



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Waste Management Licences

42 Supervision of licensed activities.

^{F1}(1) While a licence is in force it shall be the duty of the waste regulation authority which granted the licence to take the steps needed—

- (a) 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) for the purpose of ensuring that the conditions of the licence are complied with.

^{F2}(2)

(3) For the purpose of performing the duty imposed on it by subsection (1) above, any officer of the authority authorised in writing for the purpose by the authority may, if it appears to him that by reason of an emergency it is necessary to do so, carry out work on the land or in relation to plant or equipment on the land to which the licence relates or, as the case may be, in relation to the mobile plant to which the licence relates.

(4) Where a waste regulation authority incurs any expenditure by virtue of subsection (3) above, the authority may recover the amount of the expenditure from [^{F3}the holder, or (as the case may be) the former holder, of the licence], except where the holder or former holder of the licence shows that there was no emergency requiring any work or except such of the expenditure as he shows was unnecessary.

Changes to legislation: Environmental Protection Act 1990, Section 42 is up to date with all changes known to be in force on or before 23 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

- (5) Where it appears to a waste regulation authority that a condition of a licence granted by it is not being complied with [^{F4}or is likely not to be complied with,] then, without prejudice to any proceedings under section 33(6) above, the authority may—
- ^{F5}(a) serve on the holder of the licence a notice—
- (i) stating that the authority is of the opinion that a condition of the licence is not being complied with or, as the case may be, is likely not to be complied with;
 - (ii) specifying the matters which constitute the non-compliance or, as the case may be, which make the anticipated non-compliance likely;
 - (iii) specifying the steps which must be taken to remedy the non-compliance or, as the case may be, to prevent the anticipated non-compliance from occurring; and
 - (iv) specifying the period within which those steps must be taken; and
- (b) if in the opinion of the authority the licence holder [^{F6}has not taken the steps specified in the notice within the period so specified,] exercise any of the powers specified in subsection (6) below.
- (6) The powers which become exercisable in the event mentioned in subsection (5)(b) above are the following—
- (a) to revoke the licence so far as it authorises the carrying on of the activities specified in the licence or such of them as the authority specifies in revoking the licence;
 - (b) to revoke the licence entirely; and
 - (c) to suspend the licence so far as it authorises the carrying on of the activities specified in the licence or, as the case may be, the activities specified by the authority in suspending the licence.
- ^{F7}(6ZA) In the case of a site licence, a revocation under subsection (6)(a) or a suspension under subsection (6)(c) may relate to the whole of the land to which the licence relates or to any part of it.]
- ^{F8}[(6A) If a waste regulation authority is of the opinion that revocation or suspension of the licence, whether entirely or to any extent, under subsection (6) above would afford an ineffectual remedy against a person who has failed to comply with any requirement imposed under subsection (5)(a) above, the authority may take proceedings in the High Court or, in Scotland, in any court of competent jurisdiction for the purpose of securing compliance with the requirement.]
- (7) Where a licence is revoked or suspended under subsection (6) above, [^{F9}^{F10}(3A), (5), (12) and (12A)] or, as the case may be, subsections (8) to (12) of section 38] above shall apply with the necessary modifications as they respectively apply to revocations or suspensions of licences under that section; ^{F11} . . .
- (8) The Secretary of State may, if he thinks fit in relation to a licence granted by a waste regulation authority, give to the authority directions as to whether and in what manner the authority should exercise its powers under this section; and it shall be the duty of the authority to give effect to the directions.]

Textual Amendments

- F1** S. 42 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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- F2** S. 42(2) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 76(2), **Sch.24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**
- F3** Words in s. 42(4) substituted (21.9.1995) by 1995 c. 25, s. 120(1), **Sch. 22 para. 76(3)** (with ss. 7(6), 115, 117); S.I. 1995/1983, **art. 3**
- F4** Words in s. 42(5) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 76(4)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**
- F5** S. 42(5)(a) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 76(5)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**
- F6** Words in s. 42(5)(b) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 76(6)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**
- F7** S. 42(6ZA) inserted (S.) (27.3.2011) by The Waste (Scotland) Regulations 2011 (S.S.I. 2011/226), regs. 1(1), **2(11)(a)**
- F8** S. 42(6A) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 76(7)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**
- F9** Words in s. 42(7) substituted (19.7.1995) by 1995 c. 25, s. 120(1), **Sch. 22 para. 76(8)(a)** (with ss. 7(6), 115, 117)
- F10** Words in s. 42(7) substituted (S.) (27.3.2011) by The Waste (Scotland) Regulations 2011 (S.S.I. 2011/226), regs. 1(1), **2(11)(b)**
- F11** Words in s. 42(7) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 76(8)(b), **Sch.24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**

Modifications etc. (not altering text)

- C1** S. 42 modified (27.7.1999) by 1999 c. 24, s. 4(6)(c)(8)
- C2** S. 42 excluded (E.W.) (15.6.2002) by The Landfill (England and Wales) Regulations 2002 (S.I. 2002/1559), regs. 15(6), 17(1), 18, **Sch. 4 para. 1(8)(iii)** (with regs. 3, 4)
S. 42 excluded (S.) (11.4.2003) by The Landfill (Scotland) Regulations 2003 (S.S.I. 2003/235), regs. 1(1), 17(6), 20, **Sch. 5 para. 1(5)(a)(iii)** (with regs. 3, 4)

Commencement Information

- I1** S. 42 not in force at Royal Assent, see s. 164(3); s. 42(8) in force for certain purposes at 18.2.1993 by S.I. 1993/274, **art. 2(2)**; s. 42 in force in so far as not already in force at 1.5.1994 save for purposes of 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**)

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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\(4\)](#)