

Changes to legislation: Environmental Protection Act 1990, Cross Heading: Construction of agreements 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. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 2]

WASTE DISPOSAL AUTHORITIES AND COMPANIES

Textual Amendments

- F1** Sch. 2 repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 47, 107, 108, Sch. 5 Pt. 4; S.I. 2005/2896, art. 3(g)(k) (with art. 6 (as amended by S.I. 2006/1002, art. 2)); S.I. 2006/768, art. 2(a)(d) (with art. 5 (as amended by S.I. 2006/2797, art. 11))

[^{F1}PART I]

TRANSITION TO COMPANIES

Textual Amendments

- F1** Sch. 2 repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 47, 107, 108, Sch. 5 Pt. 4; S.I. 2005/2896, art. 3 (with art. 6 (as amended by S.I. 2006/1002)); S.I. 2006/768, art. 2 (with art. 5 (as amended by S.I. 2006/2797))

[^{F1}Construction of agreements]

Textual Amendments

- F1** Sch. 2 repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 47, 107, 108, Sch. 5 Pt. 4; S.I. 2005/2896, art. 3(g) (with art. 6 (as amended by S.I. 2006/1002)); S.I. 2006/768, art. 2(d) (with art. 5 (as amended by S.I. 2006/2797))

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[^{F2}Where any of the rights or liabilities transferred by a transfer scheme are rights or liabilities under an agreement to which the authority was a party immediately before the vesting date, whether in writing or not, and whether or not of such a nature that rights and liabilities thereunder could be assigned by the authority, that agreement shall have effect on and after the vesting date as if—

- (a) the company had been a party to the agreement; and
- (b) for any reference (however worded and whether express or implied) to the authority there were substituted a reference, as respects anything falling to be done on or after the vesting date, to the company; and
- (c) any reference (however worded and whether express or implied) to any officer or servant of the authority were, as respects anything falling to be done on or after the vesting date, a reference to such person as the company

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may appoint or, in default of appointment, to the officer or servant of the company who corresponds as nearly as may be to that officer or servant of the authority; and

- (d) where the agreement refers to property, rights or liabilities which fall to be apportioned or divided between the authority and the company, as if the agreement constituted two separate agreements separately enforceable by and against the authority and the company respectively as regards the part of the property, rights and liabilities retained by the authority or, as the case may be, the part of the property, rights and liabilities vesting in the company and not as regards the other part;

and sub-paragraph (d) above shall apply in particular to the covenants, stipulations and conditions of any lease by or to the authority.]

Textual Amendments

- F2** Sch. 2 repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 47, 107, 108, [Sch. 5 Pt. 4](#); S.I. 2005/2896, [art. 3\(g\)](#) (with art. 6 (as amended by S.I. 2006/1002)); S.I. 2006/768, [art. 2\(d\)](#) (with art. 5 (as amended by S.I. 2006/2797))

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[^{F3}Without prejudice to the generality of the provisions of paragraph 13 above, the company and any other person shall, as from the vesting date, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing any right or liability transferred to and vested in the company by a transfer scheme as he would have had if that right or liability had at all times been a right or liability of the company, and any legal proceedings or applications to any authority pending on the vesting date by or against the authority, in so far as they relate to any property, right or liability transferred to the company by the scheme, or to any agreement to any such property, right or liability, shall be continued by or against the company to the exclusion of the authority.]

Textual Amendments

- F3** Sch. 2 repealed (E.W.) (18.10.2005 for E. and 16.3.2006 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 47, 107, 108, [Sch. 5 Pt. 4](#); S.I. 2005/2896, [art. 3\(g\)](#) (with art. 6 (as amended by S.I. 2006/1002)); S.I. 2006/768, [art. 2\(d\)](#) (with art. 5 (as amended by S.I. 2006/2797))

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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\(4\)](#)