



Planning (Hazardous Substances) Act 1990

1990 CHAPTER 10

Variation and revocation of consents

18 Determination of applications for continuation of hazardous substances consent.

- (1) When an application is made under section 17 for the continuation of a hazardous substances consent the hazardous substances authority—
 - (a) may modify the consent in any way they consider appropriate; or
 - (b) may revoke it.
- (2) In dealing with such an application the authority shall have regard to any material consideration and, in particular, but without prejudice to the generality of the foregoing—
 - (a) to the matters to which a hazardous substances authority are required to have regard by section 9(2)(a) to (d); and
 - (b) to any advice which the [^{F1}safety regulator has] given following consultations in pursuance of regulations under section 17(2).
- (3) If an application relates to more than one consent, the authority may make different determinations in relation to each.
- (4) If a consent relates to more than one hazardous substance, the authority may make different determinations in relation to each.
- (5) It shall be the duty of a hazardous substances authority, when continuing hazardous substances consent, to attach to the consent either—
 - (a) a statement that it is unchanged in relation to the matters included in it by virtue of sections 9(4) and 10(3); or
 - (b) a statement of any change in respect of those matters.
- (6) The modifications which a hazardous substances authority may make by virtue of subsection (1)(a) include, without prejudice to the generality of that subsection, the making of the consent subject to conditions with respect to any of the matters

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mentioned in subsection (1) of section 10; and subsection (2) of that section shall apply as respects those conditions as it applies to the grant of consent subject to conditions.

- (7) Where any application under section 17(1) is made to a hazardous substances authority then, unless within such period as may be prescribed, or within such extended period as may at any time be agreed upon in writing between the applicant and the hazardous substances authority, the hazardous substances authority either—
- (a) give notice to the applicant of their decision on the application; or
 - (b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 20,
- the application shall be deemed to have been granted.

Textual Amendments

- F1** Words in s. 18(2)(b) substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 2 para. 9](#) (with [Sch. 4](#))
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Modifications etc. (not altering text)

- C1** S. 18 Power to apply conferred (10.11.1993) by [1993 c. 28, ss. 171\(4\)\(c\)](#); [S.I. 1993/2762, art. 3](#)
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Commencement Information

- I1** S. 18 wholly in force at 1.6.1992 see [S.I. 1992/725, art. 3](#); S. 18 in force for certain purposes at 11.3.1992 see [S.I. 1992/725, art. 2](#)

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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. 3(4A) inserted by [2023 c. 55 Sch. 17 para. 4\(b\)](#)
- s. 9(2)(ca) inserted by [2023 c. 55 Sch. 6 para. 14](#)
- s. 10(4) inserted by [2023 c. 55 s. 124\(6\)](#)
- s. 20(4A) inserted by [2008 c. 29 Sch. 10 para. 26](#)
- s. 21(5A) inserted by [2008 c. 29 Sch. 10 para. 27](#)
- s. 37(3) inserted by [2008 c. 29 Sch. 10 para. 29](#)
- s. 37(5) inserted by [2023 c. 55 s. 124\(7\)\(b\)](#)
- Sch. para. 2(4A) inserted by [2008 c. 29 Sch. 10 para. 30\(2\)](#)
- Sch. para. 2(9) inserted by [2008 c. 29 Sch. 10 para. 30\(3\)](#)
- Sch. para. 3(4A)(4B) inserted by [2008 c. 29 Sch. 10 para. 30\(4\)](#)
- Sch. para. 6(1A) inserted by [2008 c. 29 Sch. 10 para. 30\(6\)](#)