



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

43 Clean-up costs

- (1) After section 33A of the Environmental Protection Act 1990 (as inserted by section 42 above) insert—

“33B Section 33 offences: clean-up 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 consisting of the deposit or disposal of controlled waste.
- (2) The reference in section 130(1)(a) of the Powers of Criminal Courts (Sentencing) Act 2000 (compensation orders) to loss or damage resulting from the offence includes costs incurred or to be incurred by a relevant person in—
- removing the waste deposited or disposed of in or on the land;
 - taking other steps to eliminate or reduce the consequences of the deposit or disposal; or
 - both.

Changes to legislation: Clean Neighbourhoods and Environment Act 2005, Section 43 is up to date with all changes known to be in force on or before 11 August 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

- (3) In subsection (2) above “relevant person” means—
- (a) the Environment Agency;
 - (b) a waste collection authority;
 - (c) the occupier of the land;
 - (d) the owner of the land (within the meaning of section 78A(9) below).
- (4) The reference in subsection (2) above to costs incurred does not, in the case of the Environment Agency or a waste collection authority, include any costs which the Agency or authority has already recovered under section 59(8) below.
- (5) In relation to the costs referred to in subsection (2) above, the reference in section 131(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (limit on amount payable) to £5000 is instead to be construed as a reference to the amount of those costs (or, if the costs have not yet been incurred, the likely amount).”
- (2) In section 59 of that Act (power to require removal of waste unlawfully deposited), after subsection (8) insert—
- “(8A) An authority may not recover costs under subsection (8) above if a compensation order has been made under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 in favour of the authority in respect of any part of those costs.
- (8B) Subsection (8A) does not apply if the order is set aside on appeal.”
- (3) 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. 43 in force at 18.10.2005 by [S.I. 2005/2896](#), [art. 2\(b\)](#)

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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