

SCHEDULES

SCHEDULE 3

Section 66(1).

PROVISIONS HAVING EFFECT UNTIL REPEAL OF ALKALI, &C WORKS REGULATION ACT 1906

PART I

RELATION OF THIS ACT TO ALKALI, &C. WORKS REGULATION ACT 1906

- 1 (1) In this Part of this Schedule—
- “the Alkali Act” means the Alkali, &c. Works Regulation Act 1906; and
“work subject or potentially subject to the Alkali Act” means—
- (a) so much of any work registered under section 9 of that Act as is directly concerned in the processes which necessitate its registration under that section; and
- (b) so much of any work in the course of erection or alteration as will on completion of the erection or alteration be directly concerned in such processes.
- (2) The Secretary of State may from time to time determine how much of any work mentioned in sub-paragraph (1) is or will be directly concerned as there mentioned and his determination shall, until revoked or varied by him, be conclusive.
- 2 Subject to paragraphs 3 and 4, Parts I to III of this Act shall not apply to any work subject or potentially subject to the Alkali Act.
- 3 If, on the application of the local authority, the Secretary of State is satisfied that in all the circumstances it is expedient to do so, he may by order exclude the application of paragraph 2 to the whole or any specified part of any work subject or potentially subject to the Alkali Act.
- 4 While, by virtue of an order under paragraph 3 above, paragraph 2 is excluded from applying to any work or to any specified part of any work—
- (a) in any proceedings brought under section 1, 2 or 20 in respect of the emission of smoke from the work or (as the case may be) from the specified part of the work it shall be a defence to prove that the best practicable means had been employed to prevent or minimise the alleged emission;
- (b) in any proceedings brought by virtue of section 17 (smoke nuisances in Scotland) in respect of smoke emitted from the work or (as the case may be) from the specified part of the work, the defence provided for by subsection (2) of that section shall be available whether the smoke was emitted from a chimney or not.
- 5 Any order made under paragraph 3 may be varied or revoked by a subsequent order of the Secretary of State.
- 6 Nothing in section 55 shall be taken as extending to the enforcement of any of the provisions of the Alkali Act.

PART II

MODIFICATIONS OF THIS ACT

- 7 In section 31(4)—
- (a) in paragraph (a), after “1990” there is inserted “or a work subject to the Alkali Act”; and
 - (b) for paragraph (b) there is substituted—
 - “(b) of the inspectors appointed under Part I of the Environmental Protection Act 1990 or, as the case may be, under the Alkali Act, to enforce those provisions in relation to such furnaces;”.
- 8 In section 33(1), after “1990” there is inserted “or the place at which he does so is a work registered in pursuance of section 9 of the Alkali, &c. Works Regulation Act 1906”.
- 9 In section 35(3), after “1990” there is inserted “or any work subject to the Alkali Act”.
- 10 In section 36, after subsection (3) there is inserted—
- “(3A) If the notice relates to a work subject to the Alkali Act, the person on whom the notice is served shall not be obliged to supply any information which, as certified by an inspector appointed under that Act, is not of a kind which is being supplied to the inspector for the purposes of that Act.”
- 11 At the end of section 40 there is inserted—
- “and “the Alkali Act” means the Alkali, &c. Works Regulation Act 1906 and “a work subject to the Alkali Act” means a work registered under section 9 of the Alkali Act, excluding the whole or part of such a work while the work or part is the subject of an order made or treated as made under paragraph 3 of Schedule 3 to this Act.”