



Environmental Protection Act 1990

1990 CHAPTER 43

PART VIII

MISCELLANEOUS

Other controls on substances, articles or waste

140 Power to prohibit or restrict the importation, use, supply or storage of injurious substances or articles.

- (1) The Secretary of State may by regulations prohibit or restrict—
 - (a) the importation into and the landing and unloading in the United Kingdom,
 - (b) the use for any purpose,
 - (c) the supply for any purpose, and
 - (d) the storage,of any specified substance or article if he considers it appropriate to do so for the purpose of preventing the substance or article from causing pollution of the environment or harm to human health or to the health of animals or plants.
- (2) Any such prohibition or restriction may apply—
 - (a) in all, or only in specified, areas;
 - (b) in all, or only in specified, circumstances or if conditions imposed by the regulations are not complied with; and
 - (c) to all, or only to specified descriptions of, persons.
- (3) Regulations under this section may—
 - (a) confer on the Secretary of State power to direct that any substance or article whose use, supply or storage is prohibited or restricted is to be treated as waste or controlled waste of any description and in relation to any such substance or article—
 - (i) to apply, with or without modification, specified provisions of Part II; or

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- (ii) to direct that it be disposed of or treated in accordance with the direction;
 - (b) confer on the Secretary of State power, where a substance or article has been imported, landed or unloaded in contravention of a prohibition or restriction imposed under subsection (1)(a) above, to require that the substance or article be disposed of or treated in or removed from the United Kingdom;
 - (c) confer powers corresponding to those conferred by [^{F1}section 108 of the Environment Act 1995] on persons authorised for any purpose of the regulations by the Secretary of State or any local or other authority; and
 - (d) include such other incidental and supplemental, and such transitional provisions, as the Secretary of State considers appropriate.
- (4) The Secretary of State may, by regulations under this section, direct that, for the purposes of any power conferred on him under subsection (3)(b) above, any prohibition or restriction on the importation into or the landing and unloading in the United Kingdom imposed—
- ^{F2}(a)
 - (b) by or under any enactment,
- shall be treated as imposed under subsection (1)(a) above and any power conferred on him under subsection (3)(b) above shall be exercisable accordingly.
- ^{F3}(5)
- (6) Subject to subsection (7) below, it shall be the duty of the Secretary of State before he makes any regulations under this section other than regulations under subsection (4) above—
- ^{F4}(a)
 - (b) ^{F5}... to publish in the London Gazette and, if the regulations apply in Scotland or Northern Ireland, the Edinburgh Gazette or, as the case may be, Belfast Gazette and in any other publication which he considers appropriate, a notice indicating the effect of the proposed regulations and specifying—
 - (i) the date on which it is proposed that the regulations will come into force;
 - (ii) a place where a draft of the proposed regulations may be inspected free of charge by members of the public during office hours; and
 - (iii) a period of not less than fourteen days, beginning with the date on which the notice is first published, during which representations in writing may be made to the Secretary of State about the proposed regulations; and
 - (c) to consider any representations which are made to him in accordance with the notice.
- (7) The Secretary of State may make regulations under this section in relation to any substance or article without observing the requirements of subsection (6) above where it appears to him that there is an imminent risk, if those requirements are observed, that serious pollution of the environment will be caused.
- (8) The Secretary of State may, after performing the duty imposed on him by subsection (6) above with respect to any proposed regulations, make the regulations either—
- (a) in the form of the draft mentioned in subsection (6)(b) above, or
 - (b) in that form with such modifications as he considers appropriate;

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but the Secretary of State shall not make any regulations incorporating modifications unless he is of opinion that it is appropriate for the requirements of subsection (6) above to be disregarded.

- (9) Regulations under this section may provide that a person who contravenes or fails to comply with a specified provision of the regulations or causes or permits another person to contravene or fail to comply with a specified provision of the regulations commits an offence and may prescribe the maximum penalty for the offence.
- (10) No offence under the regulations shall be made punishable with imprisonment for more than two years or punishable on summary conviction with a fine exceeding level 5 on the standard scale (if not calculated on a daily basis) or, in the case of a continuing offence, ^{F6}exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence.]^{F6}—
- (a) exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence, or
- (b) if there is no maximum penalty for the original offence, exceeding one-tenth of the greater of £5,000 or level 4 on the standard scale.]
- (11) In this section—

^{F7}“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;]

“the environment” means the air, water and land, or any of those media, and the medium of air includes the air within buildings and the air within other natural or man-made structures above or below ground;

“specified” means specified in the regulations; and

“substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour and it includes mixtures of substances.

