Environmental Protection Act 1990

1990 CHAPTER 43

PART I

INTEGRATED POLLUTION CONTROL AND AIR POLLUTION CONTROL BY LOCAL AUTHORITIES

Authorisations

6 Authorisations: general provisions.

[[F1](1) No person shall carry on a prescribed process after the date prescribed or determined for that description of process by or under regulations under section 2(1) above (but subject to any transitional provision made by the regulations) except under an authorisation granted by the enforcing authority and in accordance with the conditions to which it is subject.

(2) An application for an authorisation shall be made to the enforcing authority in accordance with Part I of Schedule 1 to this Act and shall be accompanied by

[F2]**[**(a) in a case where, by virtue of section 41 of the Environment Act 1995, a charge prescribed by a charging scheme under that section is required to be paid to the appropriate Agency in respect of the application, the charge so prescribed; or

(b) in any other case,**]** the fee prescribed under section 8(2)(a) below.

(3) Where an application is duly made to the enforcing authority, the authority shall either grant the authorisation subject to the conditions required or authorised to be imposed by section 7 below or refuse the application.

(4) An application shall not be granted unless the enforcing authority considers that the applicant will be able to carry on the process so as to comply with the conditions which would be included in the authorisation.

(5) The Secretary of State may, if he thinks fit in relation to any application for an authorisation, give to the enforcing authority directions as to whether or not the authority should grant the authorisation.

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(6) **[**[F3]Subject to subsection (6A) below,**]** the enforcing authority shall, as respects each authorisation in respect of which it has functions under this Part, from time to time but not less frequently than once in every period of four years, carry out a review of the conditions of the authorisation.

[[F4](6A) **[**[F5]Subsection (6) does not require a review of the conditions of an authorisation to be carried out if the prescribed process covered by the authorisation is—

(a) a Part A activity,

(b) a Part B activity,

(c) a solvent emission activity, or

(d) carried out using mobile plant.**]**

(6B) **[**[F5]In subsection (6A), "Part A activity", "Part B activity", "solvent emission activity" and "mobile plant" have the meanings given in the Pollution Prevention and Control (Scotland) Regulations 2012.**]]**

(7) The Secretary of State may, by regulations, substitute for the period for the time being specified in subsection (6) above such other period as he thinks fit.

(8) Schedule 1 to this Act (supplementary provisions) shall have effect in relation to authorisations.**]**

Textual Amendments

F1 Ss. 1-28 repealed (1.4.2015 for S. for the repeal of ss. 1-19, 22-28) by Pollution Prevention and Control Act 1999 (c. 24), s. 7(3), **Sch. 3** (with s. 7(7)); S.S.I. 2015/74, art. 2(2)(b)

F2 Words in s. 6(2) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 48** (with ss. 7(6), 115); S.I. 1996/186, **art. 3**

F3 Words in s. 6(6) inserted (E.W.) (1.8.2000) by S.I. 2000/1973, reg. 39, **Sch. 10 Pt. 1 para. 3(a)** and inserted (S.) (28.9.2000) by S.S.I. 2000/323, reg. 36, **Sch. 10 Pt. 1 para. 3(2)(a)**

F4 S. 6(6A)(6B) inserted (E.W.) (1.8.2000) by S.I. 2000/1973, reg. 39, **Sch. 10 Pt. 1 para. 3(b)** and inserted (S.) (28.9.2000) by S.S.I. 2000/323, reg. 36, **Sch. 10 Pt. 1 para. 3(2)(b)**

F5 S. 6(6A)(6B) substituted (S.) (7.1.2013) by The Pollution Prevention and Control (Scotland) Regulations2012 (S.S.I. 2012/360), reg. 1(2), **sch. 11 para. 1(2)** (with reg. 71)

Modifications etc. (not altering text)

C1 S. 6(1) amended (13.4.1998) by S.I. 1998/767, **reg. 3(1)(2)**.

7 Conditions of authorisations.

[[F1](1) There shall be included in an authorisation—

(a) subject to paragraph (b) below, such specific conditions as the enforcing authority considers appropriate, when taken with the general condition implied by subsection (4) below, for achieving the objectives specified in subsection (2) below;

(b) such conditions as are specified in directions given by the Secretary of State under subsection (3) below; and

(c) such other conditions (if any) as appear to the enforcing authority to be appropriate;

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but no conditions shall be imposed for the purpose only of securing the health of persons at work (within the meaning of Part I of the [M1]Health and Safety at Work etc. Act 1974).

