Act.

Notes

¹ Words repealed by Building Act 1984 (c.55), s. 133(2), Sch. 7

² Word substituted by Building (Scotland) Act 2003 asp 8 (Scottish Act) Sch.6 para.10(a) (May 1, 2005)

³ Word substituted by Building (Scotland) Act 2003 asp 8 (Scottish Act) Sch.6 para.10(c)(i) (May 1, 2005)

⁴ Word substituted by Building (Scotland) Act 2003 asp 8 (Scottish Act) Sch.6 para.10(c)(ii) (May 1, 2005)

⁵ Words repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

⁶ Words inserted by Environmental Protection Act 1990 (c.43), s. 162(1), Sch. 15 para. 15(3)

Commencement

Pt III s. 61: January 1, 1976 in relation to England and Wales; August 1, 1982 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1982/624 art. 2, Sch. 1 para. 1)


Extent

Pt III s. 61-(10): England, Wales, Scotland

Noise in streets

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#) | [Scotland](#)

 Law In Force

Wales

62.— Noise in streets.

(1) Subject to the provisions of this section, a loudspeaker in a street shall not be operated—

(a) between the hours of nine in the evening and eight in the following morning, for any purpose;

(b) at any other time, for the purpose of advertising any entertainment, trade or business; and any person who operates or permits the operation of a loudspeaker in contravention of this subsection shall be guilty of an offence against this Part of this Act.

[In this section]¹ “street” means a highway and any other road, footway, square or court which is for the time being open to the public.

[(1A) Subject to subsection (1B) of this section, the Secretary of State may by order amend the times specified in subsection (1)(a) of this section.

(1B) An order under subsection (1A) of this section shall not amend the times so as to permit the operation of a loudspeaker in a street at any time between the hours of nine in the evening and eight in the following morning.]²

(2) [Subsection (1) of this section]³ shall not apply to the operation of a loudspeaker—

- (a) for police, [fire and rescue authority]⁴ or ambulance purposes [or for purposes relating to the functions of Ministry of Defence firefighters (as defined in section 16 of the Armed Forces Act 2016)]⁵, by [the [Environment Agency]⁷, [the Natural Resources Body for Wales,]⁸ a water undertaker or a sewerage undertaker]⁶ in the exercise of any of its functions, or by a local authority within its area;
- (b) for communicating with persons on a vessel for the purpose of directing the movement of that or any other vessel;
- (c) if the loudspeaker forms part of a public telephone system;
- (d) if the loudspeaker—
 - (i) is in or fixed to a vehicle, and
 - (ii) is operated solely for the entertainment of or for communicating with the driver or a passenger of the vehicle or, where the loudspeaker is or forms part of the horn or similar warning instrument of the vehicle, solely for giving warning to other traffic, and
 - (iii) is so operated as not to give reasonable cause for annoyance to persons in the vicinity;
- (e) otherwise than on a highway, by persons employed in connection with a transport undertaking used by the public in a case where the loudspeaker is operated solely for making announcements to passengers or prospective passengers or to other persons so employed;
- (f) by a travelling showman on land which is being used for the purposes of a pleasure fair;
- (g) in case of emergency.

(3) Subsection (1)(b) of this section shall not apply to the operation of a loudspeaker between the hours of noon and seven in the evening on the same day if the loudspeaker—

- (a) is fixed to a vehicle which is being used for the conveyance of a perishable commodity for human consumption; and
- (b) is operated solely for informing members of the public (otherwise than by means of words) that the commodity is on sale from the vehicle; and
- (c) is so operated as not to give reasonable cause for annoyance to persons in the vicinity.

[(3A) Subsection (1) of this section shall not apply to the operation of a loudspeaker in accordance with a consent granted by a local authority under Schedule 2 to the Noise and Statutory Nuisance Act 1993.]⁹

(4) An offence under this section in Scotland may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed.

Notes

- ¹ Words substituted by Noise and Statutory Nuisance Act 1993 c. 40 s.7(2) (January 5, 1994)
- ² Added by Noise and Statutory Nuisance Act 1993 c. 40 s.7(3) (January 5, 1994)
- ³ Words substituted by Noise and Statutory Nuisance Act 1993 c. 40 s.7(4) (January 5, 1994)
- ⁴ Words substituted by Fire and Rescue Services Act 2004 c. 21 Sch.1 para.45 (November 10, 2004 as SI 2004/2917)
- ⁵ Words inserted by Armed Forces Act 2016 c. 21 s.17(3) (July 12, 2016)
- ⁶ Words substituted 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. 25 para. 48(7), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- ⁷ Words substituted by Environment Act 1995 c. 25 Sch.22 para.28 (April 1, 1996)
- ⁸ Words inserted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.116 (April 1, 2013: insertion has effect subject to transitional provisions specified in SI 2013/755 art.10 and Sch.7)
- ⁹ Added by Noise and Statutory Nuisance Act 1993 c. 40 s.7(5) (January 5, 1994)

England

[62.— Noise in streets.

(1) Subject to the provisions of this section, a loudspeaker in a street shall not be operated—
 (a) between the hours of nine in the evening and eight in the following morning, for any purpose;

(b) at any other time, for the purpose of advertising any entertainment, trade or business;
 and any person who operates or permits the operation of a loudspeaker in contravention of this subsection shall be guilty of an offence against this Part of this Act.

In this section “street” means a highway and any other road, footway, square or court which is for the time being open to the public.

(1A) Subject to subsection (1B) of this section, the Secretary of State may by order amend the times specified in subsection (1)(a) of this section.

(1B) An order under subsection (1A) of this section shall not amend the times so as to permit the operation of a loudspeaker in a street at any time between the hours of nine in the evening and eight in the following morning.

(2) Subsection (1) of this section shall not apply to the operation of a loudspeaker—

(a) for police, fire and rescue authority or ambulance purposes, by the Environment Agency, [the Natural Resources Body for Wales,]² a water undertaker or a sewerage undertaker in the exercise of any of its functions, or by a local authority within its area;

(b) for communicating with persons on a vessel for the purpose of directing the movement of that or any other vessel;

(c) if the loudspeaker forms part of a public telephone system;

(d) if the loudspeaker—

(i) is in or fixed to a vehicle, and

(ii) is operated solely for the entertainment of or for communicating with the driver or a passenger of the vehicle or, where the loudspeaker is or forms part of the horn or similar warning instrument of the vehicle, solely for giving warning to other traffic, and

- (iii) is so operated as not to give reasonable cause for annoyance to persons in the vicinity;
 - (e) otherwise than on a highway, by persons employed in connection with a transport undertaking used by the public in a case where the loudspeaker is operated solely for making announcements to passengers or prospective passengers or to other persons so employed;
 - (f) by a travelling showman on land which is being used for the purposes of a pleasure fair;
 - (g) in case of emergency.
- (3) Subsection (1)(b) of this section shall not apply to the operation of a loudspeaker between the hours of noon and seven in the evening on the same day if the loudspeaker—
- (a) is fixed to a vehicle which is being used for the conveyance of a perishable commodity for human consumption; and
 - (b) is operated solely for informing members of the public (otherwise than by means of words) that the commodity is on sale from the vehicle; and
 - (c) is so operated as not to give reasonable cause for annoyance to persons in the vicinity.
- (3A) Subsection (1) of this section shall not apply to the operation of a loudspeaker in accordance with a consent granted by a local authority under Schedule 2 to the Noise and Statutory Nuisance Act 1993.
- (4) An offence under this section in Scotland may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed.

] ¹

Notes

- ¹ Words substituted by Fire and Rescue Services Act 2004 c. 21 Sch.1 para.45 (October 1, 2004 as SI 2004/2304)
- ² Words inserted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.116 (April 1, 2013: insertion has effect subject to transitional provisions specified in SI 2013/755 art.10 and Sch.7)

Scotland

62.— Noise in streets.

- (1) Subject to the provisions of this section, a loudspeaker in a [road] ¹ shall not be operated—
- (a) between the hours of nine in the evening and eight in the following morning, for any purpose;
 - (b) at any other time, for the purpose of advertising any entertainment, trade or business;
- and any person who operates or permits the operation of a loudspeaker in contravention of this subsection shall be guilty of an offence against this Part of this Act.

[...] ²

[(1A) Subject to subsection (1B) of this section, the Secretary of State may by order amend the times specified in subsection (1)(a) of this section.

(1B) An order under subsection (1A) of this section shall not amend the times so as to permit the operation of a loudspeaker in a street at any time between the hours of nine in the evening and eight in the following morning.] ³

- (2) [Subsection (1) of this section]⁴ shall not apply to the operation of a loudspeaker—
- (a) for police [...] ⁵ or ambulance purposes, [for or in connection with the exercise of any function of [the Scottish Fire and Rescue Service]⁶),]⁵ by [Scottish Water]⁷ in the exercise of any of its [core functions (within the meaning of section 70(2) of the Water Industry (Scotland) Act 2002) (asp 3)]⁷ , or by a local authority within its area;
 - (b) for communicating with persons on a vessel for the purpose of directing the movement of that or any other vessel;
 - (c) if the loudspeaker forms part of a public telephone system;
 - (d) if the loudspeaker—
 - (i) is in or fixed to a vehicle, and
 - (ii) is operated solely for the entertainment of or for communicating with the driver or a passenger of the vehicle or, where the loudspeaker is or forms part of the horn or similar warning instrument of the vehicle, solely for giving warning to other traffic, and
 - (iii) is so operated as not to give reasonable cause for annoyance to persons in the vicinity;
 - (e) otherwise than on a [public road (within the meaning of the Roads (Scotland) Act 1984)]⁸ , by persons employed in connection with a transport undertaking used by the public in a case where the loudspeaker is operated solely for making announcements to passengers or prospective passengers or to other persons so employed;
 - (f) by a travelling showman on land which is being used for the purposes of a pleasure fair;
 - (g) in case of emergency.
- (3) Subsection (1)(b) of this section shall not apply to the operation of a loudspeaker between the hours of noon and seven in the evening on the same day if the loudspeaker—
- (a) is fixed to a vehicle which is being used for the conveyance of a perishable commodity for human consumption; and
 - (b) is operated solely for informing members of the public (otherwise than by means of words) that the commodity is on sale from the vehicle; and
 - (c) is so operated as not to give reasonable cause for annoyance to persons in the vicinity.
- [(3A) Subsection (1) of this section shall not apply to the operation of a loudspeaker in accordance with a consent granted by a local authority under Schedule 2 to the Noise and Statutory Nuisance Act 1993.]⁹
- (4) An offence under this section in Scotland may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed.

Notes

- ¹ Words substituted by Roads (Scotland) Act 1984 (c.54), s. 156(1), Sch. 9 para. 74(5)(a)(i), Sch. 11
- ² Words repealed by Roads (Scotland) Act 1984 (c.54), s. 156(1), Sch. 9 para. 74(5)(a)(ii), Sch. 11
- ³ Added by Noise and Statutory Nuisance Act 1993 c. 40 s.7(3) (January 5, 1994)
- ⁴ Words substituted by Noise and Statutory Nuisance Act 1993 c. 40 s.7(4) (January 5, 1994)
- ⁵ Amended by Fire (Scotland) Act 2005 asp 5 (Scottish Act) Sch.3 para.6 (August 2, 2005)
- ⁶ Words substituted by Police and Fire Reform (Scotland) Act 2012 asp 8 (Scottish Act) Sch.7(2) para.50 (April 1, 2013)
- ⁷ Words substituted by Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003/331 (Scottish SI) Sch.1(I) para.4(5) (June 25, 2003)

⁸ Words substituted by Roads (Scotland) Act 1984 (c.54), s. 156(1), Sch. 9 para. 74(5)(b)

⁹ Added by Noise and Statutory Nuisance Act 1993 c. 40 s.7(5) (January 5, 1994)

Commencement

Pt III s. 62: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt III s. 62-(4): England, Wales, Scotland

Noise abatement zones

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)



Repealed

England and Wales

63.— [...]¹

Notes

¹ Repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.11 (October 1, 2015)

Scotland

[...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(o) (June 30, 2014)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)

 Repealed

England and Wales

64.— [...]¹

Notes

¹ Repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.11 (October 1, 2015)

Scotland

[...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(o) (June 30, 2014)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)

 Repealed

England and Wales

65.— [...]¹

Notes

¹ Repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.11 (October 1, 2015)

Scotland

[...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(o) (June 30, 2014)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)

 Repealed

England and Wales

66.— [...]¹

Notes

¹ Repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.11 (October 1, 2015)

Scotland

[...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(o) (June 30, 2014)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)

 Repealed

England and Wales

67.— [...]¹

Notes

¹ Repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.11 (October 1, 2015)


Scotland

[...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(o) (June 30, 2014)

Noise from plant or machinery

 Law In Force

68.— Noise from plant or machinery.