Textual Amendments

- F1** Words in s. 140(3)(c) substituted (E.W.S.) (6.5.1999) by [S.I. 1999/1108, reg. 2](#)
- F2** [S. 140\(4\)\(a\)](#) omitted (31.12.2020) by virtue of [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), [regs. 1\(1\), 2\(6\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** [S. 140\(5\)](#) repealed (22.7.2012) by [The Advisory Committee on Hazardous Substances \(Abolition\) Order 2012 \(S.I. 2012/1923\)](#), [art. 1\(2\)](#), [Sch.](#)
- F4** [S. 140\(6\)\(a\)](#) repealed (22.7.2012) by [The Advisory Committee on Hazardous Substances \(Abolition\) Order 2012 \(S.I. 2012/1923\)](#), [art. 1\(2\)](#), [Sch.](#)
- F5** Words in [s. 140\(6\)\(b\)](#) repealed (22.7.2012) by [The Advisory Committee on Hazardous Substances \(Abolition\) Order 2012 \(S.I. 2012/1923\)](#), [art. 1\(2\)](#), [Sch.](#)
- F6** Words in [s. 140\(10\)](#) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), [reg. 1\(1\)](#), [Sch. 3 para. 16\(2\)](#) (with [reg. 5\(1\)](#))
- F7** Words in [s. 140\(11\)](#) inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), [s. 61\(2\)](#), [sch. 3 para. 40\(9\)](#); [S.S.I. 2014/160](#), [art. 2\(1\)\(2\)](#), [sch.](#)

Modifications etc. (not altering text)

- C1** [S. 140](#) extended (with modifications) (19.2.1999) by [S.I. 1999/396, reg. 2](#)

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141 Power to [^{F8}regulate] the importation or exportation of waste [^{F9}or the transit of waste for export].

[^{F10}(1) The Secretary of State may, by regulations, make provision for, about or connected with the regulation of the importation or exportation of waste or the transit of waste for export.

(1A) Provision that may be made in regulations under this section includes provision prohibiting or restricting—

- (a) the importation of waste;
- (b) the landing and unloading of waste in the United Kingdom;
- (c) the exportation of waste;
- (d) the loading of waste for exportation;
- (e) the transit of waste for export.

(1B) The provision that may be made by virtue of subsection (1A) includes provision which relates to—

- (a) the intended final destination of waste, or
- (b) the countries or territories it is intended to pass through before reaching that destination.]

(2) Regulations under this section may make different provision for different descriptions of waste or waste of any description in different circumstances.

[^{F11}(3) Regulations under this section may confer functions on the Secretary of State or a waste regulation authority, including functions—

- (a) involving the exercise of a discretion;
- (b) relating to enforcement.]

^{F12}(4)

(5) Regulations under this section may—

^{F13}(a)

[^{F14}(aa) provide for the Secretary of State to issue general directions as to the exercise by waste regulation authorities of their functions in connection with the regulation of the importation or exportation of waste or the transit of waste for export;]

(b) impose or provide for the imposition of prohibitions either absolutely or only if conditions or procedures ^{F15}... are not complied with;

[^{F16}(ba) provide for the charging by waste regulation authorities of fees or charges payable by persons involved in the importation or exportation of waste or the transit of waste for export;

(bb) provide that such fees or charges may be used by waste regulation authorities to meet costs incurred in exercising their functions in connection with the regulation of those activities;]

(c) impose duties to be complied with before, on or after any importation or exportation of waste by persons who are, or are to be, consignors, consignees, carriers or holders of the waste or any waste derived from it;

(d) confer powers corresponding [^{F17}, with or without modifications, to section 108(4) of the Environment Act 1995 (powers of entry and seizure) on persons authorised by the Secretary of State or a waste regulation authority;]