(2) Those objectives are—

(a) ensuring that, in carrying on a prescribed process, the best available techniques not entailing excessive cost will be used—

(i) for preventing the release of substances prescribed for any environmental medium into that medium or, where that is not practicable by such means, for reducing the release of such substances to a minimum and for rendering harmless any such substances which are so released; and

(ii) for rendering harmless any other substances which might cause harm if released into any environmental medium;

(b) compliance with any directions by the Secretary of State given for the implementation of any **[**[F6]**[**[F7]assimilated**]** obligations**]** or international law relating to environmental protection;

(c) compliance with any limits or requirements and achievement of any quality standards or quality objectives prescribed by the Secretary of State under any of the relevant enactments;

(d) compliance with any requirements applicable to the grant of authorisations specified by or under a plan made by the Secretary of State under section 3(5) above.

(3) Except as respects the general condition implied by subsection (4) below, the Secretary of State may give directions to the enforcing authorities as to the conditions which are, or are not, to be included in all authorisations, in authorisations of any specified description or in any particular authorisation.

(4) Subject to subsections (5) and (6) below, there is implied in every authorisation a general condition that, in carrying on the process to which the authorisation applies, the person carrying it on must use the best available techniques not entailing excessive cost—

(a) for preventing the release of substances prescribed for any environmental medium into that medium or, where that is not practicable by such means, for reducing the release of such substances to a minimum and for rendering harmless any such substances which are so released; and

(b) for rendering harmless any other substances which might cause harm if released into any environmental medium.

(5) In the application of subsections (1) to (4) above to authorisations granted by a local enforcing authority references to the release of substances into any environmental medium are to be read as references to the release of substances into the air.

(6) The obligation implied by virtue of subsection (4) above shall not apply in relation to any aspect of the process in question which is regulated by a condition imposed under subsection (1) above.

(7) The objectives referred to in subsection (2) above shall, where the process—

(a) is one designated for central control; and

(b) is likely to involve the release of substances into more than one environmental medium;

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include the objective of ensuring that the best available techniques not entailing excessive cost will be used for minimising the pollution which may be caused to the environment taken as a whole by the releases having regard to the best practicable environmental option available as respects the substances which may be released.

(8) An authorisation for carrying on a prescribed process may, without prejudice to the generality of subsection (1) above, include conditions—

(a) imposing limits on the amount or composition of any substance produced by or utilised in the process in any period; and

(b) requiring advance notification of any proposed change in the manner of carrying on the process.

(9) This section has effect subject to section 28 below [F8]. . .

(10) References to the best available techniques not entailing excessive cost, in relation to a process, include (in addition to references to any technical means and technology) references to the number, qualifications, training and supervision of persons employed in the process and the design, construction, lay-out and maintenance of the buildings in which it is carried on.

(11) It shall be the duty of enforcing authorities to have regard to any guidance issued to them by the Secretary of State for the purposes of the application of subsections (2) and (7) above as to the techniques and environmental options that are appropriate for any description of prescribed process.

(12) In subsection (2) above "the relevant enactments" are any enactments or instruments contained in or made for the time being under—

(a) section 2 of the [M2]Clean Air Act 1968;

[[F9](b) **[**[F10]assimilated**]** law;**]**

(c) Part I of the [M3]Health and Safety at Work etc. Act 1974;

(d) Parts II, III or IV of the [M4]Control of Pollution Act 1974;

[F11]**[**(e) the Water Resources Act 1991; **[**[F12]and**]]**

(f) section 3 of this Act **[**[F13]; **[**[F12]and**]**

(g) section 87 of the Environment Act 1995.**[**[F14] and

(h) Part 1 of the Water Environment and Water Services (Scotland) Act 2003 (asp 3).**]]]**

Textual Amendments

F1 Ss. 1-28 repealed (1.4.2015 for S. for the repeal of ss. 1-19, 22-28) by Pollution Prevention and Control Act 1999 (c. 24), s. 7(3), **Sch. 3** (with s. 7(7)); S.S.I. 2015/74, art. 2(2)(b)

F6 Words in s. 7(2)(b) substituted (31.12.2020) by The Environment (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/458), regs. 1(1), **2(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F7 Word in s. 7(2)(b) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 29(2)**

F8 Words in s. 7(9) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 49(1), **Sch.24** (with ss. 7(6), 115); S.I. 1996/186, **art.3**