(1) Provision may be made by regulations—

- (a) for requiring the use on or in connection with plant or machinery of devices or arrangements for reducing the noise caused by the plant or machinery;
- (b) for limiting the level of noise which may be caused by any plant or machinery when used for works to which section 60 of this Act applies or which may be caused outside a factory within the meaning of the Factories Act 1961 by the use of plant or machinery in the factory;

and regulations under this section may apply standards, specifications, descriptions or tests laid down in documents not forming part of the regulations.

(2) It shall be the duty of the Secretary of State, before he makes regulations under this section, to consult persons appearing to him to represent producers and users of plants and machinery with a view to ensuring that the regulations do not contain requirements which in his opinion would be impracticable or involve unreasonable expense.

[(2A) Subsection (2) does not apply to regulations which apply only in relation to England.]¹

(3) Any person who contravenes or causes or permits another person to contravene regulations under this section shall be guilty of an offence against this Part of this Act; but in any proceedings for a contravention or regulations made in pursuance of paragraph (a) of subsection (1) of this section it shall be a defence to prove that means were used for the purpose of reducing the noise in question which were not less effective for that purpose than the means required by the regulations.

(4) Without prejudice to the generality of section 104(1)(a) of this Act, different regulations may be made under this section for different localities, and it shall be the duty of each local authority to enforce the provisions of regulations under this section within its area; but nothing in this section shall be taken to authorise a local authority in Scotland to institute proceedings for any offence.

(5) Nothing in this section or in regulations under this section shall be construed as derogating from any other provision of this Part of this Act.

Notes

¹ Added by Deregulation Act 2015 c. 20 Sch.22(1) para.4 (May 26, 2015)

Commencement

Pt III s. 68: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt III s. 68-(5): England, Wales, Scotland

Supplemental

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)



Repealed

England and Wales

69.— [...]¹**Notes**

¹ Repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.12 (October 1, 2015)

Scotland

[...]¹**Notes**

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(p) (June 30, 2014)



Law In Force

70.— Appeals to Secretary of State and magistrates' court.

(1) Where any provision in this Part of this Act provides for an appeal to a magistrates' court, the procedure shall be by way of complaint for an order and [the Magistrates' Courts Act 1980]¹ shall apply to the proceedings.

(2) The Secretary of State may make regulations as to appeals under this Part of this Act to the Secretary of State or, subject to the preceding subsection, to magistrates' courts; and the regulations may in particular—

- (a) include provisions comparable to those in section 290 of the Public Health Act 1936 (appeals against notices requiring the execution of works);

- (b) prescribe the cases in which a notice under this Part of this Act is, or is not, to be suspended until the appeal is decided, or until some other stage in the proceedings;
 - (c) prescribe the cases in which the decision on appeal may in some respects be less favourable to the appellant than the decision from which he is appealing;
 - (d) prescribe the cases in which the appellant may claim that a notice should have been served on some other person and prescribe the procedure to be followed in those cases.
- (3) Regulations under this section may prescribe the procedure and practice as respect appeals to the Secretary of State under this Part of this Act, and in particular may make provision as respects—
- (a) the particulars to be included in the notice of appeal;
 - (b) the persons on whom notice of appeal is to be served and the particulars, if any, to accompany the notice; and
 - (c) the abandonment of an appeal.
- (4) In entertaining any appeal under this Part of this Act the Secretary of State, or as the case may be the magistrates' court, shall have regard to any duty imposed by law on the appellant which concerns the activities in the course of which the noise is emitted.
- (5) In the application of this section to Scotland, subsection (1) and the reference to that subsection in subsection (2) shall not have effect.

23

Notes


- ¹ Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 17(2)(a)
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
- ³ Pt. III (ss. 57–74) extended by Electricity Act 1989 (c.29), s. 112(1)(3), (ss. 57–74) Sch. 16 para. 1(1)(xxvii), Sch. 17 paras. 33, 35(1)

Commencement

Pt III s. 70: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt III s. 70-(5): England, Wales, Scotland

 Law In Force

71.— Codes of practice for minimising noise.

- (1) For the purpose of giving guidance on appropriate methods (including the use of specified types of plant or machinery) for minimising noise, the Secretary of State may—
- (a) prepare and approve and issue such codes of practice as in his opinion are suitable for the purpose; and
 - (b) approve such codes of practice issued or proposed to be issued otherwise than by the Secretary of State as in the opinion of the Secretary of State are suitable for the purpose.
- (2) The Secretary of State shall under paragraph (a) or paragraph (b) of the preceding subsection approve a code of practice for the carrying out of works to which section 60 of this Act applies.

(3) The powers conferred by this section on the Secretary of State shall be exercisable by order, and shall include power to vary or revoke a previous order under this section.

¹²

Notes

¹ Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

² Pt. III (ss. 57–74) extended by Electricity Act 1989 (c.29), s. 112(1)(3), (ss. 57–74) Sch. 16 para. 1(1)(xxvii), Sch. 17 paras. 33, 35(1)

Commencement


Pt III s. 71(1): January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Pt III s. 71(2): January 1, 1976 in relation to England and Wales; August 1, 1982 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1982/624 art. 2, Sch. 1 para. 1)

Pt III s. 71(3): January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt III s. 71(1)-(3): England, Wales, Scotland

 Law In Force

72.— “Best practicable means”.

(1) This section shall apply for the construction of references in this Part of this Act to best practicable means.

(2) In that expression “practicable” means reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications.

(3) The means to be employed include the design, installation, maintenance and manner and periods of operation of plant and machinery, and the design, construction and maintenance of buildings and acoustic structures.

(4) The test of best practicable means is to apply only so far as compatible with any duty imposed by law, and in particular is to apply to statutory undertakers only so far as compatible with the duties imposed on them in their capacity of statutory undertakers.

(5) The said test is to apply only so far as compatible with safety and safe working conditions, and with the exigencies of any emergency or unforeseeable circumstances.

(6) Subject to the preceding provisions of this section, regard shall be had, in construing references to “best practicable means”, to any relevant provision of a code of practice approved under the preceding section.

¹²

Notes

¹ Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

- ² Pt. III (ss. 57–74) extended by Electricity Act 1989 (c.29), s. 112(1)(3), (ss. 57–74) Sch. 16 para. 1(1)(xxvii), Sch. 17 paras. 33, 35(1)

Commencement

Pt III s. 72: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt III s. 72-(6): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Scotland](#) | [England and Wales](#)

✓ Law In Force

Scotland

73.— Interpretation and other supplementary provisions.

(1) Except where the context otherwise requires, in this Part of this Act—

“contravention” includes a failure to comply with the provision in question, and “contravene” shall be construed accordingly;

[...]¹

“local authority” means —

(a) in England [...]², the council of a district or a London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple; [...]³

[(aa) in Wales, the council of a county or a county borough; and]³

(b) in Scotland, [a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]⁴ ;

“noise” includes vibration;

[...]⁵ [...]⁶ [...]⁷

(a)-(c) [...]⁸

[...]¹

“statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of [...]⁹ [...]¹⁰ hydraulic power or water, and includes [a universal service provider (within the meaning of [Part 3 of the Postal Services Act 2011]¹²) in his capacity as a person who provides a universal postal service (within the meaning of [that Part]¹³)]¹¹ ;

“work of engineering construction” means the construction, structural alteration, maintenance or repair of any railway line or siding or any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipeline, aqueduct, sewer, sewage works or gasholder.

(2) The area of a local authority which includes part of the seashore shall also include for the purposes of this Part of this Act, except [section 62]¹⁴, the territorial sea lying seawards from that part of the shore; and—

(a) [...] ¹⁵

(b) this Part of this Act (except [section 62]¹⁴ and this subsection) shall have effect, in relation to any area included in the area of a local authority by virtue of this subsection—

- (i) as if references to premises and the occupier of premises included respectively a vessel and the master of a vessel, and
- (ii) with such other modifications, if any, as are prescribed.

(3) Where more than one person is responsible for noise, this Part of this Act shall apply to each of those persons whether or not what any one of them is responsible for would by itself amount to a nuisance, or would result in a level of noise justifying action under this Part of this Act [...] ¹⁶.

[(3A) In the definition of “statutory undertakers” in subsection (1), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.] ¹⁷

(4) This Part of this Act does not apply to noise caused by aircraft other than model aircraft and does not confer functions on port health authorities.

Notes

¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

² Words repealed by Local Government (Wales) Act 1994 c. 19 Sch.18 para.1 (April 1, 1996: by SI 1996/396)

³ Added by Local Government (Wales) Act 1994 c. 19 Sch.9 para.10(3) (April 1, 1996)

⁴ Words substituted by Local Government etc. (Scotland) Act 1994 c. 39 Sch.13 para.95(7) (April 1, 1996)

⁵ Definition repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(7)(a)(i) (June 30, 2014)

⁶ Definition repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(7)(a)(ii) (June 30, 2014)

⁷ Definition repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(7)(a)(iii) (June 30, 2014)

⁸ Definition repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(7)(a)(iv) (June 30, 2014)

⁹ Word repealed by Electricity Act 1989 (c.29), s. 112(3)(4), Sch. 17 paras. 33, 35(1), Sch. 18

¹⁰ Word repealed by Gas Act 1986 (c.44), s. 67(4), Sch. 9 Pt. I

¹¹ Words substituted by Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001/1149 Sch.1(1) para.38 (March 26, 2001)

¹² Words substituted by Postal Services Act 2011 c. 5 Sch.12(3) para.97(a) (October 1, 2011)

¹³ Words substituted by Postal Services Act 2011 c. 5 Sch.12(3) para.97(b) (October 1, 2011)

¹⁴ Words substituted by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(7)(b) (June 30, 2014)

¹⁵ S. 73(2)(a) repealed by Local Government, Planning and Land Act 1980 (c. 65), Sch. 34 Pt. II

¹⁶ Words repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

¹⁷ Added by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(6) para.39(2) (June 30, 2014)

73.— Interpretation and other supplementary provisions.

(1) Except where the context otherwise requires, in this Part of this Act—

“contravention” includes a failure to comply with the provision in question, and “contravene” shall be construed accordingly;

“local authority” means —

(a) in England and Wales, the council of a district or a London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple; and

(b) in Scotland, an islands or district council;

“noise” includes vibration;

[...] ¹

“statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of [...] ² [...] ³ [hydraulic power] ⁴, and includes the Port Office;

“work of engineering construction” means the construction, structural alteration, maintenance or repair of any railway line or siding or any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipeline, aqueduct, sewer, sewage works or gasholder.

(2) The area of a local authority which includes part of the seashore shall also include for the purposes of this Part of this Act, except [section 62] ⁵, the territorial sea lying seawards from that part of the shore; and—

(a) [...] ⁶

(b) this Part of this Act (except [section 62] ⁵ and this subsection) shall have effect, in relation to any area included in the area of a local authority by virtue of this subsection—

(i) as if references to premises and the occupier of premises included respectively a vessel and the master of a vessel, and

(ii) with such other modifications, if any, as are prescribed.

(3) Where more than one person is responsible for noise, this Part of this Act shall apply to each of those persons whether or not what any one of them is responsible for would by itself amount to a nuisance, or would result in a level of noise justifying action under this Part of this Act.

(4) This Part of this Act does not apply to noise caused by aircraft other than model aircraft and does not confer functions on port health authorities.

