



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### [<sup>F1</sup>PART IIA

#### CONTAMINATED LAND

#### <sup>F2</sup>[<sup>F1</sup>78YA] **Supplementary provisions with respect to guidance by the Secretary of State.**

- (1) Any power of the Secretary of State to issue guidance under this Part shall only be exercisable after consultation with the appropriate Agency and such other bodies or persons as he may consider it appropriate to consult in relation to the guidance in question.
- (2) A draft of any guidance proposed to be issued under section 78A(2) or (5), 78B(2) or 78F(6) or (7) above shall be laid before each House of Parliament and the guidance shall not be issued until after the period of 40 days beginning with the day on which the draft was so laid or, if the draft is laid on different days, the later of the two days.
- (3) If, within the period mentioned in subsection (2) above, either House resolves that the guidance, the draft of which was laid before it, should not be issued, the Secretary of State shall not issue that guidance.
- (4) In reckoning any period of 40 days for the purposes of subsection (2) or (3) above, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

[ Subsections (2) to (4) shall not apply in respect of a draft of any guidance to be issued <sup>F3</sup>(4A) under section 78A(2) or (5), 78B(2) or 78F(6) or (7) above which relates only to Scotland and such a draft<sup>F4</sup>, and a draft of any guidance referred to in section 78QA(8) or section 78TA(6) above,] shall be laid before the Scottish Parliament and shall not be issued until after the end of the period of 40 days beginning with the day on which the draft was so laid.

- (4B) If within the period mentioned in subsection (4A) above the Scottish Parliament resolves that the guidance, the draft of which was laid before it, should not be issued, the Scottish Ministers shall not issue that guidance.

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**Changes to legislation:** Environmental Protection Act 1990, Section 78YA is up to date with all changes known to be in force on or before 19 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](#)

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- (4C) In reckoning any period of 40 days for the purposes of subsection (4A) or (4B) above no account shall be taken of any time during which the Scottish Parliament is dissolved or is in recess for more than 4 days.]
- (5) The Secretary of State shall arrange for any guidance issued by him under this Part to be published in such manner as he considers appropriate.]

#### Textual Amendments

- F1** Pt. 2A (ss. 78A-78YC) inserted (in force at 21.9.1995 for certain purposes only, at 1.4.2000 for E. in so far as not already in force, at 14.7.2000 for S. for certain purposes and otherwise 14.7.2000) by [1995 c. 25, s. 57](#), (with ss. 7(6), 115, 117); [S.I. 1995/1983, art. 3](#); [S.I. 2000/340, art. 2\(a\)](#); [S.S.I. 2000/180, art. 2\(1\)\(a\)\(2\)](#); [S.I. 2000/1986, art. 2](#)
- F2** Pt. IIA (ss. 78A-78YC) inserted (in force at 21.9.1995 for certain purposes only, at 1.4.2000 for E. in so far as not already in force, at 14.7.2000 for S. for certain purposes and otherwise 14.7.2000) by [1995 c. 25, s. 57](#) (with ss. 7(6), 115, 117); [S.I. 1995/1983, art. 3](#); [S.I. 2000/340, art. 2\(a\)](#); [S.S.I. 2000/180, art. 2\(1\)\(a\)\(2\)](#); [S.I. 2000/1986, art. 2](#)
- F3** S. 78YA(4A)-(4C) inserted (1.7.1999) by [S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 102\(3\)](#)
- F4** Words in s. 78YA(4A) inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\), ss. 45\(6\), 61\(2\)](#); [S.S.I. 2014/160, art. 2\(1\)\(2\), sch.](#)

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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\(4\)](#)