



Environmental Protection Act 1990

1990 CHAPTER 43

PART I

INTEGRATED POLLUTION CONTROL AND AIR POLLUTION CONTROL BY LOCAL AUTHORITIES

Authorisations and other statutory controls

28 Authorisations and other statutory controls. **E+W**

- (1) No condition shall at any time be attached to an authorisation so as to regulate the final disposal by deposit in or on land of controlled waste (within the meaning of Part II), nor shall any condition apply to such a disposal; ^{F1} . . .
- (2) Where any of the activities comprising a prescribed process are regulated both by an authorisation granted by the enforcing authority under this Part and by [^{F2}an environmental permit granted under [^{F3}the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)] in relation to a radioactive substances activity within the meaning of those Regulations], then, if different obligations are imposed as respects the same matter by a condition attached to the authorisation under this Part and a condition attached to the [^{F4}environmental permit], the condition imposed by the authorisation under this Part shall be treated as not binding the person carrying on the process.

^{F5}(3)

^{F5}(4)

Extent Information

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

*Status: Point in time view as at 01/01/2017. 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 28 is up to date with all changes known to be in force on or before 22 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)

Textual Amendments

- F1** Words in s. 28(1) repealed (1.4.1996) by 1995 c. 25, s. 120(1), Sch. 22 para. 61(1), **Sch. 24**(with ss. 7(6), 115); **S.I. 1996/186, art. 3**
- F2** Words in s. 28(2) 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(2)(a)** (with Sch. 4)
- F3** Words in s. 28(2) 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(2)** (with regs. 1(3), 77-79, Sch. 4)
- F4** Words in s. 28(2) 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(2)(b)** (with Sch. 4)
- F5** S. 28(3)(4) repealed (1.4.1996) by 1995 c. 25, s. 120(1), Sch. 22 para. 61(2), **Sch.24**(with ss. 7(6), 115); **S.I. 1996/186, art.3**

28 Authorisations and other statutory controls. S

- (1) No condition shall at any time be attached to an authorisation so as to regulate the final disposal by deposit in or on land of controlled waste (within the meaning of Part II), nor shall any condition apply to such a disposal; ^{F1} . . .
- (2) Where any of the activities comprising a prescribed process are regulated both by an authorisation granted by the enforcing authority under this Part and by a registration or authorisation under the ^{M1}[^{F6}Radioactive Substances Act 1993], then, if different obligations are imposed as respects the same matter by a condition attached to the authorisation under this Part and a condition attached to the registration or authorisation under that Act, the condition imposed by the authorisation under this Part shall be treated as not binding the person carrying on the process.

^{F5}(3)

^{F5}(4)

Extent Information

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

Textual Amendments

- F1** Words in s. 28(1) repealed (1.4.1996) by 1995 c. 25, s. 120(1), Sch. 22 para. 61(1), **Sch. 24**(with ss. 7(6), 115); **S.I. 1996/186, art. 3**
- F5** S. 28(3)(4) repealed (1.4.1996) by 1995 c. 25, s. 120(1), Sch. 22 para. 61(2), **Sch.24**(with ss. 7(6), 115); **S.I. 1996/186, art.3**
- F6** Words in s. 28(2) substituted (27.8.1993) by 1993 c. 12, s. 49(1), **Sch. 4 para. 6** (with ss. 42, 46)

Marginal Citations

M1 1993 C. 12

Status:

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Skip to:

- E+W - England and Wales extent
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Changes to legislation:

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