



# Planning (Hazardous Substances) Act 1990

## 1990 CHAPTER 10

### *Contraventions of hazardous substances control*

#### **24 Power to issue hazardous substances contravention notice.**

- (1) Where it appears to the hazardous substances authority that there is or has been a contravention of hazardous substances control, they may issue a notice—
  - (a) specifying an alleged contravention of hazardous substances control; and
  - (b) requiring such steps as may be specified in the notice to be taken to remedy [<sup>F1</sup>wholly or partly] the contravention,if they consider it expedient to do so having regard to any material consideration.
- (2) Such a notice is referred to in this Act as a “hazardous substances contravention notice”.
- (3) A hazardous substances authority shall not issue a hazardous substances contravention notice where it appears to them that a contravention of hazardous substances control can be avoided only by the taking of action amounting to a breach of a statutory duty.
- (4) A copy of a hazardous substances contravention notice shall be served—
  - (a) on the owner of the land to which it relates;
  - (b) on any person other than the owner who appears to the hazardous substances authority to be in control of the land; and
  - (c) on such other persons as may be prescribed.
- (5) A hazardous substances contravention notice shall also specify—
  - (a) a date not less than 28 days from the date of service of copies of the notice as the date on which it is to take effect;
  - (b) in respect of each of the steps required to be taken to remedy the contravention of hazardous substances control, the period from the notice taking effect within which the step is to be taken.

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- (6) Where a hazardous substances authority issue a hazardous substances contravention notice the steps required by the notice may, without prejudice to the generality of subsection (1)(b), if the authority think it expedient, include a requirement that the hazardous substance be removed from the land.
- (7) Where a notice includes such a requirement, it may also contain a direction that at the end of such period as may be specified in the notice any hazardous substances consent for the presence of the substance shall cease to have effect or, if it relates to more than one substance, shall cease to have effect so far as it relates to the substances which are required to be removed.
- (8) The hazardous substances authority may withdraw a hazardous substances contravention notice (without prejudice to their power to issue another) at any time before [<sup>F2</sup>or after] it takes effect.
- (9) If they do so, they shall immediately give notice of the withdrawal to every person who was served with a copy of the notice [<sup>F3</sup>or would, if the notice were re-issued, be served with a copy of it].

#### Textual Amendments

- F1** Words in s. 24(1)(b) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 25, [Sch. 3 Pt. I para. 11\(a\)](#) (with s. 84(5)); S.I. 1991/2905, [art. 3](#)
- F2** Words in s. 24(8) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 25, [Sch. 3 Pt. I para. 11\(b\)](#) (with s. 84(5)); S.I. 1991/2905, [art. 3](#)
- F3** Words in s. 24(9) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 25, [Sch. 3 Pt. I para. 11\(c\)](#) (with s. 84(5)); S.I. 1991/2905, [art. 3](#)

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

- C1** [S. 24](#) Power to apply conferred (10.11.1993) by [1993 c. 28, ss. 171\(4\)\(c\)](#); S.I. 1993/2762, [art.3](#)

#### Commencement Information

- I1** [S. 24](#) wholly in force at 1.6.1992 and in force at 11.3.1992 for certain purposes see [S.I. 1992/725](#), art. 2, 3

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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. 3(4A) inserted by [2023 c. 55 Sch. 17 para. 4\(b\)](#)
- s. 9(2)(ca) inserted by [2023 c. 55 Sch. 6 para. 14](#)
- s. 10(4) inserted by [2023 c. 55 s. 124\(6\)](#)
- s. 20(4A) inserted by [2008 c. 29 Sch. 10 para. 26](#)
- s. 21(5A) inserted by [2008 c. 29 Sch. 10 para. 27](#)
- s. 37(3) inserted by [2008 c. 29 Sch. 10 para. 29](#)
- s. 37(5) inserted by [2023 c. 55 s. 124\(7\)\(b\)](#)
- Sch. para. 2(4A) inserted by [2008 c. 29 Sch. 10 para. 30\(2\)](#)
- Sch. para. 2(9) inserted by [2008 c. 29 Sch. 10 para. 30\(3\)](#)
- Sch. para. 3(4A)(4B) inserted by [2008 c. 29 Sch. 10 para. 30\(4\)](#)
- Sch. para. 6(1A) inserted by [2008 c. 29 Sch. 10 para. 30\(6\)](#)