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- (e) provide for appeals to the Secretary of State from determinations made by [^{F18}waste regulation authorities];
 - (f) provide for the keeping by the Secretary of State, waste regulation authorities and waste collection authorities of public registers of information relating to the importation and exportation of waste and for the transmission of such information between any of those persons;
 - [^{F19}(fa) make provision authorising the disclosure of information by Officers of Revenue and Customs to waste regulation authorities;
 - (fb) confer, on persons designated as general customs officials under section 3(1) of the Borders, Citizenship and Immigration Act 2009, functions relating to the seizure and detention of waste that has arrived at, or entered into, the United Kingdom or is to leave the United Kingdom;]
 - (g) create offences, subject to the limitation that no offence shall be punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than [^{F20}the prescribed term] or a fine exceeding level 5 on the standard scale (if not calculated on a daily basis) or, in the case of a continuing offence, [^{F21}exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence.][^{F21}—
 - (i) exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence, or
 - (ii) if there is no maximum penalty for the original offence, exceeding one-tenth of the greater of £5,000 or level 4 on the standard scale.]
 - [^{F22}(h) make provision for, about or connected with the imposition of civil sanctions.]
- [^{F23}(5A) In subsection (5)(g), “the prescribed term” means—
- (a) in relation to England and Wales, where the offence is a summary offence, 51 weeks;
 - (b) in relation to England and Wales, where the offence is triable either way, [^{F24}the general limit in a magistrates’ court];
 - (c) in relation to Scotland and Northern Ireland, six months.]
- [^{F25}(5AA) Regulations under this section that—
- (a) make provision for a summary offence under the law of England and Wales to be punishable with imprisonment for more than 6 months (“the relevant provision”), and
 - (b) are made—
 - (i) on or after 2 May 2022, but
 - (ii) before the day on which section 281(5) of the Criminal Justice Act 2003 comes into force,
- must also provide that, in relation to an offence committed before the day referred to in paragraph (b)(ii), any reference in the relevant provision to a term of imprisonment of more than 6 months is to be read as a reference to a term of imprisonment of 6 months.]
- [^{F26}(5B) For the purposes of this section “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).
- (5C) The regulations may make provision for, about or connected with the imposition of a sanction of that kind whether or not—

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- (a) the conduct in respect of which the sanction is imposed constitutes an offence, or
 - (b) the person imposing it is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008.
- (5D) Regulations under this section may make provision in relation to any area of sea or seabed or its subsoil within the seaward limits of—
- (a) the area designated by Order in Council under section 1(7) of the Continental Shelf Act 1964 (designation of continental shelf), or
 - (b) the area designated by Order in Council under section 41(3) of the Marine and Coastal Access Act 2009 (designation of exclusive economic zone).
- (5E) Regulations under this section may make consequential, supplementary, incidental, transitional or saving provision, including provision amending, repealing or revoking primary legislation or [^{F27}assimilated direct] legislation.]
- (6) In this section—
- “the environment” means land, water and air or any of them;
 - [^{F28}“exportation”, in relation to waste, means causing it to leave the United Kingdom;]
 - “harm” includes offence to any of man’s senses;
 - [^{F28}“importation”, in relation to waste, means causing it to arrive at, or enter into, the United Kingdom;]
 - [^{F28}“primary legislation” means—
 - (a) an Act of Parliament,
 - (b) a Measure or Act of Senedd Cymru,
 - (c) an Act of the Scottish Parliament, or
 - (d) Northern Ireland legislation;] - [^{F28}“transit of waste for export” means the transportation or keeping of waste, that has arrived at, or has entered, the United Kingdom, for the purpose of facilitating its leaving the United Kingdom;]
 - “waste”, “waste collection authority”, and “waste regulation authority” have the same meaning as in Part II; and
 - “the United Kingdom” includes its territorial sea.
- (7) In the application of this section to Northern Ireland and the territorial sea of the United Kingdom adjacent to Northern Ireland “waste regulation authority” means [^{F29}the Department of the Environment for Northern Ireland].

