

## SCHEDULE 3

### PRESCRIBED DATE AND TRANSITIONAL ARRANGEMENTS

#### PART 1

##### PART A INSTALLATIONS AND MOBILE PLANT

6. In this Part of this Schedule –

“determination date” means–

- (a) for an installation, part of an installation or mobile plant in relation to which a permit is granted, the date on which it is granted, whether in pursuance of the application for the permit or following an appeal;
- (b) for an installation, part of an installation or mobile plant in relation to which a permit is refused and the applicant for the permit appeals against the refusal, the date of the determination of the appeal refusing the permit;
- (c) for an installation, part of an installation or mobile plant in relation to which a permit is refused and no appeal is made against the refusal, the date immediately following the last day, determined in accordance with paragraph 2 of Schedule 9, on which notice of appeal might have been given;

“existing” means, in relation to a Part A installation or a Part A mobile plant–

- (a) an installation or mobile plant which is put in to operation before 31<sup>st</sup> October 1999; or
- (b) an installation or mobile plant which is put into operation on or after that date but before 31<sup>st</sup> October 2000, provided that–
  - (i) the operation of the installation or mobile plant was authorised by the relevant authorisation before 31<sup>st</sup> October 1999; or
  - (ii) an application for such authorisation was duly made before that date;

“new” means, in relation to a Part A installation or a Part A mobile plant, an installation or plant which is put into operation on or after 31<sup>st</sup> October 1999 other than an existing Part A installation or Part A mobile plant;

“relevant authorisation” means, in relation to the operation of a Part A installation or Part A mobile plant–

- (a) where the operation of the installation or mobile plant immediately before 31<sup>st</sup> October 1999 requires an authorisation under the Industrial Pollution Control (Northern Ireland) Order 1997(1), an authorisation under that Order;
- (b) where the operation of the installation or mobile plant immediately before 31<sup>st</sup> October 1999 requires a disposal licence under the Pollution Control and Local Government (Northern Ireland) 1978(2), a disposal licence under that Order;
- (c) in any other case, planning permission granted under the Planning (Northern Ireland) Order 1991(3);

“relevant period” shall be interpreted in accordance with paragraph 2.

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(1) S.I. 1997/2777 (NI 18)  
(2) S.I. 1978/1049 (NI 19)  
(3) S.I. 1991/1220 (NI 11)

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*