
STATUTORY INSTRUMENTS

1992 No. 266 (C.5)

ENVIRONMENTAL PROTECTION

The Environmental Protection Act 1990
(Commencement No. 11) Order 1992

Made - - - - 13th February 1992

The Secretary of State, in exercise of his powers under section 164(3) of the Environmental Protection Act 1990⁽¹⁾, hereby makes the following Order:

Citation

1. This Order may be cited as the Environmental Protection Act 1990 (Commencement No. 11) Order 1992.

Provisions coming into force on 14th February 1992

2. The following provisions of the Environmental Protection Act 1990 shall come into force on 14th February 1992—

- sections 45 and 149 to 151, in so far as they enable orders or regulations to be made;
- section 143(1), (5) and (6), in so far as they extend to England and Wales.

Provisions coming into force on 1st April 1992

3. The following provisions of the Environmental Protection Act 1990 shall come into force on 1st April 1992—

- section 45(1) and (3) to (12) (in so far as not already in force);
- section 45(2), in so far as it extends to Scotland;
- sections 46 and 47;
- section 48(1) to (6), (8) and (9);
- section 52(1), (3) to (7) and (9) to (11);
- section 53;
- sections 55 and 56;
- section 73(1) to (5);

(1) 1990 c. 43.

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sections 149 to 151 (in so far as not already in force);

section 162(1) in so far as it relates to paragraphs 3 and 19 of Schedule 15;

section 162(2) in so far as it relates to the following repeals in Schedule 16—

in Part II, the repeals of the following sections—

(a) sections 12, 13 and 14(1) to (5) and (7) to (11) of the Control of Pollution Act 1974⁽²⁾, save in so far as they relate to industrial waste in England and Wales;

(b) section 15 of that Act;

(c) the repeals relating to the Civic Government (Scotland) Act 1982⁽³⁾;

in Part IX, the repeals relating to the Dogs Act 1906⁽⁴⁾, the Civic Government (Scotland) Act 1982 and the Local Government Act 1988⁽⁵⁾;

section 162(3).

Michael Heseltine

One of Her Majesty's Principal Secretaries of
State

13th February 1992

(2) 1974 c. 40.
(3) 1982 c. 45.
(4) 1906 c. 32.
(5) 1988 c. 9.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force on 14th February 1992—

(1) provisions of section 45 of the Environmental Protection Act 1990 enabling the Secretary of State to make regulations prescribing cases where waste collection authorities may charge for the collection of household waste;

(2) in England and Wales, those provisions of section 143 of the Act which enable the Secretary of State to make regulations in relation to public registers of land which may be contaminated;

(3) provisions of Part VIII of the Act concerning control of dogs—

(a) enabling the Secretary of State to make regulations prescribing the particulars to be contained in the register of stray dogs seized, the further amount to be paid by those claiming stray dogs in addition to the expenses of their detention, and the procedure to be followed for allowing finders to keep the dogs;

(b) amending the Animal Health Act 1981 so that orders made under that Act requiring collar and tag identification to be worn by dogs may provide for local authority officers appointed under section 149 of the 1990 Act to execute and enforce those orders.

Article 3 brings into force on 1st April 1992—

(1) provisions of Part II of the Act concerning the collection and recycling of controlled waste;

(2) in Scotland, the provisions of section 45 of the Act which enable waste collection authorities to arrange for the collection of industrial waste;

(3) provisions of Part VIII of the Act—

(a) requiring local authorities to appoint an officer to deal with stray dogs found in their area, including seizing and detaining such dogs;

(b) requiring finders of stray dogs to return them to their owner or take them to the appointed officer or the nearest police station, and regulating the procedure for dealing with such dogs;

(4) certain amendments and repeals.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Environmental Protection Act 1990 have been or will be brought into force by commencement orders made before the date of this Order:

| <i>Provisions</i> | <i>Date of commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|---------------------------|
| ss.128 to 139 (save for the amendments made by ss.128, 130 and 132) | 5.11.1990 | 1990/2226 |
| s.89(7) to (9) and (11) to (13) | 13.11.1990 | 1990/2243 |
| s.105 (partially) | 7.12.1990 | 1990/2565 |

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| <i>Provisions</i> | <i>Date of commencement</i> | <i>S.I. No.</i> |
|--|---------------------------------------|-----------------|
| s.3 | 19.12.1990 | 1990/2635 |
| ss.1, 2, 4 to 28, 100 to 104, 105 (partially), 159 and 162(2) (partially) | 1.1.1991 | 1990/2635 |
| ss.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), 96(2) and (3) and 162(1) (partially) | 14.1.1991 | 1991/96 |
| ss.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), 98(1),(2), (5) and (6) | (England and Wales only) 13.2.1991 | 1991/96 |
| the amendments made by ss.128, 130 and 132 s.162(2) (partially) | 1.4.1991 | 1991/685 |
| ss.86(3) and (10), 87(7), 89(1) (a) to (f), (2), (3), (5), (6), (10)and (14), 91(1)(a) to (f), (2) to (13), 92(1)(a) to (c), (2) to (10),93, 94(3) to (9), 95, 96(1), 98(3) and (4), 106(4) and (5), 107(8), 108(1)(b), (3) (b), (5), (7) and (9), 111(1), (2), (4), (5), (7) and (11), 113, 114(1) to (3), 115(4), 122(1) (partially) and (4), 123(7) and (9), 124 to 126, 156, 158, 162(1) and (2) (partially) | 1.4.1991 | 1991/1042 |
| ss.86(1), (4), (5) and (13), 87(1), (2), (3)(a) to (e) and (4) to (6), 88(1) to (4), (6), (8), (9) (a), (c) and (d) and (10) and 98(1), (5) and (6) | (Scotland only) 1.4.1991 | 1991/1042 |
| ss.29 to 32, 50, 51, 60 (partially), 68, 71, 72, 75, 77, 147, 162(1) and (2) (partially) | 31.5.1991 | 1991/1319 |
| ss.86(12), 87(3)(f), 89(1)(g), 90(3) to (6), 91(1)(g) and 92(1) (d) | 1.6.1991 | 1991/1042 |
| s.152 | 10.7.1991 | 1991/1577 |
| s.49 | 1.8.1991 | 1991/1577 |
| ss.33(3) and (4), 34(5), (7) to (9) and (11), 52(8) (partially) and 78 | 13.12.1991 | 1991/2829 |

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| <i>Provisions</i> | <i>Date of commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|---------------------------|
| ss.144 (partially) and 162(2) (partially) | 1.1.1992 | 1991/2829 |
| ss.33(1)(c), 33(2) and (6) to (9) (partially), 34, 69, 70 and 162(1) and (2) (partially) | 1.4.1992 | 1991/2829 |