Notes

¹ Definitions repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.13(a) (October 1, 2015)

² Word repealed by Electricity Act 1989 (c.29), s. 112(3)(4), Sch. 17 paras. 33, 35(1), Sch. 18

³ Word repealed by Gas Act 1986 (c.44), s. 67(4), Sch. 9 Pt. I

⁴ Words substituted 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. 25 para. 48(8), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

⁵ Words substituted by Deregulation Act 2015 c. 20 Sch.13(5) para.13(b) (October 1, 2015)

⁶ S. 73(2)(a) repealed by Local Government, Planning and Land Act 1980 (c. 65), Sch. 34 Pt. II

Commencement

Pt III s. 73: January 1, 1976 in relation to England and Wales; July 18, 1976 except for purposes specified in SI 1976/1080 art.3 Sch.1 in relation to Scotland; August 1, 1982 in relation to Scotland otherwise (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1; SI 1982/624 art. 2, Sch. 1 para. 1)

Extent

Pt III s. 73-(4): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)

✓ Law In Force

England and Wales

74.— Penalties.

(1) [A]¹ person guilty of an offence against this Part of this Act shall be liable on summary conviction—

(a) in the case of a first offence against this Part of this Act, to a fine not exceeding [level 5 on the standard scale]²; and

(b) in the case of a second or subsequent offence against this Part of this Act, to a fine not exceeding [level 5 on the standard scale]²,

together, in any case, with a further fine not exceeding £50 for each day on which the offence continues after the conviction.

(2) In determining whether an offence is a second or subsequent offence against this Part of this Act, account shall be taken of any offence—

(a) under section 24 of the Public Health (Scotland) Act 1897 by way of contravening a decree or interdict relating to noise; or

(b) under section 95 of the Public Health Act 1936 by way of contravening a nuisance order relating to noise [; or]³

[(c) under section 80(4) of the Environmental Protection Act 1990,]⁴

as if it were an offence against this Part of this Act.

Notes

¹ Words repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

² Substituted (E.W.) by virtue of Criminal Justice Act 1982 (c. 48), ss. 38, 46 and (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), ss. 289F, 289G (as inserted by Criminal Justice Act 1982 (c. 48), s. 54)

³ Word inserted by Environmental Protection Act 1990 (c.43), s. 162(1), Sch. 15 para. 15(5)

⁴ Subsection inserted by Environmental Protection Act 1990 (c.43), s. 162(1), Sch. 15 para. 15(5)

Scotland

[74.— Penalties.

(1) A person guilty of an offence against this Part of this Act shall be liable on summary conviction—

(a) to a fine not exceeding level 5 on the standard scale [.]²

(b) [...] ²

(2) [...] ²

] ¹

Notes

¹ Words repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(8)(a) (June 30, 2014)

² S.74(1)(b), (2) and words repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(8)(b) (June 30, 2014)

Commencement

Pt III s. 74: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt III s. 74-(2)(c): England, Wales, Scotland

PART IV**POLLUTION OF THE ATMOSPHERE***Prevention of atmospheric pollution*

Repealed

75.— [...] ¹

Notes

¹ Repealed by Clean Air Act 1993 c. 11 Sch.6 para.1 (August 27, 1993)



Repealed

76.— [...] ¹

Notes

¹ Repealed by Clean Air Act 1993 c. 11 Sch.6 para.1 (August 27, 1993)

 Repealed

77.— [...]¹

Notes

¹ Repealed by Clean Air Act 1993 c. 11 Sch.6 para.1 (August 27, 1993)

 Repealed

78.— [...]¹

Notes

¹ Repealed by Clean Air Act 1993 c. 11 Sch.6 para.1 (August 27, 1993)

Information about atmospheric pollution

 Repealed

79.— [...]¹

Notes

¹ Repealed by Clean Air Act 1993 c. 11 Sch.6 para.1 (August 27, 1993)

 Repealed

80.— [...]¹

Notes

¹ Repealed by Clean Air Act 1993 c. 11 Sch.6 para.1 (August 27, 1993)

 Repealed

81.— [...]¹

Notes

¹ Repealed by Clean Air Act 1993 c. 11 Sch.6 para.1 (August 27, 1993)

 Repealed

82.— [...]¹

Notes

¹ Repealed by Clean Air Act 1993 c. 11 Sch.6 para.1 (August 27, 1993)

 Repealed

83.— [...]¹

Notes

¹ Repealed by Clean Air Act 1993 c. 11 Sch.6 para.1 (August 27, 1993)

Interpretation

 Repealed

84.— [...]¹

Notes

¹ Repealed by Clean Air Act 1993 c. 11 Sch.6 para.1 (August 27, 1993)


PART V

SUPPLEMENTARY PROVISIONS

Legal proceedings

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)

 Law In Force

England and Wales

85.— Appeals to Crown Court or Court of Session against decisions of magistrates' court or sheriff.

(1) An appeal against any decision of a magistrates' court in pursuance of this Act (other than a decision made in criminal proceedings) shall lie to the Crown Court at the instance of any party to the proceedings in which the decision was given if such an appeal does not lie to the Crown Court by virtue of any other enactment.

(2) In Scotland an appeal against any decision of the sheriff in pursuance of this Act (other than a decision made in criminal proceedings) shall lie to the Court of Session at the instance of any party to the proceedings in which the decision was given if such an appeal does not lie to the Court of Session by virtue of any other enactment.

(3) Where a person appeals to the Crown Court or the Court of Session against a decision of a magistrates' court or the sheriff dismissing an appeal against a notice served in pursuance of this Act which was suspended pending determination of that appeal, the notice shall again be suspended pending the determination of the appeal to the Crown Court or Court of Session.

Scotland

[85.— Appeals to Crown Court or Court of Session against decisions of magistrates' court or sheriff.

(1) An appeal against any decision of a magistrates' court in pursuance of this Act (other than a decision made in criminal proceedings) shall lie to the Crown Court at the instance of any party to the proceedings in which the decision was given if such an appeal does not lie to the Crown Court by virtue of any other enactment.

(2) In Scotland an appeal against any decision of the sheriff in pursuance of this Act (other than a decision made in criminal proceedings) shall lie to the Court of Session at the instance of any party to the proceedings in which the decision was given if such an appeal does not lie to the Court of Session by virtue of any other enactment.

(3) Where a person appeals to the Crown Court or the Court of Session against a decision of a magistrates' court or the sheriff dismissing an appeal against a notice served in pursuance of this Act which was suspended pending determination of that appeal, the notice shall again be suspended pending the determination of the appeal to the Crown Court or Court of Session.

(4) In subsection (2), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

] ¹

Notes

¹ Added by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(6) para.39(3) (June 30, 2014)

Commencement

Pt V s. 85: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt V s. 85-(3): England, Wales, Scotland


 Repealed

86.— [...]¹
²

Notes

¹ Repealed 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

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

 Law In Force

87.— Miscellaneous provisions relating to legal proceedings.

(1) When an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Where the affairs of a body corporate are managed by its members the preceding provisions of this subsection shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(2) Where the commission by any person of an offence under this Act is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of an offence by virtue of this subsection whether or not proceedings for the offence are taken against any other person.

(3) [...]¹

(4) Where an appeal against a decision of a relevant authority lies to a magistrates' court by virtue of any provision of this Act, it shall be the duty of the authority to include in any document by which it notifies the decision to the person concerned a statement indicating that such an appeal lies as aforesaid and specifying the time within which it must be brought.

(5) Where on an appeal to any court against or arising out of a decision of a relevant authority in pursuance of this Act the court varies or reverses the decision it shall be the duty of the authority to act in accordance with the court's decision.

(6) A judge of any court and a justice of the peace shall not be disqualified from acting in cases arising under this Act by reason of his being, as one of several ratepayers or as one of any other class of persons, liable in common with the others to contribute to or be benefited by any rate or fund out of which any expenses of a relevant authority are to be defrayed.

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(q) (June 30, 2014)


Commencement

Pt V s. 87: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt V s. 87-(6): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)

 Partially Repealed

England and Wales

88.— Civil liability for contravention of s. 3(3).

(1) Where any damage is caused by poisonous, noxious or polluting waste which has been deposited on land, any person who deposited it or caused or knowingly permitted it to be deposited, in either case so as to commit an offence under section 3(3) or by virtue of section 18(2) of this Act, is liable for the damage except where the damage—

- (a) was due wholly to the fault of the person who suffered it; or
- (b) was suffered by a person who voluntarily accepted the risk thereof.

(2) The matters which under paragraphs (a) to (c) of subsection (4) of section 3 of this Act may be proved by way of defence to a charge of committing an offence under subsection (3) of that section may be proved also by way of defence to an action brought by virtue of the preceding subsection (the reference in the said paragraph (a) to the charge being construed as a reference to the act alleged to give rise to the liability).

(3) In this section—

- “damage” includes the death of, or injury to, any person (including any disease and any impairment of physical or mental condition);
- “fault” has the same meaning as in the Law Reform (Contributory Negligence) Act 1945;
- and
- “land” includes such water as is mentioned in section 4(4) of this Act.

(4) For the purposes of the following enactments, namely—

- (a) the Fatal Accidents Acts 1846 to 1959;
- (b) the Law Reform (Contributory Negligence) Act 1945; and
- [(c) the Limitation Act 1980]¹

and for the purposes of any action of damages in Scotland arising out of the death of, or personal injury to, any person, any damage for which a person is liable under subsection (1) of this section shall be treated as due to his fault.

(5) Subsection (1) of this section is without prejudice to any liability which arises apart from the provisions of this section.

Notes

¹ S. 88(4)(c) substituted by Limitation Act 1980 (c. 58), Sch. 3 para. 12

Scotland

[...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(r) (June 30, 2014)

Commencement

Pt V s. 88: June 14, 1976 in relation to England and Wales only; January 1, 1978 in relation to Scotland (SI 1976/731 art. 3, Sch. 1 para. 1; SI 1977/1587 Sch. 1 para. 1)

Extent

Pt V s. 88-(5): England, Wales, Scotland

Financial provisions

✓ Law In Force

89.— Expenses and receipts of Secretary of State etc.

(1) There shall be paid out of money provided by Parliament—
(a) any expenses incurred by the Secretary of State for the purposes of this Act; and
(b) any increase attributable to the provisions of this Act in the sums payable under any other Act out of money so provided.

(2) Any sums received by the Secretary of State by virtue of this Act shall be paid into the Consolidated Fund.

¹

Notes

¹ Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Pt V s. 89: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt V s. 89-(2): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Scotland](#) | [England and Wales](#) Partially Repealed

Scotland

[...]¹**Notes**¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(s) (June 30, 2014)

England and Wales

90.— Establishment charges and interest in respect of certain expenses of authorities.(1) [...]¹

(2) [Where a sum is payable to a]² relevant authority by any person by virtue of this Act in respect of the expenses incurred by the authority or by virtue of this Act in respect of the expenses incurred by the authority or by virtue of section 36 of the Local Government Act 1974 in respect of establishment charges related to such expenses or by virtue of section 193 of the Local Government (Scotland) Act 1947 in respect of general expenses related to such expenses, then—

(a) the authority and that person may agree that the sum[...]³ shall be paid in instalments; and

(b) the authority shall be entitled to receive from that person interest on the sum[...]³, or on such portion of it as is for the time being unpaid, at [such reasonable rate or rates as the authority may determine]⁴

(3) In the application of this section to Scotland, for the references to a water authority there shall be substituted references to [SEPA]⁵.

Notes

¹ Repealed 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

² Words substituted 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. 25 para. 48(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

³ Words repealed 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

⁴ Words substituted by Local Government Planning and Land Act 1980 (c. 65), s. 1(2), Sch. 2 para. 17

⁵ Words substituted by Environment Act 1995 c. 25 Sch.22 para.29(30) (April 1, 1996)

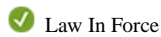
Commencement

Pt V s. 90: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt V s. 90-(3): England, Wales, Scotland

Miscellaneous



Law In Force

91.— Rights of entry and inspection etc.

