



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART VIII

#### MISCELLANEOUS

##### *Other controls on substances, articles or waste*

#### **140 Power to prohibit or restrict the importation, use, supply or storage of injurious substances or articles.**

- (1) The Secretary of State may by regulations prohibit or restrict—
  - (a) the importation into and the landing and unloading in the United Kingdom,
  - (b) the use for any purpose,
  - (c) the supply for any purpose, and
  - (d) the storage,of any specified substance or article if he considers it appropriate to do so for the purpose of preventing the substance or article from causing pollution of the environment or harm to human health or to the health of animals or plants.
- (2) Any such prohibition or restriction may apply—
  - (a) in all, or only in specified, areas;
  - (b) in all, or only in specified, circumstances or if conditions imposed by the regulations are not complied with; and
  - (c) to all, or only to specified descriptions of, persons.
- (3) Regulations under this section may—
  - (a) confer on the Secretary of State power to direct that any substance or article whose use, supply or storage is prohibited or restricted is to be treated as waste or controlled waste of any description and in relation to any such substance or article—
    - (i) to apply, with or without modification, specified provisions of Part II; or

**Changes to legislation:** Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (ii) to direct that it be disposed of or treated in accordance with the direction;
  - (b) confer on the Secretary of State power, where a substance or article has been imported, landed or unloaded in contravention of a prohibition or restriction imposed under subsection (1)(a) above, to require that the substance or article be disposed of or treated in or removed from the United Kingdom;
  - (c) confer powers corresponding to those conferred by <sup>F1</sup>section 108 of the Environment Act 1995] on persons authorised for any purpose of the regulations by the Secretary of State or any local or other authority; and
  - (d) include such other incidental and supplemental, and such transitional provisions, as the Secretary of State considers appropriate.
- (4) The Secretary of State may, by regulations under this section, direct that, for the purposes of any power conferred on him under subsection (3)(b) above, any prohibition or restriction on the importation into or the landing and unloading in the United Kingdom imposed—
- <sup>F2</sup>(a) .....
  - (b) by or under any enactment,
- shall be treated as imposed under subsection (1)(a) above and any power conferred on him under subsection (3)(b) above shall be exercisable accordingly.
- <sup>F3</sup>(5) .....
- (6) Subject to subsection (7) below, it shall be the duty of the Secretary of State before he makes any regulations under this section other than regulations under subsection (4) above—
- <sup>F4</sup>(a) .....
  - (b) <sup>F5</sup>... to publish in the London Gazette and, if the regulations apply in Scotland or Northern Ireland, the Edinburgh Gazette or, as the case may be, Belfast Gazette and in any other publication which he considers appropriate, a notice indicating the effect of the proposed regulations and specifying—
    - (i) the date on which it is proposed that the regulations will come into force;
    - (ii) a place where a draft of the proposed regulations may be inspected free of charge by members of the public during office hours; and
    - (iii) a period of not less than fourteen days, beginning with the date on which the notice is first published, during which representations in writing may be made to the Secretary of State about the proposed regulations; and
  - (c) to consider any representations which are made to him in accordance with the notice.
- (7) The Secretary of State may make regulations under this section in relation to any substance or article without observing the requirements of subsection (6) above where it appears to him that there is an imminent risk, if those requirements are observed, that serious pollution of the environment will be caused.
- (8) The Secretary of State may, after performing the duty imposed on him by subsection (6) above with respect to any proposed regulations, make the regulations either—
- (a) in the form of the draft mentioned in subsection (6)(b) above, or
  - (b) in that form with such modifications as he considers appropriate;

**Changes to legislation:** *Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

but the Secretary of State shall not make any regulations incorporating modifications unless he is of opinion that it is appropriate for the requirements of subsection (6) above to be disregarded.

- (9) Regulations under this section may provide that a person who contravenes or fails to comply with a specified provision of the regulations or causes or permits another person to contravene or fail to comply with a specified provision of the regulations commits an offence and may prescribe the maximum penalty for the offence.
- (10) No offence under the regulations shall be made punishable with imprisonment for more than two years or punishable on summary conviction with a fine exceeding level 5 on the standard scale (if not calculated on a daily basis) or, in the case of a continuing offence, <sup>F6</sup>exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence.]<sup>F6</sup>—
- (a) exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence, or
- (b) if there is no maximum penalty for the original offence, exceeding one-tenth of the greater of £5,000 or level 4 on the standard scale.]
- (11) In this section—

<sup>F7</sup>“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;]

“the environment” means the air, water and land, or any of those media, and the medium of air includes the air within buildings and the air within other natural or man-made structures above or below ground;

“specified” means specified in the regulations; and

“substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour and it includes mixtures of substances.

#### Textual Amendments

- F1** Words in s. 140(3)(c) substituted (E.W.S.) (6.5.1999) by [S.I. 1999/1108, reg. 2](#)
- F2** [S. 140\(4\)\(a\)](#) omitted (31.12.2020) by virtue of [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), [regs. 1\(1\), 2\(6\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** [S. 140\(5\)](#) repealed (22.7.2012) by [The Advisory Committee on Hazardous Substances \(Abolition\) Order 2012 \(S.I. 2012/1923\)](#), [art. 1\(2\)](#), [Sch.](#)
- F4** [S. 140\(6\)\(a\)](#) repealed (22.7.2012) by [The Advisory Committee on Hazardous Substances \(Abolition\) Order 2012 \(S.I. 2012/1923\)](#), [art. 1\(2\)](#), [Sch.](#)
- F5** Words in [s. 140\(6\)\(b\)](#) repealed (22.7.2012) by [The Advisory Committee on Hazardous Substances \(Abolition\) Order 2012 \(S.I. 2012/1923\)](#), [art. 1\(2\)](#), [Sch.](#)
- F6** Words in [s. 140\(10\)](#) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), [reg. 1\(1\)](#), [Sch. 3 para. 16\(2\)](#) (with [reg. 5\(1\)](#))
- F7** Words in [s. 140\(11\)](#) inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), [s. 61\(2\)](#), [sch. 3 para. 40\(9\)](#); [S.S.I. 2014/160](#), [art. 2\(1\)\(2\)](#), [sch.](#)

#### Modifications etc. (not altering text)

- C1** [S. 140](#) extended (with modifications) (19.2.1999) by [S.I. 1999/396, reg. 2](#)

---

*Changes to legislation: Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

**141 Power to [<sup>F8</sup>regulate] the importation or exportation of waste [<sup>F9</sup>or the transit of waste for export].**

[<sup>F10</sup>(1) The Secretary of State may, by regulations, make provision for, about or connected with the regulation of the importation or exportation of waste or the transit of waste for export.

