

SCHEDULE 21

Consequential amendments

PART 1

Public General Acts

18. In section 78YB ^{M1}—

(a) for subsections (1) to (2C) substitute—

“(1) This Part shall not apply if and to the extent that—

(a) any significant harm, or pollution of controlled waters, by reason of which land would otherwise fall to be regarded as contaminated, is attributable to the operation of a regulated facility; and

(b) enforcement action may be taken in relation to that harm or pollution.”;

(b) at the end, insert—

“(5) In this section—

“enforcement action” means action under regulation 36, 37 or 42 of the Environmental Permitting (England and Wales) Regulations 2007;

“regulated facility” has the meaning given in regulation 8 of those Regulations.”.

Marginal Citations

M1 Section 78YB was inserted by the [Environment Act 1995 \(c. 25\)](#), [section 57](#), and amended by the [Water Act 2003 \(c. 37\)](#), [section 86](#) and [S.I. 2000/1973](#).

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Environmental Permitting (England and Wales) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2024/513 Sch. 1 Pt. 1](#)