



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Collection, disposal or treatment of controlled waste

53 Duties of authorities as respects disposal of waste collected: Scotland.

- (1) It shall be the duty of each waste disposal authority to arrange for the disposal of any waste collected by it, in its capacity as a waste collection authority, under section 45 above; and without prejudice to the authority's powers apart from the following provisions of this subsection, the powers exercisable by the authority for the purpose of performing that duty shall include power—
 - (a) to provide, within or outside its area, places at which to deposit waste before the authority transfers it to a place or plant or equipment provided under the following paragraph; and
 - (b) to provide, within or outside its area, places at which to dispose of or recycle the waste and plant or equipment for processing, recycling or otherwise disposing of it.
- (2) Subsections (7) [^{F1}, (10) and (10A)] of section 45 above shall have effect in relation to a waste disposal authority as if the reference in paragraph (a) of the said subsection (7) to the collection of waste included the disposal of waste under this section and the disposal of anything produced from waste belonging to the authority.
- (3) A waste disposal authority may permit another person to use facilities provided by the authority under the preceding provisions of this section and may provide for the use of another person any such facilities as the authority has power to provide under those provisions, and—
 - (a) subject to the following paragraph, it shall be the duty of the authority to make a reasonable charge in respect of the use by another person of the facilities unless the authority considers it appropriate not to make a charge;
 - (b) no charge shall be made under this section in respect of household waste; and

Changes to legislation: Environmental Protection Act 1990, Section 53 is up to date with all changes known to be in force on or before 29 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

- (c) anything delivered to the authority by another person in the course of using the facilities shall belong to the authority and may be dealt with accordingly.
- (4) References to waste in subsection (1) above do not include matter removed from privies under section 45(5)(a) or (6) above, and it shall be the duty of a waste collection authority ^{F2} . . . by which matter is so removed—
- (a) to deliver the matter, in accordance with any directions of [^{F3}Scottish Water], at a place specified in the directions (which must be in or within a reasonable distance from the waste collection authority’s area), to [^{F3}Scottish Water] or another person so specified;
- (b) to give to [^{F3}Scottish Water] from time to time a notice stating the quantity of the matter which the waste collection authority expects to deliver to or as directed by [^{F3}Scottish Water] under the preceding paragraph during a period specified in the notice.
- (5) Any question arising under paragraph (a) of the preceding subsection as to whether a place is within a reasonable distance from a waste collection authority’s area shall, in default of agreement between the waste collection authority and [^{F3}Scottish Water] in question, be determined by a single arbiter appointed, in default of agreement between the parties concerned, by the Secretary of State on the application of any of the parties; and anything delivered to [^{F4}Scottish Water] under that subsection shall belong to [^{F3}Scottish Water] and may be dealt with accordingly.
- (5A) ^{F5}
- (6) This section applies to Scotland only.

Textual Amendments

- F1** Words in s. 53(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 7 para. 20\(3\)\(a\)](#); S.S.I. 2002/118, [art. 2\(3\)](#)
- F2** Words in s. 53(4) repealed (1.4.1996) by [1994 c. 39, s. 180\(1\)\(2\), Sch. 13 para. 167\(8\)\(a\)\(i\), Sch.14; S.I. 1996/323, art. 4\(1\)\(c\)\(d\), Sch.1, Sch. 2](#)
- F3** Words in s. 53(4)(5) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 7 para. 20\(3\)\(b\)](#); S.S.I. 2002/118, [art. 2\(3\)](#)
- F4** Words in s. 53(5) substituted (S.) (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 7 para. 20\(3\)\(c\)](#); S.S.I. 2002/118, [art. 2\(3\)](#)
- F5** S. 53(5A) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 7 para. 20\(3\)\(d\)](#); S.S.I. 2002/118, [art. 2\(3\)](#)
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Commencement Information

- I1** S. 53 wholly in force at 1.4.1992 see s. 164(3) and S.I 1992/266, art. 3.

Changes to legislation:

Environmental Protection Act 1990, Section 53 is up to date with all changes known to be in force on or before 29 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\(4\)](#)