(1) Any person authorised in writing in that behalf by a relevant authority may at any reasonable time—

- (a) enter upon any land or vessel for the purpose of—
 - (i) performing any function conferred on the authority or that person by virtue of this Act, or
 - (ii) determining whether, and if so in what manner, such a function should be performed, or
 - (iii) determining whether any provision of this Act or of an instrument made by virtue of this Act is being complied with;
- (b) carry out such inspections, measurements and tests on the land or vessel or of any articles on it and take away such samples of the land or articles as he considers appropriate for such a purpose.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

- (a) that admission to any land or vessel which a person is entitled to enter in pursuance of the preceding subsection has been refused to that person or that refusal is apprehended or that the land or vessel is unoccupied or that the occupier is temporarily absent or that the case is one of emergency or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry upon the land or vessel for the purpose for which entry is required,

then, subject to the following subsection, the justice may by warrant under his hand authorise that person to enter the land or vessel, if need be by force.

(3) A justice of the peace shall not issue a warrant in pursuance of the preceding subsection in respect of any land or vessel unless he is satisfied—

- (a) that admission to the land or vessel in pursuance of subsection (1) of this section was sought after not less than seven days notice of the intended entry had been served on the occupier; or

- (b) that admission to the land or vessel in pursuance of that subsection was sought in an emergency and was refused by or on behalf of the occupier; or
- (c) that the land or vessel is unoccupied; or
- (d) that an application for admission to the land or vessel would defeat the object of the entry.

(4) A warrant issued in pursuance of this section shall continue in force until the purpose for which the entry is required has been satisfied.

(5) In the application of this section to Scotland—

- (a) [...] ¹
- (b) any reference to a justice of the peace shall include a reference to the sheriff.

Notes


¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

Commencement

Pt V s. 91: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt V s. 91-(5)(b): England, Wales, Scotland

 Law In Force

92.— Provisions supplementary to s. 91.

(1) A person authorised to enter upon any land or vessel in pursuance of the preceding section shall, if so required, produce evidence of his authority before he enters upon the land or vessel.

(2) A person so authorised may take with him on to the land or vessel in question such other persons and such equipment as may be necessary.

(3) Admission to any land or vessel used for residential purposes and admission with heavy equipment to any other land or vessel shall not, except in an emergency or in a case where the land or vessel is unoccupied, be demanded as of right in pursuance of subsection (1) of the preceding section unless a notice of the intended entry has been served on the occupier not less than seven days before the demand.

(4) A person who, in the exercise of powers conferred on him by virtue of the preceding section or this section, enters upon any land or vessel which is unoccupied or of which the occupier is temporarily absent shall leave the land or vessel as effectually secured against trespassers as he found it.

(5) It shall be the duty of a relevant authority to make full compensation to any person who has sustained damage by reason of—

- (a) the exercise by a person authorised by the authority of any powers conferred on the person so authorised by virtue of the preceding section or this section; or
- (b) the failure of a person so authorised to perform the duty imposed on him by the preceding subsection,

except where the damage is attributable to the default of the person who sustained it; and any dispute as to a person's entitlement to compensation in pursuance of this subsection or as to the amount of the compensation shall be determined by arbitration.

(6) A person who wilfully obstructs another person acting in the exercise of any powers conferred on the other person by virtue of the preceding section or this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [level 3 on the standard scale]¹.

(7) In the preceding section and this section any reference to an emergency is a reference to a case where a person requiring entry to any land or vessel has reasonable cause to believe that circumstances exist which are likely to endanger life or health and that immediate entry to the land or vessel is necessary to verify the existence of those circumstances or to ascertain their cause or to effect a remedy.

2

Notes

¹ Substituted (11.4.1983) by virtue of Criminal Justice Act 1982 (c. 48), ss. 38, 46 and Criminal Procedure (Scotland) Act 1975 (c. 21), ss. 289F, 289G (as inserted by Criminal Justice Act 1982 (c. 48), s. 54)

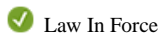
² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Pt V s. 92: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt V s. 92-(7): England, Wales, Scotland



Law In Force

93.— Power of authorities to obtain information.

(1) Subject to the following subsection, a relevant authority may serve on any person a notice requiring him to furnish to the authority, within a period or at times specified in the notice and in a form so specified, any information so specified which the authority reasonably considers that it needs for the purposes of any function conferred on the authority by this Act.

(2) Provision may be made by regulations for restricting the information which may be required in pursuance of the preceding subsection and for determining the form in which the information is to be so required.

[(3) A person who—

(a) fails without reasonable excuse to comply with the requirements of a notice served on him in pursuance of this section; or

(b) in furnishing any information in compliance with such a notice, makes any statement which he knows to be false or misleading in a material particular or recklessly makes any statement which is false or misleading in a material particular,

shall be guilty of an offence.

(3A) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

] ¹

(4) [...] ²

Notes

¹ S.93(3) and (3A) substituted for s.93(3) by Environment Act 1995 c. 25 Sch.19 para.1(3) (April 1, 1996)

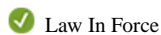
² Repealed by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006)

Commencement

Pt V s. 93: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt V s. 93-(4): England, Wales, Scotland



Law In Force

94.— Prohibition of disclosure of information.

(1) If a person discloses information relating to any trade secret used in carrying on a particular undertaking and the information has been given to him or obtained by him by virtue of this Act he shall, subject to the following subsection, be guilty of an offence and liable on summary conviction to a fine not exceeding [level 5 on the standard scale] ¹.

(2) A person shall not be guilty of an offence under the preceding subsection by virtue of the disclosure of any information if—

(a) the disclosure is made—

- (i) in the performance of his duty, or
 - (ii) in pursuance of section 79(1)(b) of this Act, or
 - (iii) with the consent in writing of a person having a right to disclose the information;
- or

(b) the information is of a kind prescribed for the purposes of this paragraph and, if regulations made for those purposes provide that information of that kind may only be disclosed in pursuance of the regulations to prescribed persons, the disclosure is to a prescribed person.

(3) [...] ²

Notes

¹ Substituted (11.4.1983) by virtue of Criminal Justice Act 1982 (c. 48), ss. 38, 46 and Criminal Procedure (Scotland) Act 1975 (c. 21), ss. 289F, 289G (as inserted by Criminal Justice Act 1982 (c. 48), s. 54)

² Repealed by Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006/181 (Scottish SI) Sch.1(I) para.1 (April 1, 2006)

Commencement

Pt V s. 94(1): January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Pt V s. 94(2)(a)(i): January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Pt V s. 94(2)(a)(ii): January 1, 1976 in relation to England and Wales; January 31, 1985 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1985/70 art. 2)


Pt V s. 94(2)(a)(iii): January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Pt V s. 94(2)(b): January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Pt V s. 94(3): January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt V s. 94(1)-(3): England, Wales, Scotland

 Law In Force

[95. Service of documents on and by certain undertakers.

Section 187 of the Water Act 1989 (service of documents) shall apply for the purposes of the service of any document required or authorised by virtue of this Act to be served on or by a water undertaker or sewerage undertaker as it applies for the purposes of the service of any document required or authorised by virtue of that Act to be served on or by any person.]¹

²

Notes

¹ Substituted 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. 25 para. 48(10), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Pt V s. 95: December 12, 1974 (SI 1974/2039 art. 3, Sch. 1(III) para. 1)

Extent

Pt V s. 95: England, Wales

 Law In Force

96.— Local inquiries.

(1) The Secretary of State may cause a local inquiry to be held in any case in which he considers it appropriate for such an inquiry to be held either in connection with a provision of this Act or

with a view to preventing or dealing with pollution [other than air pollution]¹ or noise at any place.

(2) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (which contain supplementary provisions with respect to local inquiries held in pursuance of that section) shall, without prejudice to the generality of subsection (1) of that section, apply to inquiries in England and Wales in pursuance of the preceding subsection as they apply to inquiries in pursuance of that section[...]²

(3) Subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (local inquiries) shall, without prejudice to the generality of subsection (1) of that section, apply to inquiries in Scotland in pursuance of subsection (1) of this section as they apply to inquiries held in pursuance of that section [...]³ .

Notes

¹ Words inserted by Clean Air Act 1993 c. 11 Sch.4 para.2 (August 27, 1993)

² Words repealed by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt. I

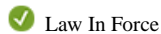
³ Words repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

Commencement

Pt V s. 96: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt V s. 96-(3): England, Wales, Scotland



Law In Force

97.— Default powers.

(1) If the Secretary of State is satisfied that any other relevant authority has failed to perform any functions which it ought to have performed, he may make an order declaring the authority to be in default.

(2) An order made by virtue of the preceding subsection which declares an authority to be in default may, for the purpose of remedying the default, direct the authority (hereafter in this section referred to as “the defaulting authority”) to perform such of its functions as are specified in the order and may specify the manner in which and the time or times within which those functions are to be performed by the authority.

(3) If the defaulting authority fails to comply with any direction contained in such an order the Secretary of State may, instead of enforcing the order by mandamus, make an order transferring to himself such of the functions of the authority as he thinks fit.

(4) Where any functions of the defaulting authority are transferred in pursuance of the preceding subsection, the amount of any expenses which the Secretary of State certifies were incurred by him in performing those functions shall on demand be paid to him by the defaulting authority.

(5) Any expenses which in pursuance of the preceding subsection are required to be paid by the defaulting authority in respect of any functions transferred in pursuance of this section shall be defrayed by the authority in the like manner, and shall be debited to the like account, as if the functions had not been transferred and the expenses had been incurred by the authority in performing them; and the authority shall have the like powers for the purpose of raising any money required in pursuance of this subsection as the authority would have had for the purpose of raising money required for defraying expenses incurred for the purposes of the functions in question.

(6) An order transferring any functions of the defaulting authority in pursuance of subsection (3) of this section may provide for the transfer to the Secretary of State of such of the property, rights, liabilities and obligations of the authority as he considers appropriate; and where such an order is revoked the Secretary of State may, by the revoking order or a subsequent order, make such provision as he considers appropriate with respect to any property, rights, liabilities and obligations held by him for the purposes of the transferred functions.

(7) The Secretary of State may by order vary or revoke any order previously made by him in pursuance of this section.

(8) In this section “functions”, in relation to an authority, means functions conferred on the authority by virtue of this Act.

(9) This section shall not apply to Scotland.

¹

Notes

¹ Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Pt V s. 97: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(III) para. 1)

Extent

Pt V s. 97-(9): England, Wales



Law In Force With Amendments Pending

98. Interpretation of Part V.

In this Part of this Act—

“functions” includes powers and duties; and

“relevant authority” means —

(a) in England [...] ¹, the Secretary of State, [...] ² a county council, [...] ³ a district council, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple[, any authority established by the Waste Regulation and Disposal (Authorities) Order 1985] ⁴[and, for the purposes of sections 91 to 93 of this Act, a sewerage undertaker] ⁵; and

[(aa) in Wales, the Secretary of State, a county council or a county borough council and, for the purposes of sections 91 to 93 of this Act, a sewerage undertaker; and] ⁶

[(b) in Scotland—

- (i) as respects sections 91 and 92, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and
- (ii) as respects this Part other than those sections, the Secretary of State, SEPA or a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

] ⁷

Notes

- ¹ Words repealed by Local Government (Wales) Act 1994 c. 19 Sch.18 para.1 (April 1, 1996: by SI 1996/396)
- ² Words repealed 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
- ³ Words repealed by Local Government Act 1985 (c.51), s. 102, Sch. 17
- ⁴ Words inserted (27.12.1985) by S.I. 1985/1884, art. 5, Sch. 2 para. 12
- ⁵ Words inserted (1.9.1989) 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. 25 para. 48(11), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- ⁶ Added by Local Government (Wales) Act 1994 c. 19 Sch.9 para.10(4) (April 1, 1996)
- ⁷ Substituted by Environment Act 1995 c. 25 Sch.22 para.29(33) (April 1, 1996)

Amendments Pending

Pt V s. 98 definition of "relevant authority" (b): words substituted by Local Government etc. (Scotland) Act 1994 c. 39 Sch. 13 para. 95(8) (date to be appointed: substitution cannot take effect as 1994 c.39 Sch.13 para.95(8) never came into force)

Commencement

Pt V s. 98: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)


Extent

Pt V s. 98- definition of "relevant authority" (b)(ii): England, Wales, Scotland

PART VI

MISCELLANEOUS AND GENERAL

Miscellaneous

 Law In Force

99. [...]¹

²

Notes

- ¹ Provides for amendments of enactments mentioned in Sch.2

- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Pt VI s. 99: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Pt VI s. 99: England, Wales, Scotland

 Repealed

100.— [...]¹


²

Notes

¹ Repealed by Environmental Protection Act 1990 (c.43), s. 162(2), Sch. 16 Pt. IX

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)

 Partially Repealed

England and Wales

101. Disposal of waste etc by Atomic Energy Authority.

Without prejudice to the powers of the United Kingdom Atomic Energy Authority apart from this section, the Authority shall have power—

- (a) to engage in the United Kingdom and elsewhere in such activities relating to the treatment or disposal of waste and other matter as the Secretary of State may from time to time specify by notice given to the Authority; and
- (b) to do anything which appears to the Authority to be appropriate for the purpose of exercising the powers conferred on the Authority by the preceding paragraph.