(1A) Provision that may be made in regulations under this section includes provision prohibiting or restricting—

- (a) the importation of waste;
- (b) the landing and unloading of waste in the United Kingdom;
- (c) the exportation of waste;
- (d) the loading of waste for exportation;
- (e) the transit of waste for export.

(1B) The provision that may be made by virtue of subsection (1A) includes provision which relates to—

- (a) the intended final destination of waste, or
- (b) the countries or territories it is intended to pass through before reaching that destination.]

(2) Regulations under this section may make different provision for different descriptions of waste or waste of any description in different circumstances.

[<sup>F11</sup>(3) Regulations under this section may confer functions on the Secretary of State or a waste regulation authority, including functions—

- (a) involving the exercise of a discretion;
- (b) relating to enforcement.]

<sup>F12</sup>(4) .....

(5) Regulations under this section may—

<sup>F13</sup>(a) .....

[<sup>F14</sup>(aa) provide for the Secretary of State to issue general directions as to the exercise by waste regulation authorities of their functions in connection with the regulation of the importation or exportation of waste or the transit of waste for export;]

(b) impose or provide for the imposition of prohibitions either absolutely or only if conditions or procedures <sup>F15</sup>... are not complied with;

[<sup>F16</sup>(ba) provide for the charging by waste regulation authorities of fees or charges payable by persons involved in the importation or exportation of waste or the transit of waste for export;

(bb) provide that such fees or charges may be used by waste regulation authorities to meet costs incurred in exercising their functions in connection with the regulation of those activities;]

(c) impose duties to be complied with before, on or after any importation or exportation of waste by persons who are, or are to be, consignors, consignees, carriers or holders of the waste or any waste derived from it;

(d) confer powers corresponding [<sup>F17</sup>, with or without modifications, to section 108(4) of the Environment Act 1995 (powers of entry and seizure) on persons authorised by the Secretary of State or a waste regulation authority;]

---

**Changes to legislation:** Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- (e) provide for appeals to the Secretary of State from determinations made by [<sup>F18</sup>waste regulation authorities];
  - (f) provide for the keeping by the Secretary of State, waste regulation authorities and waste collection authorities of public registers of information relating to the importation and exportation of waste and for the transmission of such information between any of those persons;
  - [<sup>F19</sup>(fa) make provision authorising the disclosure of information by Officers of Revenue and Customs to waste regulation authorities;
  - (fb) confer, on persons designated as general customs officials under section 3(1) of the Borders, Citizenship and Immigration Act 2009, functions relating to the seizure and detention of waste that has arrived at, or entered into, the United Kingdom or is to leave the United Kingdom;]
  - (g) create offences, subject to the limitation that no offence shall be punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than [<sup>F20</sup>the prescribed term] or a fine exceeding level 5 on the standard scale (if not calculated on a daily basis) or, in the case of a continuing offence, [<sup>F21</sup>exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence.][<sup>F21</sup>—
    - (i) exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence, or
    - (ii) if there is no maximum penalty for the original offence, exceeding one-tenth of the greater of £5,000 or level 4 on the standard scale.]
  - [<sup>F22</sup>(h) make provision for, about or connected with the imposition of civil sanctions.]
- [<sup>F23</sup>(5A) In subsection (5)(g), “the prescribed term” means—
- (a) in relation to England and Wales, where the offence is a summary offence, 51 weeks;
  - (b) in relation to England and Wales, where the offence is triable either way, [<sup>F24</sup>the general limit in a magistrates’ court];
  - (c) in relation to Scotland and Northern Ireland, six months.]
- [<sup>F25</sup>(5AA) Regulations under this section that—
- (a) make provision for a summary offence under the law of England and Wales to be punishable with imprisonment for more than 6 months (“the relevant provision”), and
  - (b) are made—
    - (i) on or after 2 May 2022, but
    - (ii) before the day on which section 281(5) of the Criminal Justice Act 2003 comes into force,
- must also provide that, in relation to an offence committed before the day referred to in paragraph (b)(ii), any reference in the relevant provision to a term of imprisonment of more than 6 months is to be read as a reference to a term of imprisonment of 6 months.]
- [<sup>F26</sup>(5B) For the purposes of this section “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).
- (5C) The regulations may make provision for, about or connected with the imposition of a sanction of that kind whether or not—

**Changes to legislation:** *Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the conduct in respect of which the sanction is imposed constitutes an offence, or
  - (b) the person imposing it is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008.
- (5D) Regulations under this section may make provision in relation to any area of sea or seabed or its subsoil within the seaward limits of—
- (a) the area designated by Order in Council under section 1(7) of the Continental Shelf Act 1964 (designation of continental shelf), or
  - (b) the area designated by Order in Council under section 41(3) of the Marine and Coastal Access Act 2009 (designation of exclusive economic zone).
- (5E) Regulations under this section may make consequential, supplementary, incidental, transitional or saving provision, including provision amending, repealing or revoking primary legislation or [<sup>F27</sup>assimilated direct] legislation.]
- (6) In this section—
- “the environment” means land, water and air or any of them;
  - [<sup>F28</sup>“exportation”, in relation to waste, means causing it to leave the United Kingdom;]
  - “harm” includes offence to any of man’s senses;
  - [<sup>F28</sup>“importation”, in relation to waste, means causing it to arrive at, or enter into, the United Kingdom;]
  - [<sup>F28</sup>“primary legislation” means—
    - (a) an Act of Parliament,
    - (b) a Measure or Act of Senedd Cymru,
    - (c) an Act of the Scottish Parliament, or
    - (d) Northern Ireland legislation;]  - [<sup>F28</sup>“transit of waste for export” means the transportation or keeping of waste, that has arrived at, or has entered, the United Kingdom, for the purpose of facilitating its leaving the United Kingdom;]
  - “waste”, “waste collection authority”, and “waste regulation authority” have the same meaning as in Part II; and
  - “the United Kingdom” includes its territorial sea.
- (7) In the application of this section to Northern Ireland and the territorial sea of the United Kingdom adjacent to Northern Ireland “waste regulation authority” means [<sup>F29</sup>the Department of the Environment for Northern Ireland].

