



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Collection, disposal or treatment of controlled waste

[^{F1}59ZC.Section 59ZB: supplementary power in relation to owner of land

- (1) Where the grounds in subsection (2) or (3) are met, an authority may, by notice served on the owner of any land in its area, require the owner to comply with one or both of the requirements mentioned in section 59ZB(2)(a) or (b).
- (2) The grounds in this subsection are that it appears to the authority that controlled waste or extractive waste has been kept or disposed of in or on the land in contravention of section 33(1) or regulation 12 of the Environmental Permitting Regulations, and—
 - (a) there is no occupier of the land, or
 - (b) the occupier cannot be found without the authority incurring unreasonable expense.
- (3) The grounds in this subsection are that—
 - (a) the authority has served a notice under section 59ZB(2) imposing a requirement on the occupier of the land,
 - (b) the occupier of the land is not the same person as the owner of the land, and
 - (c) either—
 - (i) the occupier has failed to comply with the requirement mentioned in paragraph (a) within the period specified in the notice, or
 - (ii) the requirement mentioned in paragraph (a) has been quashed on the ground specified in section 59ZB(4)(a).
- (4) Section 59ZB(3) to (7) apply in relation to a requirement imposed under this section on the owner of the land as they apply in relation to a requirement imposed under that

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section on the occupier of land but as if in section 59ZB(4) there were inserted after paragraph (a)—

“(aa) in order to comply with the requirement the appellant would be required to enter the land unlawfully, or”.

(5) Subsection (1) does not apply in relation to household waste from a domestic property which is kept or disposed of within the curtilage of that property by a person other than an establishment or undertaking.

(6) In this section, “owner” has the meaning given by section 78A(9).]

Textual Amendments

- F1** Ss. 59ZB, 59ZC inserted (E.W.) (9.5.2018) by [The Waste Enforcement \(England and Wales\) Regulations 2018 \(S.I. 2018/369\)](#), reg. 1(3), **Sch. 1 para. 2** (with reg. 4(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\(4\)](#)