Textual Amendments

- F8** Word in s. 141 heading substituted (24.1.2022) by Environment Act 2021 (c. 30), ss. 62(2)(a), 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F9** Words in s. 141 heading inserted (24.1.2022) by Environment Act 2021 (c. 30), ss. 62(2)(b), 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F10** S. 141(1)-(1B) substituted for s. 141(1) (24.1.2022) by Environment Act 2021 (c. 30), ss. 62(3), 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F11** S. 141(3) substituted (24.1.2022) by Environment Act 2021 (c. 30), ss. 62(4), 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F12** S. 141(4) omitted (24.1.2022) by virtue of Environment Act 2021 (c. 30), ss. 62(5), 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)

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- F13 S. 141(5)(a) omitted (24.1.2022) by virtue of Environment Act 2021 (c. 30), **ss. 62(6)(a)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F14 S. 141(5)(aa) inserted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(6)(b)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F15 Words in s. 141(5)(b) omitted (24.1.2022) by virtue of Environment Act 2021 (c. 30), **ss. 62(6)(c)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F16 S. 141(5)(ba)(bb) inserted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(6)(d)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F17 Words in s. 141(5)(d) substituted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(6)(e)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F18 Words in s. 141(5)(e) substituted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(6)(f)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F19 S. 141(5)(fa)(fb) inserted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(6)(g)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F20 Words in s. 141(5)(g) substituted (2.5.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 27 para. 6(2)** (with s. 283(7)); S.I. 2022/500, reg. 3(b)(ii)
- F21 Words in s. 141(5)(g) substituted (E.W.) (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 3 para. 16(3)** (with reg. 5(1))
- F22 S. 141(5)(h) inserted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(6)(h)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F23 S. 141(5A) inserted (2.5.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 27 para. 6(3)** (with s. 283(7)); S.I. 2022/500, reg. 3(b)(ii)
- F24 Words in s. 141(5A)(b) substituted (14.7.2022) by Judicial Review and Courts Act 2022 (c. 35), s. 51(4), **Sch. 2 para. 17**; S.I. 2022/816, regs. 1(2), 3(d)
- F25 S. 141(5AA) inserted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), **7(2)**
- F26 S. 141(5B)-(5E) inserted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(7)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F27 Words in s. 141(5E) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 29(7)**
- F28 Words in s. 141(6) inserted (24.1.2022) by Environment Act 2021 (c. 30), **ss. 62(8)**, 147(3) (with s. 144); S.I. 2022/48, reg. 2(k)
- F29 Words in s. 141(7) substituted (N.I.) (27.11.2003 save for specified purposes and otherwise in accordance with art. 3 of the commencing S.R.) by S.I. 1997/2778 (N.I. 19), art. 83(1), Sch. 5 para. 5; S.R. 2003/489, **art. 2**, Sch.

142 Powers to obtain information about potentially hazardous substances. E+W

- (1) The Secretary of State may, for the purpose of assessing their potential for causing pollution of the environment or harm to human health, by regulations make provision for and in connection with the obtaining of relevant information relating to substances which may be specified by him by order for the purposes of this section.
- (2) The Secretary of State shall not make an order under subsection (1) above specifying any substance—
 - (a) which was first supplied in any member State [^{F30}or in the United Kingdom] on or after 18th September 1981; or
 - (b) in so far as it is a regulated substance for the purposes of any relevant enactment.

^{F31}(3)

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- (4) Regulations under this section may—
- (a) prescribe the descriptions of relevant information which are to be furnished under this section in relation to specified substances;
 - (b) impose requirements on manufacturers, importers or suppliers generally to furnish information prescribed under paragraph (a) above;
 - (c) provide for the imposition of requirements on manufacturers, importers or suppliers generally to furnish relevant information relating to products or articles containing specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
 - (d) provide for the imposition of requirements on particular manufacturers, importers or suppliers to furnish further information relating to specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
 - (e) provide for the imposition of requirements on particular manufacturers or importers to carry out tests of specified substances and to furnish information of the results of the tests;
 - (f) authorise persons to comply with requirements to furnish information imposed on them by or under the regulations by means of representative persons or bodies;
 - (g) impose restrictions on the disclosure of information obtained under this section and provide for determining what information is, and what information is not, to be treated as furnished in confidence;
 - (h) create offences, subject to the limitation that no offence shall be punishable with imprisonment or punishable on summary conviction with a fine exceeding level 5 on the standard scale;
 - (i) make any public authority designated by the regulations responsible for the enforcement of the regulations to such extent as may be specified in the regulations;
 - (j) include such other incidental and supplemental, and such transitional, provisions as the Secretary of State considers appropriate.
- (5) The Secretary of State shall have regard, in imposing or providing for the imposition of any requirement under subsection (4)(b), (c), (d) or (e) above, to the cost likely to be involved in complying with the requirement.
- (6) In this section—
- “the environment” means the air, water and land or any of them;
- “relevant information”, in relation to substances, products or articles, means information relating to their properties, production, distribution, importation or use or intended use and, in relation to products or articles, to their disposal as waste;
- “substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour and it includes mixtures of substances.
- ^{F32}(7) The enactments which are relevant for the purposes of subsection (2)(b) above are the following—
- [^{F33}the Explosives Regulations 2014];
- [^{F34}[^{F35}the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)] in relation to radioactive material or radioactive waste;]

