

*This Statutory Instrument has been made in consequence of defects in S.I.1991/472 and S.I. 1991/507
and is being issued free of charge to all known recipients of those Statutory Instruments*

STATUTORY INSTRUMENTS

1991 No. 836

ENVIRONMENTAL PROTECTION

**The Environmental Protection (Amendment
of Regulations) Regulations 1991**

<i>Made</i>	- - - -	<i>27th March 1991</i>
<i>Laid before Parliament</i>		<i>27th 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 their powers under sections 2 and 11(7) of and paragraphs 1, 6 and 7 of Schedule 1 to the Environmental Protection Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, application and commencement

1.—(1) These Regulations may be cited as the Environmental Protection (Amendment of Regulations) Regulations 1991.

(2) These Regulations shall come into force in England and Wales on 1st April 1991 and in Scotland on 1st April 1992.

Amendment of regulations

2.—(1) The Environmental Protection (Prescribed Processes and Substances) Regulations 1991⁽²⁾ shall be amended as follows.

(2) In paragraphs 5, 13, 19 and 26 of Schedule 3 to those Regulations for “the date on which the application is first granted or refused” substitute “the determination date for that process”.

(3) For paragraph 8 of Schedule 3 to those Regulations substitute—

(1) 1990 c. 43.
(2) S.I. 1991/472.

“8. In this Part and subsequent provisions of this Schedule—

“the determination date” for a prescribed process is—

- (a) in the case of a process for which an authorisation is granted, the date on which the enforcing authority grants it, whether in pursuance of the application or, on an appeal, of a direction to grant it;
- (b) in the case of a process for which an authorisation is refused, the date of the refusal or, on an appeal, of the affirmation of the refusal;

“substantial change” has the same meaning as in section 10 of the Act.”.

3. The Environmental Protection (Applications, Appeals and Registers) Regulations 1991(3) shall be amended as follows—

- (a) in regulation 3(6), omit “to an enforcing authority” in the second place where those words occur;
- (b) in regulation 5(4), for “paragraph” substitute “regulation”.

26th March 1991

Michael Heseltine
Secretary of State for the Environment

26th March 1991

David Hunt
Secretary of State for Wales

26th March 1991

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 2 of the Environmental Protection Act 1990 provides that the Secretary of State may specify the date from which authorisation is to be required to carry on particular processes. Paragraphs 5, 13, 19 and 26 of Schedule 3 to the Environmental Protection (Prescribed Processes and Substances) Regulations 1991 (S.I. [1991/472](#)) specify the date for existing processes where an application for authorisation is made within the time limits specified in that Schedule.

Regulation 2 of these Regulations amends Schedule 3 to the Environmental Protection (Prescribed Processes and Substances) Regulations 1991 to provide that the prescribed date in such cases is—

- (a) in the case of a process for which an authorisation is granted, the date on which the enforcing authority grants it, whether in pursuance of the application or, on an appeal, of a direction to grant it;
- (b) in the case of a process for which an authorisation is refused, the date of the refusal or, on an appeal, of the affirmation of the refusal.

This amendment brings paragraphs 5, 13, 19 and 26 of Schedule 3 to the Environmental Protection (Prescribed Processes and Substances) Regulations 1991 into line with equivalent transitional provisions in paragraphs 2, 6, 12, 14 and 28 of Schedule 15 to the Environmental Protection Act 1990.

Regulation 3 of these Regulations corrects two minor errors in the Environmental Protection (Applications, Appeals and Registers) Regulations 1991 (S.I. [1991/507](#)).