



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

[^{F1}Special waste][^{F1}Hazardous waste] and non-controlled waste

[^{F1}62ZA Special provision with respect to hazardous waste in England and Wales

- (1) The relevant national authority may, by regulations, make provision for, about or connected with the regulation of hazardous waste in England and Wales.
- (2) Provision that may be made in the regulations includes provision—
 - (a) prohibiting or restricting any activity in relation to hazardous waste;
 - (b) for the giving of directions by waste regulation authorities with respect to matters connected with any activity in relation to hazardous waste;
 - (c) imposing requirements about how hazardous waste may be kept (including requirements about the quantities of hazardous waste which may be kept at any place);
 - (d) about hazardous waste that originated outside England or Wales;
 - (e) about the registration of hazardous waste controllers or places where activities in relation to hazardous waste are carried out;
 - (f) for the keeping of records by hazardous waste controllers;
 - (g) for the inspection of those records by waste regulation authorities or specified persons;
 - (h) for the provision by hazardous waste controllers of copies of, or information derived from, those records to waste regulation authorities or specified persons;
 - (i) for hazardous waste controllers to inform waste regulation authorities, or specified persons, when carrying out activities in relation to hazardous waste;

Changes to legislation: Environmental Protection Act 1990, Section 62ZA is up to date with all changes known to be in force on or before 28 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

- (j) about the circumstances in which waste which is not hazardous waste, but which shares characteristics with hazardous waste, is to be treated as hazardous waste;
 - (k) for, about or connected with criminal offences;
 - (l) for, about or connected with the imposition of civil sanctions.
- (3) The regulations may not provide for an offence to be punishable—
 - (a) on summary conviction, by imprisonment, or
 - (b) on conviction on indictment, by a term of imprisonment exceeding two years.
- (4) For the purposes of this section “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).
- (5) The regulations may make provision for, about or connected with the imposition of a sanction of that kind whether or not—
 - (a) the conduct in respect of which the sanction is imposed constitutes an offence, or
 - (b) the person imposing it is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008.
- (6) The regulations may also include provision—
 - (a) for the supervision by waste regulation authorities—
 - (i) of activities in relation to hazardous waste, or
 - (ii) of hazardous waste controllers;
 - (b) about the keeping of records (which may include registers of hazardous waste controllers and places where hazardous waste may be kept or processed) by waste regulation authorities;
 - (c) as to the recovery of expenses or other charges for the treatment, keeping or disposal or the re-delivery of hazardous waste by waste regulation authorities or hazardous waste controllers;
 - (d) as to appeals to the relevant national authority from decisions of waste regulation authorities.
- (7) This section is subject to section 114 of the Environment Act 1995 (delegation or reference of appeals etc).
- (8) Regulations under this section may confer functions (including functions involving the exercise of a discretion) on the relevant national authority or a waste regulation authority.
- (9) The regulations may—
 - (a) make different provision for different purposes;
 - (b) make incidental, supplementary, consequential, transitional or saving provision.
- (10) For the purposes of this section “mixing” in relation to hazardous waste means—
 - (a) diluting it (with any substance);
 - (b) mixing it with other hazardous waste of a different type, or that has different characteristics;
 - (c) mixing it with any other substance or material (whether waste or not).

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(11) In this section—

“activity”, in relation to hazardous waste, includes—

- (a) keeping, collecting, receiving, importing, exporting, transporting or producing hazardous waste;
- (b) sorting, treating, recovering, mixing or otherwise processing hazardous waste;
- (c) disposing of hazardous waste in any manner (including providing hazardous waste to another person for the purposes of that person carrying out an activity in relation to it);
- (d) examining, testing or classifying hazardous waste (including doing any of those things to waste in connection with establishing whether it is hazardous);
- (e) acting as a broker of, or dealer in, hazardous waste;
- (f) directing or supervising another person in relation to an activity in relation to hazardous waste;

“hazardous waste controller” means a person who carries out any activity in relation to hazardous waste;

“relevant national authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;

“specified” means specified in the regulations.]

Textual Amendments

- F1** S. 62ZA inserted (24.1.2022 for E., 7.3.2022 for W.) by [Environment Act 2021 \(c. 30\)](#), s. 60(2) (with s. 144); S.I. 2022/48, reg. 2(j); S.I. 2022/223, regs. 1(2), 2(b)

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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\(4\)](#)