

SCHEDULE 27

Regulation 46(1)

Public registers

**Matters to be included in a public register**

- 1.—(1) A public register must contain a copy of—
  - (a) every application for—
    - (i) the grant of an environmental permit,
    - (ii) the variation of an environmental permit,
    - (iii) the transfer of an environmental permit in whole or in part, or
    - (iv) the surrender of an environmental permit in whole or in part;
  - (b) every notice requesting further information under paragraph 4(1) of Part 1 of Schedule 5;
  - (c) all representations made in respect of an application for the grant or variation of an environmental permit;
  - (d) every environmental permit, variation, transfer in whole or in part, or surrender in whole or in part granted or made by the regulator;
  - (e) every determination or decision notified under paragraph 17(2)(a) of Part 1 of Schedule 5;
  - (f) every prohibition notice, enforcement notice, revocation notice, suspension notice, landfill closure notice, mining waste facility closure notice or notice withdrawing such a notice served by the regulator;
  - (g) in relation to an appeal to an appropriate authority, every—
    - (i) notice of appeal,
    - (ii) document relating to the appeal,
    - (iii) representation made in respect of the appeal, and
    - (iv) determination of the authority, including any report accompanying that determination;
  - (h) all information obtained by the regulator—
    - (i) as a result of its own monitoring,
    - (ii) as a result of monitoring required under an environmental permit condition, or
    - (iii) under regulation 61 in relation to monitoring;
  - (i) all other information given to the regulator in compliance with—
    - (i) an environmental permit condition,
    - (ii) an enforcement notice,
    - (iii) a suspension notice,
    - (iv) a landfill closure notice,
    - (v) a mining waste facility closure notice, or
    - (vi) regulation 61;
  - (j) every report published by the regulator relating to an assessment of the environmental consequences of the operation of an installation;
  - (k) every direction given to the regulator, the exemption registration authority or the exemption authority by an appropriate authority under these Regulations, other than a direction given under regulation 47 or paragraph 13 of Schedule 2.

*Status: This is the original version (as it was originally made).*

- (2) A public register must also contain—
- (a) details of any conviction for, or enforcement undertaking accepted in relation to, an offence under regulation 38 in respect of an environmental permit granted by the regulator or a failure to apply to the regulator for the grant of an environmental permit,
  - (b) in the case of a body corporate, details of any formal caution for an offence under regulation 38 in respect of an environmental permit granted by the regulator or a failure to apply to the regulator for the grant of an environmental permit,
  - (c) an inventory of closed mining waste facilities as required under Article 20 of the Mining Waste Directive,
  - (d) a list identifying all waste incineration plants and waste co-incineration plants—
    - (i) which have a capacity of less than 2 tonnes per hour, and
    - (ii) whose operation is authorised by an environmental permit containing conditions which give effect to Chapter IV of the Industrial Emissions Directive,
  - (e) the information provided to the regulator by the operator of a materials facility under paragraph 7 of Part 2 of Schedule 9, and
  - (f) details of—
    - (i) all fees and charges paid to a regulator within the meaning of regulation 66 pursuant to a scheme under that regulation, and
    - (ii) the total expenditure of that regulator in exercising its functions under these Regulations.
- (3) The regulator may omit any representation referred to in sub-paragraph (1) from its public register at the request of the person making the representation, but the regulator must then include in the public register a statement that a representation was made and was the subject of such a request.
- (4) The regulator may omit from its public register any representation which substantially duplicates a representation already included in the public register, but the regulator must then include on the register a statement of the number of representations that have been omitted on this basis.
- (5) If the regulator omits from its public register information referred to in sub-paragraph (1) (h) on the grounds that it is commercially or industrially confidential, the regulator must include in the public register a statement indicating whether or not there has been compliance with any environmental permit condition related to that information and requiring compliance with emission limit values.

### **Information no longer relevant for public participation**

2. A regulator is not required to keep in its public register information which is no longer relevant for the purposes of public participation required under these Regulations.

### **Formal cautions**

3. A regulator must remove details of any formal caution from its public register 5 years after the caution was given.

## Spent convictions of individuals

4. A regulator must remove details of any conviction from its public register once the rehabilitation period for a sentence has ended in accordance with section 5 of the Rehabilitation of Offenders Act 1974(1).

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(1) 1974 c. 53; section 5 was amended by paragraph 24 of Schedule 7 to the Criminal Justice (Scotland) Act 1980 (c. 62), paragraph 36 of Schedule 14, and Schedule 16, to the Criminal Justice Act 1982 (c. 48), paragraph 9 of Schedule 8 to the Criminal Justice Act 1988 (c. 33), paragraph 48 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), paragraph 18 of Schedule 32(1) to the Criminal Justice Act 2003 (c. 44), paragraph 65 of Schedule 16 and Schedule 17 to the Armed Forces Act 2006 (c. 52), and section 139 of, and paragraph 2 of Schedule 21(1) to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).