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STATUTORY INSTRUMENTS

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**1991 No. 507**

**ENVIRONMENTAL PROTECTION**

**The Environmental Protection (Applications,  
Appeals and Registers) Regulations 1991**

<i>Made</i>	- - - -	<i>6th March 1991</i>
<i>Laid before Parliament</i>		<i>8th March 1991</i>
<i>Coming into force—</i>		
<i>In England and Wales</i>		<i>1st April 1991</i>
<i>In Scotland</i>		<i>1st April 1992</i>

The Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland, in exercise of the powers conferred on them by sections 10(8), 11(1), (3) to (7), 15(10), 20(1) to (3), (10) and 22(6) of and paragraphs 1 to 3, 6 and 7 of Schedule 1 to the Environmental Protection Act 1990<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Environmental Protection (Applications, Appeals and Registers) Regulations 1991 and shall come into force in England and Wales on 1st April 1991 and in Scotland on 1st April 1992.

(2) In these Regulations, “the 1990 Act” means the Environmental Protection Act 1990.

**Applications for an authorisation**

2.—(1) An application to an enforcing authority for an authorisation under section 6 of the 1990 Act shall be in writing and, subject to paragraphs (2) and (3) below, shall contain the following information—

- (a) the name of the applicant, his telephone number and address and, if different, any address to which correspondence relating to the application should be sent and, if the applicant is a body corporate, the address of its registered or principal office;
- (b) in a case where the prescribed process will not be carried on by means of mobile plant—

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(1) 1990 c. 43.

- (i) the name of any local authority in whose area the prescribed process will be carried on;
  - (ii) the address of the premises where the prescribed process will be carried on;
  - (iii) a map or plan showing the location of those premises; and
  - (iv) if only part of those premises will be used for carrying on the process, a plan or other means of identifying that part;
- (c) in a case where the prescribed process will be carried on by means of mobile plant—
- (i) the name of the local authority in whose area the applicant has his principal place of business; and
  - (ii) the address of that place of business;
- (d) a description of the prescribed process;
- (e) a list of prescribed substances (and any other substances which might cause harm if released into any environmental medium) which will be used in connection with, or which will result from, the carrying on of that process;
- (f) a description of the techniques to be used for preventing the release into any environmental medium of such substances, for reducing the release of such substances to a minimum and for rendering harmless any such substances which are released;
- (g) details of any proposed release of such substances into any environmental medium and an assessment of the environmental consequences;
- (h) proposals for monitoring any release of such substances, the environmental consequences of any such release and the use of any techniques described in accordance with sub-paragraph (f) above;
- (i) the matters on which the applicant relies to establish that the objectives mentioned in section 7(2) of the 1990 Act (including the objective referred to in section 7(7)) will be achieved and that he will be able to comply with the general condition implied by section 7(4);
- (j) any additional information which he wishes the enforcing authority to take into account in considering his application.

(2) Paragraph (1) above shall apply in relation to an application to a local enforcing authority for an authorisation in respect of a prescribed process designated for local control (other than that mentioned in paragraph (3) below) as if the words in brackets in sub-paragraph (i) were omitted and references to the release of substances into any environmental medium were references to the release of substances into the air.

(3) Paragraph (1) above shall apply in relation to an application to a local enforcing authority for an authorisation to carry on any prescribed process involving only the burning of waste oil in an appliance with a net rated thermal input of less than 0.4 megawatts as if the following sub-paragraphs were substituted for sub-paragraphs (d) to (i)—

- “(d) the name and number of the appliance (if any) and the name of its manufacturer;
- (e) the net rated thermal input of the appliance and whether or not it is constructed or adapted so as to comply with the specification for fixed, flued fan-assisted heaters in Part 2 of the specification for oil-burning air heaters published by the British Standards Institution and numbered BS 4256 1972;
- (f) details of the type of fuel to be used and its source;
- (g) details of the height and location of any chimney through which waste gases produced by the appliance would be carried away;

- (h) details of the efflux velocity of the waste gases leaving such a chimney produced by the appliance in normal operation;
  - (i) details of the location of the fuel storage tanks of the appliance;”.
- (4) In this regulation—
- “net rated thermal input” is the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal;
- “waste oil” means any mineral based lubricating or industrial oil which—
- (a) has become unfit for the use for which it was intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic oil; and
  - (b) is generated only as a result of activities carried out by the applicant on the premises where the process is to be carried on.

