

**Changes to legislation:** Environmental Protection Act 1990, Cross Heading: Procedure for putting waste disposal contracts out to tender is up to date with all changes known to be in force on or before 19 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

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 2]

#### WASTE DISPOSAL AUTHORITIES AND COMPANIES

##### Textual Amendments

- F1** Sch. 2 repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 47, 107, 108, Sch. 5 Pt. 4; S.I. 2005/2896, art. 3(g)(k) (with art. 6 (as amended by S.I. 2006/1002, art. 2)); S.I. 2006/768, art. 2(a)(d) (with art. 5 (as amended by S.I. 2006/2797, art. 11))

### [<sup>F1</sup>PART II]

#### PROVISIONS REGULATING WASTE DISPOSAL AUTHORITIES AND COMPANIES

##### Textual Amendments

- F1** Sch. 2 repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 47, 107, 108, Sch. 5 Pt. 4; S.I. 2005/2896, art. 3(g) (with art. 6 (as amended by S.I. 2006/1002)); S.I. 2006/768, art. 2(d) (with art. 5 (as amended by S.I. 2006/2797))

### [<sup>F1</sup>Procedure for putting waste disposal contracts out to tender]

##### Textual Amendments

- F1** Sch. 2 repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 47, 107, 108, Sch. 5 Pt. 4; S.I. 2005/2896, art. 3(g) (with art. 6 (as amended by S.I. 2006/1002)); S.I. 2006/768, art. 2(d) (with art. 5 (as amended by S.I. 2006/2797))

20

- [<sup>F2</sup>(1) A waste disposal authority which proposes to enter into a contract for the keeping, treatment or disposal of controlled waste shall comply with the following requirements before making the contract and if it does not any contract which is made shall be void.
- (2) The authority shall publish, in at least two publications circulating among waste disposal contractors, a notice containing—
- a brief description of the contract work;
  - a statement that during a specified period any person may inspect a detailed specification of the contract work free of charge at a specified place and time;
  - a statement that during that period any person will be supplied with a copy of the detailed specification on request and on payment of the specified charge;

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- (d) a statement that any person who wishes to submit a tender for the contract must notify the authority of his wish within a specified period; and
  - (e) a statement that the authority intend to invite tenders for the contract, in accordance with sub-paragraph (4) below.
- (3) The authority shall—
- (a) ensure that the periods, place and time and the charge specified in the notice are such as are reasonable;
  - (b) make the detailed specification available for inspection in accordance with the notice; and
  - (c) make copies of the detailed specification available for supply in accordance with the notice.
- (4) If any persons notified the authority, in accordance with the notice, of their wish to submit tenders for the contract, the authority shall—
- (a) if more than four persons did so, invite at least four of them to tender for the contract;
  - (b) if less than four persons did so, invite each of them to tender for the contract.
- (5) In this paragraph—
- “the contract work”, in relation to a contract for the keeping, treatment or disposal of waste, means the work comprising the services involved in the keeping, treatment or disposal of the waste under the contract; and
  - “specified” means specified in the notice under sub-paragraph (2) above.]

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**Textual Amendments**

**F2** Sch. 2 repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 47, 107, 108, [Sch. 5 Pt. 4](#); S.I. 2005/2896, [art. 3\(g\)](#) (with art. 6 (as amended by S.I. 2006/1002)); S.I. 2006/768, [art. 2\(d\)](#) (with art. 5 (as amended by S.I. 2006/2797))

21

- [<sup>F3</sup>A waste disposal authority, in taking any of the following decisions, namely—
- (a) who to invite to tender for the contract under paragraph 20(4)(a) above, and
  - (b) who to enter into the contract with,
- shall disregard the fact that any waste disposal contractor tendering for the contract is, or is not, controlled by the authority.]

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**Textual Amendments**

**F3** Sch. 2 repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 47, 107, 108, [Sch. 5 Pt. 4](#); S.I. 2005/2896, [art. 3\(g\)](#) (with art. 6 (as amended by S.I. 2006/1002)); S.I. 2006/768, [art. 2\(d\)](#) (with art. 5 (as amended by S.I. 2006/2797))

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**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\(4\)](#)