#### Textual Amendments

- F8** Word in s. 141 heading substituted (24.1.2022) by Environment Act 2021 (c. 30), ss. 62(2)(a), 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F9** Words in s. 141 heading inserted (24.1.2022) by Environment Act 2021 (c. 30), ss. 62(2)(b), 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F10** S. 141(1)-(1B) substituted for s. 141(1) (24.1.2022) by Environment Act 2021 (c. 30), ss. 62(3), 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F11** S. 141(3) substituted (24.1.2022) by Environment Act 2021 (c. 30), ss. 62(4), 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F12** S. 141(4) omitted (24.1.2022) by virtue of Environment Act 2021 (c. 30), ss. 62(5), 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)

**Changes to legislation:** *Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F13** S. 141(5)(a) omitted (24.1.2022) by virtue of Environment Act 2021 (c. 30), **ss. 62(6)(a)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F14** S. 141(5)(aa) inserted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(6)(b)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F15** Words in s. 141(5)(b) omitted (24.1.2022) by virtue of Environment Act 2021 (c. 30), **ss. 62(6)(c)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F16** S. 141(5)(ba)(bb) inserted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(6)(d)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F17** Words in s. 141(5)(d) substituted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(6)(e)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F18** Words in s. 141(5)(e) substituted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(6)(f)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F19** S. 141(5)(fa)(fb) inserted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(6)(g)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F20** Words in s. 141(5)(g) substituted (2.5.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 27 para. 6(2)** (with s. 283(7)); S.I. 2022/500, reg. 3(b)(ii)
- F21** Words in s. 141(5)(g) substituted (E.W.) (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 3 para. 16(3)** (with reg. 5(1))
- F22** S. 141(5)(h) inserted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(6)(h)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F23** S. 141(5A) inserted (2.5.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 27 para. 6(3)** (with s. 283(7)); S.I. 2022/500, reg. 3(b)(ii)
- F24** Words in s. 141(5A)(b) substituted (14.7.2022) by Judicial Review and Courts Act 2022 (c. 35), s. 51(4), **Sch. 2 para. 17**; S.I. 2022/816, regs. 1(2), 3(d)
- F25** S. 141(5AA) inserted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), **7(2)**
- F26** S. 141(5B)-(5E) inserted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(7)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F27** Words in s. 141(5E) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 29(7)**
- F28** Words in s. 141(6) inserted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(8)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F29** Words in s. 141(7) substituted (N.I.) (27.11.2003 save for specified purposes and otherwise in accordance with art. 3 of the commencing S.R.) by S.I. 1997/2778 (N.I. 19), art. 83(1), **Sch. 5 para. 5**; S.R. 2003/489, **art. 2**, **Sch.**

## 142 Powers to obtain information about potentially hazardous substances. **E+W**

- (1) The Secretary of State may, for the purpose of assessing their potential for causing pollution of the environment or harm to human health, by regulations make provision for and in connection with the obtaining of relevant information relating to substances which may be specified by him by order for the purposes of this section.
- (2) The Secretary of State shall not make an order under subsection (1) above specifying any substance—
  - (a) which was first supplied in any member State [<sup>F30</sup>or in the United Kingdom] on or after 18th September 1981; or
  - (b) in so far as it is a regulated substance for the purposes of any relevant enactment.

<sup>F31</sup>(3) .....

---

*Changes to legislation: Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (4) Regulations under this section may—
- (a) prescribe the descriptions of relevant information which are to be furnished under this section in relation to specified substances;
  - (b) impose requirements on manufacturers, importers or suppliers generally to furnish information prescribed under paragraph (a) above;
  - (c) provide for the imposition of requirements on manufacturers, importers or suppliers generally to furnish relevant information relating to products or articles containing specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
  - (d) provide for the imposition of requirements on particular manufacturers, importers or suppliers to furnish further information relating to specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
  - (e) provide for the imposition of requirements on particular manufacturers or importers to carry out tests of specified substances and to furnish information of the results of the tests;
  - (f) authorise persons to comply with requirements to furnish information imposed on them by or under the regulations by means of representative persons or bodies;
  - (g) impose restrictions on the disclosure of information obtained under this section and provide for determining what information is, and what information is not, to be treated as furnished in confidence;
  - (h) create offences, subject to the limitation that no offence shall be punishable with imprisonment or punishable on summary conviction with a fine exceeding level 5 on the standard scale;
  - (i) make any public authority designated by the regulations responsible for the enforcement of the regulations to such extent as may be specified in the regulations;
  - (j) include such other incidental and supplemental, and such transitional, provisions as the Secretary of State considers appropriate.
- (5) The Secretary of State shall have regard, in imposing or providing for the imposition of any requirement under subsection (4)(b), (c), (d) or (e) above, to the cost likely to be involved in complying with the requirement.
- (6) In this section—
- “the environment” means the air, water and land or any of them;
- “relevant information”, in relation to substances, products or articles, means information relating to their properties, production, distribution, importation or use or intended use and, in relation to products or articles, to their disposal as waste;
- “substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour and it includes mixtures of substances.

<sup>F32</sup>(7) The enactments which are relevant for the purposes of subsection (2)(b) above are the following—

[<sup>F33</sup>the Explosives Regulations 2014];

[<sup>F34</sup>[<sup>F35</sup>the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)] in relation to radioactive material or radioactive waste;]



**Changes to legislation:** Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[<sup>F36</sup>Parts 3 to 8 and 16 of the Human Medicines Regulations 2012];  
Part IV of the <sup>M1</sup>Agriculture Act 1970;  
the <sup>M2</sup>Misuse of Drugs Act 1971;  
Part III of the <sup>M3</sup>Food and Environment Protection Act 1985; <sup>F37</sup> . . .  
the <sup>M4</sup>Food Safety Act 1990;  
[<sup>F38</sup>the Veterinary Medicines Regulations 2006;

and a substance is a regulated substance for the purposes of any such enactment in so far as any prohibition, restriction or requirement is imposed in relation to it by or under the enactment for the purposes of that enactment.]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only

#### Textual Amendments

- F30** Words in s. 142(2)(a) inserted (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **2(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** S. 142(3) repealed (22.7.2012) by [The Advisory Committee on Hazardous Substances \(Abolition\) Order 2012 \(S.I. 2012/1923\)](#), art. 1(2), **Sch.**
- F32** By [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), arts. 1, 27(1), **Sch. 6 para. 14(3)** (with reg. 26) it is provided that for the words "Explosive Substances Act 1875" in s. 142(7) there be substituted (N.I.) (1.12.2006) the words "Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006"
- F33** Words in s. 142(7) substituted (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 13 para. 6**
- F34** Words in s. 142(7) substituted (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), regs. 1(1)(b), 107, **Sch. 26 para. 5(12)** (with Sch. 4)
- F35** Words in s. 142(7) substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 para. 6(7)** (with regs. 1(3), 77-79, Sch. 4)
- F36** Words in s. 142(7) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 41** (with Sch. 32)
- F37** Word in s. 142(7) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(a)** (with reg. 3)
- F38** Words in s. 142(7) added (1.10.2006) by [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(b)** (with reg. 3)

#### Marginal Citations

- M1** 1970 c. 40.  
**M2** 1971 c. 38.  
**M3** 1985 c. 48.  
**M4** 1990 c. 16.

