



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Waste Management Licences

[^{F1}37A Consultation before certain variations.

[^{F2}(1) This section applies where—

- (a) a waste regulation authority proposes to modify a licence under section 37(1) or (2)(a) above; and
 - (b) the licence, if modified as proposed, would be subject to a relevant new condition.
- (2) For the purposes of this section, a “relevant new condition” is any condition by virtue of which the holder of the licence might be required to carry out any works or do any other thing—
- (a) which he might not be entitled to carry out or do, and
 - (b) which he could not be required to carry out or do by virtue of the conditions to which, prior to the modification, the licence is subject.
- (3) Before modifying the licence, the waste regulation authority shall serve on every person appearing to the authority to be a person falling within subsection (4) below a notice which complies with the requirements set out in subsection (5) below.
- (4) A person falls within this subsection if—
- (a) he is the owner, lessee or occupier of any land; and
 - (b) that land is land in relation to which it is likely that, as a consequence of the licence being modified so as to be subject to the relevant new condition in question, rights will have to be granted by virtue of section 35(4) above to the holder of the licence.

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- (5) A notice served under subsection (3) above shall—
- (a) set out the relevant new condition in question;
 - (b) indicate the nature of the works or other things which that condition might require the holder of the licence to carry out or do but which he could not be required to carry out or do by virtue of the conditions (if any) to which, prior to the modification, the licence is subject; and
 - (c) specify the date by which, and the manner in which, any representations relating to the condition or its possible effects are to be made to the waste regulation authority by the person on whom the notice is served.
- (6) The date which, pursuant to subsection (5)(c) above, is specified in a notice shall be a date not earlier than the date on which expires the period—
- (a) beginning with the date on which the notice is served, and
 - (b) of such length as may be prescribed in regulations made by the Secretary of State.
- (7) Before the waste regulation authority issues the licence it must, subject to subsection (8) below, consider any representations made in relation to the condition in question, or its possible effects, by any person on whom a notice has been served under subsection (3) above.
- (8) Subsection (7) above does not require the waste regulation authority to consider any representations made by a person after the date specified in the notice served on him under subsection (3) above as the date by which his representations in relation to the condition or its possible effects are to be made.
- (9) A waste regulation authority may postpone the service of any notice or the consideration of any representations required under the foregoing provisions of this section so far as the authority considers that by reason of an emergency it is appropriate to do so.
- (10) In subsection (3) above, “owner” has the same meaning as it has in subsection (3) of section 36A above by virtue of subsection (8) of that section.]]

Textual Amendments

- F1** S. 37A inserted (1.4.1998 in so far as it confers power to make regulations and 1.4.1999 so far as not already in force) by 1995 c. 25, s. 120(1), **Sch. 22 para. 71** (with ss. 7(6), 115, 117); S.I. 1998/604, **art. 2**; S.I. 1999/803, **art. 3**
- F2** S. 37A 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)
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Modifications etc. (not altering text)

- C1** S. 37A 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. 37A 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)

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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. 34D and cross-heading inserted by [2016 anaw 3 s. 66\(1\)](#)
- 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. 46(5A) inserted by [S.I. 2023/1290 reg. 8](#)
- s. 47(5A) inserted by [S.I. 2023/1290 reg. 9](#)
- s. 73A(10) inserted by [S.I. 2024/365 reg. 2\(b\)\(vi\)](#)
- s. 73ZA inserted by [S.I. 2024/365 reg. 2\(a\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)