F9 S. 7(12)(b) substituted (31.12.2020) by The Environment (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/458), regs. 1(1), **2(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F10 Word in s. 7(12)(b) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 29(2)**

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F11 S. 7(12)(e) substituted (1. 12. 1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2, 4(2), **Sch. 1 para. 56(2)**

F12 Words in s. 7(12) omitted (S.) (1.4.2006) by virtue of The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181), art. 2, **Sch. Pt. IV para. 5(2)(a)**

F13 S. 7(12)(g) and the word immediately preceding it added (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 49(2)**(with ss. 7(6), 115); S.I. 1996/186, **art.3**

F14 S. 7(12)(h) and preceding word inserted (S.) (1.4.2006) by The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181), art. 2, **Sch. Pt. IV para. 5(2)(b)**

Marginal Citations

M1 1974 c. 37.

M2 1968 c. 62.

M3 1974 c. 37.

M4 1974 c. 40.

8 Fees and charges for authorisations.

[[F1](1) There shall be charged by and paid to the **[**[F15]local enforcing authority**]** such fees and charges as may be prescribed from time to time by a scheme under subsection (2) below (whether by being specified in or made calculable under the scheme).

(2) The Secretary of State may, with the approval of the Treasury, make, and from time to time revise, a scheme prescribing—

(a) fees payable in respect of applications for authorisations;

(b) fees payable by persons holding authorisations in respect of, or of applications for, the variation of authorisations; and

(c) charges payable by such persons in respect of the subsistence of their authorisations.

(3) The Secretary of State shall, on making or revising a scheme under subsection (2) above, lay a copy of the scheme or of the alterations made in the scheme or, if he considers it more appropriate, the scheme as revised, before each House of Parliament.

[F16](4) . . . . . .

(5) A scheme under subsection (2) above may, in particular—

(a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities;

(b) allow for reduced fees or charges to be payable in respect of authorisations for a number of prescribed processes carried on by the same person;

(c) provide for the times at which and the manner in which the payments required by the scheme are to be made; and

(d) make such incidental, supplementary and transitional provision as appears to the Secretary of State to be appropriate.

(6) The Secretary of State, in framing a scheme under subsection (2) above, shall, so far as practicable, secure that the fees and charges payable under the scheme are sufficient, taking one financial year with another, to cover the relevant expenditure attributable to authorisations.

(7) The "relevant expenditure attributable to authorisations" is the expenditure incurred by the **[**[F17]local enforcing authorities**]** in exercising their functions under this Part in relation to authorisations [F18]. . . **[**[F19]together with the expenditure incurred by the

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Environment Agency in exercising, in relation to authorisations granted by local enforcing authorities or the prescribed processes to which such authorisations relate, such of its functions as are specified in the scheme.**]**

(8) If it appears to the **[**[F20]local enforcing authority**]** that the holder of an authorisation has failed to pay a charge due in consideration of the subsistence of the authorisation, it may, by notice in writing served on the holder, revoke the authorisation.

[F21](9) . . . . . .

[F22]**[**(10) The foregoing provisions of this section shall not apply to Scotland.**]]**

Textual Amendments

F1 Ss. 1-28 repealed (1.4.2015 for S. for the repeal of ss. 1-19, 22-28) by Pollution Prevention and Control Act 1999 (c. 24), s. 7(3), **Sch. 3** (with s. 7(7)); S.S.I. 2015/74, art. 2(2)(b)

F15 Words in s. 8(1) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 50(2)**(with ss. 7(6), 115); S.I. 1996/186, **art. 3**

F16 S. 8(4) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 50(3), **Sch. 4**; S.I. 1996/186, **art. 3**

F17 Words in s. 8(7) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 50(4)** (with ss. 7(6), 115); S.I. 1996/186, **art. 3**

F18 Words in s. 8(7) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 50(4)(b), **Sch. 24** (with ss. 7(6), 115); S.I. 1996/186, **art. 3**

F19 Words in s. 8(7) inserted (21.3.2000) by 1999 c. 24, s. 6, **Sch. 2 para. 4**; S.I. 2000/800, **art. 2**

F20 Words in s. 8(8) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 50(5)** (with ss. 7(6), 115); S.I. 1996/186, **art. 3**

F21 S. 8(9) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 50(6), **Sch. 24** (with ss. 7(6), 115); S.I. 1996/186, **art. 3**