Scotland

[...]¹

Notes

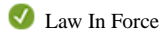
¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(t) (June 30, 2014)

Commencement

Pt VI s. 101: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(I) para. 1)

Extent

Pt VI s. 101-(b): United Kingdom



Law In Force

102.— Power to give effect to international agreements.

(1) Regulations may provide that any provision of this Act, except this section, shall have effect with such modifications as are prescribed with a view to enabling the Government of the United Kingdom to give effect to any provision made by or under any international agreement to which the Government is for the time being a party.

(2) The Secretary of State may make, to the Commission established by the Convention for the Prevention of Marine Pollution from Land-based Sources which was signed at Paris on behalf of the Government of the United Kingdom on 4 June 1974, such payments towards the expenses of the Commission as he may with the approval of the Treasury determine.

¹

Notes

¹ Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Pt VI s. 102: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Pt VI s. 102-(2): England, Wales, Scotland



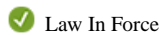
Repealed

103.— [...] ¹**Notes**

¹ Repealed by Clean Air Act 1993 c. 11 Sch.6 para.1 (August 27, 1993)

General

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)



England and Wales

104.— Orders and regulations.

(1) Any power conferred by this Act [...] ¹ to make an order or regulations—

(a) includes power to make different provision by the order or regulations for different circumstances and to include in the order or regulations such incidental, supplemental and transitional provisions as the person making the order or regulations considers appropriate in connection with the order or regulations; and

(b) shall be exercisable by statutory instrument except in the case of the powers conferred by section 97 of this Act;

and any statutory instrument made by virtue of this subsection, except an instrument containing only regulations made by virtue of section 18 of this Act or an order made by virtue of [section 44(5) or 109(2)] ² of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) No regulations shall be made by virtue of section 18 of this Act and no order shall be made by virtue of section 52 or 53 of this Act unless a draft of the regulations or order has been approved by a resolution of each House of Parliament.

(3) It shall be the duty of the Secretary of State, before he makes any regulations in pursuance of section 31(5) of this Act—

(a) to publish in the London Gazette and in at least one newspaper circulating in the area in question a copy of the proposed regulations and a notice specifying—

(i) a period of not less than twenty-eight days, beginning with the date on which the notice is first published, within which objections to the proposed regulations may be made, and

(ii) the person to whom such objections may be made; and

(b) to consider any objections to the proposed regulations which are made within that period and, if such an objection is so made by a prescribed person, and is not withdrawn, to cause a local inquiry to be held in pursuance of section 96 of this Act with respect to the proposed regulations;

and the Secretary of State may, after considering any such objections as are mentioned in paragraph (b) of this subsection and the report of any person appointed to hold a local inquiry with respect to the proposed regulations, make the regulations either in the form in which a copy of them was published in pursuance of this subsection or in that form with such modifications as he considers appropriate.

Notes

¹ Words repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.15(2) (October 1, 2015)

² Words substituted by Water Act 1989 (c. 15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)–(10), 190, 193(1), Sch. 23 para. 7, Sch. 26 paras 3(1)(2), 17, 40(4), 57(6), 58

Scotland

104.— Orders and regulations.

- (1) Any power conferred by this Act [...] ¹ to make an order or regulations—
- (a) includes power to make different provision by the order or regulations for different circumstances and to include in the order or regulations such incidental, supplemental and transitional provisions as the person making the order or regulations considers appropriate in connection with the order or regulations; and
 - (b) shall be exercisable by statutory instrument except in the case of the powers conferred by section 97 of this Act;
- and any statutory instrument made by virtue of this subsection, except an instrument containing only [...] ² an order made by virtue of [section 44(5) or 109(2)] ³ of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) No [...] ⁴ order shall be made by virtue of section 52[...] ⁵ of this Act unless a draft of the [...] ⁶ order has been approved by a resolution of each House of Parliament.
- (3) [...] ⁷

Notes

- ¹ Words repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(9)(a)(i) (June 30, 2014)
- ² Words repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(9)(a)(ii) (June 30, 2014)
- ³ Words substituted by Water Act 1989 (c. 15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)–(10), 190, 193(1), Sch. 23 para. 7, Sch. 26 paras 3(1)(2), 17, 40(4), 57(6), 58
- ⁴ Words repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(9)(b)(i) (June 30, 2014)
- ⁵ Words repealed 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
- ⁶ Words repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(9)(b)(ii) (June 30, 2014)
- ⁷ Repealed 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

Commencement

Pt VI s. 104: December 12, 1974 (SI 1974/2039 art. 3, Sch. 1(II) para. 1)

Extent

Pt VI s. 104-(3)(b): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)



England and Wales

105.— Interpretation etc—general.**(1) In this Act—**

- “the Alkali Act” means the Alkali, &c. Works Regulation Act 1906;
- “county” [, “county borough”]¹ and “district”, except in relation to Scotland, have the same meanings as in the Local Government Act 1972;
- “mine” and “quarry” have the same meanings as in the Mines and Quarries Act 1954;
- “modifications” includes additions, omissions and amendments and “modify” and cognate expressions shall be construed accordingly;
- “notice” means notice in writing;
- “owner”, except in relation to Scotland, means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises were let at a rackrent;
- “premises” includes land;
- “prescribed” means prescribed by regulations;
- “regulations” means regulations made by the Secretary of State;
- [‘road’ (except where the context otherwise requires) has the same meaning as in the [Part IV of the New Roads and Street Works Act 1991]³ :
- ‘roads authority’ has the same meaning as in the Roads (Scotland) Act 1984;]²
- [“SEPA” means the Scottish Environmental Protection Agency;]⁴
- “trade effluent” includes any liquid (either with or without particles of matter in suspension in it) which is discharged from premises used for carrying on any trade or industry, other than surface water and domestic sewage, and for the purposes of this definition any premises wholly or mainly used (whether for profit or not) for agricultural or horticultural purposes or for scientific research or experiment shall be deemed to be premises used for carrying on a trade; and
- “vessel” includes a hovercraft within the meaning of the Hovercraft Act 1968.

(2) Except so far as this Act expressly provides otherwise and subject to the provisions of [section 18 of the Interpretation Act 1978]⁵ (which relates to offences under two or more laws), nothing in this Act—

- (a) confers a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of this Act or an instrument made in pursuance of this Act;
- (b) affects any restriction imposed by or under any other enactment, whether public, local or private; or
- (c) derogates from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

(3) In so far as any interest in Crown land is not an interest belonging to Her Majesty or a Crown interest or a Duchy interest, this Act shall apply to the land as if it were not Crown land; and

expressions used in this subsection and [subsection (1) of section 293 of the Town and Country Planning Act 1990]⁶ or, in relation to Scotland, [subsections (1) to (3) of section 242 the Town and Country Planning (Scotland) Act 1997]⁷ have the same meanings in this subsection as in that subsection.

(4) References in this Act to any enactment are references to it as amended by or under any other enactment.

Notes

- ¹ Words inserted by Local Government (Wales) Act 1994 c. 19 Sch.9 para.10(5) (April 1, 1996)
- ² Words inserted by Roads (Scotland) Act 1984 (c.54), s. 156(1), Sch. 9 para. 74(6)
- ³ Words substituted by New Roads and Street Works Act 1991 c. 22 Sch.8(IV) para.105 (January 1, 1993: represents law in force as at date shown)
- ⁴ Definition added by Environment Act 1995 c. 25 Sch.22 para.29(35) (April 1, 1996)
- ⁵ Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 25(2)
- ⁶ Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 31(2)
- ⁷ Words substituted by Planning (Consequential Provisions) (Scotland) Act 1997 c. 11 Sch.2 para.23(2) (May 27, 1997: with transitional provisions in 1997 c.11 Sch.3 relating to repeals and consequential amendments made by this Act)

Scotland

[105.— Interpretation etc—general.

(1) In this Act—

[...]²

“county”, “county borough” and “district”, except in relation to Scotland, have the same meanings as in the Local Government Act 1972;

“mine” and “quarry” have the same meanings as in the Mines and Quarries Act 1954;

“modifications” includes additions, omissions and amendments and “modify” and cognate expressions shall be construed accordingly;

“notice” means notice in writing;

“owner”, except in relation to Scotland, means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises were let at a rackrent;

“premises” includes land;

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Secretary of State;

‘road’ (except where the context otherwise requires) has the same meaning as in the Part IV of the New Roads and Street Works Act 1991:

‘roads authority’ has the same meaning as in the Roads (Scotland) Act 1984;

“SEPA” means the Scottish Environmental Protection Agency; [and]³

[...]³

“vessel” includes a hovercraft within the meaning of the Hovercraft Act 1968.

(2) Except so far as this Act expressly provides otherwise and subject to the provisions of section 18 of the Interpretation Act 1978 (which relates to offences under two or more laws), nothing in this Act—

- (a) confers a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of this Act or an instrument made in pursuance of this Act;
- (b) affects any restriction imposed by or under any other enactment, whether public, local or private [or by or under any Act of the Scottish Parliament]⁴ ; or
- (c) derogates from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

(3) Subject to subsections (3A) to (3D) below, this Act shall bind the Crown.

(3A) No contravention by the Crown of any provision made by or under this Act shall make the Crown criminally liable; but the Court of Session may, on the application of—

- (a) the Scottish Environment Protection Agency; or
- (b) any other public or local authority charged with enforcing that provision,

declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3B) Notwithstanding anything in subsection (3A) above, any provision made by or under this Act shall apply to persons in the public service of the Crown as it applies to other persons.

(3C) If the Secretary of State certifies that it appears to him, as respects any Crown premises and any powers of entry exercisable in relation to them specified in the certificate, that it is requisite or expedient that, in the interests of national security, the powers should not be exercisable in relation to those premises, those powers shall not be exercisable in relation to those premises; and in this subsection “Crown premises” means premises held or used by or on behalf of the Crown.

(3D) Nothing in this section shall be taken as in any way affecting Her Majesty in her private capacity.

(4) References in this Act to any enactment are references to it as amended by or under any other enactment.

] ¹

Notes

¹ S.105(3)-(3D) substituted for s.105(3) by Environment Act 1995 c. 25 Sch.21(II) para.4 (April 8, 1998)

² Repealed by Environmental Protection Act 1990 c. 43 Sch.16(I) para.1 (April 1, 2015: as SSI 2015/72)

³ Definition repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(10) (June 30, 2014)

⁴ Words inserted by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(6) para.39(4) (June 30, 2014)

Amendments Pending

Pt VI s. 105(1) definition of "the Alkali Act": definition repealed by Environmental Protection Act 1990 c. 43 Sch. 16(I) para. 1 (date to be appointed: commencement order)

Commencement

Pt VI s. 105: December 12, 1974 (SI 1974/2039 art. 3, Sch. 1(II) para. 1)

Extent

Pt VI s. 105-(4): England, Wales, Scotland



Law In Force With Amendments Pending

106.— General application to Scotland.

(1) The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.

(2) [...]¹

(3) [...]²

(4) [...]³

(5) Any question which is required by any provision of this Act to be determined by arbitration shall be determined by a single arbiter appointed, in default of agreement between the parties concerned, by the Secretary of State on the application of any of the parties.

(6) For any reference in this Act to a magistrates' court there shall be substituted a reference to the sheriff.

(7) [...]⁴

(8) For any reference in this Act to the London Gazette there shall be substituted a reference to the Edinburgh Gazette.

(9) In this Act “owner” means the person for the time being entitled to receive or who would, if the same were let, be entitled to receive, the rents of the premises in connection with which the word is used and includes a trustee, factor, tutor or curator, and, in the case of public or municipal property, includes the persons to whom the management thereof is entrusted.

