
STATUTORY INSTRUMENTS

1991 No. 513

The Environmental Protection (Authorisation of Processes) (Determination Periods) Order 1991

Extension of period for consideration of applications in cases involving information affecting national security or certain confidential information

2.—(1) Subject to article 3(6) below, in the case of an application to which paragraph (2) below applies, for the period mentioned in paragraph 5(1) of Schedule 1 to the 1990 Act there shall be substituted the period mentioned in paragraph (3) below.

(2) This paragraph applies to an application for an authorisation to carry on a process in relation to which—

- (a) a matter falls to be determined by the Secretary of State under section 21(2) or (4) of the 1990 Act;
- (b) an application is made to an enforcing authority under section 22(2) of that Act; or
- (c) an objection is made to such an authority under section 22(4) of that Act.

(3) The period to be substituted in paragraph 5(1) of Schedule 1 to the 1990 Act is the period of four months beginning with the day on which the matters to be determined under section 21 or 22 of that Act are finally disposed of or such longer period as the enforcing authority may agree with the applicant.

(4) For the purposes of paragraph (3) above and article 3(6) below, the matters to be determined under section 21 or 22 of the 1990 Act are finally disposed of—

- (a) on the date on which the Secretary of State determines under section 21 whether or not the information in question is to be included in the register;
- (b) on the date on which the enforcing authority is treated under section 22(3) as having made a determination;
- (c) in a case where the enforcing authority determines under section 22(2) that the information in question is commercially confidential, on the date of the authority's determination;
- (d) in a case where the enforcing authority determines under section 22(2) or (4) that the information in question is not commercially confidential, on the date on which the period for bringing an appeal expires without an appeal being brought or, if such an appeal is brought within that period, on the date of the Secretary of State's final determination of the appeal or, as the case may be, the date on which the appellant withdraws his appeal.