
STATUTORY INSTRUMENTS

1998 No. 604 (C.11)

ENVIRONMENTAL PROTECTION

**The Environment Act 1995
(Commencement No. 11) Order 1998**

Made - - - - 4th March 1998

The Secretary of State, in exercise of his powers under section 125(3) and (4) of the Environment Act 1995⁽¹⁾, hereby makes the following Order:

Citation

1. This Order may be cited as the Environment Act 1995 (Commencement No. 11) Order 1998.

Provisions coming into force on 1st April 1998

2. Section 120(1) of the Environment Act 1995 shall come into force on 1st April 1998 in so far as it relates to the following provisions of Schedule 22—

- paragraph 37(2);
- paragraph 67 in so far as it imposes a duty, or confers power, to make regulations;
- paragraph 68(2) (in so far as not already in force);
- paragraph 68(5);
- paragraphs 69, 71 and 72(1)(2) in so far as they confer power to make regulations; and
- paragraphs 73(2), 74 and 76 (in so far as those provisions are not already in force).

Provisions coming into force on 1st July 1998

3. Sections 58 and 60 of the Environment Act 1995 (in so far as those sections are not already in force) shall come into force on 1st July 1998.

(1) 1995 c. 25.

(2) See the new sections 36A(5)(b), 37A(6)(b) and 38(9B) of the Environmental Protection Act 1990 (c. 43), added by paragraphs 69, 71 and 72(1) respectively.

Status: This is the original version (as it was originally made).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

Signed by authority of the Secretary of State

4th March 1998

Angela Eagle
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 brings into force on 1st April 1998 various paragraphs of Schedule 22 to the Environment Act 1995 (minor and consequential amendments) relating to the Control of Pollution (Amendment) Act 1989 (registration of waste carriers) and Part II of the Environmental Protection Act 1990 (waste management licensing). The provisions commenced—

- (a) provide for applications to the regulation authority (the Environment Agency or in Scotland the Scottish Environment Protection Agency) to be made on a form provided by the authority, and repeal provisions concerning the charges to be paid in connection with those applications. Each of the Agencies may require payment of charges in respect of such applications by means of a scheme made under section 41 of the Act;
- (b) enable or require the Secretary of State to make regulations—
 - (i) prescribing the periods within which representations may be made in consultation processes before the grant or variation of waste management licences requiring the licence holder to carry out works which would necessitate the grant of rights over land; and
 - (ii) providing for the payment of compensation for those required to grant rights over land to holders of those licences.

Article 3 brings fully into force on 1st July 1998 the following sections of the Environment Act 1995—

- (a) section 58, which inserts new provisions in the Water Resources Act 1991 (c. 57) which require mine operators to give notice of proposed abandonment to the Environment Agency, with prescribed particulars; and
- (b) remaining provisions of section 60, which amends section 89 of the Water Resources Act 1991 (defence to offence of permitting water from an abandoned mine to enter controlled waters).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Environment Act 1995 have been brought into force by commencement orders made before the date of this 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 1.4.1996	1996/186

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
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
Sections 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
Section 58 (partially)	21.9.1995	1995/1983
Section 59 (partially)	12.10.1995	1995/2649
Section 60(3), (4), (5)(a) and (7)	1.7.1997	1997/1626
Section 78 and Schedule 10 (partially), with savings	23.11.1995 1.4.1996 and 1.4.1997	1995/2950 and 1996/2560
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 and 23.12.1997	1996/186 and 1997/3044
Section 91	1.2.1996	1996/186
Section 92	1.4.1996	1996/186

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
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
Sections 97 to 103	21.9.1995	1995/1983
Section 104	1.4.1996	1996/186
Section 105 and Schedule 15	21.9.1995 1.2.1996 1.4.1996 and 1.1.1999	1995/1983 and 1996/186
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 and 1.7.1997	1995/1983 and 1997/1626
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)	12.10.1995 21.9.95 1.2.1996 1.4.1996 21.11.1996 and 31.12.1996 23.12.1997	1995/1983 1995/2649 1996/186 1996/2909 and 1997/3044
Section 120(2) and Schedule 23 (partially)	1.4.1996 and 1.1.1999	1995/1983 and 1996/186
Section 120(3) and Schedule 24 (partially)	21.9.1995 1.11.1995 1.2.1996 1.4.1996 31.12.1996 1.1.1997 1.4.1997 and 1.1.1999	1995/1983 1995/2765 1996/186 1996/2560 1996/2857 and 1996/2909
Section 120(4) to (6)	28.7.1995	1995/1983
Sections 121 to 124	28.7.1995	1995/1983
Paragraph 7(2) of Schedule 7	1.4.1997	1996/2560