## 142 Powers to obtain information about potentially hazardous substances. **S+N.I.**

- (1) The Secretary of State may, for the purpose of assessing their potential for causing pollution of the environment or harm to human health, by regulations make provision for and in connection with the obtaining of relevant information relating to substances which may be specified by him by order for the purposes of this section.

---

**Changes to legislation:** *Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

(2) The Secretary of State shall not make an order under subsection (1) above specifying any substance—

- (a) which was first supplied in any member State [<sup>F30</sup>or in the United Kingdom] on or after 18th September 1981; or
- (b) in so far as it is a regulated substance for the purposes of any relevant enactment.

<sup>F31</sup>(3) .....

(4) Regulations under this section may—

- (a) prescribe the descriptions of relevant information which are to be furnished under this section in relation to specified substances;
- (b) impose requirements on manufacturers, importers or suppliers generally to furnish information prescribed under paragraph (a) above;
- (c) provide for the imposition of requirements on manufacturers, importers or suppliers generally to furnish relevant information relating to products or articles containing specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
- (d) provide for the imposition of requirements on particular manufacturers, importers or suppliers to furnish further information relating to specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
- (e) provide for the imposition of requirements on particular manufacturers or importers to carry out tests of specified substances and to furnish information of the results of the tests;
- (f) authorise persons to comply with requirements to furnish information imposed on them by or under the regulations by means of representative persons or bodies;
- (g) impose restrictions on the disclosure of information obtained under this section and provide for determining what information is, and what information is not, to be treated as furnished in confidence;
- (h) create offences, subject to the limitation that no offence shall be punishable with imprisonment or punishable on summary conviction with a fine exceeding level 5 on the standard scale;
- (i) make any public authority designated by the regulations responsible for the enforcement of the regulations to such extent as may be specified in the regulations;
- (j) include such other incidental and supplemental, and such transitional, provisions as the Secretary of State considers appropriate.

(5) The Secretary of State shall have regard, in imposing or providing for the imposition of any requirement under subsection (4)(b), (c), (d) or (e) above, to the cost likely to be involved in complying with the requirement.

(6) In this section—

“the environment” means the air, water and land or any of them;

“relevant information”, in relation to substances, products or articles, means information relating to their properties, production, distribution, importation or use or intended use and, in relation to products or articles, to their disposal as waste;

**Changes to legislation:** *Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour and it includes mixtures of substances.

<sup>F32</sup>(7) The enactments which are relevant for the purposes of subsection (2)(b) above are the following—

[<sup>F33</sup>the Explosives Regulations 2014];  
[<sup>F94</sup>the <sup>M15</sup>[<sup>F95</sup>Radioactive Substances Act 1993][<sup>F95</sup>Environmental Authorisations (Scotland) Regulations 2018]];  
[<sup>F36</sup>Parts 3 to 8 and 16 of the Human Medicines Regulations 2012];  
Part IV of the <sup>M1</sup>Agriculture Act 1970;  
the <sup>M2</sup>Misuse of Drugs Act 1971;  
Part III of the <sup>M3</sup>Food and Environment Protection Act 1985; <sup>F37</sup> . . .  
the <sup>M4</sup>Food Safety Act 1990;  
[<sup>F38</sup>the Veterinary Medicines Regulations 2006;

and a substance is a regulated substance for the purposes of any such enactment in so far as any prohibition, restriction or requirement is imposed in relation to it by or under the enactment for the purposes of that enactment.]

#### Extent Information

**E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F30** Words in s. 142(2)(a) inserted (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **2(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** S. 142(3) repealed (22.7.2012) by [The Advisory Committee on Hazardous Substances \(Abolition\) Order 2012 \(S.I. 2012/1923\)](#), art. 1(2), **Sch.**
- F32** By [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), arts. 1, 27(1), **Sch. 6 para. 14(3)** (with reg. 26) it is provided that for the words "Explosive Substances Act 1875" in s. 142(7) there be substituted (N.I.) (1.12.2006) the words "Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006"
- F33** Words in s. 142(7) substituted (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 13 para. 6**
- F36** Words in s. 142(7) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 41** (with Sch. 32)
- F37** Word in s. 142(7) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(a)** (with reg. 3)
- F38** Words in s. 142(7) added (1.10.2006) by [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(b)** (with reg. 3)
- F94** Words in s. 142(7) substituted (27.8.1993) by 1993 c. 12, ss. 49(1), 51(2), **Sch. 4 para.8** (with ss. 42, 46)
- F95** Words in s. 142(7) substituted (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 6 para. 2(3)** (with reg. 78, sch. 5 para. 2)

#### Marginal Citations

- M1** 1970 c. 40.  
**M2** 1971 c. 38.  
**M3** 1985 c. 48.  
**M4** 1990 c. 16.

*Changes to legislation: Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

M15 1993 C. 12.

F39 143 .....

**Textual Amendments**

F39 S. 143 repealed (1.4.2000 for E., 14.7.2000 for S. and 15.9.2001 for W.) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 91, Sch. 24 (with ss. 7(6), 115, 117); S.I. 2000/340, art. 2(b)(c) (with art. 3); S.S.I. 2000/180, art. 2(1)(b) (with art. 3); S.I. 2001/3211, art. 2(b) (with saving in art. 3)

**144 Amendments of hazardous substances legislation.**

Schedule 13 to this Act (which contains miscellaneous amendments to the legislation relating to hazardous substances) shall have effect.

**Commencement Information**

II S. 144 partly in force; s. 144 not in force at Royal Assent see s.164(3); s. 144 in force for certain purposes at 1.1.1992 by S.I. 1991/2829 art. 3; s. 144 in force at 18.2.1993 (insofar as it relates to paras. 11 and 12 of Schedule 13, Part II) and 1.5.1993 (insofar as it relates to para. 13 of Schedule 13, Part II) by S.I. 1993/274, arts. 2(1), 3

F40 145 Penalties for offences of polluting controlled waters etc.

.....

**Textual Amendments**

F40 S. 145(1) repealed (1. 12. 1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), Sch. 3 (with Sch. 2 paras. 10, 14(1), 15)  
S. 145 repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), sch. 3 para. 23(d); S.S.I. 2014/160, art. 2(1)(2), sch.

*Pollution at sea*

**146 Deposits of substances and articles in the sea, etc.**

(1) Part II of the <sup>M5</sup>Food and Environment Protection Act 1985 (under which licences are required for deposits by British vessels etc at sea anywhere or by foreign vessels etc in United Kingdom waters or, in certain circumstances, within British fishery limits) shall be amended as follows.

F41(2) .....

F41(3) .....

F41(4) .....

F41(5) .....

