
Changes to legislation: Environmental Protection Act 1990, Cross Heading: Variations by the enforcing authority is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

AUTHORISATIONS FOR PROCESSES: SUPPLEMENTARY PROVISIONS

[^{F1}PART II

VARIATION OF AUTHORISATIONS

Textual Amendments

- F1** Sch. 1 repealed (1.4.2015 for S.) by [Pollution Prevention and Control Act 1999 \(c. 24\), s. 7\(3\), Sch. 3; S.S.I. 2015/74, art. 2\(2\)\(b\)](#)

Variations by the enforcing authority

- 6 (1) [^{F2}Except as provided by sub-paragraph (1A) below,] The requirements of this paragraph apply where an enforcing authority has decided to vary an authorisation under section 10 and is of the opinion that any action to be taken by the holder of the authorisation in consequence of the variation will involve a substantial change in the manner in which the process is being carried on.
- [^{F3}(1A) The requirements of this paragraph shall not apply in relation to any variations of an authorisation which an enforcing authority has decided to make in consequence of representations made in accordance with this paragraph and which are specified by way of variation of a variation notice by a further notice under section 10(3A) of this Act.]
- (2) Subject to sub-paragraph (3) below, the enforcing authority shall give notice of the action to be taken by the holder of the authorisation to the persons who are prescribed or directed to be consulted under this paragraph and shall do so within the specified period for notification; and the holder shall advertise the action in the manner prescribed in regulations made by the Secretary of State.
- (3) The Secretary of State may, by regulations, exempt any class of variation from all or any of the requirements of this paragraph or exclude any class of information relating to action to be taken by holders of authorisations from all or any of those requirements, in all cases or as respects specified classes only of persons to be consulted.
- (4) Any representations made by the persons so consulted within the period allowed shall be considered by the enforcing authority in taking its decision.
- (5) For the purposes of sub-paragraph (2) above—

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- (a) persons are prescribed to be consulted on any description of variation if they are persons specified for the purposes of variations of that description in regulations made by the Secretary of State;
 - (b) persons are directed to be consulted on any particular variation if the Secretary of State specifies them in a direction given to the enforcing authority;
- and the “specified period for notification” is the period specified in the regulations or in the direction.
- (6) Any representations made by any other persons within the period allowed shall also be considered by the enforcing authority in taking its decision.
- (7) Subject to sub-paragraph (8) below, the period allowed for making representations is—
- (a) in the case of persons prescribed or directed to be consulted, the period of twenty-eight days beginning with the date on which notice was given under sub-paragraph (2) above, and
 - (b) in the case of other persons, the period of twenty-eight days beginning with the date of the advertisement under sub-paragraph (2) above.
- (8) The Secretary of State may, by order, substitute for the period for the time being specified in sub-paragraph (7)(a) or (b) above, such other period as he considers appropriate.]

Textual Amendments

- F2** Words in Sch. 1 Pt. I para. 6(1) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 93(3)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**.
- F3** Sch. 1 Pt. I para. 6(1A) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 93(4)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**.

Modifications etc. (not altering text)

- C1** Sch. 1 para. 6 excluded (1.4.1991 for E.W. and 1.4.1992 for S.) by S.I. 1991/507, **reg. 6(1)**.
- C2** Sch. 1 para. 6(2) excluded (1.4.1991 for E.W. and 1.4.1992 for S.) by S.I. 1991/507, **reg. 7(2)(4)**.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)