### **Variation of conditions of an authorisation**

**3.—**(1) Any notice given to an enforcing authority under section 11(1)(a) of the 1990 Act of a proposed relevant change in a prescribed process shall be in writing.

(2) An application to an enforcing authority under any provision of section 11 of the 1990 Act for the variation of the conditions of an authorisation shall be in writing.

- (3) A person making—
- (a) a request to an enforcing authority under section 11(1)(b) of the 1990 Act for a determination of the matters mentioned in section 11(2); or
  - (b) an application to such an authority under any provision of section 11 for the variation of the conditions of an authorisation,

shall furnish the authority with his name, address and telephone number and shall also furnish the authority—

- (i) in a case where the prescribed process will not be carried on by means of mobile plant, with the address of the premises where the prescribed process will be carried on;
- (ii) in a case where the process will be carried on by means of mobile plant, with the address of his principal place of business;
- (iii) in all cases, with a statement of any changes as respects any information supplied under regulation 2(1)(a) to (c) above.

- (4) Subject to paragraph (5) below, a person making—
- (a) a request to an enforcing authority under section 11(1)(b) of the 1990 Act for a determination of the matters mentioned in section 11(2); or
  - (b) an application to such an authority under section 11(5) for the variation of the conditions of an authorisation,

shall also furnish the authority with—

- (i) a description of any proposed change in the manner in which the prescribed process will be carried on;
- (ii) a statement of any changes as respects the matters dealt with in regulation 2(1)(e) to (i) above which would result if any proposed change in the manner of carrying on the prescribed process were made;
- (iii) any additional information which he wishes the authority to take into account in considering his application; and

(iv) in the case of an application under section 11(5) of the 1990 Act, an indication of the variations which he wishes the authority to make.

(5) Paragraph (4) above shall apply in relation to a process mentioned in regulation 2(3) above as if sub-paragraph (ii) were omitted.

(6) A person making an application to an enforcing authority under section 11(3)(b) or (4)(b) of the 1990 Act to an enforcing authority for the variation of the conditions of an authorisation shall also furnish the authority with—

- (a) an indication of the variations which he wishes the authority to make;
- (b) a statement of any changes in any information supplied to the authority under paragraph (3) above; and
- (c) any additional information which he wishes the authority to take into account in considering his application.

(7) A person making an application to an enforcing authority for the variation of the conditions of an authorisation under section 11(6) of the 1990 Act shall also furnish the authority with—

- (a) an indication of the variations which he wishes the authority to make; and
- (b) any additional information which he wishes the authority to take into account in considering his application.

## Consultation

4.—(1) Subject to regulations 6 and 7(2) below, the persons to be consulted under paragraph 2, 6 or 7 of Schedule 1 to the 1990 Act are—

- (a) the Health and Safety Executive, in all cases;
- (b) the Minister of Agriculture, Fisheries and Food, in the case of all prescribed processes designated for central control which will be carried on in England;
- (c) the Secretary of State for Wales, in the case of all prescribed processes designated for central control which will be carried on in Wales;
- (d) the Secretary of State for Scotland, in the case of all prescribed processes designated for central control which will be carried on in Scotland;
- (e) the National Rivers Authority, in the case of all prescribed processes designated for central control which will be carried on in England and Wales and which may result in the release of any substance into waters which are controlled waters for the purposes of Chapter I of Part III of the Water Act 1989(2);
- (f) the sewerage undertaker or, in relation to Scotland, the regional or islands council, in the case of all prescribed processes designated for central control which may involve the release of any substance into a sewer vested in the undertaker or the council;
- (g) the Nature Conservancy Council for England, the Nature Conservancy Council for Scotland or the Countryside Council for Wales—
  - (i) in the case of all prescribed processes designated for central control which may involve a release of any substance;
  - (ii) in the case of all prescribed processes designated for local control which may involve a release of any substance into the air,
 which may affect a site of special scientific interest within the Council's area;

