

SCHEDULE 5

TRANSITIONAL AND SAVINGS PROVISIONS

PART 1

General

Interpretation

2.—(1) An existing licence which—

- (a) is in effect immediately before the relevant date; and
- (b) authorises an activity which is a regulated activity (within the meaning of these Regulations),

has effect on or after that date as if it were a permit (within the meaning of these Regulations) (“a deemed permit”).

(2) In accordance with sub-paragraph (1)—

- (a) any condition subject to which an existing licence is granted has effect as if it were a condition attached to the deemed permit;

(b) the person who is—

- (i) registered under section 7 or 10 of the 1993 Act; or
- (ii) has been granted an authorisation under section 13 or 14 of the 1993 Act,

is to be treated as the authorised person in respect of the deemed permit on the relevant date;

(c) where a person—

- (i) is carrying on a contaminated materials activity; and
- (ii) holds a deemed permit in relation to premises on which the contaminated materials activity is being carried on,

the carrying on of the contaminated materials activity is treated as authorised by the deemed permit in the period beginning with the relevant date and ending on the date on which SEPA next varies or consolidates the permit.

(3) SEPA may revoke an existing licence under regulation 31 on the ground that SEPA considers that the authorised person is not in control of the carrying on of the activity no earlier than the 6 months date.