**Changes to legislation:** *Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (6) In section 21 (penalties for offences)—
- (a) in subsection (2), for the words “2(4) and 9(1)” there shall be substituted the words “and 2(4)”; and
  - (b) after that subsection, there shall be inserted the following subsection—

“(2A) A person guilty of an offence under section 9(1) shall be liable—

    - (a) on summary conviction, to a fine of an amount not exceeding £50,000; and
    - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.”
- <sup>F42</sup>(7) . . . . .
- (8) In Schedule 2 (powers in relation to vessels, aircraft, etc. for the purposes of Part I or Part II or both Parts of the Act), in paragraph 3(3) (removal to United Kingdom), after the words “Part I” there shall be inserted the words “or II”.

**Textual Amendments**

- F41** S. 146(2)-(5) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 2](#); [S.I. 2011/556](#), art. 3(2)(d)
- F42** S. 146(7) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 2](#); [S.I. 2011/556](#), art. 3(2)(d)

**Marginal Citations**

- M5** 1985 c. 48.

**147 Public registers relating to deposits in the sea and incineration at sea.**

In Part II of the <sup>M6</sup>Food and Environment Protection Act 1985, for section 14 (registers of licences) there shall be substituted the following section—

**“14 Duty of licensing authority to keep public registers of information.**

- (1) It shall be the duty of each licensing authority, as respects licences for which it is the licensing authority, to maintain, in accordance with regulations, a register containing prescribed particulars of or relating to—
- (a) applications for licences made to that authority;
  - (b) the licences issued by that authority;
  - (c) variations of licences effected by that authority;
  - (d) revocations of licences effected by that authority;
  - (e) convictions for any offences under section 9 above;
  - (f) information obtained or furnished in pursuance of section 8(3), (4) or (5) above;
  - (g) the occasions on which either of the Ministers has carried out any operation under section 10 above; and
  - (h) such other matters relating to operations for which licences are needed under this Part of this Act as may be prescribed.

**Changes to legislation:** Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) No information shall be included in any register which, in the opinion of either of the Ministers, is such that its disclosure on the register—
  - (a) would be contrary to the interests of national security, or
  - (b) would prejudice to an unreasonable degree some person’s commercial interests.
- (3) Information excluded from a register by virtue of subsection (2)(b) above shall be treated as ceasing to prejudice a person’s commercial interests at the expiry of the period of four years beginning with the date on which the Minister made his decision under that subsection; but, on the application of any person to whom it relates, the Minister shall decide whether the information should be included or continue to be excluded from the register.
- (4) Where information of any description is excluded from a register by virtue of subsection (2)(b) above, a statement shall be entered in the register indicating the existence of information of that description.
- (5) It shall be the duty of each licensing authority—
  - (a) to secure that the register maintained by the authority under this section is available, at all reasonable times, for inspection by the public free of charge; and
  - (b) to afford to members of the public facilities for obtaining copies of entries, on payment of reasonable charges.
- (6) Registers under this section may be kept in any form.
- (7) In this section “prescribed” means prescribed in regulations.
- (8) Either of the Ministers may exercise any power to make regulations under this section and any such power shall be exercisable by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.”

**Commencement Information**  
**I2** S. 147 wholly in force at 31.5.1991 see s. 164(3) and S.I. 1991/1319, art. 2

---

**Marginal Citations**  
**M6** 1985 c. 48.

<sup>F43</sup>148 .....

**Textual Amendments**  
**F43** S. 148 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch.12 (with savings in s. 312(1) and Sch. 14 para. 1)

---

**Changes to legislation:** Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

## *Control of Dogs*

### **149 Seizure of stray dogs.**

- (1) Every local authority shall appoint an officer (under whatever title the authority may determine) for the purpose of discharging the functions imposed or conferred by this section for dealing with stray dogs found in the area of the authority.
- (2) The officer may delegate the discharge of his functions to another person but he shall remain responsible for securing that the functions are properly discharged.
- (3) Where the officer has reason to believe that any dog found in a public place or on any other land or premises is a stray dog, he shall (if practicable) seize the dog and detain it, but, where he finds it on land or premises which is not a public place, only with the consent of the owner or occupier of the land or premises.
- (4) Where any dog seized under this section wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the officer shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been seized and where it is being kept and stating that the dog will be liable to be disposed of if it is not claimed within seven clear days after the service of the notice and the amounts for which he would be liable under subsection (5) below are not paid.
- (5) A person claiming to be the owner of a dog seized under this section shall not be entitled to have the dog returned to him unless he pays all the expenses incurred by reason of its detention and such further amount as is for the time being prescribed.
- (6) Where any dog seized under this section has been detained for seven clear days after the seizure or, where a notice has been served under subsection (4) above, the service of the notice and the owner has not claimed the dog and paid the amounts due under subsection (5) above the officer may dispose of the dog—
  - (a) by selling it or giving it to a person who will, in his opinion, care properly for the dog;
  - (b) by selling it or giving it to an establishment for the reception of stray dogs; or
  - (c) by destroying it in a manner to cause as little pain as possible;but no dog seized under this section shall be sold or given for the purposes of vivisection.
- (7) Where a dog is disposed of under subsection (6)(a) or (b) above to a person acting in good faith, the ownership of the dog shall be vested in the recipient.
- (8) The officer shall keep a register containing the prescribed particulars of or relating to dogs seized under this section and the register shall be available, at all reasonable times, for inspection by the public free of charge.
- (9) The officer shall cause any dog detained under this section to be properly fed and maintained.
- (10) Notwithstanding anything in this section, the officer may cause a dog detained under this section to be destroyed before the expiration of the period mentioned in subsection (6) above where he is of the opinion that this should be done to avoid suffering.
- (11) In this section—

**Changes to legislation:** *Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“local authority”, in relation to England <sup>F44</sup> . . . , means a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly [<sup>F45</sup>in relation to Wales, means a county council or a county borough council] and, in relation to Scotland, means [<sup>F46</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“officer” means an officer appointed under subsection (1) above;

“prescribed” means prescribed in regulations made by the Secretary of State; and

“public place” means—

- (i) as respects England and Wales, any highway and any other place to which the public are entitled or permitted to have access;
- (ii) as respects Scotland, any road (within the meaning of the <sup>M7</sup>Roads (Scotland) Act 1984) and any other place to which the public are entitled or permitted to have access;

and, for the purposes of section 160 below in its application to this section, the proper address of the owner of a dog which wears a collar includes the address given on the collar.