- (h) the harbour authority, in the case of all prescribed processes designated for central control which may involve a release of any substance into a harbour managed by the harbour authority.
- (2) Subject to regulation 7(5)(a) below, the period for notification under paragraph 2(1), 6(2) or 7(2) of Schedule 1 to the 1990 Act shall be the period of 14 days beginning with—
- (a) in the case of a notification under paragraph 2(1), the day on which the enforcing authority receives the application for an authorisation;
  - (b) in the case of a notification under paragraph 6(2), the day on which the authority notifies the holder of an authorisation in accordance with section 10(5) of that Act; and
  - (c) in the case of a notification under paragraph 7(2), the day on which the authority receives the application for a variation of an authorisation.
- (3) In paragraph (1)(h) above and regulation 7(3)(c) below, “harbour authority” has the same meaning as in section 57(1) of the Harbours Act 1964(3).

### **Advertisements**

- 5.—(1) Subject to paragraph (4) and regulation 6 below, an advertisement—
- (a) by an applicant under paragraph 1(2) of Schedule 1 to the 1990 Act; or
  - (b) by the holder of an authorisation under paragraph 6(2) or 7(2) of that Schedule,
- shall be published in one or more newspapers circulating in the locality in which the prescribed process will be carried on.
- (2) Subject to regulation 7(5)(b) below, any such advertisement as is mentioned in paragraph (1) above shall be published within a period of 28 days beginning 14 days after—
- (a) in the case of an advertisement under paragraph 1(2) of Schedule 1 to the 1990 Act, the day on which the application for an authorisation is made;
  - (b) in the case of an advertisement under paragraph 6(2) of that Schedule, the day on which the holder of the authorisation is notified in accordance with section 10(5) of that Act;
  - (c) in the case of an advertisement under paragraph 7(2) of that Schedule, the day on which the application for a variation is made.
- (3) Subject to regulation 7(4) below, any such advertisement as is mentioned in paragraph (1) above shall—
- (a) state the name of the applicant or, as the case may be, of the holder of the authorisation;
  - (b) give the address of the premises on which the prescribed process will be carried on;
  - (c) describe briefly the prescribed process;
  - (d) state where any register which contains particulars of the application or of the action to be taken may be inspected and that it may be inspected free of charge; and
  - (e) explain that any person may make representations in writing to the enforcing authority within the period of 28 days beginning with the date of the advertisement and give the authority’s address.
- (4) The preceding provisions of this paragraph do not apply in relation to any prescribed process which will be carried on by means of mobile plant.

### **Exemption for waste oil burners**

6.—(1) The requirements of paragraph 1(2), 2, 6 or 7 of Schedule 1 to the 1990 Act shall not apply in relation to any process involving only the burning of waste oil in an appliance with a net rated thermal input of less than 0.4 megawatts.

(2) In this regulation—

“net rated thermal input” has the same meaning as in regulation 2(4) above; and

“waste oil” means any mineral based lubricating or industrial oil which has become unfit for the use for which it was intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic oil.

### **National security and confidential information**

7.—(1) This regulation applies where in relation to an application or an authorisation—

- (a) a direction given by the Secretary of State under section 21(2) of the 1990 Act applies;
- (b) notice is given to the Secretary of State under section 21(4) of that Act;
- (c) an application is made to an enforcing authority under section 22(2) of that Act; or
- (d) an objection is made to such an authority under section 22(4) of that Act.

(2) Subject to paragraph (3) below, the requirements of paragraph 2(1), 6(2) or 7(2) of Schedule 1 to the 1990 Act shall not apply in so far as they would require a person mentioned in regulation 4(1)(f), (g), or (h) above to be consulted on information which is not to be included in the register by virtue of section 21 or 22 of that Act.

