

EXPLANATORY NOTE

(This note is not part of the Order)

Part I of the Environment Act 1995 establishes the Environment Agency and the Scottish Environment Protection Agency (“SEPA”). The main purpose of this Order is to bring into force provisions of the Environment Act 1995 concerning the new Agencies. The Order also brings into force a number of other provisions of the Environment Act 1995.

Article 2 of this Order brings into force on 1st February 1996 provisions of the Environment Act 1995 which enable preparations to be made for the transfer of functions, property, rights and liabilities to the new Agencies.

Article 2 also brings into force on 1st February 1996 the following further provisions of the Environment Act 1995—

- sections 80, 87 to 89, 90 (partially) and 91 and paragraph 36 of Schedule 22 (air quality);
- section 105 (partially) and paragraphs 3 and 5(1) of Schedule 15 (power to amend subordinate legislation concerning fisheries, and order making powers concerning sea fisheries);
- sections 117 and 118 (partially) (application of the Environment Act 1995 and certain other enactments to the Isles of Scilly); and
- the following paragraphs of Schedule 22—
 - paragraphs 43 and 44 (mineral planning amendments);
 - paragraph 67 (partially) (power to make regulations about compensation where rights are granted under section 35(4) or 38(9A) of the Environmental Protection Act 1990);
 - paragraphs 102 (water undertakers' duty to promote efficient use of water by customers) and 103 (partially) (power to issue guidance in relation to the provision of sewers otherwise than by requisition).

Article 2 also brings into force on 1st February 1996 other minor and consequential amendments and repeals in Schedules 22 and 24 there listed.

Article 3 of this Order brings into force on 1st April 1996 the provisions of the Environment Act 1995 which effect the transfer of functions, property, rights and liabilities to the new Agencies, and which make related amendments.

Article 3 also brings into force on 1st April 1996 the following further provisions of the Environment Act 1995—

- section 92 (national waste strategy);
- section 104 (fixed penalty system for certain fisheries offences);
- section 105 (minor and consequential amendments relating to fisheries) in so far as it relates to paragraphs 1, 2, 4, 5(2) and (3), 6 to 12, 14(2) and (3), 15, 16, 18, 19 and 21 to 24 of Schedule 15;
- section 106 (control of water pollution in Scotland);
- section 107 (statutory nuisances: Scotland);
- section 114 (power of Secretary of State to delegate functions concerning appeals);
- section 115 in so far as that section is not already in force (Crown application); and
- the following paragraphs of Schedule 22—

paragraph 29 (partially) (amendment of the Control of Pollution Act 1974 as it has effect in relation to Scotland);

paragraph 103 in so far as that paragraph is not in force and paragraph 104 (further duty to provide sewers and new connections to sewers); paragraphs 114 and 115 (power of undertakers to charge, and charges schemes under the Water Industry Act 1991); and paragraph 116 (repeal of section 151 of the Water Industry Act 1991 (financial contributions to rural services));

paragraphs 140 and 141 (drought permits and drought orders);

paragraph 193 (spray irrigation);

paragraphs 195 (increase of penalty for offence of emission of dark smoke from industrial or trade premises), 196 (smoke control orders in Scotland), 197 (amendment of Clean Air Act 1993 inquiries provisions), 197 and 198 (amendment of Clean Air Act 1993 in its application to Scotland); and

paragraph 233 (general translation of references in subordinate legislation and local statutory provisions to the National Rivers Authority and to the relevant inspector).

Article 3 of the Order also brings into force on 1st April 1996 a number of other minor and consequential amendments in Schedule 22, and the repeals in Schedule 24, listed in the Article.

Article 4 contains a saving.