



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Supervision and enforcement

71 Obtaining of information from persons and authorities.

^{F1}(1)

(2) For the purpose of the discharge of their respective functions under this Part—

- (a) the Secretary of State, and
- (b) a waste regulation authority,

may, by notice in writing served on him, require any person to furnish such information specified in the notice as the Secretary of State or the authority, as the case may be, reasonably considers he or it needs, in such form and within such period following service of the notice [^{F2}, or at such time,] as is so specified.

[^{F3}(2A) A waste collection authority has the power referred to in subsection (2) for the purpose of the discharge of its functions under sections 34B and 34C above.]

(3) A person who—

- (a) fails, without reasonable excuse, to comply with a requirement imposed under subsection (2) [^{F4} or (2A)] above; ^{F5} . . .

^{F6}(b)

shall be liable—

- (i) on summary conviction, to a fine not exceeding the statutory maximum;
- (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

[^{F7}(4) The Secretary of State may, by notice in writing, require a waste regulation authority or waste collection authority in England and Wales to supply to him, or to such other

Changes to legislation: Environmental Protection Act 1990, Section 71 is up to date with all changes known to be in force on or before 28 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

person as may be specified in the notice, such information as may be so specified in respect of—

- (a) cases where the authority has exercised any powers under section 59 [^{F8}, 59ZA, 59ZB or 59ZC] above, and
- (b) cases where the authority has taken action under any other enactment in respect of any deposit or other disposal of controlled waste in contravention of section 33(1) above.]

[^{F9}(5) Nothing in this section is to be read as enabling a person to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.

- (6) In subsection (5) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).]

Textual Amendments

- F1** S. 71(1) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 86(1), **Sch.24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**.
- F2** Words in s. 71(2) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 86(2)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**.
- F3** S. 71(2A) inserted (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 Neighbourhoods and Environment Act 2005 (c. 16), **ss. 46(2)(a)**, 108(1)(2); S.I. 2006/768, art. 3; S.I. 2015/425, arts. 2(b), 4(1)(b)
- F4** Words in s. 71(3) inserted (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 Neighbourhoods and Environment Act 2005 (c. 16), **ss. 46(2)(b)**, 108(1)(2); S.I. 2006/768, art. 3; S.I. 2015/425, arts. 2(b), 4(1)(b)
- F5** Word immediately preceding s. 71(3)(b) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch.24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**
- F6** S. 71(3)(b) repealed (1.4.1996) by 1995 c. 25, ss. 112, 120(3), Sch. 19 para. 4(2), **Sch.24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**.
- F7** S. 71(4) inserted (E.W.) (31.3.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 55(5)**, 93; S.I. 2004/690, **art. 3**; S.I. 2004/999, **art. 2**
- F8** Words in s. 71(4)(a) 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. 4** (with reg. 4(2))
- F9** S. 71(5)(6) inserted (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 4** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)

Modifications etc. (not altering text)

- C1** Pt. 2 modified (S.) (27.3.2011) by The Waste Management Licensing (Scotland) Regulations 2011 (S.S.I. 2011/228), reg. 1(1), **sch. 4 para. 11** (with regs. 31-33)
- C2** S. 71 applied (with modifications) (1.4.1999) by S.I. 1998/2746, **reg.15**.
- C3** S. 71(2)(3) applied (1.5.1994) by S.I. 1994/1056, **reg. 20(8)**.
S. 71(2)(3) amended (1.5.1994) by S.I. 1994/1056, reg. 19, **Sch. 4 Pt. 1 para. 13(2)**.
- C4** S. 71(2)(3) modified (S.) (27.3.2011) by The Waste Management Licensing (Scotland) Regulations 2011 (S.S.I. 2011/228), reg. 1(1), **sch. 4 para. 13(2)** (with regs. 31-33)
- C5** S. 71(2)(3) modified (S.) (27.3.2011) by The Waste Management Licensing (Scotland) Regulations 2011 (S.S.I. 2011/228), reg. 1(1), **30(7)** (with regs. 31-33)

Commencement Information

- I1** S. 71 wholly in force at 31.5.1991 see s. 164(3) and S.I. 1991/1319, **art. 2**

Changes to legislation:

Environmental Protection Act 1990, Section 71 is up to date with all changes known to be in force on or before 28 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 :

- s. 71(5) omitted by [2024 c. 9 Sch. para. 4](#)
- s. 71(6) omitted by [2024 c. 9 Sch. para. 4](#)

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\(4\)](#)