(3) Information which is not to be included in the register by virtue of section 22 of the 1990 Act shall not be excluded by paragraph (2) above if—

- (a) in the case of any person mentioned in regulation 4(1)(f) above, it is information about the release of any substance into a sewer vested in that person;
- (b) in the case of any person mentioned in regulation 4(1)(g) above, it is information about the release of any substance—
  - (i) designated for central control;
  - (ii) designated for local control which may involve a release of any substance into the air, which may affect a site of special scientific interest in that person’s area; or
- (c) in the case of any person mentioned in regulation 4(1)(h) above, it is information about the release of any substance into a harbour managed by a harbour authority.

(4) The requirements of paragraph 1(2), 6(2) or 7(2) of Schedule 1 to the 1990 Act shall not apply in so far as they would require the advertisement of information mentioned in regulation 5(3) above which is not to be included in the register by virtue of section 21 or 22 of that Act.

(5) Where a matter falls to be determined under section 21 or 22 of the 1990 Act—

- (a) the period for notification under paragraph 2(1), 6(2) or 7(2) of Schedule 1 to that Act shall be the period of 14 days beginning 14 days after the day on which the matters to be determined under section 21 or 22 of that Act are finally disposed of;
- (b) the period within which an advertisement is to be published in the manner specified in regulation 5(1) above shall be the period of 28 days beginning 14 days after the day on which the matters to be determined under section 21 or 22 of the 1990 Act are finally disposed of.

(6) For the purposes of paragraph (5) above, the matters to be determined under section 21 or 22 of the 1990 Act are finally disposed of—

- (a) on the date on which the Secretary of State determines under section 21 of that Act whether or not information is to be included in the register;
- (b) on the date on which the enforcing authority is treated under section 22(3) of that Act as having made a determination;
- (c) in a case where the enforcing authority determines under section 22(2) or (4) of that Act that the information in question is commercially confidential, on the date of the authority's determination;
- (d) in a case where the enforcing authority determines under section 22(2) or (4) of that Act that the information in question is not commercially confidential, on the date on which the period for bringing an appeal expires without an appeal being brought or, if such an appeal is brought within that period, on the date of the Secretary of State's final determination of the appeal or, as the case may be, the date on which the appellant withdraws his appeal.

### **Transmitted applications**

8. Where an application for an authorisation is transmitted under paragraph 3(1) of Schedule 1 to the 1990 Act to the Secretary of State for determination, a request by the applicant or the enforcing authority concerned that the Secretary of State exercise one of the powers under paragraph 3(3) of that Schedule shall be made to him in writing within the period of 21 days beginning with the day on which the applicant is informed that the application is being transmitted to the Secretary of State.

### **Notice of appeal**

9.—(1) A person who wishes to appeal to the Secretary of State under section 15 or 22(5) of the 1990 Act shall give to the Secretary of State written notice of the appeal together with the documents specified in paragraph (2) below and shall at the same time send to the enforcing authority a copy of that notice together with the documents specified in paragraph (2)(a) and (f) below.

(2) The documents mentioned in paragraph (1) above are—

- (a) a statement of the grounds of appeal;
- (b) a copy of any relevant application;
- (c) a copy of any relevant authorisation;
- (d) a copy of any relevant correspondence between the appellant and the enforcing authority;
- (e) a copy of any decision or notice which is the subject-matter of the appeal;
- (f) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be disposed of on the basis of written representations.

(3) If the appellant wishes to withdraw an appeal he shall do so by notifying the Secretary of State in writing and shall send a copy of that notification to the enforcing authority.