#### Textual Amendments

- F44** Words in s. 149(11) repealed (1.4.1996) by 1994 c. 19, ss. 22(3), 66(8), Sch. 9 para. 17(13), **Sch.18** (with ss. 54(7), 66(7), Sch. 17 paras. 22, 23(2)); S.I. 1996/396, art. 3, **Sch.1**
- F45** Words in s. 149(11) inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 17(13)** (with ss. 54(7), 66(7), Sch. 17 paras. 22, 23(2)); S.I. 1996/396, art. 3, **Sch.1**
- F46** Words in s. 149(11) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 167(17)**; S.I. 1996/323, **art. 4(c)**

#### Modifications etc. (not altering text)

- C2** S. 149 extended (1.4.1992) by S.I. 1992/901, **art. 4**.

#### Commencement Information

- I3** S. 149 wholly in force; s. 149 not in force at Royal Assent see s. 164(3); s. 149 in force for certain purposes at 14.2.1992 see S.I. 1992/266, art. 2; s. 149 in force in so far as not then already in force at 1.4.1992 see s. 164(3) and S.I. 1992/266, **art. 3**.

#### Marginal Citations

- M7** 1984 c. 54.

## 150 Delivery of stray dogs to <sup>F47</sup> . . . local authority officer.

- (1) Any person (in this section referred to as “the finder”) who takes possession of a stray dog shall forthwith either—
- (a) return the dog to its owner; or
  - (b) take the dog—
    - (i) to the officer of the local authority for the area in which the dog was found; <sup>F48</sup> . . .
    - (ii) <sup>F48</sup> . . . . .



---

**Changes to legislation:** *Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

and shall inform the officer of the local authority <sup>F49</sup>. . . where the dog was found.

- (2) Where a dog has been taken under subsection (1) above to the officer of a local authority, then—
  - (a) if the finder desires to keep the dog, he shall inform the officer of this fact and shall furnish his name and address and the officer shall, having complied with the procedure (if any) prescribed under subsection (6) below, allow the finder to remove the dog;
  - (b) if the finder does not desire to keep the dog, the officer shall, unless he has reason to believe it is not a stray, treat it as if it had been seized by him under section 149 above.
- (3) Where the finder of a dog keeps the dog by virtue of this section he must keep it for not less than one month.
- (4) In Scotland a person who keeps a dog by virtue of this section for a period of two months without its being claimed by the person who has right to it shall at the end of that period become the owner of the dog.
- (5) If the finder of a dog fails to comply with the requirements of subsection (1) or (3) above he shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) The Secretary of State may, by regulations, prescribe the procedure to be followed under subsection (2)(a) above.
- (7) In this section “local authority” and “officer” have the same meaning as in section 149 above.

#### Textual Amendments

- F47** Words in s. 150 heading repealed (E.W.) (6.4.2008) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 68(4), 107, 108, [Sch. 5 Pt. 6](#); S.I. 2008/956, [art. 2\(b\)](#)
- F48** S. 150(1)(b)(ii) and preceding word repealed (E.W.) (6.4.2008) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 68(3)(a), 107, 108, [Sch. 5 Pt. 6](#); S.I. 2008/956, [art. 2\(b\)](#)
- F49** Words in s. 150(1) repealed (E.W.) (6.4.2008) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 68(3)(b), 107, 108, [Sch. 5 Pt. 6](#); S.I. 2008/956, [art. 2\(b\)](#)

#### Commencement Information

- I4** S. 150 wholly in force; s. 150 not in force at Royal Assent see s. 164(3); s. 150 in force for certain purposes at 14.2.1992 see s. 164(3) and S.I. 1992/266, [art. 2](#); s. 150 in force in so far as not then already in force at 1.4.1992 see s. 164(3) and S.I. 1992/266, [art. 3](#).

## 151 Enforcement of orders about collars and tags for dogs.

- (1) Section 13 of the Animal Health Act 1981 (orders for control, etc. of dogs) shall be amended by the insertion, after subsection (2), of the following subsections—
  - “(3) An order under subsection (2)(a) above may include provision for the execution and enforcement of the order by the officers of local authorities (and not by the police force for any area).

**Changes to legislation:** *Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) In subsection (3) above “local authority” and “officer” have the same meaning as in section 149 of the Environmental Protection Act 1990.”
- (2) In section 50(1) of that Act (meaning of “local authority”) at the end there shall be inserted the words “and to section 13(3) above”.
- (3) In section 60(1) of that Act (enforcement), at the end, there shall be inserted the words “but subject, in the case of orders under section 13, to any provision made under subsection (3) of that section.”

#### Commencement Information

- I5** S. 151 wholly in force; s. 151 not in force at Royal Assent see s. 164(3); s. 151 in force for certain purposes at 14.2.1992 see s. 164(3) and S.I. 1992/266, art. 2; s. 151 in force in so far as not then already in force at 1.4.1992 see s. 164(3) and S.I. 1992/266, art. 3.

### *Straw and stubble burning*

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

- (1) The appropriate Minister may by regulations prohibit or restrict the burning of crop residues on agricultural land by persons engaged in agriculture and he may (by the same or other regulations) provide exemptions from any prohibition or restriction so imposed.
- (2) Regulations providing an exemption from any prohibition or restriction may make the exemption applicable—
- in all, or only in specified, areas;
  - to all, or only to specified, crop residues; or
  - in all, or only in specified, circumstances.
- (3) Any power to make regulations under this section includes power—
- to make different provision for different areas or circumstances;
  - where burning of a crop residue is restricted, to impose requirements to be complied with before or after the burning;
  - to create offences subject to the limitation that no offence shall be made punishable otherwise than on summary conviction and the fine prescribed for the offence shall not exceed level 5 on the standard scale; and
  - to make such incidental, supplemental and transitional provision as the appropriate Minister considers appropriate.
- (4) Where it appears to the appropriate Minister appropriate to do so in consequence of any regulations made under the foregoing provisions of this section, the appropriate Minister may, by order, repeal any byelaws of local authorities dealing with the burning of crop residues on agricultural land.
- (5) In this section—
- “agriculture” and “agricultural land” have, as respects England or as respects Wales, the same meaning as in the <sup>M8</sup>Agriculture Act 1947 and, as respects Scotland, the same meaning as in the <sup>M9</sup>Agriculture (Scotland) Act 1948;

---

**Changes to legislation:** *Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

“crop residue” means straw or stubble or any other crop residue;  
“the appropriate Minister” means the Minister of Agriculture, Fisheries and Food or the Secretary of State or both of them.

