



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 5

WASTE

CHAPTER 2

DEPOSIT AND DISPOSAL OF WASTE

Offence of unlawful deposit of waste etc

42 Investigation and enforcement costs

(1) After section 33 of the Environmental Protection Act 1990 (c. 43) insert—

“33A Section 33 offences: investigation and enforcement costs

- (1) This section applies where a person is convicted of an offence under section 33 above in respect of a contravention of subsection (1) of that section.
- (2) The court by or before which the offender is convicted may make an order requiring him to pay to an enforcement authority a sum which appears to the court not to exceed the costs arising from—
 - (a) investigations of the enforcement authority which resulted in the conviction; and
 - (b) the seizure by the enforcement authority under section 34B below of a vehicle involved in the offence.
- (3) The costs arising from the seizure of a vehicle as specified in subsection (2) (b) above may include the cost of disposing of the contents of the vehicle.

Changes to legislation: Clean Neighbourhoods and Environment Act 2005, Section 42 is up to date with all changes known to be in force on or before 17 July 2023. 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](#)

- (4) The power of a court to make an order under this section is in addition to its power to make an order under section 18 of the Prosecution of Offences Act 1985 (award of costs against accused).
- (5) In this section “enforcement authority” means the Environment Agency or a waste collection authority.”
- (2) This section does not have effect in relation to an offence under section 33 of that Act committed before the commencement of this section.

Commencement Information

II S. 42 in force at 18.10.2005 by [S.I. 2005/2896](#), [art. 2\(a\)](#)

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Commencement Orders yet to be applied to the Clean Neighbourhoods and Environment Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2007/120 art. 3](#) Amendment to earlier commencing [S.I. 2006/2797](#)