Notes

¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1996 as SI 1996/186)

² Repealed by Local Government etc. (Scotland) Act 1994 c. 39 Sch.14 para. (April 1, 1996 as SI 1996/323)

³ Repealed by Roads (Scotland) Act 1984 (c.54), s. 156(1), Sch. 9 para. 74(7), Sch. 11

⁴ Repealed by Public Health etc. (Scotland) Act 2008 asp 5 (Scottish Act) Sch.3(1) para.1 (October 1, 2009: as SSI 2009/319)

Amendments Pending

Pt VI s. 106(2): words substituted by Local Government etc. (Scotland) Act 1994 c. 39 Sch. 13 para. 95(9) (date to be appointed: substitution cannot take effect as 1994 c.39 Sch.13 para.95(9) never came into force)

Commencement

Pt VI s. 106: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(IV) para. 1)

Extent

Pt VI s. 106-(9): England, Wales, Scotland

✓ Law In Force

107. Application to Isles of Scilly.

This Act shall have effect in its application to the Isles of Scilly with such modifications as the Secretary of State may by order specify, and the Secretary of State may by order vary or revoke any order previously made in pursuance of this section.

¹

Notes

¹ Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Pt VI s. 107: December 12, 1974 (SI 1974/2039 art. 3, Sch. 1(III) para. 1)

Extent

Pt VI s. 107: England, Wales, Scotland

ⓘ Partially In Force

108.—

(1) [...] ¹

(2) [...] ²

(3) The Secretary of State may by order repeal or amend any provision of any local Act passed before this Act (including an Act confirming a provisional order) or of any order or other instrument made under an Act so passed if it appears to him that the provision is inconsistent with, or has become unnecessary or requires alteration in consequence of, any provision of this Act or corresponds to any provision repealed by this Act or relates to trade effluent.

³

Notes

¹ Provides for amendments of enactments specified in Sch. 3

² Repeals enactments specified in Sch. 4

³ Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Pt VI s. 108(1): January 1, 1975 december 12, 1974 for the provision specified in SI 1974/2039 art.3 Sch.1; January 1, 1975 for provisions specified in SI 1974/2169 art.3; January 1, 1976 for provisions specified in SI 1975/2118 art.3 Sch.1; June 14, 1976 for the provision specified in SI 1976/731 art.3 Sch.1; July 18, 1976 for provisions specified in SI 1976/1080 art.3 Sch.1; July 20, 1976 for the provision specified in SI 1976/956 art.3 Sch.1; July 4, 1984 for the provisions specified in SI 1984/853 art.2 Sch.1; January 31, 1985 for provisions specified in SI 1985/70 art.2, not yet in force otherwise (SI 1974/2039 art. 3, Sch. 1(III) para. 1; SI 1974/2169 art. 3; SI 1975/2118 art. 3; SI 1976/731 art. 3; SI 1976/956 art. 3; SI 1976/1080 art. 3, Sch. 1 para. 1; SI 1984/853 art. 2, Sch. 1(II) para. 1, Sch. 1(III) para. 1; SI 1985/70 art. 2)


Pt VI s. 108(2): January 1, 1975 for repeals specified in SI 1974/2169 art.3; March 3, 1975 for the repeal specified in SI 1975/230 art.3; January 1, 1976 for repeals specified in SI 1975/2118 art.3 Sch.1; June 14, 1976 for repeals specified in SI 1976/731 art.3 Sch.1; July 18, 1976 for repeals specified in SI 1976/1080 art.3 Sch.1; July 20, 1976 for repeals specified in SI 1976/956 art.3; April 1, 1977 for repeals specified in SI 1977/476 art.3 Sch.1 as respects inner London

Boroughs; March 16, 1981 for the repeal specified in SI 1981/196 art.2; January 31, 1985 for repeals specified in SI 1985/70 art.2 Sch.1; June 6, 1988 for repeals specified in SI 1988/818 art.2 Sch.1; May 31, 1991 for repeals specified in SI 1991/1173; not yet in force otherwise (SI 1974/2169 art. 3; SI 1975/2118 art. 3, Sch. 1(II) para. 1; SI 1976/731 art. 3; SI 1976/956 art. 3; SI 1976/1080 art. 3, Sch. 1 para. 1; SI 1977/336 art. 3, Sch. 1 para. 1; SI 1977/476 art. 3; SI 1981/196 art. 2; SI 1985/70 art. 2; SI 1988/818 art. 2; SI 1991/1173 art. 2)

Pt VI s. 108(3): January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Pt VI s. 108(1)-(3): England, Wales, Scotland

 Law In Force

109.— Short title, commencement and extent.

(1) This Act may be cited as the Control of Pollution Act 1974.

(2) This Act shall come into force on such day as the Secretary of State may by order appoint; and—

(a) without prejudice to the generality of section 104(1)(a) of this Act, different days may be appointed in pursuance of this subsection for different provisions of this Act and for such different purposes of the same provision as may be specified in the order;

(b) any provision appointing a day in pursuance of this subsection may be revoked or varied by an order made by the Secretary of State which comes into force before that day.

(3) This Act, except [sections 101]¹ and this section, does not extend to Northern Ireland.

Notes

¹ Words repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(13) para.1 (July 22, 2004)

Commencement

Pt VI s. 109: December 12, 1974 (SI 1974/2039 art. 3, Sch. 1(I) para. 1)

Extent

Pt VI s. 109-(3): United Kingdom

[SCHEDULE 1

NOISE ABATEMENT ZONES

] ¹

Notes

¹ Sch. 1 substituted by Local Government Planning and Land Act 1980 (c. 65), s. 1(2), Sch. 2 para. 18

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)

 Repealed

England and Wales

1. [...]¹

Notes

¹ Repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.14 (October 1, 2015)

Scotland

[...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(u) (June 30, 2014)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)

 Repealed

England and Wales

2. [...]¹

Notes

¹ Repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.14 (October 1, 2015)

Scotland

[...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(u) (June 30, 2014)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)



Repealed

England and Wales

3.— [...]¹

Notes

¹ Repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.14 (October 1, 2015)

Scotland

[...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(u) (June 30, 2014)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)



Repealed

England and Wales

4.— [...]¹

Notes

¹ Repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.14 (October 1, 2015)

Scotland

[...]¹

Notes

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(u) (June 30, 2014)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[England and Wales](#) | [Scotland](#)

 Repealed

England and Wales

5. [...] ¹

Notes

- ¹ Repealed by Deregulation Act 2015 c. 20 Sch.13(5) para.14 (October 1, 2015)

Scotland

[...] ¹

Notes

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(u) (June 30, 2014)

[SCHEDULE 1A

ORDERS DESIGNATING NITRATE SENSITIVE AREAS: SCOTLAND

] ¹

Notes

- ¹ Inserted by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)–(10), 190, 193(1), Sch. 23 para. 8, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

[PART I**APPLICATIONS BY RIVER PURIFICATION AUTHORITIES FOR DESIGNATION ORDERS****] ¹****Notes**

- ¹ Inserted by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)–(10), 190, 193(1), Sch. 23 para. 8, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

*[Orders made only on application]¹***Notes**

- ¹ Inserted by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)–(10), 190, 193(1), Sch. 23 para. 8, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

 Repealed**1.— [...] ¹****Notes**

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(v) (June 30, 2014)

*[Procedure for applications]¹***Notes**

- ¹ Inserted by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)–(10), 190, 193(1), Sch. 23 para. 8, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

 Repealed**2.— [...] ¹****Notes**

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(v) (June 30, 2014)

[PART II
ORDERS CONTAINING MANDATORY PROVISIONS ETC.

] ¹

Notes

- ¹ Inserted by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)–(10), 190, 193(1), Sch. 23 para. 8, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
-

[Publication of proposal for order containing mandatory provisions] ¹

Notes

- ¹ Inserted by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)–(10), 190, 193(1), Sch. 23 para. 8, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
-

 Repealed

3.— [...] ¹

Notes

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(v) (June 30, 2014)
-

[Supply of copies of proposed orders] ¹

Notes

- ¹ Inserted by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)–(10), 190, 193(1), Sch. 23 para. 8, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
-

 Repealed

4. [...] ¹

Notes

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(v) (June 30, 2014)
-

[Modifications of proposals]¹

Notes

- ¹ Inserted by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)–(10), 190, 193(1), Sch. 23 para. 8, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
-

 Repealed

5.— [...] ¹

Notes

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(v) (June 30, 2014)
-

[Consideration of objections etc.]¹

Notes

- ¹ Inserted by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)–(10), 190, 193(1), Sch. 23 para. 8, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
-

 Repealed

6. [...] ¹

Notes

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(v) (June 30, 2014)
-

[Consent of Treasury for payment provisions]¹

Notes

- ¹ Inserted by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 168, 189(4)–(10), 190, 193(1), Sch. 23 para. 8, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
-

 Repealed

7. [...] ¹

Notes

- ¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(v) (June 30, 2014)
-


 Repealed

8. [...]¹

Notes

¹ Repealed by Regulatory Reform (Scotland) Act 2014 asp 3 (Scottish Act) Sch.3(4) para.16(2)(v) (June 30, 2014)

SCHEDULE 2

 Law In Force

1. [...]¹

²

Notes

¹ Amends Public Health (Scotland) Act 1897 (c. 38), s. 22


² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 1: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 1: England, Wales, Scotland

 Law In Force

2. [...]¹

²

Notes

¹ Amends Public Health (Scotland) Act 1897 (c. 38), s. 24


² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 2: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 2: England, Wales, Scotland

 Law In Force

3. [...]¹

²

Notes

¹ Amends Public Health (Scotland) Act 1897 (c. 38), s. 36(1)


² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 3: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 3: England, Wales, Scotland

 Law In Force

4. [...]¹

²

Notes

¹ Amends Alkali, &c. Works Regulation Act 1906 (c. 14), s. 12(4)


² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 4: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 4: England, Wales, Scotland

 Law In Force

5. [...]¹

²

Notes

¹ Amends Alkali, &c. Works Regulation Act 1906 (c. 14), s. 16A


² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 5: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 5: England, Wales, Scotland

 Law In Force

6. [...]¹

²

Notes

¹ Amends Public Health Act 1936 (c. 49), s. 19(3)


² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 6: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 6: England, Wales, Scotland

 Law In Force

7. [...]¹

²

Notes

¹ Amends Public Health Act 1936 (c. 49), s. 27(2)


² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 7: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 7: England, Wales, Scotland

 Law In Force

8. [...]¹

²

Notes

¹ Amends Public Health Act 1936 (c. 49), s. 34(5)


² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 8: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 8: England, Wales, Scotland

 Law In Force

9. [...]¹

²

Notes

¹ Amends Public Health Act 1936 (c. 49), s. 36(1)

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 9: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 9: England, Wales, Scotland

 Repealed

10. [...]¹

²

Notes

¹ Repealed by Building Act 1984 (c.55), s. 133(2), Sch. 7

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

 Repealed

11. [...]¹

²

Notes

¹ Repealed by Environmental Protection Act 1990 (c.43), s. 162(2), Sch. 16 Pt. III

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

 Repealed

12. [...]¹

²

Notes

¹ Repealed by Environmental Protection Act 1990 (c.43), s. 162(2), Sch. 16 Pt. III

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)


 Repealed

13. [...]¹

²

Notes

- ¹ Repealed 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
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-

 Law In Force

14. [...]¹
²

Notes

- ¹ Amends Public Health (Drainage of Trade Premises) Act 1937 (c. 40), s. 9
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 14: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 14: England, Wales, Scotland

 Law In Force With Amendments Pending

15. [...]¹
²

Notes

- ¹ Amends Water Act 1945 (c. 42); s. 19(3)
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Amendments Pending


Sch. 2 para. 15: repealed by Water Act 1989 c. 15 Sch. 27(II) para. 1 (date to be appointed: commencement order)

Commencement

Sch. 2 para. 15: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 15: England, Wales, Scotland

 Law In Force

16. [...]¹
²

Notes

¹ Inserts Water Act 1945 (c. 42), s. 21(3)

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 16: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 16: England, Wales, Scotland

