

TYPES OF “ENVIRONMENTAL” CRIMES
IN ENGLAND AND WALES

Subject of offence	Nature of offence	Statutory Provisions	Enforcement body
Air Pollution	Emissions of dark smoke	Clean Air Act 1993, Part I	Local authorities
Contaminated land	Failing to comply with a remediation notice	Environmental Protection Act 1990, s. 78M	Environment Agency and Local Authority
Drinking water quality	Supplying water unfit for human consumption	Water Industry Act 1991, s. 70	Secretary of State Drinking Water Inspectorate
Environmental taxes	Avoiding landfill tax Avoiding Climate Change Levy	Finance Act 1996, Part III Finance Act 1996, Part II and Schedule 6	HM Customs & Excise
Forestry	Illegal felling of trees	Forestry Act 1967, s.17	Forestry Commission
Genetically modified organisms	Unauthorised release of GMOs	Environmental Protection Act 1990, Part IV	Secretary of State Health and Safety Executive
Hazardous substances and major accident hazard sites	Offences relating to the storage, notification and emergency planning at major accident hazards	Control of Major Accident Hazards Regulations 1999	Health and Safety Executive and Environment Agency
Industrial pollution control	IPC/LAPC/PPC Pollution control licensing (eg. operating without required permit)	Environmental Protection Act 1990, s. 6 Pollution Prevention and Control (England and Wales) Regulations 2000 (reg. 9)	Environment Agency and Local Authorities
Pesticides	Misuse of pesticides	Control of Pesticides Regulations 1986	DEFRA
Statutory nuisances	Failing to comply with an abatement notice	Environmental Protection Act 1990, s. 80(4)	Local Authorities
Waste management	Illegal waste disposal/treatment	Environmental Protection Act 1990, s. 33	Environment Agency
Water abstraction	Abstracting water without a licence	Water Resources Act 1991, s. 24	Environment Agency

Subject of offence	Nature of offence	Statutory Provisions	Enforcement body
Water pollution	Causing, knowingly permitting entry of polluting matter into controlled waters	Water Resources Act 1991, s. 85	Environment Agency
Wildlife crime	Controls on trade and possession of wild animals and plants Protection of habitats Trade in endangered species	Wildlife and Countryside Act 1981, Part I Wildlife and Countryside Act 1981, Part IV EC Regulation 338/97 Control of Trade in Endangered Species (Enforcement) Regulations 1997	Police English Nature Police Secretary of State HM Customs & Excise Police

Some Other “Environmental Crimes”

1. Section 61(5) of the Control of Pollution Act 1974: Construction Noise;
2. Section 80(4) of the Environmental Protection Act 1990: Failing to Comply with an Abatement Notice. Section 82 of the same Act provides criminal sanctions against those who commit a statutory nuisance;
3. Section 85 of the Water Resources Act 1991: Polluting Controlled Waters;
4. Various “arrestable offences” under the Countryside and Rights of Way Act 2000;
5. Various criminal offences under the Pollution Prevention and Control Act 1999 (which seeks to put into effect Dir. 96/61/EC O.J. No. L257/26, namely the Integrated Pollution Prevention and Control Directive). Regulations governing the operation of installations regarding emissions;
6. The commission of a Public Nuisance is a criminal offence. A nuisance is a Public Nuisance when it “materially affects the reasonable comfort and convenience of the life of a class of Her Majesty’s Subjects” (per Romer LJ in *Attorney General -v- P YA Quarries Limited and GLC* 1957 2 QB 169 at 184);
7. Section 28P of the Wildlife and Countryside Act 1981 creates offences in relation to Sites of Special Scientific Interest.