

## SCHEDULE 2

### NEW PARTS 3 AND 4 OF SCHEDULE 3 TO THE 2003 REGULATIONS (PRESCRIBED DATE AND TRANSITIONAL ARRANGEMENTS)

#### PART 3

##### SED INSTALLATIONS

13. The prescribed date for a new SED installation is –
- (a) in relation to new SED installations brought into operation before the coming into operation of the SED Regulations –
    - (i) where an application for a permit to operate the SED installation is made before the expiry of a period 4 months from the of date of coming into operation of these regulations, the determination date for the SED installation;
    - (ii) where no such application is made, the day after the expiry of the period of 4 months beginning on the date of coming into operation of the SED Regulations;
  - (b) in relation to all other new SED installations, the date of coming into operation of the SED Regulations.
- 14.—(1) Subject to paragraphs 15 and 16, the prescribed date for an existing SED installation is –
- (a) where an application for a permit to operate the SED installation is duly made by the relevant date, the determination date for the SED installation;
  - (b) where no such application is made, 1st November 2006.
- (2) For the purposes of sub-paragraph (1) the relevant date for an existing SED installation is –
- (a) for installations wishing to use the reduction scheme, 31st October 2005
  - (b) for all other installations, 31st October 2006.
- 15.—(1) Where there was a substantial change in the operation of an existing SED installation on or after 1st April 2001 and before the date of coming into operation of the SED Regulations, the prescribed date for that part of the SED installation affected by the change shall be –
- (a) where an application for a permit authorising the operation of that part of the installation is duly made before the expiry of a period 4 months from the date of coming into operation of the SED Regulations, the determination date for the SED installation;
  - (b) where no such application is made, the day after the expiry of the period of 4 months from date of coming into operation of the SED Regulations.
- (2) Where an existing SED installation undergoes a substantial change, the prescribed date for the part of the installation affected by the change shall be the date on which the change is made, if earlier than the date which would be the prescribed date for the SED installation under this part.
- (3) Sub-paragraphs (1) and (2) do not apply to that part of the SED installation which undergoes a substantial change where the total emissions of the SED installation do not exceed those that would have been permitted had the substantially changed part been subject to a permit containing conditions necessary to ensure that the SED installation complied with the requirements of Article 5 of the Solvent Emissions Directive.
- 16.—(1) Where an existing SED installation installed abatement equipment on or after 1st April 2001 and before the coming into operation of the SED Regulations, the prescribed date for the affected part shall be –

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- (a) where an application for a permit authorising the operation of that part of the installation is duly made before the expiry of a period 4 months from the date of coming into operation of the SED Regulations, the determination date for the SED installation;
- (b) where no such application is made, the expiry of the period of 4 months from the date of coming into operation of the SED Regulations.

(2) Subject to sub-paragraph (3), where after the date of coming into operation of the SED Regulations abatement equipment is installed in an installation, the prescribed date for the affected part shall be the date on which the abatement equipment is installed if earlier than the date which would be the prescribed date for the SED installation under this Part.

(3) Where the abatement equipment is to be installed in an installation in respect of which the operator has made an application to use a reduction scheme, the prescribed date for the affected part shall be the determination date for that affected part.

17.—(1) Where –

- (a) in accordance with the provisions of Part 4 of this Schedule the prescribed date for a Part B or Part C installation which carries out in whole or in part an SED activity is to be determined under this Part; and
- (b) but for the provisions of Part 4 the operator would have been deemed to have made an application for a permit to operate that plant under paragraph 9(3) of Part 2 of this Schedule

the application to be made shall relate only to the SED installation and the operator shall be deemed to have made an application to operate the rest of the installation at the same date.

(2) Schedule 4 shall not apply to a deemed application under sub-paragraph (1).

(3) Where sub-paragraph (1) applies, the enforcing authority shall, within 1 month of the date on which the application is deemed to have been made, notify the operator of the installation of the deemed application and of the requirements of sub-paragraph (4).

(4) The enforcing authority shall give notice of its determination of a deemed application under sub-paragraph (1) to the applicant at the same time as it gives notice of its determination of the application relating to the SED installation.

18.—(1) Expressions used both in this Part and in the Solvent Emissions Directive have the same meaning for the purposes of this Part as they have for the Solvent Emissions Directive.

(2) In this Part –

“determination date” means –

- (a) for an SED installation or part of an SED installation, in relation to which a permit is granted, the date on which it is granted, whether in pursuance of the application, or, on an appeal, of a direction to grant it;
- (b) for an SED installation or part of an SED installation, in relation to which a permit is refused and the applicant for the permit appeals against the refusal, the date of the affirmation of the refusal;
- (c) for an SED installation or part of an SED installation, 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 SED installation” means –

- (a) an SED installation which was put into operation before 1st April 2001; or
- (b) an SED installation which was subject to a relevant approval on 1st April 2001 or to a full application for a relevant approval and was put into operation on or before 1st April 2002.

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“new SED installation” means an SED installation which is put into operation on or after 1st April 2001, other than an existing SED installation.