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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

**The Environmental Permitting  
(England and Wales) Regulations 2010**

**PART 7**

Miscellaneous provisions

Chapter 5

Savings and consequential provisions

**Savings**

**106.**—(1) Despite the revocation of the 2007 Regulations, and the revocation of regulation 12(10) of the PPC Regulations by the 2007 Regulations, any condition implied in a permit by that regulation that continued in effect under the 2007 Regulations and had effect at the relevant time continues to have effect under these Regulations.

(2) Despite the revocation of regulation 44 of the End-of-Life Vehicles Regulations 2003 by the 2007 Regulations, any modification to a waste management licence that continued in effect under the 2007 Regulations and had effect at the relevant time continues to have effect under these Regulations.

(3) Despite the amendments made by regulation 6 of the Environmental Permitting (England and Wales) (Amendment) (No 2) Regulations 2009 (which amend regulation 38 of the 2007 Regulations), regulation 38(2) of the 2007 Regulations, as in force at the relevant time, continues in force for the purposes of regulation 103 of these Regulations.

(4) Despite the amendments made by regulation 13(2) of the Environmental Permitting (England and Wales) (Amendment) (No 2) Regulations 2009 (which amend section 41 of the 1995 Act by omitting subsection (2A)(1) and by omitting the definition of “relevant environmental licence” in subsection (10)), those subsections, as in force at the relevant time, continue in force for the purposes of regulation 103 of these Regulations.

(5) Despite the substitution made by regulation 13(3) of the Environmental Permitting (England and Wales) (Amendment) (No 2) Regulations 2009 (which substitutes paragraph (j) in the definition of “environmental licence” in section 56(1) of the 1995 Act), the definition of “environmental licence” in that paragraph, as in force at the relevant time, continues in force for the purposes of regulation 103 of these Regulations.

**Consequential amendments**

**107.** Schedule 26 (consequential amendments) has effect.

## Revocations

**108.**—(1) The instruments in Schedule 27 (revocations) are revoked to the extent specified.

(2) Despite the revocation of regulations 10 and 11 of the Environmental Permitting (England and Wales) (Amendment) (No 2) Regulations 2009<sup>(2)</sup>, and of Schedules 2 and 3 to the 2007 Regulations, those Schedules (as in force at the relevant time) continue in force for the purpose of regulation 103 of these Regulations.

(3) Despite the revocation of regulation 68A of the 2007 Regulations<sup>(3)</sup>, a condition implied in a permit by that regulation that had effect at the relevant time continues to have effect under these Regulations.

(4) Despite the revocation of regulation 69<sup>(5)</sup> and (6) of the 2007 Regulations, a condition implied in a permit by regulation 69<sup>(6)</sup> of those Regulations that had effect at the relevant time continues to have effect under these Regulations.

## Repeals

**109.**—(1) The enactments in Schedule 28 (repeals) are repealed to the extent specified.

(2) Despite its repeal by these Regulations, Schedule 10 to the 1991 Act continues in force, subject to the following modifications, insofar as it provides for the vesting of a discharge consent or groundwater permit on the death of the holder of a consent or permit—

- (a) a discharge consent or groundwater permit is taken to be an environmental permit authorising the carrying on of a stand-alone water discharge activity or stand-alone groundwater activity;
- (b) the holder of the consent or groundwater permit is taken to be the operator of the regulated facility;
- (c) the vesting of a consent or groundwater permit in a person on the death of the holder of a consent or groundwater permit is taken to be the granting of an environmental permit under these Regulations;
- (d) the person in whom a consent or groundwater permit vests is taken to be the operator of the regulated facility;
- (e) a making of a discharge is taken to be the carrying on of a water discharge activity or groundwater activity, whichever is applicable in the circumstances.

(3) Despite its repeal by these Regulations, section 88 of the 1991 Act continues in force so far as necessary for continuing to give effect to Schedule 10 to that Act.

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(2) [S.I. 2009/3381](#).

(3) Regulation 68A was inserted by [S.I. 2009/890](#).