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[^{F36}Parts 3 to 8 and 16 of the Human Medicines Regulations 2012];
Part IV of the ^{M1}Agriculture Act 1970;
the ^{M2}Misuse of Drugs Act 1971;
Part III of the ^{M3}Food and Environment Protection Act 1985; ^{F37} . . .
the ^{M4}Food Safety Act 1990;
[^{F38}the Veterinary Medicines Regulations 2006;

and a substance is a regulated substance for the purposes of any such enactment in so far as any prohibition, restriction or requirement is imposed in relation to it by or under the enactment for the purposes of that enactment.]

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only

Textual Amendments

- F30** Words in s. 142(2)(a) inserted (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **2(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** S. 142(3) repealed (22.7.2012) by [The Advisory Committee on Hazardous Substances \(Abolition\) Order 2012 \(S.I. 2012/1923\)](#), art. 1(2), **Sch.**
- F32** By [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), arts. 1, 27(1), **Sch. 6 para. 14(3)** (with reg. 26) it is provided that for the words "Explosive Substances Act 1875" in s. 142(7) there be substituted (N.I.) (1.12.2006) the words "Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006"
- F33** Words in s. 142(7) substituted (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 13 para. 6**
- F34** Words in s. 142(7) substituted (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), regs. 1(1)(b), 107, **Sch. 26 para. 5(12)** (with Sch. 4)
- F35** Words in s. 142(7) substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 para. 6(7)** (with regs. 1(3), 77-79, Sch. 4)
- F36** Words in s. 142(7) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 41** (with Sch. 32)
- F37** Word in s. 142(7) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(a)** (with reg. 3)
- F38** Words in s. 142(7) added (1.10.2006) by [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(b)** (with reg. 3)

Marginal Citations

- M1** 1970 c. 40.
M2 1971 c. 38.
M3 1985 c. 48.
M4 1990 c. 16.

142 Powers to obtain information about potentially hazardous substances. **S+N.I.**

- (1) The Secretary of State may, for the purpose of assessing their potential for causing pollution of the environment or harm to human health, by regulations make provision for and in connection with the obtaining of relevant information relating to substances which may be specified by him by order for the purposes of this section.

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(2) The Secretary of State shall not make an order under subsection (1) above specifying any substance—

- (a) which was first supplied in any member State [^{F30}or in the United Kingdom] on or after 18th September 1981; or
- (b) in so far as it is a regulated substance for the purposes of any relevant enactment.

^{F31}(3)

(4) Regulations under this section may—

- (a) prescribe the descriptions of relevant information which are to be furnished under this section in relation to specified substances;
- (b) impose requirements on manufacturers, importers or suppliers generally to furnish information prescribed under paragraph (a) above;
- (c) provide for the imposition of requirements on manufacturers, importers or suppliers generally to furnish relevant information relating to products or articles containing specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
- (d) provide for the imposition of requirements on particular manufacturers, importers or suppliers to furnish further information relating to specified substances in relation to which information has been furnished in pursuance of paragraph (b) above;
- (e) provide for the imposition of requirements on particular manufacturers or importers to carry out tests of specified substances and to furnish information of the results of the tests;
- (f) authorise persons to comply with requirements to furnish information imposed on them by or under the regulations by means of representative persons or bodies;
- (g) impose restrictions on the disclosure of information obtained under this section and provide for determining what information is, and what information is not, to be treated as furnished in confidence;
- (h) create offences, subject to the limitation that no offence shall be punishable with imprisonment or punishable on summary conviction with a fine exceeding level 5 on the standard scale;
- (i) make any public authority designated by the regulations responsible for the enforcement of the regulations to such extent as may be specified in the regulations;
- (j) include such other incidental and supplemental, and such transitional, provisions as the Secretary of State considers appropriate.

