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STATUTORY INSTRUMENTS

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**1991 No. 96 (C.3)**

**ENVIRONMENTAL PROTECTION**

**The Environmental Protection Act 1990  
(Commencement No. 5) Order 1991**

*Made - - - - 13th January 1991*

The Secretary of State, in exercise of the powers conferred upon him by section 164(3) of the Environmental Protection Act 1990<sup>(1)</sup>, and of all other powers enabling him on that behalf, hereby makes the following Order:—

**1.**—(1) This Order may be cited as the Environmental Protection Act 1990 (Commencement No. 5) Order 1991.

(2) In this Order “the Act” means the Environmental Protection Act 1990.

**2.** Sections 86(2), (6) to (8), (11), (14) and (15), 88(5), (7), and (9)(b), 89(4), 90(1), (2) and (7), 94(1) and (2) and 96(2) and (3) of the Act, and section 162(1) of the Act in so far as it relates to paragraphs 10(3) and 15(3) to (5) of Schedule 15 to the Act, shall come into force on 14th January 1991.

**3.** The following provisions of the Act shall come into force, in relation to England and Wales only, on 13th February 1991—

section 86(1), (4), (5), (9) and (13),

section 87(1), (2), (3)(a) to (e) and (4) to (6),

section 88(1) to (4), (6), (8), (9)(a) and (c) to (e) and (10), and

section 98(1), (2), (5) and (6).

13th January 1991

*Michael Heseltine*  
One of Her Majesty’s Principal Secretaries of  
State

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of the Order brings into force on 14th January 1991—

- (a) the provisions of Part IV of the Environmental Protection Act 1990 (“the Act”) which enable the Secretary of State to make orders and regulations, and
- (b) the provisions of Schedule 15 to the Act which relate to Part III of the Act and which were not brought into force by section 164(2) of the Act.

Article 3 of the Order relates to England and Wales only. It brings into force on 13th February 1991 sections 86(1), (4), (5), (9) and (13), 87(1), (2), (3)(a) to (e) and (4) to (6), 88(1) to (4), (6), (8), (9)(a) and (c) to (e) and (10) and 98(1), (2), (5) and (6) of the Act. Section 87 creates an offence of depositing litter in public open places and in other places specified in section 87(3). Section 88 enables an authorised officer of a litter authority to serve a fixed penalty notice on a person whom he has reason to believe has committed an offence under section 87. Sections 86 and 98 make provision supplementary to that in sections 87 and 88.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

| Provision   | Date of Commencement | S. I. No.                 |
|---|----------------------|---------------------------|
| ss. 128 to 139 (save for amendments made by ss. 128, 130 and 132) | 5. 11. 1990          | <a href="#">1990/2226</a> |
| s. 89(7), (8), (9), (11), (12) and (13)                           | 13. 11. 1990         | <a href="#">1990/2243</a> |
| s. 105 (partially)  | 7. 12. 1990          | <a href="#">1990/2565</a> |
| s. 3  | 19. 12. 1990         | <a href="#">1990/2635</a> |
| ss. 1, 2, 4 to 28, 100 to 104, 105, 159 and 162(2) (partially)    | 1. 1. 1991           | <a href="#">1990/2635</a> |