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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Environment Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## SCHEDULES

### SCHEDULE 23

#### TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

##### PART I

##### GENERAL TRANSITIONAL PROVISIONS AND SAVINGS

##### *Charging schemes*

- 4 [F1(1) Without prejudice to section 55 of this Act, any charging scheme—
- (a) which relates to any transferred functions,
  - (b) which was made before the transfer date, and
  - (c) which is in force immediately before that date or would (apart from this Act) have come into force at any time after that date,
- shall, subject to the provisions of section 41 of this Act, have effect on and after the transfer date, with any necessary modifications, and for the remainder of the period for which the charging scheme would have been in force apart from any repeal made by this Act, as a scheme made under that section by the transferee in accordance with section 42 of this Act.
- (2) Any costs or expenses incurred before the transfer date by any person in carrying out functions transferred to a new Agency by or under this Act may be treated for the purposes of subsections (3) and (4) of section 42 of this Act as costs or expenses incurred by that new Agency in carrying out those functions.
- (3) In this paragraph—
- “charging scheme” means a scheme specifying, or providing for the determination of, any fees or charges;
  - “new Agency” means the Agency or SEPA;
  - “transferred functions” means any functions which, by virtue of any provision made by or under this Act, become functions of a new Agency and
  - “the transferee” means the new Agency whose functions they so become.]

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#### Textual Amendments

- F1** Sch. 23 para. 4 repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 29\(11\)\(a\)](#); S.S.I. 2014/160, art. 2(1)(2)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. 41(1)(s) inserted by [2021 c. 30 s. 57\(8\)](#)
- s. 80(8) inserted by [2024 asc 2 s. 12\(1\)](#)
- s. 80(9)(10) inserted by [2024 asc 2 s. 13](#)
- s. 81B inserted by [2024 asc 2 s. 14\(1\)](#)
- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- s. 87(2)(o)(i) words in s. 87(2)(o) renumbered as s. 87(2)(o)(i) by [2024 asc 2 s. 24\(2\)\(a\)\(i\)](#)
- s. 87(2)(o)(ii) and word inserted by [2024 asc 2 s. 24\(2\)\(a\)\(ii\)](#)
- s. 87(2B) inserted by [2024 asc 2 s. 24\(2\)\(b\)](#)
- s. 87(7A)(7B) inserted by [2024 asc 2 s. 15](#)
- s. 87(9A) inserted by [2024 asc 2 s. 12\(2\)](#)
- s. 88(4)(5) inserted by [2024 asc 2 s. 14\(3\)\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)