---

**Commencement Information**

**I6** S. 152 wholly in force at 10.7.1991 see s. 164(3) and S.I. 1991/1577, art. 2

---

**Marginal Citations**

**M8** 1947 c. 48.

**M9** 1948 c. 45.

---

*Environmental expenditure*

**153 Financial assistance for environmental purposes.**

(1) The Secretary of State may, with the consent of the Treasury, give financial assistance to, or for the purposes of, any of the following—

[<sup>F50</sup>(za) Cenex (Centre of Excellence for Low Carbon and Fuel Cell Technologies) in relation to its activities as respects England and Wales and Northern Ireland;]

- [<sup>F51</sup>(a) the United Nations Environment Programme;
- (b) the European Environmental Bureau;
  - (c) the chemicals programme of the Organisation for Economic Co-operation and Development;
  - (d) the joint inter-Governmental panel on Climate Change of the United Nations Environment Programme and the World Meteorological Organisation;
  - (e) the International Union for the Conservation of Nature and Natural Resources;
  - (f) the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
  - (g) the Convention on Wetlands of International Importance Especially as Waterfowl Habitat;
  - (h) the Convention on Long-range Transboundary Air Pollution and any protocol to that Convention;
  - (i) the Convention and Protocol for the Protection of the Ozone Layer;
  - (j) the Convention on the Conservation of Migratory Species of Wild Animals;
  - (k) the Groundwork Foundation and Trusts;
  - (l) the environmental protection technology scheme for research and development in the United Kingdom in relation to such technology;
- (m) the programme known as the special grants programme so far as it relates to the protection, improvement or better understanding of the environment of, or of any part of, England and Wales;
- (n) the Royal Society for the Encouragement of Arts, Manufactures and Commerce so far as its activities relate to the protection, improvement or better understanding of the environment;
- (o) the programme known as the Environment Wales programme so far as it relates to the protection, improvement or better understanding of the environment of, or of any part of, Wales;

---

**Changes to legislation:** *Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (p) the programmes or schemes of the United Nations Habitat and Human Settlements Foundation;
- (q) the programmes or schemes of the International Federation for Housing and Planning so far as they relate to the protection, improvement or better understanding of the environment;
- (r) the programmes or schemes of the INTA.AIVN-International Urban Development Association so far as they relate to the protection, improvement or better understanding of the environment;
- (s) the scheme known as the Darwin Initiative for the Survival of Species that provides support for the conservation and sustainable use of biological resources and habitats and for the furtherance of the aims of the Convention on Biological Diversity;
- (t) the programme known as the Promotion of Positive Environmental Management in Industry Programme;
- (u) any national or international architectural award scheme or competition scheme relating to the protection, improvement or better understanding of the environment;
- (v) the National Forest Company;
- (w) the Energy Saving Trust Limited;
- (x) the Convention on Biological Diversity;
- (y) the United Nations Framework Convention on Climate Change;
- (z) the programme known as Radon Measurement and Support for Remedial Works Campaigns in England;
- (aa) the Wales Wildlife and Countryside Link;
- (bb) the Convention for the Protection of the Marine Environment of the North East Atlantic;
- (cc) the programme known as Pollution Emergency Response Services;
- (dd) the programme known as the Waste and Resources Action Programme;
- (ee) the Protocol on Energy Efficiency and Related Environmental Aspects to the Energy Charter Treaty;
- (ff) the programme known as the Waste Minimisation and Recycling Programme;
- (gg) the Carbon Trust;
- (hh) the International Sustainable Development Fund;
- (ii) the scheme known as the Bio-energy Infrastructure Scheme;
- (jj) the Zero Carbon Hub Limited;
- (kk) the Low Carbon Vehicle Partnership Limited, in relation to its activities as respects England and Wales;
- (ll) Keep Britain Tidy;
- (mm) the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972;
- (nn) the International Convention for the Regulation of Whaling, 1946.
- [ any scheme, programme or organisation for the purpose of preventing or
- <sup>F92</sup>(oo) reducing waste or litter in England, or of promoting resource efficiency in England;]
- [ any scheme, programme or organisation for the storage, transport, treatment
- <sup>F92</sup>(pp) or disposal of any material or product in England for the purpose of preventing or reducing environmental damage.]]

**Changes to legislation:** Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) Financial assistance may be given in respect of particular activities or generally in respect of all or some part of the activities carried on or supported by the recipient.
- (3) Financial assistance shall be given in such form and on such terms as the Secretary of State may think fit and, in particular, assistance may be given by making grants (whether or not repayable), loans or guarantees to, or by incurring expenditure, or providing services, staff or equipment for the benefit of, the recipient.
- (4) The Secretary of State may, by order, vary subsection (1) above by adding to or deleting from it any description of organisation, scheme, programme or international agreement whose purposes relate to the protection, improvement or better understanding of the environment.

<sup>F93</sup>(5) . . . . .

#### Textual Amendments

- F50** S. 153(1)(za) inserted (E.W.N.I.) (27.9.2021) by [The Financial Assistance for Environmental Purposes Order 2021 \(S.I. 2021/984\)](#), arts. 1(c), **2**
- F51** S. 153(1)(a)-(nn) substituted for s. 153(1)(a)-(aaa) (E.W.) (1.4.2015) by [The Financial Assistance for Environmental Purposes \(England and Wales\) Order 2015 \(S.I. 2015/479\)](#), arts. 1(c), **2**
- F52** S. 153(1) varied (S.) by the addition of s. 153(1)(n) (beginning "the programmes") by [S.I. 1991/146](#), **art. 2** (made 26.1.1991 and coming into force 1.3.1991)
- F53** S. 153(1)(n) (beginning "the Royal Society") added (15.4.1991) by [S.I. 1992/682](#), **art. 2**.
- F54** S. 153(1) varied (S.) by the addition of s. 153(1)(o) by [S.I. 1991/1179](#), **art. 2**
- F55** S. 153(1)(p) inserted (1.4.1992) by [S.I. 1992/654](#), **art. 2**.
- F56** S. 153(1)(q)-(u) added (12.5.1993) by [S.I. 1993/1062](#), **art. 2**
- F57** S. 153(1)(v) added (15.7.1993) by [S.I. 1993/1518](#), **art. 2**
- F58** S. 153(1)(w)(x) inserted (15.2.1995) by [S.I. 1995/150](#), **art. 2**
- F59** S. 153(1)(y) inserted (28.5.1995) by [S.I. 1995/554](#), **art. 2**
- F60** S. 153(1)(z)(aa) inserted (16.5.1995) by [S.I. 1995/1085](#), **art. 2**
- F61** S. 153(1)(bb) substituted (1.3.2000) by [S.I. 2000/207](#), **art. 2**
- F62** S. 153(1)(cc)(dd) added (1.4.1996) by [S.I. 1996/505](#), **art. 2**
- F63** S. 153(1)(ee) inserted (1.7.1996) by [S.I. 1996/1431](#), **arts. 1, 2**
- F64** S. 153(1)(ff) inserted (1.4.1997) by [S.I. 1997/651](#), **art. 2**
- F65** S. 153(1)(ff) omitted (S.) (1.4.2013) by virtue of [The Financial Assistance for Environmental Purposes \(Scotland\) Order 2013 \(S.S.I. 2013/74\)](#), arts. 1(1), **2(a)**
- F66** S. 153(1)(gg) inserted (1.4.1998) by [S.I. 1998/538](#), **art. 2**.
- F67** S. 153(1)(hh) inserted (24.4.1998) by [S.I. 1998/1001](#), **art. 2**.
- F68** S. 153(1)(ii) inserted (27.1.1999) by [S.I. 1998/3234](#), **art. 2**.
- F69** S. 153(1)(jj)(kk)(ll) inserted (8.9.2000) by [S.I. 2000/2211](#), **art. 2**
- F70** S. 153(1)(mm) substituted (1.4.2013) by [The Financial Assistance for Environmental Purposes \(Scotland\) Order 2013 \(S.S.I. 2013/74\)](#), arts. 1(1), **2(b)**
- F71** S. 153(1)(nn) added (S.) (26.3.2002) by [The Financial Assistance for Environmental Purposes \(Scotland\) Order 2002 \(S.S.I. 2002/83\)](#), **art. 2**
- F72** Words in s. 153(1)(nn) inserted (S.) (1.4.2013) by [The Financial Assistance for Environmental Purposes \(Scotland\) Order 2013 \(S.S.I. 2013/74\)](#), arts. 1(1), **2(c)**
- F73** S. 153(1)(oo)(pp) inserted (29.7.2002) by [The Financial Assistance for Environmental Purposes Order 2002 \(S.I. 2002/1686\)](#), **art. 2**
- F74** S. 153(1)(qq) inserted (27.8.2002) by [The Financial Assistance for Environmental Purposes \(No. 2\) Order 2002 \(S.I. 2002/2021\)](#), **art. 2**
- F75** S. 153(1)(rr) (which was inserted by [S.I. 2003/714](#), **art. 2**) repealed (1.1.2006) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), s. 107, **Sch. 5 Pt. 8**; [S.I. 2005/3439](#), **art. 2**

