



Environmental Protection Act 1990

1990 CHAPTER 43

PART I

INTEGRATED POLLUTION CONTROL AND AIR POLLUTION CONTROL BY LOCAL AUTHORITIES

Provisions as to offences

23 Offences. **E+W**

- (1) It is an offence for a person—
- (a) to contravene section 6(1) above;
 - (b) to fail to give the notice required by section 9(2) above;
 - (c) to fail to comply with or contravene any requirement or prohibition imposed by an enforcement notice or a prohibition notice;
 - ^{F1}(d)
 - ^{F1}(e)
 - ^{F1}(f)
 - (g) to fail, without reasonable excuse, to comply with any requirement imposed by a notice under section 19(2) above;
 - (h) to make a statement which he knows to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in a material particular, where the statement is made—
 - (i) in purported compliance with a requirement to furnish any information imposed by or under any provision of this Part; or
 - (ii) for the purpose of obtaining the grant of an authorisation to himself or any other person or the variation of an authorisation;
 - (i) intentionally to make a false entry in any record required to be kept under section 7 above;
 - (j) with intent to deceive, to forge or use a document issued or authorised to be issued under section 7 above or required for any purpose thereunder or to make or have in his possession a document so closely resembling any such document as to be likely to deceive;

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent

Changes to legislation: Environmental Protection Act 1990, Section 23 is up to date with all changes known to be in force on or before 16 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

^{F1}(k)
(l) to fail to comply with an order made by a court under section 26 below.

(2) A person guilty of an offence under paragraph (a), (c) or (l) of subsection (1) above shall be liable:

- (a) on summary conviction, to [^{F2}a fine][^{F3}or to imprisonment for a term not exceeding three months, or to both];
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

(3) A person guilty of an offence under paragraph (b), (g), (h), (i) or (j) of subsection (1) above shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

^{F4}(4)

^{F5}(5)

Extent Information

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

Textual Amendments

- F1** S. 23(1)(d)-(f)(k) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 59(2), **Sch. 24** (with ss. 7(6), 115); S.I. 1996/186, **art. 3**
- F2** Words in s. 23(2)(a) 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. 4 para. 22(2)** (with reg. 5(1))
- F3** Words in s. 23(2)(a) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 59(3)** (with ss. 7(6), 115); S.I. 1996/186, **art. 3**
- F4** S. 23(4) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 59(4), **Sch. 24** (with ss. 7(6), 115); S.I. 1996/186, **art. 3**
- F5** S. 23(5) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), **Sch. 22** par. 59(5), Sch. 24 (with ss. 7(6), 115); S.I. 1996/186, **art. 3**

23 Offences. S

- (1) It is an offence for a person—
- (a) to contravene section 6(1) above;
 - (b) to fail to give the notice required by section 9(2) above;
 - (c) to fail to comply with or contravene any requirement or prohibition imposed by an enforcement notice or a prohibition notice;
 - ^{F1}(d)
 - ^{F1}(e)
 - ^{F1}(f)
 - (g) to fail, without reasonable excuse, to comply with any requirement imposed by a notice under section 19(2) above;

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- (h) to make a statement which he knows to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in a material particular, where the statement is made—
 - (i) in purported compliance with a requirement to furnish any information imposed by or under any provision of this Part; or
 - (ii) for the purpose of obtaining the grant of an authorisation to himself or any other person or the variation of an authorisation;
 - (i) intentionally to make a false entry in any record required to be kept under section 7 above;
 - (j) with intent to deceive, to forge or use a document issued or authorised to be issued under section 7 above or required for any purpose thereunder or to make or have in his possession a document so closely resembling any such document as to be likely to deceive;
 - ^{F1}(k)
 - (l) to fail to comply with an order made by a court under section 26 below.
- (2) A person guilty of an offence under paragraph (a), (c) or (l) of subsection (1) above shall be liable:
- (a) on summary conviction, to a fine not exceeding [^{F6}£40,000][^{F3} or to imprisonment for a term not exceeding three months, or to both];
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.
- (3) A person guilty of an offence under paragraph (b), (g), (h), (i) or (j) of subsection (1) above shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

^{F4}(4)

^{F5}(5)

Extent Information

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Textual Amendments

F1 S. 23(1)(d)-(f)(k) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 59(2), **Sch. 24** (with ss. 7(6), 115); S.I. 1996/186, **art. 3**

F3 Words in s. 23(2)(a) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 59(3)** (with ss. 7(6), 115); S.I. 1996/186, **art. 3**

F4 S. 23(4) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 59(4), **Sch. 24** (with ss. 7(6), 115); S.I. 1996/186, **art. 3**

F5 S. 23(5) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), **Sch. 22** par. 59(5), Sch. 24 (with ss. 7(6), 115); S.I. 1996/186, **art. 3**

F6 Words in s. 23(2)(a) substituted (S.) (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 66, 145(2), **Sch. 2 Pt. 1 para. 4(2)**; S.S.I. 2004/420, **art. 3**, Sch. 1

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Changes to legislation:

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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\(4\)](#)