

## SCHEDULES

### SCHEDULE 1

#### AUTHORISATIONS FOR PROCESSES: SUPPLEMENTARY PROVISIONS

### PART II

#### VARIATION OF AUTHORISATIONS

##### *Variations by the enforcing authority*

6.—(1) The requirements of this paragraph apply where an enforcing authority has decided to vary an authorisation under Article 10 and is of the opinion that any action to be taken by the holder of the authorisation in consequence of the variation will involve a substantial change in the manner in which the process is being carried on.

(2) Subject to sub-paragraph (3), the enforcing authority shall give notice of the action to be taken by the holder of the authorisation to the persons who are prescribed or directed to be consulted under this paragraph and shall do so within the specified period for notification; and the holder shall advertise the action in the manner prescribed in regulations made by the Department.

(3) The Department may, by regulations, exempt any class of variation from all or any of the requirements of this paragraph or exclude any class of information relating to action to be taken by holders of authorisations from all or any of those requirements.

(4) Any representations made by the persons so consulted within the period allowed shall be considered by the enforcing authority in taking its decision.

(5) For the purposes of sub-paragraph (2)—

- (a) persons are prescribed to be consulted on any description of variation if they are persons specified for the purposes of variations of that description in regulations made by the Department;
- (b) persons are directed to be consulted on any particular variation if the Department specifies them in a direction given to the enforcing authority;

and the “specified period for notification” is the period specified in the regulations or in the direction.

(6) Any representations made by any other persons within the period allowed shall also be considered by the enforcing authority in taking its decision.

(7) Subject to sub-paragraph (8), the period allowed for making representations is—

- (a) in the case of persons prescribed or directed to be consulted, the period of 42 days beginning with the date on which notice was given under sub-paragraph (2); and
- (b) in the case of other persons, the period of 42 days beginning with the date of the advertisement under sub-paragraph (2).

(8) The Department may, by order, substitute for the period for the time being specified in sub-paragraph (7)(a) or (b), such other period as it thinks fit.

### *Applications for variation*

7.—(1) The requirements of this paragraph apply where an application is made to an enforcing authority under Article 11(4) for the variation of an authorisation.

(2) Subject to sub-paragraph (3), the enforcing authority shall give notice of any such application for a variation of an authorisation, enclosing a copy of the application, to the persons who are prescribed or directed to be consulted under this paragraph and shall do so within the specified period for notification; and the holder of the authorisation shall advertise the application in the manner prescribed in regulations made by the Department.

(3) The Department may, by regulations, exempt any class of application from all or any of the requirements of this paragraph or exclude any class of information furnished with applications for variations of authorisations from all or any of those requirements.

(4) Any representations made by the persons so consulted within the period allowed shall be considered by the enforcing authority in determining the application.

(5) For the purposes of sub-paragraph (2)—

- (a) persons are prescribed to be consulted on any description of application for a variation if they are persons specified for the purposes of applications of that description in regulations made by the Department;
- (b) persons are directed to be consulted on any particular application if the Department specifies them in a direction given to the enforcing authority;

and the “specified period for notification” is the period specified in the regulations or in the direction.

(6) Any representations made by any other persons within the period allowed shall also be considered by the enforcing authority in determining the application.

(7) Subject to sub-paragraph (8), the period allowed for making representations is—

- (a) in the case of persons prescribed or directed to be consulted, the period of 42 days beginning with the date on which notice of the application was given under sub-paragraph (2); and
- (b) in the case of other persons, the period of 42 days beginning with the date on which the making of the application was advertised in pursuance of sub-paragraph (2).

(8) The Department may, by order, substitute for the period for the time being specified in sub-paragraph (7)(a) or (b), such other period as it thinks fit.

**Changes to legislation:**

There are currently no known outstanding effects for the The Industrial Pollution Control (Northern Ireland) Order 1997, PART II.