F22 S. 8(10) substituted (1.4.1996) for S. 8(10)(11) by 1995 c. 25, s. 120(1), **Sch. 22 para. 50(7)** (with ss. 7(6), 115); S.I. 1996/186, **art. 3**

Modifications etc. (not altering text)

C2 S. 8 applied (27.6.2000) by S.I. 2000/1460, reg. 3, **Sch. 1 para. 8**

C3 S. 8 applied (E.W.) (16.2.2007) by The Sulphur Content of Liquid Fuels (England and Wales) Regulations 2007 (S.I. 2007/79), reg. 4(5), **Sch. 1 para. 9** (with reg. 8)

9 Transfer of authorisations.

[[F1](1) An authorisation for the carrying on of any prescribed process may be transferred by the holder to a person who proposes to carry on the process in the holder's place.

(2) Where an authorisation is transferred under this section, the person to whom it is transferred shall notify the enforcing authority in writing of that fact not later than the end of the period of twenty-one days beginning with the date of the transfer.

(3) An authorisation which is transferred under this section shall have effect on and after the date of the transfer as if it had been granted to that person under section 6 above, subject to the same conditions as were attached to it immediately before that date.**]**

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Textual Amendments

F1 Ss. 1-28 repealed (1.4.2015 for S. for the repeal of ss. 1-19, 22-28) by Pollution Prevention and Control Act 1999 (c. 24), s. 7(3), **Sch. 3** (with s. 7(7)); S.S.I. 2015/74, art. 2(2)(b)

10 Variation of authorisations by enforcing authority.

[F1(1) The enforcing authority may at any time, subject to the requirements of section 7 above, and, in cases to which they apply, the requirements of Part II of Schedule 1 to this Act, vary an authorisation and shall do so if it appears to the authority at that time that that section requires conditions to be included which are different from the subsisting conditions.

(2) Where the enforcing authority has decided to vary an authorisation under subsection (1) above the authority shall notify the holder of the authorisation and serve a variation notice on him.

(3) In this Part a "variation notice" is a notice served by the enforcing authority on the holder of an authorisation—

(a) specifying variations of the authorisation which the enforcing authority has decided to make; and

(b) specifying the date or dates on which the variations are to take effect;

and, unless the notice is withdrawn **[**F23or is varied under subsection (3A) below**]**, the variations specified in a variation notice shall take effect on the date or dates so specified.

F24**[**(3A) An enforcing authority which has served a variation notice may vary that notice by serving on the holder of the authorisation in question a further notice—

(a) specifying the variations which the enforcing authority has decided to make to the variation notice; and

(b) specifying the date or dates on which the variations specified in the variation notice, as varied by the further notice, are to take effect;

and any reference in this Part to a variation notice, or to a variation notice served under subsection (2) above, includes a reference to such a notice as varied by a further notice served under this subsection.**]**

(4) A variation notice served under subsection (2) above shall also—

(a) require the holder of the authorisation, within such period as may be specified in the notice, to notify the authority what action (if any) he proposes to take to ensure that the process is carried on in accordance with the authorisation as varied by the notice; and

F25**[**(b) require the holder to pay, within such period as may be specified in the notice, —

(i) in a case where the enforcing authority is the Environment Agency or SEPA, the charge (if any) prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995; or

(ii) in any other case, the fee (if any) prescribed by a scheme under section 8 above.**]**

(5) Where in the opinion of the enforcing authority any action to be taken by the holder of an authorisation in consequence of a variation notice served under subsection (2)

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above will involve a substantial change in the manner in which the process is being carried on, the enforcing authority shall notify the holder of its opinion.

(6) The Secretary of State may, if he thinks fit in relation to authorisations of any description or particular authorisations, direct the enforcing authorities—

(a) to exercise their powers under this section, or to do so in such circumstances as may be specified in the directions, in such manner as may be so specified; or

(b) not to exercise those powers, or not to do so in such circumstances or such manner as may be so specified;

and the Secretary of State shall have the corresponding power of direction in respect of the powers of the enforcing authorities to vary authorisations under section 11 below.

(7) In this section and section 11 below a "substantial change", in relation to a prescribed process being carried on under an authorisation, means a substantial change in the substances released from the process or in the amount or any other characteristic of any substance so released; and the Secretary of State may give directions to the enforcing authorities as to what does or does not constitute a substantial change in relation to processes generally, any description of process or any particular process.