(5) The Secretary of State shall have regard, in imposing or providing for the imposition of any requirement under subsection (4)(b), (c), (d) or (e) above, to the cost likely to be involved in complying with the requirement.

(6) In this section—

“the environment” means the air, water and land or any of them;

“relevant information”, in relation to substances, products or articles, means information relating to their properties, production, distribution, importation or use or intended use and, in relation to products or articles, to their disposal as waste;

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“substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour and it includes mixtures of substances.

^{F32}(7) The enactments which are relevant for the purposes of subsection (2)(b) above are the following—

- [^{F33}the Explosives Regulations 2014];
- [^{F41}the ^{M5}[^{F42}Radioactive Substances Act 1993][^{F42}Environmental Authorisations (Scotland) Regulations 2018]];
- [^{F36}Parts 3 to 8 and 16 of the Human Medicines Regulations 2012];
- Part IV of the ^{M1}Agriculture Act 1970;
- the ^{M2}Misuse of Drugs Act 1971;
- Part III of the ^{M3}Food and Environment Protection Act 1985; ^{F37} . . .
- the ^{M4}Food Safety Act 1990;
- [^{F38}the Veterinary Medicines Regulations 2006;

and a substance is a regulated substance for the purposes of any such enactment in so far as any prohibition, restriction or requirement is imposed in relation to it by or under the enactment for the purposes of that enactment.]

Extent Information

- E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only

Textual Amendments

- F30** Words in s. 142(2)(a) inserted (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **2(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** S. 142(3) repealed (22.7.2012) by [The Advisory Committee on Hazardous Substances \(Abolition\) Order 2012 \(S.I. 2012/1923\)](#), art. 1(2), **Sch.**
- F32** By [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), arts. 1, 27(1), **Sch. 6 para. 14(3)** (with reg. 26) it is provided that for the words "Explosive Substances Act 1875" in s. 142(7) there be substituted (N.I.) (1.12.2006) the words "Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006"
- F33** Words in s. 142(7) substituted (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 13 para. 6**
- F36** Words in s. 142(7) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 41** (with Sch. 32)
- F37** Word in s. 142(7) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(a)** (with reg. 3)
- F38** Words in s. 142(7) added (1.10.2006) by [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 8(b)** (with reg. 3)
- F41** Words in s. 142(7) substituted (27.8.1993) by 1993 c. 12, ss. 49(1), 51(2), **Sch. 4 para.8** (with ss. 42, 46)
- F42** Words in s. 142(7) substituted (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 6 para. 2(3)** (with reg. 78, sch. 5 para. 2)

Marginal Citations

- M1** 1970 c. 40.
M2 1971 c. 38.
M3 1985 c. 48.
M4 1990 c. 16.

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M5 1993 C. 12.

F39 **143**

Textual Amendments

F39 S. 143 repealed (1.4.2000 for E., 14.7.2000 for S. and 15.9.2001 for W.) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 91, **Sch. 24** (with ss. 7(6), 115, 117); S.I. 2000/340, **art. 2(b)(c)** (with art. 3); S.S.I. 2000/180, **art. 2(1)(b)** (with art. 3); S.I. 2001/3211, **art. 2(b)** (with saving in art. 3)

144 Amendments of hazardous substances legislation.

Schedule 13 to this Act (which contains miscellaneous amendments to the legislation relating to hazardous substances) shall have effect.

Commencement Information

II S. 144 partly in force; s. 144 not in force at Royal Assent see s.164(3); s. 144 in force for certain purposes at 1.1.1992 by S.I. 1991/2829 art. 3; s. 144 in force at 18.2.1993 (insofar as it relates to paras. 11 and 12 of Schedule 13, Part II) and 1.5.1993 (insofar as it relates to para. 13 of Schedule 13, Part II) by S.I. 1993/274, **arts. 2(1), 3**

F40 **145 Penalties for offences of polluting controlled waters etc.**

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Textual Amendments

F40 S. 145(1) repealed (1. 12. 1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3** (with Sch. 2 paras. 10, 14(1), 15)
S. 145 repealed (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 23(d)**; S.S.I. 2014/160, art. 2(1)(2), sch.

Changes to legislation:

Environmental Protection Act 1990, Cross Heading: Other controls on substances, articles or waste is up to date with all changes known to be in force on or before 25 May 2024. 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)