

### SCHEDULE 3

#### PRESCRIBED DATE AND TRANSITIONAL ARRANGEMENTS

#### PART 2

##### PART B AND PART C INSTALLATIONS AND MOBILE PLANT

9.—(1) Subject to the following provisions of this paragraph, no application for a permit to operate an existing Part B or Part C installation or existing Part B or Part C mobile plant shall be made to the enforcing authority.

(2) Where an operator of a Part B or Part C installation or a Part B or Part C mobile plant proposes to put the installation or mobile plant into operation during the period of six months ending on the relevant date for the installation or mobile plant, he may make an application for a permit to operate that installation or mobile plant.

(3) The operator of an existing Part B or Part C installation or existing Part B or Part C mobile plant shall, unless he has made an application to operate the installation or mobile plant under sub-paragraph (2), be deemed to have made an application for a permit to operate that installation or mobile plant on the relevant date for that installation or mobile plant.

(4) Where sub-paragraph (3) applies in relation to an existing Part B or Part C installation and different parts of the installation are operated by different operators, each operator shall be deemed to have made an application to operate that part of the installation which he operates.

(5) Schedule 4 shall not apply to a deemed application under sub-paragraph (3).

(6) The enforcing authority shall give notice of its determination of a deemed application under sub-paragraph (3) to the applicant within the period of 12 months beginning with the date on which the application is deemed to have been made and if the enforcing authority fails to give notice of its determination within that period the application shall, if the applicant notifies the authority in writing that he treats the failure as such, be deemed to have been refused at the end of that period.

(7) Where sub-paragraph (3) applies the enforcing authority shall, within 2 months of the date on which the application is deemed to have been made, notify the operator of the installation or mobile plant of the deemed application and of the requirements of sub-paragraph (6).

(8) Where separate applications are deemed to have been made under sub-paragraph (4) to operate different parts of a Part B or Part C installation the prescribed date for the installation shall be, in relation to each part of the installation covered by a separate application, the determination date for that part of the installation.