### **Time limit for bringing appeal**

10.—(1) Subject to paragraph (2) below, notice of appeal in accordance with regulation 9(1) above is to be given—

- (a) in the case of an appeal by a person who has been refused the grant of an authorisation under section 6 of the 1990 Act, before the expiry of the period of six months beginning with—
  - (i) the date of the decision which is the subject-matter of the appeal; or
  - (ii) in the case Of an appeal against a deemed refusal of an application for an authorisation, the date on which the application is deemed under the provisions of paragraph 5(2) of Schedule 1 to the 1990 Act to have been refused;

- (b) in the case of an appeal by a person who is aggrieved by the conditions attached to his authorisation or who has been refused a variation of an authorisation on an application under section 11 of the 1990 Act, before the expiry of the period of six months beginning with the date of the decision which is the subject-matter of the appeal;
- (c) in the case of an appeal in respect of a decision of an enforcing authority to revoke an authorisation, before the date on which the revocation of the authorisation takes effect;
- (d) in the case of an appeal by a person on whom a variation notice, an enforcement notice or a prohibition notice is served, before the expiry of the period of two months beginning with the date of the notice which is the subject-matter of the appeal;
- (e) in the case of an appeal in respect of a decision of an enforcing authority that information is not commercially confidential, before the expiry of the period of 21 days beginning with the date of the notice of determination.

(2) The Secretary of State may in a particular case allow notice of appeal to be given after the expiry of the periods mentioned in paragraph (1)(a), (b) or (d) above.

#### **Action upon receipt of notice of appeal**

**11.**—(1) Subject to paragraph (4) below, the enforcing authority shall, within 14 days of receipt of the copy of the notice of appeal in accordance with regulation 9(1) above—

- (a) in the case of an appeal by a person in respect of a decision of an enforcing authority to revoke an authorisation or on whom a variation notice, an enforcement notice or a prohibition notice is served, give written notice of it to any person who appears to the enforcing authority likely to have a particular interest in the subject-matter of the appeal; and
- (b) in any other case give written notice of it—
  - (i) to any person who made representations to the authority with respect to the grant or variation of the authorisation; and
  - (ii) to any person who was required to be consulted on the application under paragraph 2, 6 or 7 of Schedule 1 to the 1990 Act pursuant to regulation 4(1) above.

(2) A notice under paragraph (1) above shall—

- (a) state that an appeal has been lodged;
- (b) give the name of the appellant and—
  - (i) where the prescribed process will not be carried on by means of mobile plant, the address of the premises where the prescribed process will be carried on;
  - (ii) where the prescribed process will be carried on by means of mobile plant, the address of this principal place of business;
- (c) describe the application or authorisation to which the appeal relates;
- (d) state that a copy of any representations made to the enforcing authority by any person mentioned in paragraph (1)(b) above will be sent to the Secretary of State and the appellant and will be considered by the Secretary of State when determining the appeal unless, within 21 days of the date of the notice, the person who made the representations requests the Secretary of State to disregard them;
- (e) state that representations with respect to the appeal may be made to the Secretary of State in writing by any recipient of the notice within a period of 21 days beginning with the date of the notice; and
- (f) state that if a hearing is to be held wholly or partly in public, a person mentioned in paragraph (1)(a) or b(i) above who makes representations with respect to the appeal and



any person mentioned in paragraph (1)(b)(ii) above will be notified of the date of the hearing.

(3) The enforcing authority shall, within 14 days of sending a notice under paragraph (1) above, send to the Secretary of State a copy of any representations made to that authority by any person mentioned in paragraph (1)(b) above and shall notify the Secretary of State of the persons to whom and the date on which the notice was sent.

(4) The preceding provisions of this regulation do not apply in the case of an appeal brought under section 22(5) of the 1990 Act.

### **Written representations**

**12.**—(1) Where the appellant informs the Secretary of State that he wishes the appeal to be disposed of on the basis of written representations, the enforcing authority shall submit any written representations to the Secretary of State not later than 28 days after receiving a copy of the documents mentioned in regulation 9(2)(a) and (f) above.

(2) The appellant shall make any further representations by way of reply to any representations from the enforcing authority not later than 17 days after the date of submission of those representations by the enforcing authority.

(3) Any representations made by the appellant or the enforcing authority shall be dated and submitted to the Secretary of State on the date they bear.

(4) When the enforcing authority or the appellant submits any representations to the Secretary of State they shall at the same time send a copy of them to the other party.