(8) In this section and section 11 below—

"prescribed" means prescribed in regulations made by the Secretary of State;

"vary"

(a) [F26], in relation to the subsisting conditions or other provisions of an authorisation, means adding to them or varying or rescinding any of them;**[**[F27] and

(b) in relation to a variation notice, means adding to, or varying or rescinding the notice or any of its contents;**]**

and "variation" shall be construed accordingly.**]**

Textual Amendments

F1 Ss. 1-28 repealed (1.4.2015 for S. for the repeal of ss. 1-19, 22-28) by Pollution Prevention and Control Act 1999 (c. 24), s. 7(3), **Sch. 3** (with s. 7(7)); S.S.I. 2015/74, art. 2(2)(b)

F23 Words in s. 10(3) inserted (12.10.1995) by 1995 c. 25, s. 120(1), **Sch. 22 para. 51(2)** (with ss. 7(6), 115); S.I. 1995/2649, **art. 2**

F24 S. 10(3A) inserted (12.10.1995) by 1995 c. 25, s. 120(1), **Sch. 22 para. 51(3)**(with ss. 7(6), 115); S.I. 1995/2649, **art. 2**

F25 S. 10(4)(b) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 51(4)** (with ss. 7(6), 115); S.I. 1996/186, **art.3**

F26 In s. 10(8) in definition of "vary" "(a)" inserted (12.10.1995) by 1995 c. 25, s. 102(1), **Sch. 22 para. 51(5)** (with ss. 7(6), 115); S.I. 1995/2649, **art. 2**

F27 In s. 10(8) in definition of "vary" paragraph (b) and preceding word inserted (12.10.1995) by 1995 c. 25, s. 120(1), **Sch. 22 para. 51(5)** (with ss. 7(6), 115); S.I. 1995/2649, **art. 2**

11 Variation of conditions etc: applications by holders of authorisations.

[[F1](1) A person carrying on a prescribed process under an authorisation who wishes to make a relevant change in the process may at any time—

(a) notify the enforcing authority in the prescribed form of that fact, and

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(b) request the enforcing authority to make a determination, in relation to the proposed change, of the matters mentioned in subsection (2) below;

and a person making a request under paragraph (b) above shall furnish the enforcing authority with such information as may be prescribed or as the authority may by notice require.

(2) On receiving a request under subsection (1) above the enforcing authority shall determine—

(a) whether the proposed change would involve a breach of any condition of the authorisation;

(b) if it would not involve such a breach, whether the authority would be likely to vary the conditions of the authorisation as a result of the change;

(c) if it would involve such a breach, whether the authority would consider varying the conditions of the authorisation so that the change may be made; and

(d) whether the change would involve a substantial change in the manner in which the process is being carried on;

and the enforcing authority shall notify the holder of the authorisation of its determination of those matters.

(3) Where the enforcing authority has determined that the proposed change would not involve a substantial change, but has also determined under paragraph (b) or (c) of subsection (2) above that the change would lead to or require the variation of the conditions of the authorisation, then—

(a) the enforcing authority shall (either on notifying its determination under that subsection or on a subsequent occasion) notify the holder of the authorisation of the variations which the authority is likely to consider making; and

(b) the holder may apply in the prescribed form to the enforcing authority for the variation of the conditions of the authorisation so that he may make the proposed change.

(4) Where the enforcing authority has determined that a proposed change would involve a substantial change that would lead to or require the variation of the conditions of the authorisation, then—

(a) the authority shall (either on notifying its determination under subsection (2) above or on a subsequent occasion) notify the holder of the authorisation of the variations which the authority is likely to consider making; and

(b) the holder of the authorisation shall, if he wishes to proceed with the change, apply in the prescribed form to the enforcing authority for the variation of the conditions of the authorisation.

(5) The holder of an authorisation may at any time, unless he is carrying on a prescribed process under the authorisation and wishes to make a relevant change in the process, apply to the enforcing authority in the prescribed form for the variation of the conditions of the authorisation.

(6) A person carrying on a process under an authorisation who wishes to make a relevant change in the process may, where it appears to him that the change will require the variation of the conditions of the authorisation, apply to the enforcing authority in the prescribed form for the variation of the conditions of the authorisation specified in the application.

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(7) A person who makes an application for the variation of the conditions of an authorisation shall furnish the authority with such information as may be prescribed or as the authority may by notice require.

