



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

[^{F1}Offences under sections 33 and 34: powers of seizure etc

[^{F1}34B Power to search and seize vehicles etc

- (1) This section applies where an authorised officer of an enforcement authority or a constable reasonably believes that the grounds in subsection (2) or (3) below exist.
- (2) The grounds in this subsection are that—
 - (a) a relevant offence has been committed [^{F2}, or an offence under [^{F3}regulation 38(1) or (2) of the Environmental Permitting Regulations] has been committed in relation to a waste operation]
 - (b) a vehicle was used in the commission of the offence, and
 - (c) proceedings for the offence have not yet been brought against any person.
- (3) The grounds in this subsection are that—
 - (a) a relevant offence is being or is about to be committed, [^{F4}or an offence under [^{F3}regulation 38(1) or (2) of the Environmental Permitting Regulations] is being or is about to be committed in relation to a waste operation,] and
 - (b) a vehicle is being or is about to be used in the commission of the offence.
- (4) The authorised officer or constable may—
 - (a) search the vehicle;
 - (b) seize the vehicle and any of its contents.
- (5) In acting under subsection (4) above the authorised officer or constable may—
 - (a) stop the vehicle (but only a constable in uniform may stop a vehicle on any road);
 - (b) enter any premises for the purpose of searching or seizing the vehicle.

Changes to legislation: Environmental Protection Act 1990, Section 34B is up to date with all changes known to be in force on or before 23 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

- (6) A vehicle or its contents seized under subsection (4) above—
- (a) by an authorised officer of an enforcement authority, are seized on behalf of that authority;
 - (b) by a constable in the presence of [^{F5}or at the request of] an authorised officer of an enforcement authority, are seized on behalf of that authority;
 - (c) by a constable [^{F6}in any other case], are seized on behalf of the waste collection authority in whose area the seizure takes place.
- (7) A person commits an offence if—
- (a) he fails without reasonable excuse to give any assistance that an authorised officer or constable may reasonably request in the exercise of a power under subsection (4) or (5) above;
 - (b) he otherwise intentionally obstructs an authorised officer or constable in exercising that power.
- (8) Where an authorised officer or constable has stopped a vehicle under subsection (5) (a) above, he may require any occupant of the vehicle to give him—
- (a) the occupant's name and address;
 - (b) the name and address of the registered owner of the vehicle;
 - (c) any other information he may reasonably request.
- (9) A person commits an offence if—
- (a) he fails without reasonable excuse to comply with a requirement under subsection (8) above;
 - (b) he gives information required under that subsection that is—
 - (i) to his knowledge false or misleading in a material way, or
 - (ii) given recklessly and is false or misleading in a material way.
- (10) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (11) In this section and section 34C below—
- “authorised officer” means an officer of an enforcement authority who is authorised in writing by the authority for the purposes of this section;
- “enforcement authority” means—
- (a) the Environment Agency, ^{F7}...
 - (aa) [^{F8}the Natural Resources Body for Wales, or]
 - (b) a waste collection authority;
- “relevant offence” means—
- (a) an offence under section 33 above, or
 - (b) an offence under section 34 above consisting of a failure to comply with the duty imposed by subsection (1) of that section;
- “road” has the same meaning as in the Road Traffic Regulation Act 1984;
- “vehicle” means any motor vehicle or trailer within the meaning of that Act or any mobile plant.]

Textual Amendments

- F1** Ss. 34B, 34C and preceding cross-heading inserted (E.W.) (16.3.2006 for W. for specified purposes, 3.3.2015 for E. for specified purposes, 6.4.2015 in so far as not already in force) by [Clean](#)

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Neighbourhoods and Environment Act 2005 (c. 16), **ss. 46(1)**, 108 (as amended (21.11.2005) by The Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005 (S.I. 2005/2900), **reg. 3**); S.I. 2006/768, **art. 3**; S.I. 2015/425, **arts. 2(b)**, 4(1)(b)

- F2** Words in s. 34B(2)(a) inserted (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), **reg. 73, Sch. 21 para. 9(a)** (with **reg. 72, Sch. 4**)
- F3** Words in s. 34B(2)(a)(3)(a) substituted (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(8)** (with **Sch. 4**)
- F4** Words in s. 34B(3)(a) inserted (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), **reg. 73, Sch. 21 para. 9(b)** (with **reg. 72, Sch. 4**)
- F5** Words in s. 34B(6)(b) inserted (9.1.2022) by Environment Act 2021 (c. 30), s. 147(2)(h), **Sch. 10 para. 2(a)** (with s. 144)
- F6** Words in s. 34B(6)(c) substituted (9.1.2022) by Environment Act 2021 (c. 30), s. 147(2)(h), **Sch. 10 para. 2(b)** (with s. 144)
- F7** Word in s. 34B(11) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), **art. 1(2), Sch. 2 para. 213** (with **Sch. 7**)
- F8** Words in s. 34B(11) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), **art. 1(2), Sch. 2 para. 213** (with **Sch. 7**)

Modifications etc. (not altering text)

- C1** Ss. 33-34C applied (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), **regs. 1(2), 47(3)** (with **regs. 2, 47(2)**)

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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\(4\)](#)