



Deposit of Poisonous Waste Act 1972

1972 CHAPTER 21

4 Operators of commercial tips

- (1) In the case of a person carrying on a trade or business in the course of which he operates any site as a refuse tip, section 3(1)(b) of this Act shall not apply in respect of any deposit of waste on the tip if the person has, not less than three clear days before the day on which the deposit is made, received a copy of any notice given for compliance with section 3(1) in relation to the removal and deposit of that waste.
- (2) Such a person shall, within a period of not more than three days beginning with the date on which any waste to which section 3 of this Act applies was deposited on the tip, give notice to each of the authorities responsible under this section specifying the following particulars with respect to the deposit—
 - (a) the location of the tip;
 - (b) the nature and chemical composition of the waste;
 - (c) the quantity which has been deposited and, where the waste has been deposited in containers, their number, size and description;
 - (d) the name of the person who brought the waste to the tip for the purpose of depositing it there, and the name of that person's employer (if any); and
 - (e) in a case where he has received such a copy of a notice as is specified in subsection (1) above, the name of the person from whom the notice was received, and the premises from which the waste was removed with a view to its being deposited on the tip.
- (3) The authorities responsible under this section are—
 - (a) in a case where the person operating the tip has, in relation to the waste in question, received such a copy of a notice as is referred to in subsection (1) above, the local authority and the river authority or river purification board for the area in which are situated the premises from which the waste was removed; and
 - (b) in any case, the local authority and the river authority or river purification board for the area in which the tip is situated.
- (4) Subject to the following subsection, any person who—
 - (a) contravenes subsection (2) above, or

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- (b) in a notice given for the purposes of that subsection, makes any statement which he knows to be false or does not believe to be true,
- shall be guilty of an offence and liable on summary conviction to a fine of not more than £400.
- (5) It shall be a defence for a person charged with an offence of contravening subsection (2) above to prove, in relation to any deposit of waste, that he was unaware that the waste was of such a description that section 3 applied to it; but this defence shall be available only if he also proves—
- (a) that he took care to inform himself as to the nature and chemical composition of the waste from persons who were in a position to provide such information; and
 - (b) that he neither knew nor had any reason for supposing that the information given to him was false or misleading.