(8) On an application for variation of the conditions of an authorisation under any provision of this section—

(a) the enforcing authority may, having fulfilled the requirements of Part II of Schedule 1 to this Act in cases to which they apply, as it thinks fit either refuse the application or, subject to the requirements of section 7 above, vary the conditions or, in the case of an application under subsection (6) above, treat the application as a request for a determination under subsection (2) above; and

(b) if the enforcing authority decides to vary the conditions, it shall serve a variation notice on the holder of the authorisation.

[F28**[**(9) Any application to the enforcing authority under this section shall be accompanied—

(a) in a case where the enforcing authority is the Environment Agency or SEPA, by the charge (if any) prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995; or

(b) in any other case, by the fee (if any) prescribed by a scheme under section 8 above.**]**

(10) This section applies to any provision other than a condition which is contained in an authorisation as it applies to a condition with the modification that any reference to the breach of a condition shall be read as a reference to acting outside the scope of the authorisation.

(11) For the purposes of this section a relevant change in a prescribed process is a change in the manner of carrying on the process which is capable of altering the substances released from the process or of affecting the amount or any other characteristic of any substance so released.**]**

Textual Amendments

F1 Ss. 1-28 repealed (1.4.2015 for S. for the repeal of ss. 1-19, 22-28) by Pollution Prevention and Control Act 1999 (c. 24), s. 7(3), **Sch. 3** (with s. 7(7)); S.S.I. 2015/74, art. 2(2)(b)

F28 S. 11(9) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para.52** (with ss. 7(6), 115); S.I. 1996/186, **art.3**

12 Revocation of authorisation.

[[F1](1) The enforcing authority may at any time revoke an authorisation by notice in writing to the person holding the authorisation.

(2) Without prejudice to the generality of subsection (1) above, the enforcing authority may revoke an authorisation where it has reason to believe that a prescribed process for which the authorisation is in force has not been carried on or not for a period of twelve months.

(3) The revocation of an authorisation under this section shall have effect from the date specified in the notice; and the period between the date on which the notice is served and the date so specified shall not be less than twenty-eight days.

Changes to legislation: *Environmental Protection Act 1990, Cross Heading: Authorisations is up to date with all changes known to be in force on or before 11 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) The enforcing authority may, before the date on which the revocation of an authorisation takes effect, withdraw the notice or vary the date specified in it.

(5) The Secretary of State may, if he thinks fit in relation to an authorisation, give to the enforcing authority directions as to whether the authority should revoke the authorisation under this section.**]**

Textual Amendments

F1 Ss. 1-28 repealed (1.4.2015 for S. for the repeal of ss. 1-19, 22-28) by Pollution Prevention and Control Act 1999 (c. 24), s. 7(3), **Sch. 3** (with s. 7(7)); S.S.I. 2015/74, art. 2(2)(b)

Changes to legislation:
Environmental Protection Act 1990, Cross Heading: Authorisations is up to date with all changes known to be in force on or before 11 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(10A) inserted by 2024 asp 13 s. 20(2)(a)
- s. 33A(10)(a) words in s. 33A(10) renumbered as s. 33A(10)(a) by 2024 asp 13 s. 11(2)(a)
- s. 33A(10)(a) words substituted by 2024 asp 13 s. 11(2)(b)
- s. 33A(10)(b) inserted by 2024 asp 13 s. 11(2)(c)
- s. 33ZB(10A) inserted by 2021 c. 30 s. 69(3)(b)
- s. 34(6A) inserted by 2024 asp 13 s. 20(2)(b)
- s. 34ZB(8A) inserted by 2021 c. 30 s. 69(5)(b)
- s. 34ZC inserted by 2024 asp 13 s. 14(3)
- s. 44ZA(2)(aa) inserted by 2024 asp 13 s. 16(3)(c)
- s. 44ZZA inserted by 2024 asp 13 s. 16(2)
- s. 46ZA-46ZE inserted by 2024 asp 13 s. 15(2)
- s. 47B inserted by 2024 asp 13 s. 17(2)
- s. 59(1A) inserted by 2024 asp 13 s. 12(1)(a)
- s. 59(10)-(13) inserted by 2024 asp 13 s. 12(1)(e)
- s. 71A inserted by 2024 asp 13 s. 13(2)
- s. 88C88D inserted by 2024 asp 13 s. 18(2)
- s. 106A inserted by 2023 c. 6 s. 41(2)
- s. 140(10A)-(10D) inserted by 2024 asp 13 s. 21(2)
- s. 161(2AA)(2AB) inserted by 2016 anaw 3 s. 69(4)