(5) The Secretary of State shall send to the appellant and the enforcing authority a copy of any representations made to him by the persons mentioned in regulation 11(1) above and shall allow the appellant and the enforcing authority a period of not less than 14 days in which to make representations thereon.

(6) The Secretary of State may in a particular case—

- (a) set later time limits than those mentioned in this regulation;
- (b) require exchanges of representations between the parties in addition to those mentioned in paragraphs (1) and (2) above.

### **Hearings**

**13.**—(1) The Secretary of State shall give the appellant and the enforcing authority at least 28 days written notice (or such shorter period of notice as they may agree) of the date, time and place fixed for the holding of any hearing in respect of an appeal under section 15 or 22(5) of the 1990 Act.

(2) Subject to paragraph (4) and (5) below, in the case of a hearing which is to be held wholly or partly in public, the Secretary of State shall, at least 21 days before the date fixed for the holding of the hearing, publish a copy of the notice mentioned in paragraph (1) above—

- (a) in a case where the prescribed process will not be carried on by means of mobile plant, in a newspaper circulating in the locality in which the prescribed process which is the subject of the appeal will be carried on; and
- (b) in a case where the appeal is in respect of a decision of an enforcement authority to revoke an authorisation or against a variation notice, an enforcement notice or a prohibition notice in respect of a prescribed process carried on by means of mobile plant, in a newspaper circulating in the locality in which the prescribed process was carried on at the time when the notice of revocation, variation notice, enforcement notice or prohibition notice was served,

and shall serve a copy of the notice mentioned in paragraph (1) above on every person mentioned in regulation 11(1)(a) and (b)(i) above who has made representations in writing to the Secretary of State and on any person who was required under regulation 11(1)(b)(ii) above to be notified of the appeal.

(3) The Secretary of State may vary the date fixed for the holding of any hearing and paragraphs (1) and (2) above shall apply to the variation of a date as they applied to the date originally fixed.

(4) The Secretary of State may also vary the time or place for the holding of a hearing but shall give such notice of any such variation as appears to him to be reasonable.

(5) Paragraph (2) above shall not apply in the case of a hearing in respect of an appeal brought under section 22(5) of the 1990 Act.

(6) The persons entitled to be heard at a hearing are—

- (a) the appellant;
- (b) the enforcing authority; and
- (c) any person required under regulation 11(1)(b)(ii) above to be notified of the appeal.

(7) Nothing in paragraph (6) above shall prevent the person appointed to conduct the hearing of the appeal from permitting any other person to be heard at the hearing and such permission shall not be unreasonably withheld.

(8) After the conclusion of a hearing, the person appointed to conduct the hearing shall make a report in writing to the Secretary of State which shall include his conclusions and his recommendations or his reasons for not making any recommendations.

### **Notification of determination**

**14.**—(1) The Secretary of State shall notify the appellant in writing of his determination of the appeal and shall provide him with a copy of any report mentioned in regulation 13(8) above.

(2) The Secretary of State shall at the same time send—

- (a) a copy of the documents mentioned in paragraph (1) above to the enforcing authority and to any persons required under regulation 11(1)(b)(ii) above to be notified of the appeal; and
- (b) a copy of his determination of the appeal to a person mentioned in regulation 11(1)(a) and (b)(i) above who made representations to the Secretary of State and, if a hearing was held, to any other person who made representations in relation to the appeal at the hearing.

