



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Collection, disposal or treatment of controlled waste

47 Receptacles for commercial or industrial waste.

- (1) A waste collection authority may, at the request of any person, supply him with receptacles for commercial or industrial waste which he has requested the authority to arrange to collect and shall make a reasonable charge for any receptacle supplied unless in the case of a receptacle for commercial waste the authority considers it appropriate not to make a charge.
- (2) If it appears to a waste collection authority that there is likely to be situated, on any premises in its area, commercial waste or industrial waste of a kind which, if the waste is not stored in receptacles of a particular kind, is likely to cause a nuisance or to be detrimental to the amenities of the locality, the authority may, by notice served on him, require the occupier of the premises to provide at the premises receptacles for the storage of such waste of a kind and number specified.
- (3) The kind and number of the receptacles required under subsection (2) above to be used shall be such only as are reasonable.
- (4) In making requirements as respects receptacles under subsection (2) above, the authority may, by the notice under that subsection, make provision with respect to—
 - (a) the size, construction and maintenance of the receptacles;
 - (b) the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose;
 - (c) the placing of the receptacles for that purpose on highways or, in Scotland, roads;

Changes to legislation: Environmental Protection Act 1990, Section 47 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

- (d) the substances or articles which may or may not be put into the receptacles and the precautions to be taken where particular substances or articles are put into them; ^{F1}and]
 - (e) the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles.
 - ^{F2}(f) the removal of the receptacles placed for the purpose of facilitating the emptying of them; and]
 - ^{F2}(g) the time when the receptacles must be placed for that purpose and removed.]
- (5) No requirement shall be made under subsection (2) above for receptacles to be placed on a highway or, as the case may be, road unless—
- (a) the relevant highway authority or roads authority have given their consent to their being so placed; and
 - (b) arrangements have been made as to the liability for any damage arising out of their being so placed.

^{F3}(5A) A requirement imposed on an occupier by a waste collection authority in Wales by a notice under this section does not apply so far as the requirement duplicates or conflicts with a requirement imposed on the occupier under section 45AA(4).]

- (6) A person who fails, without reasonable excuse, to comply with any requirements imposed under subsection (2) or (4) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Where an occupier is required under subsection (2) above to provide any receptacles he may, within the period allowed by subsection (8) below, appeal to a magistrates' court or, in Scotland, to the sheriff by way of summary application against any requirement imposed under subsection (2) or (4) above on the ground that—
 - (a) the requirement is unreasonable; or
 - (b) the waste is not likely to cause a nuisance or be detrimental to the amenities of the locality.
- (8) The period allowed to the occupier of premises for appealing against such a requirement is the period of twenty-one days beginning with the day on which the notice making the requirement was served on him.
- (9) Where an appeal against a requirement is brought under subsection (7) above—
 - (a) the requirement shall be of no effect pending the determination of the appeal;
 - (b) the court shall either quash or modify the requirement or dismiss the appeal; and
 - (c) no question as to whether the requirement is, in any respect, unreasonable shall be entertained in any proceedings for an offence under subsection (6) above.

(10) In this section—

“receptacle” includes a holder for receptacles; and

“specified” means specified in a notice under subsection (2) above.

Textual Amendments

- F1** Word in s. 47(4) repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\), s. 61\(2\), sch. 3 para. 3\(4\)\(a\)](#); S.S.I. 2014/160, art. 2(1)(2), sch.
- F2** S. 47(4)(f)(g) added (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\), s. 61\(2\), sch. 3 para. 3\(4\)\(b\)](#); S.S.I. 2014/160, art. 2(1)(2), sch.

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F3 S. 47(5A) inserted (W.) (6.4.2024) by [The Waste Separation Requirements \(Wales\) Regulations 2023 \(S.I. 2023/1290\)](#), regs. 1(2), **9**

Modifications etc. (not altering text)

C1 S. 47 applied (with modifications) (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\)](#), ss. 1(3)-(5), **21**

C2 S. 47(3)-(6) applied (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\)](#), ss. 1(3)-(5), **22(3)(9)** (with s. 22(10))

Commencement Information

I1 S. 47 wholly in force at 1.4.1992 see s. 164(3) and [S.I. 1992/266](#), **art. 3**.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 47(3) words inserted by [2021 c. 30 s. 57\(6\)](#)

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\(4\)](#)