



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART II

#### WASTE ON LAND

##### *Collection, disposal or treatment of controlled waste*

#### **46 Receptacles for household waste.**

- (1) Where a waste collection authority has a duty by virtue of section 45(1)(a) above to arrange for the collection of household waste from any premises, the authority may, by notice served on him, require the occupier to place the waste for collection in receptacles of a kind and number specified.

[<sup>F1</sup>(1A) Where—

- (a) subsection (1) applies to a waste collection authority, and
- (b) a waste reduction scheme under Schedule 2AA to this Act is in operation in the authority's area,

the authority may require the occupier to place the waste for collection in receptacles identified by such means as may be specified.

(1B) A requirement under subsection (1A)—

- (a) must be imposed by notice served on the occupier;
- (b) may be imposed instead of, or in addition to, any requirement imposed on the occupier under subsection (1).]

- (2) The kind and number of the receptacles required under subsection (1) above to be used shall be such only as are reasonable but —

[<sup>F2</sup>(a) subject to that, a waste collection authority whose area is in Wales may require separate receptacles or compartments of receptacles to be used for waste which is to be recycled and waste which is not;

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- (b) an English waste collection authority may require separate receptacles or compartments of receptacles to be used for the purposes of complying with its duties under section 45A or 45AZA.]
- (3) In making requirements under subsection (1) above the authority may, as respects the provision of the receptacles—
- (a) determine that they be provided by the authority free of charge;
  - (b) propose that they be provided, if the occupier agrees, by the authority on payment by him of such a single payment or such periodical payments as he agrees with the authority;
  - (c) require the occupier to provide them if he does not enter into an agreement under paragraph (b) above within a specified period; or
  - (d) require the occupier to provide them.
- (4) In making requirements as respects receptacles under subsection (1) above, the authority may, by the notice under that subsection, make provision with respect to—
- (a) the size, construction and maintenance of the receptacles;
  - (b) the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose;
  - (c) the placing of the receptacles for that purpose on highways or, in Scotland, roads;
  - (d) the substances or articles which may or may not be put into the receptacles or compartments of receptacles of any description and the precautions to be taken where particular substances or articles are put into them; <sup>[F3]</sup>and]
  - (e) the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles.
  - <sup>[F4]</sup>(f) the removal of the receptacles placed for the purpose of facilitating the emptying of them; and]
  - <sup>[F4]</sup>(g) the time when the receptacles must be placed for that purpose and removed.]
- (5) No requirement shall be made under subsection (1) above for receptacles to be placed on a highway or, as the case may be, road, unless—
- (a) the relevant highway authority or roads authority have given their consent to their being so placed; and
  - (b) arrangements have been made as to the liability for any damage arising out of their being so placed.
- <sup>[F5]</sup>(5A) A requirement imposed on an occupier by a waste collection authority in Wales by a notice under this section does not apply so far as the requirement duplicates or conflicts with a requirement imposed on the occupier under section 45AA(4).]
- (6) A person who fails, without reasonable excuse, to comply with any requirements imposed <sup>[F6]</sup>by a waste collection authority in Scotland or Wales] under subsection (1), <sup>[F7]</sup>(1A),] (3)(c) or (d) or (4) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Where an occupier is required under subsection (1) above to provide any receptacles he may, within the period allowed by subsection (8) below, appeal to a magistrates' court or, in Scotland, to the sheriff by way of summary application against any requirement imposed under subsection (1), subsection (3)(c) or (d) or (4) above on the ground that—
- (a) the requirement is unreasonable; or

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- (b) the receptacles in which household waste is placed for collection from the premises are adequate.
- (8) The period allowed to the occupier of premises for appealing against such a requirement is the period of twenty-one days beginning—
- (a) in a case where a period was specified under subsection (3)(c) above, with the end of that period; and
- (b) where no period was specified, with the day on which the notice making the requirement was served on him.
- (9) Where an appeal against a requirement is brought under subsection (7) above—
- (a) the requirement shall be of no effect pending the determination of the appeal;
- (b) the court shall either quash or modify the requirement or dismiss the appeal; and
- (c) no question as to whether the requirement is, in any respect, unreasonable shall be entertained in any proceedings for an offence under subsection (6) above.
- (10) In this section—
- “receptacle” includes a holder for receptacles; and
- “specified” means specified in a notice under subsection (1) [<sup>F8</sup>or (1A)] above.
- [<sup>F9</sup>(11) A waste collection authority is not obliged to collect household waste that is placed for collection in contravention of a requirement under this section.]

#### Textual Amendments

- F1** S. 46(1A)(1B) inserted (E.W.) by [Climate Change Act 2008 \(c. 27\)](#), ss. 71, 100, [Sch. 5 para. 3\(2\)](#) (the amendment coming into force in accordance with ss. 72-75 of the amending Act, see s. 100(2)(5))
- F2** S. 46(2)(a)(b) substituted for words in s. 46(2) (17.5.2024) by [Environment Act 2021 \(c. 30\)](#), [ss. 57\(5\), 147\(3\)](#) (with s. 144); [S.I. 2024/639](#), reg. 2(a)
- F3** Word in s. 46(4) repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 3\(3\)\(a\)](#); [S.S.I. 2014/160](#), art. 2(1)(2), sch.
- F4** S. 46(4)(f)(g) added (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 3\(3\)\(b\)](#); [S.S.I. 2014/160](#), art. 2(1)(2), sch.
- F5** S. 46(5A) inserted (W.) (6.4.2024) by [The Waste Separation Requirements \(Wales\) Regulations 2023 \(S.I. 2023/1290\)](#), regs. 1(2), [8](#)
- F6** Words in s. 46(6) inserted (26.3.2015 for specified purposes, 15.6.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 58\(2\), 115\(2\)\(c\)](#); [S.I. 2015/994](#), art. 8
- F7** Words in s. 46(6) inserted (E.W.) by [Climate Change Act 2008 \(c. 27\)](#), ss. 71, 100, [Sch. 5 para. 3\(3\)](#) (the amendment coming into force in accordance with ss. 72-75 of the amending Act, see s. 100(2)(5))
- F8** Words in s. 46(10) inserted (E.W.) by [Climate Change Act 2008 \(c. 27\)](#), ss. 71, 100, [Sch. 5 para. 3\(4\)](#) (the amendment coming into force in accordance with ss. 72-75 of the amending Act, see s. 100(2)(5))
- F9** S. 46(11) inserted (E.W.) (26.1.2009) by [Climate Change Act 2008 \(c. 27\)](#), [ss. 76, 100](#)

#### Modifications etc. (not altering text)

- C1** S. 46 applied (with modifications) (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\)](#), ss. 1(3)-(5), [19](#)
- C2** S. 46(2)-(5) applied (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\)](#), ss. 1(3)-(5), [20\(3\)\(9\)](#) (with s. 20(10))

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#### **Commencement Information**

**II** S. 46 wholly in force at 1.4.1992 see s. 164(3) and [S.I. 1992/266, art. 3](#).

**Changes to legislation:**

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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\(4\)](#)