 Repealed

17. [...]¹
²

Notes

¹ Repealed by Water (Scotland) Act 1980 (c. 45), Sch. 11

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)


 Repealed

18. [...]¹
²

Notes

¹ Repealed by Water (Scotland) Act 1980 (c. 45), Sch. 11

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

 Law In Force

19. [...]¹
²

Notes

¹ Amends Clean Air Act 1956 (c. 52), s. 27(1)-(4)

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 19: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 19: England, Wales, Scotland

✓ Law In Force

20. [...]¹ ²

Notes

¹ Amends Radioactive Substances Act 1960 (c. 34), s. 13(2)(4)-(6)

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 20: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 20: England, Wales, Scotland

✓ Law In Force

21. [...]¹ ²

Notes

¹ Amends Sewerage (Scotland) Act 1968 (c. 47), s. 12(8)

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 21: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 21: England, Wales, Scotland

✓ Law In Force

22. [...]¹ ²

Notes

¹ Amends Sewerage (Scotland) Act 1968 (c. 47), s. 14(6)

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 22: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 22: England, Wales, Scotland

✓ Law In Force

23. [...]¹ ²

Notes

¹ Amends Sewerage (Scotland) Act 1968 (c. 47), s. 24(2)

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 23: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 23: England, Wales, Scotland

✓ Law In Force

24. [...]¹ ²

Notes

¹ Amends Sewerage (Scotland) Act 1968 (c. 47), s. 45(2)

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 24: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 24: England, Wales, Scotland

✓ Law In Force

25. [...]¹ ²

Notes

¹ Amends Sewerage (Scotland) Act 1968 (c. 47), s. 46(2)

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 25: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 25: England, Wales, Scotland

✓ Law In Force

26. [...]¹
2

Notes

¹ Amends Clean Air Act 1968 (c. 62), ss. 1(1), 2(2)(4), 3(3), 4(7), 6(1)(2)

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 26: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 26: England, Wales, Scotland

✓ Law In Force

27. [...]¹
2

Notes

¹ Amends Clean Air Act 1968 (c. 62), s. 9(1)

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 2 para. 27: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(II) para. 1)

Extent

Sch. 2 para. 27: England, Wales, Scotland

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

Section 108

The Alkali, &c. Works Regulation Act 1906

✗ Repealed

1. [...]¹
2

Notes

¹ Repeals Alkali, & c. Works Regulation Act 1906 (c. 14), ss. 3, 4, 5, 14, 15

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)


 Repealed

2. [...]¹
₂

Notes

¹ Repeals Alkali, & c. Works Regulation Act 1906 (c. 14), s. 8

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

 Law In Force

3.—

(1) [...]¹

(2) The amendments made by the preceding sub-paragraph may be varied or revoked as if they were contained in the said Order of 1966.

_{2 3}

Notes

¹ Amends Alkali, & c. Works Regulation Act 1906 (c. 14), s. 27

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)


³ The “said Order of 1966” means S.I. 1966/1143

Commencement

Sch. 3 para. 3: January 1, 1975 (SI 1974/2169 art. 3)

Extent

Sch. 3 para. 3(1)-(2): England, Wales, Scotland

 Law In Force

4.—

(1) [...]¹

(2) The said paragraph (61) may be varied or revoked as if it were contained in the said Orders of 1971 and 1972.

_{2 3}

Notes

- ¹ Adds Alkali, &c. Works Regulation Act 1906 (c. 14), Sch. 1 para. (61)
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
- ³ The “said paragraph (61)” means Alkali, &c. Works Regulation Act 1906 (c. 14), Sch. 1 para. (61); the “said Orders of 1971 and 1972” means S.I. 1971/1960 and 1972/1330

Commencement

Sch. 3 para. 4: January 1, 1975 (SI 1974/2169 art. 3)

Extent

Sch. 3 para. 4(1)-(2): England, Wales, Scotland

 Repealed

5. [...]¹

²

Notes

- ¹ Repealed by Salmon and Freshwater Fisheries Act 1975 (c. 51), s. 42(1), Sch. 5
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-

 Repealed

6. [...]¹

²

Notes

- ¹ Repealed by Public Health (Control of Disease) Act 1984 (c.22), s. 78, Sch. 3
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-

 Repealed

7. [...]¹

²

Notes

- ¹ Repeals Public Health Act 1936 (c. 49), ss. 79, 80
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-


 Repealed

8. [...]¹

²

Notes

- ¹ Repeals Public Health (Drainage of Trade Premises) Act 1937 (c. 40), ss. 2(4), 3(2), 7(1) proviso
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-

 Law In Force

9. [...]¹
²

Notes


- ¹ Amends Public Health (Drainage of Trade Premises) Act 1937 (c. 40), s. 4(5)
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 9: July 20, 1976 (SI 1976/956 art. 3)

Extent

Sch. 3 para. 9: England, Wales, Scotland

 Law In Force

10. [...]¹
²

Notes


- ¹ Amends Public Health (Drainage of Trade Premises) Act 1937 (c. 40), s. 10(1)
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 10: January 1, 1976 (SI 1975/2118 art. 3, Sch. 1(III) para. 1)

Extent

Sch. 3 para. 10: England, Wales, Scotland

 Law In Force

11. [...]¹
²

Notes

- ¹ Amends Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (c. 26), s. 9; and repealed except in relation to the River Tweed and the Upper Esk on April 1, 2005 by Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (asp. 15), s. 70 and Sch. 4 and in relation to the Tweed district on November 15, 2006 by Scotland Act 1998 (River Tweed) Order 2006 (SI 2006/2913), Sch. 4 and art. 76


- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 11: January 31, 1985 (SI 1985/70 art. 2, Sch. 1 para. 1)

Extent

Sch. 3 para. 11: England, Wales, Scotland

 Law In Force

12. [...]¹

²

Notes


- ¹ Amends Rivers (Prevention of Pollution) (Scotland) Act 1951 (c. 66), s. 12(4)
² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 12: January 31, 1985 (SI 1985/70 art. 2, Sch. 1 para. 1)

Extent

Sch. 3 para. 12: England, Wales, Scotland

 Law In Force

13. [...]¹

²

Notes


- ¹ Amends Rivers (Prevention of Pollution) (Scotland) Act 1951 (c. 66), s. 17(1)
² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 13: July 4, 1984 (SI 1984/853 art. 2, Sch. 1(III) para. 1)

Extent

Sch. 3 para. 13: England, Wales, Scotland

 Law In Force

14. [...]¹

²

Notes

- ¹ Inserts Rivers (Prevention of Pollution) (Scotland) Act 1951 (c. 66), s. 18(6)


- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 14: July 4, 1984 (SI 1984/853 art. 2, Sch. 1(III) para. 1)

Extent

Sch. 3 para. 14: England, Wales, Scotland

 Law In Force

15. [...] ¹

²

Notes


- ¹ Amends Rivers (Prevention of Pollution) (Scotland) Act 1951 (c. 66), s. 19(3)
² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 15: July 4, 1984 (SI 1984/853 art. 2, Sch. 1(III) para. 1)

Extent

Sch. 3 para. 15: England, Wales, Scotland

 Law In Force

16. [...] ¹

²

Notes

- ¹ Amends Clean Air Act 1956 (c. 52), s. 30(1)(2)
² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)


Commencement

Sch. 3 para. 16: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Sch. 3 para. 16-: England, Wales, Scotland

The Rivers (Prevention of Pollution) Act 1961

 Law In Force

17.

In section 10(1) of the Rivers (Prevention of Pollution) Act 1961 (which among other things relates to inspection chambers provided in compliance with conditions imposed under that Act) and in section 12(1)(ii) of that Act (which authorises the disclosure in connection with the execution of that Act of information of which the disclosure is restricted by that section) the reference to that Act shall include a reference to this Act.

¹

Notes


¹ Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 17: July 4, 1984 (SI 1984/853 art. 2, Sch. 1(II) para. 1)

Extent

Sch. 3 para. 17: England, Wales, Scotland

 Law In Force

18. [...] ¹

²

Notes

¹ Amends Public Health Act 1961 (c. 64), s. 34(5) and later repealed by S.I. 2007/3538 reg.74(2), Sch. 23

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 18: June 14, 1976 (SI 1976/731 art. 3, Sch. 1 para. 1)

Extent

Sch. 3 para. 18: England, Wales, Scotland

 Repealed

19. [...] ¹

²

Notes

¹ Repealed by Public Health (Control of Disease) Act 1984 (c.22), s. 78, Sch. 3

² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

 Repealed

20. [...] ¹

2

Notes

- ¹ Repealed 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
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-

 Repealed

21. [...]¹
2

Notes


- ¹ Repealed 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
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-

 Repealed

22. [...]¹
2

Notes

- ¹ Repealed by Local Government, Planning and Land Act 1980 (c. 65), Sch. 24 Pt. II
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-

 Law In Force

23. [...]¹
2

Notes


- ¹ Amends Spray Irrigation (Scotland) Act 1964 (c. 90), s. 9(2)
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 23: January 31, 1985 (SI 1985/70 art. 2, Sch. 1 para. 1)

Extent

Sch. 3 para. 23: England, Wales, Scotland

 Law In Force

24. [...]¹
2

Notes

- ¹ Amends Rivers (Prevention of Pollution) (Scotland) Act 1965 (c. 13), s. 10(1)
² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 24: January 31, 1985 (SI 1985/70 art. 2, Sch. 1 para. 1)

Extent


Sch. 3 para. 24: England, Wales, Scotland

 Repealed

25. [...]¹
²

Notes

- ¹ Repealed by Refuse Disposal (Amenity) Act 1978 (c. 3), Sch. 2
² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-

 Law In Force

26. [...]¹
²

Notes

- ¹ Amends Hovercraft Act 1968 (c. 59), s. 1(1)(g)
² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 26: January 1, 1976 in relation to England and Wales; July 18, 1976 in relation to Scotland (SI 1975/2118 art. 3, Sch. 1(III) para. 1; SI 1976/1080 art. 3, Sch. 1 para. 1)

Extent

Sch. 3 para. 26-: England, Wales, Scotland

The Water Act 1973

 Repealed

27. [...]¹
²

Notes

- ¹ Repealed 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
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-

 Repealed

28. [...]¹
²

Notes

- ¹ Repealed 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
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-

 Repealed

29. [...]¹
²

Notes

- ¹ Repealed 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
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-

 Repealed

30. [...]¹
²

Notes

- ¹ Repealed 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
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)
-

 Law In Force

31. [...]¹
²

Notes

- ¹ Amends Local Government (Scotland) Act 1973(c.65), Sch. 28 para. 1
- ² Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(3)(a)(4)(g)

Commencement

Sch. 3 para. 31: Date to be appointed (repealed by 1993 c.50 s.1, Sch.1 Pt X, never in force) (1993 c. 50 s. 1, Sch. 1(X) para. 1)

Extent

Sch. 3 para. 31: England, Wales, Scotland

SCHEDULE 4 [...]¹

Notes

- ¹ Specifies enactments repealed by s. 108(2); repealed in part in relation to Scotland (1.4.1983) by Local Government and Planning (Scotland) Act 1982 (c.43), Sch. 4 Pt. I and S.I. 1982/1397, Sch. 2; and entry repealed in relation to Scotland on October 1, 2009 by 2008 (asp.5) s.126 and sch.3 Part 1
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Modifications

