
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Environmental Permitting
(England and Wales) Regulations 2010

PART 7

Miscellaneous provisions

Chapter 3

Transitional provisions - former enactments

Existing notices under former enactments

77. On the coming into force of these Regulations—

- (a) an existing notice given under section 86(1)(b) of the 1991 Act in relation to a discharge from a highway drain or a discharge into the waters of any lake or pond which are not inland freshwaters becomes an environmental permit and has effect subject to any conditions that applied to it at the relevant time;
- (b) any requirements imposed under an existing notice served under section 20 of the 1993 Act in relation to an existing authorisation or registration which becomes an environmental permit by virtue of regulation 69(a) are taken to be conditions of the environmental permit;
- (c) an existing notice served under section 90B of the 1991 Act⁽¹⁾ or section 21 of the 1993 Act is taken to be an enforcement notice served under these Regulations;
- (d) an existing notice served under section 22 of the 1993 Act is taken to be a suspension notice served under these Regulations;
- (e) an existing notice served under regulation 18 of the 2009 Regulations prohibiting a course of action is taken to be a prohibition notice served under these Regulations; and
- (f) each of the following existing notices is taken to be a revocation notice served under these Regulations—
 - (i) an existing notice served under paragraph 7(2)(a) of Schedule 10 to the 1991 Act (discharge consents),
 - (ii) an existing notice served under regulation 16(5) of the 2009 Regulations (groundwater permits),
 - (iii) an existing notice given under section 12(2)(a) of the 1993 Act (registrations) in relation to the cancellation of a registration,
 - (iv) an existing notice given under section 17(3)(a) of the 1993 Act (authorisations) in relation to the revocation of an authorisation.

⁽¹⁾ Section 90B was inserted by the Environment Act 1995, section 120 and Schedule 22, paragraph 142.