

SCHEDULE 1

Regulation 3

SULPHUR CONTENT OF LIQUID FUELS PERMITS

1. An operator of a combustion plant who wishes to rely on the exemption in regulation 3(3) or (4) may apply to the local authority in whose area the plant is situated for a sulphur content of liquid fuels permit if the operation of the plant does not require an authorisation under Part I of the Environmental Protection Act 1990 or a permit under regulations made under section 2 of the Pollution Prevention and Control Act 1999.

2. An application under paragraph 1 shall be in writing, shall be accompanied by any fee prescribed in respect of the application under section 8 of the Environmental Protection Act 1990 and shall contain the following information—

- (a) the name of the applicant, his telephone number and address (including post code) and, if different, any address to which correspondence relating to the application should be sent;
- (b) the address of the site of the combustion plant, the rated thermal input of the plant (in megawatts) and the fuel used in the plant; and
- (c) the condition which the applicant wishes to be included in the permit, being a condition which would satisfy the requirements of regulation 3(3) or (4).

3. An application under paragraph 1 may be withdrawn at any time before it is determined.

4. A local authority which receives a duly made application under paragraph 1 shall grant a sulphur content of liquid fuels permit subject to the condition identified in the application.

5.—(1) A sulphur content of liquid fuels permit may be transferred by the holder of the permit to a person who proposes to operate the combustion plant in the holder's place.

(2) Where a permit is transferred under this paragraph the person to whom it is transferred shall notify the local authority which granted the permit in writing of that fact not later than the end of the period of 21 days beginning with the date of the transfer.

6.—(1) A sulphur content of liquid fuels permit may be surrendered by the holder of the permit by serving written notice of the surrender on the local authority which granted the permit.

(2) Where a surrender is notified under this paragraph the permit shall cease to have effect on the date specified in the notification.

7. In this Schedule "local authority" means—

- (a) in Greater London, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple;
- (b) in England outside Greater London, a district council or, in relation to an area for which there is a county council but no district council, the county council, and the Council of the Isles of Scilly;
- (c) in Wales, a county council or county borough council.

8. Section 8 of the Environmental Protection Act 1990 shall apply for the purpose of prescribing a fee payable in respect of an application for a sulphur contents of liquid fuels permit as it applies for the purpose of prescribing a fee payable in respect of an application for an authorisation granted under Part I of that Act.

9. For the purpose of section 108(15) of the Environment Act 1995 (powers of entry)(1) the local authority which grants a sulphur content of liquid fuels permit shall be treated as a "local enforcing

(1) 1995 c. 25.

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authority ” and the function imposed by regulation 3(5) of checking compliance with the conditions in the permit shall be treated as a “pollution control function ” in relation to that authority.