### **Registers**

**15.** Subject to sections 21 and 22 of the 1990 Act, a register maintained by an enforcing authority under section 20 of that Act shall contain—

- (a) all particulars of any application for an authorisation made to the Authority;
- (b) all particulars of any notice to the applicant by the authority under paragraph 1(3) of Schedule 1 to that Act and of any information furnished in response to such a notice;
- (c) all particulars of any representations made by any person required to be consulted under paragraph 2, 6 or 7 of Schedule 1 to the 1990 Act pursuant to regulation 4(1) above;
- (d) all particulars of any authorisation granted by the authority;
- (e) all particulars of any variation notice, enforcement notice or prohibition notice issued by the authority;
- (f) all particulars of any notice issued by the authority withdrawing a prohibition notice;
- (g) all particulars of any notification given to the holder of an authorisation by the authority under section 10(5) of that Act;

- (h) all particulars of any application for the variation of the conditions of an authorisation under section 11(4)(b) of that Act;
- (i) all particulars of any revocation of an authorisation effected by the authority;
- (j) all particulars of any notice of appeal under section 15 of that Act against a decision by the authority, the documents relating to the appeal mentioned in regulation 9(2)(a), (d) and (e) above, any written notification of the Secretary of State's determination of such an appeal and any report accompanying any such written notification;
- (k) details of any conviction of any person for any offence under section 23(1) of that Act which relates to the carrying on of a prescribed process under an authorisation granted by the authority, including the name of the offender, the date of conviction, the penalty imposed and the name of the Court;
- (l) all particulars of any monitoring information relating to the carrying on of a prescribed process under an authorisation granted by the authority obtained by the authority as a result of its own monitoring or furnished to the authority in writing by virtue of a condition of the authorisation or section 19(2) of that Act;
- (m) in a case where any such monitoring information is omitted from the register by virtue of section 22 of that Act, a statement by the authority, based on the monitoring information from time to time obtained by or furnished to them, indicating whether or not there has been compliance with any relevant condition of the authorisation;
- (n) all particulars of any report published by an enforcing authority relating to an assessment of the environmental consequences of the carrying on of a prescribed process in the locality of premises where the prescribed process is carried on under an authorisation granted by the authority; and
- (o) all particulars of any direction (other than a direction under section 21(2) of the 1990 Act) given to the authority by the Secretary of State under any provision of Part I of that Act.

**16.—**(1) A register maintained by a local enforcing authority which is not a port health authority shall (in addition to the particulars required by regulation 15 above) contain all particulars of such information contained in any register maintained by the chief inspector or river purification authority as relates to the carrying on in the area of the local enforcing authority of prescribed processes in relation to which the chief inspector or river purification authority has functions under Part I of the 1990 Act.

(2) In Scotland, a register maintained by—

- (a) the chief inspector shall (in addition to the particulars required by regulation 15 above) contain all particulars of such information contained in any register maintained by a river purification authority as relates to the carrying on in the area of the authority of prescribed processes in relation to which the authority has functions under Part I of the 1990 Act;
- (b) each river purification authority shall (in addition to the particulars required by regulation 15 above) contain all particulars of such information contained in any register maintained by the chief inspector as relates to the carrying on in the area of the authority of prescribed processes in relation to which the chief inspector has functions under Part I of that Act.

**17.** Nothing in regulation 15 or 16 above shall require an enforcing authority, to keep in a register maintained by them—

- (a) monitoring information four years after that information was entered in the register; or
- (b) information which has been superseded by later information four years after that later information was entered in the register.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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6th March 1991 *Michael Heseltine*  
Secretary of State for the Environment

6th March 1991 *David Hunt*  
Secretary of State for Wales

6th March 1991 *James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations regulate the procedures to be followed in connection with applications for authorisation to carry on a prescribed process made under section 6 of the Environmental Protection Act 1990 and with the variation of such authorisations under sections 10 and 11 of that Act. The Regulations provide exemptions from the procedure for certain waste oil producers and in cases involving information affecting national security or which is commercially confidential.

The Regulations also regulate the procedures and time limits in connection with appeals made to the Secretary of State under section 15 or 22(5) of the Environmental Protection Act 1990.

The Regulations also prescribe the particulars of the matters required by section 20 of the Environmental Protection Act 1990 to be included in registers to be maintained by enforcing authorities.

Copies of the document published by the British Standards Institution referred to in regulation 2(3) may be obtained from any of the sales outlets of the British Standards Institution, Linford Wood, Milton Keynes MK14 6LE (Telephone number: Milton Keynes (STD 0908) 220022).