

SCHEDULE 6

Regulation 5

TRANSITIONALS

Interpretation

1. In this Schedule—

“existing process” means a process—

- (a) which was being carried on at some time in the 12 months immediately preceding 1st December 1994; or
- (b) which is to be carried on at a works, plant or factory or by means of mobile plant which was under construction or in course of manufacture or in the course of commission at that date, or the construction or supply of which was the subject of a contract entered into before that date;

“the determination date” for a prescribed process means—

- (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—
 - (i) if the applicant appeals against the refusal, the date of the affirmation of the refusal;
 - (ii) if no appeal is made against the refusal, the date immediately following the last day, determined in accordance with regulation 10(1) of the Environmental Protection (Applications, Appeals and Registers) Regulations 1991(1), on which notice of appeal might have been given;

“Part A process” and “Part B process” have the same meaning as in the principal Regulations(2).

Processes which cease to be prescribed processes

2.—(1) This paragraph applies to a process—

- (a) which, by virtue of regulation 4 above, ceases to be a prescribed process on 1st December 1994; and
- (b) in respect of which no authorisation under section 6 of the Act is in force on 1st June 1994.

(2) Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a process to which this paragraph applies.

(3) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies shall be 30th November 1994.

Processes which become Part A prescribed processes

3.—(1) This paragraph applies to a process which—

- (a) becomes a Part A process on 1st December 1994 by virtue of regulation 4 above; and
- (b) before that date, is not a prescribed process.

(2) Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a process to which this paragraph applies.

(1) S.I.1991/507.

(2) See S.I. 1991/472, regulation 2, for the definition of these terms.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies other than an existing process shall be 30th November 1994.

(4) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies which is an existing process shall, subject to subparagraph (5) below, be—

(a) 30th November 1994; or

(b) the date determined in accordance with Schedule 3 to the principal Regulations(3),

whichever is the later.

(5) Where application is duly made in accordance with section 6 of the Act before 1st November 1994 for authorisation to carry on an existing process to which this paragraph applies, the prescribed date as respects the carrying on by the applicant (or other person in his place) of the process to which the application relates shall be the determination date for that process.

Processes which transfer from Part B to Part A

4.—(1) This paragraph applies to a process which—

(a) becomes a Part A process on 1st December 1994 by virtue of regulation 4 above; and

(b) immediately before that date, is a Part B process.

(2) Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a process to which this paragraph applies.

(3) For this purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies other than an existing process shall be 30th November 1994.

(4) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies which is an existing process shall, subject to subparagraph (5) below, be 31st December 1994.

(5) Where application is duly made in accordance with section 6 of the Act before 1st January 1995 for authorisation to carry on an existing process to which this paragraph applies, the prescribed date as respects the carrying on by the applicant (or other person in his place) of the process to which the application relates shall be the determination date for that process.

Processes which become Part B prescribed processes

5.—(1) This paragraph applies to a process which—

(a) becomes a Part B process on 1st December 1994 by virtue of regulation 4 above; and

(b) before that date, is not a prescribed process.

(2) Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a process to which this paragraph applies.

(3) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies other than an existing process shall be 30th November 1994.

(4) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies which is an existing process shall, subject to subparagraph (5) below, be 31st May 1995.

(3) Schedule 3 to the principal Regulations was amended by S.I. [1991/836](#), S.I. [1993/1749](#), S.I. [1993/2405](#).

(5) Where application is duly made in accordance with section 6 of the Act before 1st June 1995 for authorisation to carry on an existing process to which this paragraph applies, the prescribed date as respects the carrying on by the applicant (or other person in his place) of the process to which the application relates shall be the determination date for that process.

Processes which transfer from Part A to Part B

6.—(1) This paragraph applies to a process which—

- (a) becomes a Part B process on 1st December 1994 by virtue of regulation 4 above; and
- (b) immediately before that date, is a Part A process for the carrying on of which an application for an authorisation under section 6 of the Act is not yet required to be made.

(2) Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a process to which this paragraph applies.

(3) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies other than an existing process shall be 30th November 1994.

(4) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies which is an existing process shall, subject to sub-paragraph (5) below, be 31st May 1995.

(5) Where application is duly made in accordance with section 6 of the Act before 1st June 1995 for authorisation to carry on an existing process to which this paragraph applies, the prescribed date as respects the carrying on by the applicant (or other person in his place) of the process to which the application relates shall be the determination date for that process.

7.—(1) This paragraph applies to an existing process—

- (a) which becomes a Part B process on 1st December 1994 by virtue of regulation 4 above; and
- (b) which, immediately before that date, is a Part A process; and
- (c) to which paragraph 6 above does not apply.

(2) Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a process to which this paragraph applies.

(3) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies shall, subject to sub-paragraph (4) below, be 31st December 1994.

(4) Where application is duly made in accordance with section 6 of the Act before 1st January 1995 for authorisation to carry on an existing process to which this paragraph applies, the prescribed date as respects the carrying on by the applicant (or other person in his place) of the process to which the application relates shall be the determination date for that process.

(5) The requirements of paragraphs 1(2) and 2 of Schedule 1 to the Act (advertisement and consultation) shall not apply in relation to an application made as described in sub-paragraph (4) above if, in respect of the process to which that application relates—

- (a) an authorisation under section 6 of the Act is in force on 30th November 1994; or
- (b) an application for an authorisation under section 6 of the Act has been made and the requirements of those paragraphs have been fulfilled in relation to that application before 1st December 1994.