

SCHEDULE 3

PRESCRIBED DATES 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, on an appeal, of a direction to grant it;
- (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 affirmation of the refusal;
- (c) for an installation, part of an installation or mobile plant in relation to which a permit is refused and—
 - (i) no appeal is made to the Scottish Ministers against the refusal, the date immediately following the last day, determined in accordance with paragraph 2 of Schedule 8, on which notice of appeal might have been given;
 - (ii) following determination of an appeal to the Scottish Ministers, no appeal is then made to the sheriff, the twenty second day after that determination; or
 - (iii) where any further appeal is taken, the day after the expiry of the period allowed for appeal therefrom (or, if there is no such date, the date of final determination of such appeal);

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

- (a) an installation or mobile plant which is put into operation before 31st October 1999; or
- (b) an installation or mobile plant which is put into operation on or after that date but before 31st October 2000, provided that—
 - (i) the operation of the installation or mobile plant was authorised by the relevant authorisation before 31st 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 31st 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 31st October 1999 requires an authorisation under Part I of the Environmental Protection Act 1990, an authorisation under that Part of that Act;
- (b) where the operation of the installation or mobile plant immediately before 31st October 1999 requires a waste management licence under Part II of the Environmental Protection Act 1990, a waste management licence under that Part of that Act;
- (c) in any other case, planning permission granted under the Town and Country Planning (Scotland) Act 1997;

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“relevant period” shall be interpreted in accordance with paragraph 2(5);

“transitional date” means the date 6 months after the date on which these Regulations come into force.