Provision	Modification	Notes	Further Information
Whole Document	National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1	Modified in relation to the transfer of functions to the National Assembly of Wales	
Pt I	Waste Management Licensing Regulations 1994/1056, Sch. 4(I) para. 10(1)		
	Waste Management Licensing Regulations 1994/1056, Sch. 4(I) para. 10(3)		
Pt I s. 9(1)	Anti-Pollution Works (Scotland) Regulations 2003/168 (Scottish SI), Sch. 1 para. 6(3)(a)		
Pt I s. 11	Anti-Pollution Works (Scotland) Regulations 2003/168 (Scottish SI), Sch. 1 para. 6(3)(b)		
	Environment Act 1995 c. 25, Sch. 23(I) para. 13		Pt V s. 120
Pt I s. 30(1) definition of "waste"	Manufacture and Storage of Explosives Regulations 2005/1082, Sch. 5(1) para. 15		Pt 4 reg. 28(1)
Pt IA s. 30Z(1)	Mines (Notification of Abandonment) (Scotland) Regulations 1998/1572, Sch. 1(I)		reg. 2(a)
Pt IA s. 30Z(4)(b)	Mines (Notification of Abandonment) (Scotland) Regulations 1998/1572, Sch. 1(II)		reg. 2(b)
Pt IA s. 30Z(5)	Mines (Notification of Abandonment) (Scotland) Regulations 1998/1572, Sch. 1(III)		reg. 2(c)
Pt IA s. 30Z(6)	Mines (Notification of Abandonment) (Scotland) Regulations 1998/1572, Sch. 2		reg. 3
Pt II	Waste Management Licensing Regulations 1994/1056, Sch. 4(I) para. 11	Modified in relation to Directive waste	
Pt II s. 30A(1)(c)	Surface Waters (Abstraction for Drinking Water) (Classification) (Scotland) Regulations 1996/3047, reg. 15(1)		
Pt II s. 30C	Bathing Waters (Classification) (Scotland) Regulations 1991/1609, reg. 3		
	Surface Waters (Abstraction for Drinking Water) (Classification) (Scotland) Regulations 1996/3047, reg. 15		

	Surface Waters (Abstraction for Drinking Water) (Classification) (Scotland) Regulations 1996/3047, reg. 15(2)(a)		
	Surface Waters (Dangerous Substances) (Classification) (Scotland) (No.2) Regulations 1998/1344, reg. 5		
	Surface Waters (Dangerous Substances) (Classification) (Scotland) Regulations 1992/574, reg. 4		
	Surface Waters (Dangerous Substances) (Classification) (Scotland) Regulations 1998/250, reg. 5		
	Surface Waters (Fishlife) (Classification) (Scotland) Regulations 1997/2471, reg. 6		
	Surface Waters (Fishlife) (Classification) (Scotland) Regulations 1997/2471, reg. 6(a)		
	Surface Waters (Shellfish) (Classification) (Scotland) Regulations 1997/2470, reg. 6		
	Surface Waters (Shellfish) (Classification) (Scotland) Regulations 1997/2470, reg. 6(a)		
Pt II s. 30C(4)	Surface Waters (Abstraction for Drinking Water) (Classification) (Scotland) Regulations 1996/3047, reg. 15(2)(b)		
	Surface Waters (Dangerous Substances) (Classification) (Scotland) Regulations 1990/126, reg. 4		
	Surface Waters (Fishlife) (Classification) (Scotland) Regulations 1997/2471, reg. 6(b)		
	Surface Waters (Shellfish) (Classification) (Scotland) Regulations 1997/2470, reg. 6(b)		
Pt II s. 30C(5)	Surface Waters (Abstraction for Drinking Water) (Classification) (Scotland) Regulations 1996/3047, reg. 15(2)(b)		
	Surface Waters (Dangerous Substances) (Classification) (Scotland) Regulations 1990/126, reg. 4		

	Surface Waters (Fishlife) (Classification) (Scotland) Regulations 1997/2471, reg. 6(b)		
	Surface Waters (Shellfish) (Classification) (Scotland) Regulations 1997/2470, reg. 6(b)		
Pt II s. 30F	City of Edinburgh (Guided Busways) Order Confirmation Act 1998 c. iii, Sch. 1(III) para. 29(4)		
Pt II s. 30I(1)(a)	Environment Act 1995 (Commencement No. 12 and Transitional Provisions) (Scotland) Order 1998/781, art. 3(1)		
Pt II s. 31	British Railways Order Confirmation Act 1994 c. i, Sch. 1 para. 1		
Pt II s. 34	Control of Pollution (Discharges by Islands Councils) (Scotland) Regulations 1993/1156, Sch. 1 para. 1(1)		reg. 3Sch. 3
Pt II s. 35	Control of Pollution (Discharges by Islands Councils) (Scotland) Regulations 1993/1156, Sch. 1 para. 1(2)		reg. 3Sch. 3
Pt II s. 36	Control of Pollution (Discharges by Islands Councils) (Scotland) Regulations 1993/1156, Sch. 1 para. 1(3)		reg. 3Sch. 3
Pt II s. 37	Control of Pollution (Discharges by Islands Councils) (Scotland) Regulations 1993/1156, Sch. 1 para. 1(4)		reg. 3Sch. 3
Pt II s. 38A	Control of Pollution (Discharges by Islands Councils) (Scotland) Regulations 1993/1156, Sch. 1 para. 1(5)		reg. 3Sch. 3
Pt II s. 39	Control of Pollution (Discharges by Islands Councils) (Scotland) Regulations 1993/1156, Sch. 1 para. 1(5)		reg. 3Sch. 3
Pt II s. 39(5B)	Environment Act 1995 (Consequential and Transitional Provisions) (Scotland) Regulations 1996/973, reg. 3(2)		
Pt II s. 40	Control of Pollution (Discharges by Islands Councils) (Scotland) Regulations 1993/1156, Sch. 1 para. 1(6)		reg. 3Sch. 3
Pt II s. 42	Control of Pollution (Discharges by Islands Councils) (Scotland)		reg. 3Sch. 3

	Regulations 1993/1156, Sch. 1 para. 1(7)		
Pt II s. 42A	Groundwater Regulations 1998/2746, reg. 14(3)		
Pt II s. 42B	Groundwater Regulations 1998/2746, reg. 14(3)		
Pt II s. 43	Control of Pollution (Radioactive Waste) Regulations 1976/959, reg. 3		
Pt II s. 44	Control of Pollution (Radioactive Waste) Regulations 1976/959, reg. 3		
Pt II s. 53	Control of Pollution (Discharges by Islands Councils) (Scotland) Regulations 1993/1156, Sch. 1 para. 1(8)		reg. 3Sch. 3
Pt III	Heysham Port Health Authority Order 2011/2197, art. 5(2)		Sch. 1 para. 1
	Tyne Port Health Authority Order 2010/2676, art. 8(2)	Modified in relation to the functions, rights and liabilities assigned to the joint board by virtue of SI 2010/2676	
Pt III s. 57	Bristol Port Health Authority Order 2010/1214, art. 4(2)		
	Cornwall Port Health Authority Order 2010/1215, art. 4(2)		
	Cowes Port Health Authority Order 2010/1216, art. 4(2)		
	Portsmouth Port Health Authority Order 2010/1217, art. 4(2)		
	Southampton Port Health Authority Order 2010/1218, art. 4(2)		
Pt III s. 58	Bristol Port Health Authority Order 2010/1214, art. 4(2)		
	Cornwall Port Health Authority Order 2010/1215, art. 4(2)		
	Cowes Port Health Authority Order 2010/1216, art. 4(2)		
	Portsmouth Port Health Authority Order 2010/1217, art. 4(2)		
	Southampton Port Health Authority Order 2010/1218, art. 4(2)		
Pt III s. 58A	Bristol Port Health Authority Order 2010/1214, art. 4(2)		
	Cornwall Port Health Authority Order 2010/1215, art. 4(2)		

	Cowes Port Health Authority Order 2010/1216, art. 4(2)		
	Portsmouth Port Health Authority Order 2010/1217, art. 4(2)		
	Southampton Port Health Authority Order 2010/1218, art. 4(2)		
Pt III s. 58B	Bristol Port Health Authority Order 2010/1214, art. 4(2)		
	Cornwall Port Health Authority Order 2010/1215, art. 4(2)		
	Cowes Port Health Authority Order 2010/1216, art. 4(2)		
	Portsmouth Port Health Authority Order 2010/1217, art. 4(2)		
	Southampton Port Health Authority Order 2010/1218, art. 4(2)		
Pt III s. 59	Bristol Port Health Authority Order 2010/1214, art. 4(2)		
	Cornwall Port Health Authority Order 2010/1215, art. 4(2)		
	Cowes Port Health Authority Order 2010/1216, art. 4(2)		
	Portsmouth Port Health Authority Order 2010/1217, art. 4(2)		
	Southampton Port Health Authority Order 2010/1218, art. 4(2)		
Pt III s. 59A	Bristol Port Health Authority Order 2010/1214, art. 4(2)		
	Cornwall Port Health Authority Order 2010/1215, art. 4(2)		
	Cowes Port Health Authority Order 2010/1216, art. 4(2)		
	Portsmouth Port Health Authority Order 2010/1217, art. 4(2)		
	Southampton Port Health Authority Order 2010/1218, art. 4(2)		
Pt III s. 60	Bristol Port Health Authority Order 2010/1214, art. 4(2)		
	Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 29(3)		
	Cornwall Port Health Authority Order 2010/1215, art. 4(2)		
	Cowes Port Health Authority Order 2010/1216, art. 4(2)		

	Crossrail Act 2008 c. 18, s. 20		
	Forth Crossing Act 2011 asp 2 (Scottish Act), Pt 9 s. 70(1)		
	High Speed Rail (London - West Midlands) Act 2017 c. 7, Sch. 27 para. 1(1)	Modified in relation to works carried out in exercise of the powers conferred by 2017 c.7	
	London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt IV art. 32		
	Portsmouth Port Health Authority Order 2010/1217, art. 4(2)		
	Railtrack (Leeds Bridges) Order 1999/2336, Pt IV art. 22		
	Southampton Port Health Authority Order 2010/1218, art. 4(2)		
Pt III s. 60(7)	Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 29(2)		
	Railtrack (Shortlands Junction) Order 2001/2870, Pt IV art. 21		
Pt III s. 61	Bristol Port Health Authority Order 2010/1214, art. 4(2)		
	Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 29(3)		
	Cornwall Port Health Authority Order 2010/1215, art. 4(2)		
	Cowes Port Health Authority Order 2010/1216, art. 4(2)		
	Crossrail Act 2008 c. 18, s. 20		
	Forth Crossing Act 2011 asp 2 (Scottish Act), Pt 9 s. 70(2)		
	High Speed Rail (London - West Midlands) Act 2017 c. 7, Sch. 27 para. 1(1)	Modified in relation to works carried out in exercise of the powers conferred by 2017 c.7	
	London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt IV art. 32		
	Portsmouth Port Health Authority Order 2010/1217, art. 4(2)		
	Railtrack (Leeds Bridges) Order 1999/2336, Pt IV art. 22		
	Southampton Port Health Authority Order 2010/1218, art. 4(2)		
Pt III s. 61(7)	Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 29(2)		
	Railtrack (Shortlands Junction) Order 2001/2870, Pt IV art. 21		

Pt III s. 62	Bristol Port Health Authority Order 2010/1214, art. 4(2)		
	Cornwall Port Health Authority Order 2010/1215, art. 4(2)		
	Cowes Port Health Authority Order 2010/1216, art. 4(2)		
	Portsmouth Port Health Authority Order 2010/1217, art. 4(2)		
	Southampton Port Health Authority Order 2010/1218, art. 4(2)		
Pt III s. 63	Bristol Port Health Authority Order 2010/1214, art. 4(2)		
	Cornwall Port Health Authority Order 2010/1215, art. 4(2)		
	Cowes Port Health Authority Order 2010/1216, art. 4(2)		
	Forth Crossing Act 2011 asp 2 (Scottish Act), Pt 9 s. 70(3)		
	Portsmouth Port Health Authority Order 2010/1217, art. 4(2)		
	Southampton Port Health Authority Order 2010/1218, art. 4(2)		
Pt III s. 64	Bristol Port Health Authority Order 2010/1214, art. 4(2)		
	Cornwall Port Health Authority Order 2010/1215, art. 4(2)		
	Cowes Port Health Authority Order 2010/1216, art. 4(2)		
	Forth Crossing Act 2011 asp 2 (Scottish Act), Pt 9 s. 70(3)		
	Portsmouth Port Health Authority Order 2010/1217, art. 4(2)		
	Southampton Port Health Authority Order 2010/1218, art. 4(2)		
Pt III s. 65	Bristol Port Health Authority Order 2010/1214, art. 4(2)		
	Cornwall Port Health Authority Order 2010/1215, art. 4(2)		
	Cowes Port Health Authority Order 2010/1216, art. 4(2)		
	Forth Crossing Act 2011 asp 2 (Scottish Act), Pt 9 s. 70(3)		
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