

SCHEDULES

SCHEDULE 7

VARIATION OF CONDITIONS

PART 2

VARIATION NOTICES

16.—(1) In the case of a proposed variation notice affecting the operation of a Part A installation or Part A mobile plant to which the consultation and advertising procedure set out in paragraphs 12 and 14 applies—

- (a) where no representations are made to the enforcing authority within the period specified in paragraph 14(5), and where applicable, by the day on which the enforcing authority receives the Department's notification that the bilateral consultations have been completed pursuant to paragraph 18(b), the enforcing authority shall—

- (i) serve the variation notice;
- (ii) include in the register a copy of the variation notice, together with a statement confirming that no representations have been received by the enforcing authority on the proposed variation; and
- (iii) where paragraph 17 applies, forward a copy of the variation notice and the information in sub-head (ii) to the Department,

within the period of 7 days starting with the day on which the period allowed by paragraph 14(5) ends or, where applicable and if later, the day on which the enforcing authority receives the Department's notification that the bilateral consultations have been completed pursuant to paragraph 18(b); or

- (b) where representations are made within the period specified in paragraph 14(5) and where applicable, by the day on which the enforcing authority receives the Department's notification that the bilateral consultations have been completed pursuant to paragraph 18(b), the enforcing authority shall—

- (i) serve the variation notice;
- (ii) include in the register a copy of the variation notice, together with information on the reasons and considerations on which the variation notice is based;
- (iii) advertise the notice on its web-site and, if it considers it appropriate, by any other means; and
- (iv) where paragraph 17 applies, forward a copy of the variation notice and the information in sub-head (ii) to the Department,

within the period of 21 days starting with the day on which the period allowed by paragraph 14(5) ends or, where applicable and if later, the day on which the enforcing authority receives the Department's notification that the bilateral consultations have been completed pursuant to paragraph 18(b) or within such longer period as may be agreed with the operator.

Status: This is the original version (as it was originally made).

(2) The Department shall forward to the Member State to which the proposed variation has been forwarded under paragraph 17, a copy of the variation notice and the information specified in sub-paragraph (1)(a)(ii) or (1)(b)(ii), as soon as practicable after the date of receipt.

(3) Where sub-paragraph (1) applies and the enforcing authority fails to serve the variation notice within the period specified in that sub-paragraph, the proposed variation shall, if the operator of the Part A installation to which the variation refers notifies the enforcing authority in writing that he treats the failure as such, be deemed to have been withdrawn at the end of that period.