



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 5

WASTE

CHAPTER 2

DEPOSIT AND DISPOSAL OF WASTE

Local authority waste collection and disposal

50 Power to require owner of land to remove waste

- (1) In section 59 of the Environmental Protection Act 1990 (c. 43) (power to require removal of waste unlawfully deposited), in subsection (7)(b) after “occupier of the land” insert “ or the occupier cannot be found without the authority incurring unreasonable expense ”.
- (2) After that section insert—

“59ZA Section 59: supplementary power in relation to owner of land

- (1) Where the grounds in subsection (2), (3) or (4) below are met, a waste regulation authority or waste collection authority may, by notice served on him, require the owner of any land in its area to comply with either or both of the requirements mentioned in subsection (1)(a) and (b) of section 59 above.
- (2) The grounds in this subsection are that it appears to the authority that waste has been deposited in or on the land in contravention of section 33(1) above and—

Changes to legislation: Clean Neighbourhoods and Environment Act 2005, Section 50 is up to date with all changes known to be in force on or before 18 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

- (a) there is no occupier of the land, or
 - (b) the occupier cannot be found without the authority incurring unreasonable expense.
- (3) The grounds in this subsection are that—
 - (a) the authority has served a notice under subsection (1) of section 59 above imposing a requirement on the occupier of the land,
 - (b) the occupier of the land is not the same person as the owner of the land, and
 - (c) the occupier has failed to comply with the requirement mentioned in paragraph (a) above within the period specified in the notice.
- (4) The grounds in this subsection are that—
 - (a) the authority has served a notice under subsection (1) of section 59 above imposing a requirement on the occupier of the land,
 - (b) the occupier of the land is not the same person as the owner of the land, and
 - (c) the requirement mentioned in paragraph (a) above has been quashed on the ground specified in subsection (3)(a) of that section.
- (5) Subsections (2) to (6) of section 59 above apply in relation to requirements imposed under this section on the owner of the land as they apply in relation to requirements imposed under that section on the occupier of the land but as if in subsection (3) there were inserted after paragraph (a)—
 - “(aa) in order to comply with the requirement the appellant would be required to enter the land unlawfully; or”.
- (6) In this section “owner” has the meaning given to it in section 78A(9) below.”

Commencement Information

- I1** [S. 50](#) in force at 6.4.2006 for E. by [S.I. 2006/795](#), [art. 2\(3\)](#), [Sch. 2](#)
- I2** [S. 50](#) in force at 27.10.2006 for W. by [S.I. 2006/2797](#), [art. 2\(i\)](#)

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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