



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART II

#### WASTE ON LAND

##### *Waste Management Licences*

#### **37 Variation of licences.**

[<sup>F1</sup>(1) While a licence issued by a waste regulation authority is in force, the authority may, subject to regulations under section 35(6) above and to [<sup>F2</sup>subsection (3)] [<sup>F2</sup>subsections (2A) and (3)] below,—

- (a) on its own initiative, modify the conditions of the licence to any extent which, in the opinion of the authority, is desirable and is unlikely to require unreasonable expense on the part of the holder; and
- (b) on the application of the licence holder accompanied by [<sup>F3</sup>the charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995,] modify the conditions of his licence to the extent requested in the application.

(2) While a licence issued by a waste regulation authority is in force, the authority shall, except where it revokes the licence entirely under section 38 below, modify the conditions of the licence—

- (a) to the extent which in the opinion of the authority is required for the purpose of ensuring that the activities authorised by the licence do not cause pollution of the environment or harm to human health or become seriously detrimental to the amenities of the locality affected by the activities; and
- (b) to the extent required by any regulations in force under section 35(6) above.

[<sup>F4</sup>(2A) The conditions of a site licence may not be modified under subsection (1) so as to remove any of the specified land referred to in section 35(1) from the licence.]

**Changes to legislation:** Environmental Protection Act 1990, Section 37 is up to date with all changes known to be in force on or before 26 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

- (3) The Secretary of State may, as respects any licence issued by a waste regulation authority, give to the authority directions as to the modifications which are to be made in the conditions of the licence under subsection (1)(a) or (2)(a) above; and it shall be the duty of the authority to give effect to the directions.
- (4) Any modification of a licence under this section shall be effected by notice served on the holder of the licence and the notice shall state the time at which the modification is to take effect.
- (5) Section 36(4), <sup>F5</sup> . . . (7), <sup>F5</sup> . . . and (10) above shall with the necessary modifications apply to a proposal by a waste regulation authority to modify a licence under subsection (1) or (2)(a) above as they apply to a proposal to issue a licence, except that—
- (a) the authority may postpone the reference so far as the authority considers that by reason of an emergency it is appropriate to do so; and
  - (b) the authority need not consider any representations as respects a modification which, in the opinion of the waste regulation authority, will not affect any authority mentioned in the subsections so applied.
- (6) If within the period of two months beginning with the date on which a waste regulation authority received an application by the holder of a licence for a modification of it, or within such longer period as the authority and the applicant may at any time agree in writing, the authority has neither granted a modification of the licence in consequence of the application nor given notice to the applicant that the authority has rejected the application, the authority shall be deemed to have rejected the application.

<sup>F6</sup>[(7) This section shall have effect subject to section 37A below.]]

#### Textual Amendments

- F1** S. 37 repealed (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), regs. 73, 74(2), Sch. 21 para. 10, **Sch. 23** (with reg. 72, Sch. 4)
- F2** Words in s. 37(1) substituted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **2(6)(a)**
- F3** Words in s. 37(1)(b) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 70(1)** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**
- F4** S. 37(2A) inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **2(6)(b)**
- F5** Words in s. 37(5) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 70(2), **Sch. 24** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**
- F6** S. 37(7) added (1.4.1999) by 1995 c. 25, s. 120(1), **Sch. 22 para. 70(3)** (with ss. 7(6), 115, 117); [S.I. 1999/803](#), **art. 3**

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

- C1** S. 37 excluded (S.) (30.3.2007) by [The Waste Management Licensing Amendment \(Waste Electrical and Electronic Equipment\) \(Scotland\) Regulations 2007 \(S.S.I. 2007/172\)](#), **reg. 8(3)**
- C2** S. 37 excluded (E.W.) (3.11.2003) by [The End-of-Life Vehicles Regulations 2003 \(S.I. 2003/2635\)](#), regs. 1(2), **44(2)**, **46** (with regs. 3, 4)
- C3** S. 37(4) modified (27.7.1999) by 1999 c. 24, s. **4(6)(b)(8)**

#### Commencement Information

- I1** S. 37 not in force at Royal Assent, see s. 164(3); s. 37(3) in force for certain purposes at 18.2.1993 by [S.I. 1993/274](#), **art. 2(2)**; s. 37 in force in so far as not already in force at 1.5.1994 save for purposes of

---

**Changes to legislation:** Environmental Protection Act 1990, Section 37 is up to date with all changes known to be in force on or before 26 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](#)

---

application to activities specified in art. 2(2) of the commencing S.I. and otherwise in force in relation to those activities in accordance with art. 3 of the commencing S.I. by [S.I. 1994/1096, arts. 2\(2\)\(3\), 3](#) (as amended by [S.I. 1994/2487, art. 2](#) and [S.I. 1994/3234, art. 2](#))

**Changes to legislation:**

Environmental Protection Act 1990, Section 37 is up to date with all changes known to be in force on or before 26 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.

[View outstanding changes](#)

**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\(4\)](#)