

SCHEDULE 3

PRESCRIBED DATE AND TRANSITIONAL ARRANGEMENTS

PART 2

PART B AND PART C INSTALLATIONS AND MOBILE PLANT

7. The prescribed date for a new Part B or Part C installation or a new Part B or Part C mobile plant is the relevant date for that installation or mobile plant.

8. The prescribed date for an existing Part B or Part C installation or existing Part B or Part C mobile plant is the determination date for that installation or 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.

10. For the purpose of this Part of this Schedule the relevant date for a Part B installation or a Part B mobile plant is 1st April 2008.

11.—(1) For the purpose of this Part of this Schedule the relevant date for Part C installation or Part C mobile plant is the date specified for that description of installation or mobile plant in the following table—

Status: This is the original version (as it was originally made).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

<i>Any installation where an activity falling within Part C of the following Sections of Part 1 of Schedule 1 is carried out or any mobile plant used to carry out such an activity</i>	<i>Relevant Date</i>
Section 1.1	1 st April 2004
Section 1.2	1 st April 2005
Section 2.1	1 st April 2006
Section 2.2	1 st April 2006
Section 3.1	1 st April 2004
Section 3.5	1 st April 2004
Section 3.6	1 st April 2005
Section 5.1	1 st April 2006
Section 6.4	1 st April 2006
Section 6.5	1 st April 2007
Section 6.6	1 st April 2005
Section 6.7	1 st April 2006
Section 6.8	1 st April 2006

(2) For the purpose of sub-paragraph (1), where an activity falls within a description in Part C of more than one Section of Part 1 of Schedule 1 it shall be regarded as falling only within that description which fits it most aptly.

(3) Where more than one activity falling within Part C of any Section in Part 1 of Schedule 1 is carried out in an existing Part C installation or using an existing Part C mobile plant, and the activities have different relevant dates, the relevant date for that installation or mobile plant shall be the earliest of those dates.

12. 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 B or Part C installation or Part B or Part C mobile plant, an installation or mobile plant which is put into operation before the relevant date for that installation or mobile plant;

Status: *This is the original version (as it was originally made).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

“new” means, in relation to a Part B or Part C installation or Part B or Part C mobile plant, an installation or mobile plant which is put into operation on or after the relevant date for that installation or mobile plant;

“relevant date” shall be interpreted in accordance with paragraphs 10 and 11.