**Changes to legislation:** Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F76** S. 153(1)(rr)-(tt) added (S.) (1.4.2003) by The Financial Assistance for Environmental Purposes (Scotland) Order 2003 (S.S.I. 2003/173), **art. 2**
- F77** S. 153(1)(rr) substituted (1.4.2013) by The Financial Assistance for Environmental Purposes (Scotland) Order 2013 (S.S.I. 2013/74), arts. 1(1), **2(d)**
- F78** S. 153(1)(uu) added (S.) (1.7.2005) by The Financial Assistance for Environmental Purposes (Scotland) Order 2005 (S.S.I. 2005/324), **art. 2**
- F79** S. 153(1)(uu) substituted (E.W.) (9.7.2007) by The Financial Assistance for Environmental Purposes Order 2007 (S.I. 2007/1671), **art. 3(a)**
- F80** S. 153(1)(vv) inserted (E.W.N.I.) (29.7.2005) by The Financial Assistance for Environmental Purposes Order 2005 (S.I. 2005/1805), **art. 2**
- F81** S. 153(1)(ww) inserted (E.W.N.I.) (31.7.2006) by The Financial Assistance for Environmental Purposes Order 2006 (S.I. 2006/1735), **art. 2(a)**
- F82** S. 153(1)(ww) repealed (E.W.N.I.) (9.7.2007) by The Financial Assistance for Environmental Purposes Order 2007 (S.I. 2007/1671), **art. 3(b)**
- F83** S. 153(1)(xx) inserted (E.W.) (31.7.2006) by The Financial Assistance for Environmental Purposes Order 2006 (S.I. 2006/1735), **art. 2(b)**
- F84** S. 153(1)(yy) inserted (E.W.) (23.1.2009) by The Financial Assistance for Environmental Purposes (England and Wales) Order 2008 (S.I. 2008/3243), **art. 2**
- F85** S. 153(1)(zz) inserted (S.) (6.4.2009) by The Financial Assistance for Environmental Purposes (Scotland) Order (S.S.I. 2009/75), {art. 2}
- F86** S. 153(1)(z1) added (S.) (27.6.2015) by The Financial Assistance for Environmental Purposes (Scotland) Order 2015 (S.S.I. 2015/210), arts. 1(1), **2**
- F87** S. 153(1)(z2) added (S.) (1.2.2017) by The Financial Assistance for Environmental Purposes (Scotland) Order 2016 (S.S.I. 2016/406), arts. 1(1), **2**
- F88** S. 153(1)(z3) inserted (S.) (28.1.2021) by The Financial Assistance for Environmental Purposes (Scotland) Order 2020 (S.S.I. 2020/409), arts. 1(1), **2**
- F89** S. 153(1)(z4)-(z7) inserted (S.) (9.3.2022) by The Financial Assistance for Environmental Purposes (Scotland) Order 2022 (S.S.I. 2022/8), arts. 1(1), **2**
- F90** S. 153(1)(z8)(z9) inserted (S.) (17.11.2022) by The Financial Assistance for Environmental Purposes (Scotland) (No. 2) Order 2022 (S.S.I. 2022/278), arts. 1(1), **2**
- F91** S. 153(1)(aaa) added (E.W.) (15.7.2009) by The Financial Assistance for Environmental Purposes (England and Wales) Order (S.I. 2009/1506), {art. 2}
- F92** S. 153(1)(oo)(pp) inserted (E.W.) (30.3.2020) by The Financial Assistance for Environmental Purposes (England) Order 2020 (S.I. 2020/207), arts. 1(b), **2**
- F93** S. 153(5) repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**

#### Marginal Citations

- M10** 1968 c.47 (100:2).
- M11** 1974 c.40 (46:4).

## 154 The Groundwork Foundation: superannuation.

Employment with the Groundwork Foundation shall be and shall be deemed always to have been included among the kinds of employment to which a superannuation scheme under section 1 of the<sup>M12</sup> Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) the words “Groundwork Foundation” shall be inserted after the words “Gaming Board for Great Britain”.

---

**Changes to legislation:** Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

---

**Marginal Citations**

**M12** 1972 c. 11.

**155 Remuneration of chairman of Inland Waterways Amenity Advisory Council.**

In section 110 of the <sup>M13</sup>Transport Act <sup>M14</sup>1968 (Inland Waterways Amenity Advisory Council) at the end there shall be inserted—

“(7) The Secretary of State may, with the consent of the Treasury, pay the chairman of the Council out of money provided by Parliament such remuneration as the Secretary of State may determine; and where the chairman is in receipt of such remuneration he shall not be paid any allowance under subsection (6) of this section in respect of loss of remunerative time.”

---

**Marginal Citations**

**M13** 1968 c. 78.

**M14** 1968 c. 73.

**Changes to legislation:**

Environmental Protection Act 1990, Part VIII is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)