

2003 No. 206 (C. 41)

ENVIRONMENTAL PROTECTION

**The Environment Act 1995 (Commencement No. 21)
(Scotland) Order 2003**

Made

20th March 2003

The Scottish Ministers, in exercise of the powers conferred by section 125(3) of the Environment Act 1995(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and extent

1. This Order may be cited as the Environment Act 1995 (Commencement No. 21) (Scotland) Order 2003.
- (2) This Order extends to Scotland only.

Provisions coming into force on 1st April 2003

2. Section 120(1) of the Environment Act 1995 shall come into force on 1st April 2003 in so far as it relates to the following provisions of Schedule 22:—
 - (a) paragraphs 29(21) and (22) (in so far as those provisions are not already in force); and
 - (b) paragraph 88 for the purposes only of the Landfill (Scotland) Regulations 2003(b).

ROSS FINNIE

A member of the Scottish Executive

St Andrew's House,
Edinburgh
20th March 2003

(a) 1995 c.25. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(b) S.S.I. 2003/207.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st April 2003 section 120(1) of the Environment Act 1995, insofar as it relates to paragraphs 29(21) and (22) of Schedule 22 (insofar as those provisions are not already in force) and paragraph 88 of that Schedule for the purposes only of the Landfill (Scotland) Regulations 2003 (“the 2003 Regulations”). Paragraphs 29(21) and (22) make amendments to the Control of Pollution Act 1974 (c.40) concerning operations to remedy or forestall pollution of water and notices requiring persons to carry out anti-pollution operations. Paragraph 88 amends section 75 of the Environmental Protection Act 1990 (“the 1990 Act”) (meaning of “waste” and household, commercial and industrial waste and special waste). Subsection (2) is replaced, subsection (3) is deleted and new subsections (10) to (12) are inserted. The amended definition of “waste” in the 1990 Act is incorporated in the definition of “waste” in regulation 2 of the 2003 Regulations.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 1	28.7.1995	1995/1983
Section 2	1.4.1996	1996/186
Section 3(1)	1.4.1996	1996/186
Section 3(2) to (8)	28.7.1995	1995/1983
Section 4	28.7.1995	1995/1983
Section 5	1.2.1996 and 1.4.1996	1996/186
Section 6	1.4.1996	1996/186
Section 7	28.7.1995	1995/1983
Section 8	1.4.1996	1996/186
Section 9	28.7.1995	1995/1983
Sections 10 and 11	1.4.1996	1996/186
Section 12	28.7.1995	1995/1983
Sections 13 to 19	1.4.1996	1996/186
Sections 20 to 23	12.10.1995	1995/2649
Sections 25 to 29	1.4.1996	1996/186
Sections 30 to 32	12.10.1995	1995/2649
Section 33 to 35	1.4.1996	1996/186
Section 36	12.10.1995	1995/2649
Section 37	28.7.1995 and 1.4.1996	1995/1983 and 1996/186
Sections 38 to 40	28.7.1995	1995/1983
Section 41	21.9.1995 1.2.1996 and 1.4.1996	1995/1983 and 1996/186
Section 42	21.9.1995	1995/1983
Sections 43 to 52	28.7.1995	1995/1983
Sections 53 and 54	1.4.1996	1996/186
Section 55	1.2.1996 and 1.4.1996	1996/186
Section 56	28.7.1995	1995/1983
Section 57 (partially)	21.9.1995	1995/1983
(partially) England	1.4.2000	2000/340
(partially) Scotland	14.7.2000	S.S.I. 2000/180
Scotland	14.7.2000	2000/1986
(partially) Wales	15.9.2001	2001/3211
Section 58	21.9.1995 and 4.3.1998	1995/1983 and 1998/604
Section 59	12.10.1995	1995/2649
	and 1.1.1999	and 1998/3272
Section 60	1.7.1997	1997/1626

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
	and 1.7.1998	and 1998/604
Section 78 and Schedule 10 (partially), with savings	23.11.1995	1995/2950
	1.4.1996	and 1996/2560
	and 1.4.1997	
Section 80	1.2.1996	1996/186
Section 81	1.4.1996	1996/186
Sections 82 to 86	23.12.1997	1997/3044
Sections 87 to 89	1.2.1996	1996/186
Section 90 and Schedule 11	1.2.1996	1996/186
	and 23.12.1997	and 1997/3044
Section 91	1.2.1996	1996/186
Section 92	1.4.1996	1996/186
Sections 93 to 95	21.9.1995	1995/1983
Section 96(1), (5) and (6) and Schedules 13 and 14 (England and Wales)	1.11.1995	1995/2765
Section 96(1), (5) and (6) and Schedules 13 and 14 (Scotland)	1.1.1997	1996/2857
Section 96(2)	1.11.1995	1995/2765
Section 96(3)	1.1.1997	1996/2857
Section 96(4) (partially)	1.11.1995	1995/2765
Section 96(4) (partially) (Scotland)	1.1.1997	1996/2857
Section 97 to 103	21.9.1995	1995/1983
Section 104	1.4.1996	1996/186
Section 105 and Schedule 15	21.9.1995	1995/1983
	1.2.1996	and 1996/186
	1.4.1996	
	and 1.1.1999	
Sections 106 to 114	1.4.1996	1996/186
Section 115	1.4.1996	1995/2950
		and 1996/186
Section 116 and Schedule 21 (partially)	21.9.1995	1995/1983
	1.7.1997	1997/1626
	and 8.4.1998	and 1998/781
Section 117	1.4.1996	1996/186
Section 118(1) to (3), (4) and (5) (partially) and (6)	1.4.1996	1996/186
Section 119	1.4.1996	1996/186
Section 120(1) and Schedule 22 (partially)	21.9.1995	1995/1983
	21.10.1995	1995/2649
	1.2.1996	1996/186
	1.4.1996	1996/2909
	21.11.1996	1997/3044
	31.12.1996	1998/604
	23.12.1997	1999/803
	1.4.1998	1999/1301
	16.3.99	1999/1301
	1.4.99	
	29.4.99	
(partially) England	1.4.2000	2000/340
(partially) Scotland	14.7.2000	S.S.I. 2000/180
	1.1.2000	S.S.I. 2000/433
(partially) Wales	15.9.2001	2001/3211
Section 120(2) and Schedule 23 (partially)	1.4.1996	1995/1983
	and 1.1.1999	and 1996/186
Section 120(3) and Schedule 24 (partially)	21.9.1995	1995/1983
	1.11.1995	1995/2765
	1.2.1996	1996/186
	1.4.1996	1996/2560
	31.12.1996	1996/2857
	1.1.1997	1996/2909
	1.4.1997	
	1.1.1999	

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Scotland	14.7.2000	S.S.I. 2000/180
(partially) Wales	15.9.2001	2001/3211
Section 120(4) to (6)	28.7.1995	1995/1983
Section 121 to 124	28.7.1995	1995/1983
Paragraph 7(2) of Schedule 7	1.4.1997	1996/2560

£1.75

© Crown Copyright 2003

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
200 04/03 19593

