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STATUTORY INSTRUMENTS

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**2004 No. 107**

**The Solvent Emissions (England and Wales) Regulations 2004**

**Duty for operators applying to use a reduction scheme**

6.—(1) Where, in respect of an existing SED installation, an operator makes—

- (a) an application for a permit;
- (b) an application for a variation of the conditions of an existing permit or authorisation under regulation 3 or for an extension of an existing permit under regulation 4; or
- (c) a supplementary application under regulation 5,

and indicates that he wishes to use a reduction scheme in respect of that SED installation, the operator shall, from 31st October 2005 until the determination date for the SED installation, operate the SED installation in accordance with the requirements of the proposed reduction scheme.

(2) In paragraph (1), the “determination date” shall be interpreted in accordance with Part 3 of Schedule 3 to the 2000 Regulations.

(3) Where a regulator considers that an operator has failed, is failing or is likely to fail to comply with the requirement under paragraph (1), the regulator may serve a notice on the operator requiring him to comply with that requirement and specifying the period within which it shall be complied with.

(4) A notice served under paragraph (3) shall be treated for the purposes of the 2000 Regulations as an enforcement notice served under regulation 24(1) of the 2000 Regulations.

(5) For the purposes of the discharge of its functions under this regulation the regulator may serve a notice on any person requiring that person to furnish such information as is specified in the notice, in such form and within such period following service of the notice or at such time as is so specified.

(6) A notice served under paragraph (5) shall be treated for the purposes of the 2000 Regulations as a notice served under regulation 28(2) of the 2000 Regulations.