SCHEDULE 3 Regulation 29

Consequential amendments etc.

PART 1

Public General Acts

Highways Act 1980

1. After section 339(1) of the Highways Act 1980(**1**) insert—

"(1A) Subsection (1) does not apply in respect of an activity which is a flood risk activity within the meaning of the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675).".

Water Resources Act 1991

2. In section 221(1)(**2**) of the 1991 Act, in the definition of "flood defence functions"—

(a) at the end of paragraph (b) omit "and";

(b) after paragraph (c) insert—

"(d) its functions with respect to securing the drainage of land or the management of flood risk contained in regulations made under section 61 of the Water Act 2014(**3**); and

(e) any other function of the appropriate agency under any provision of this Act or the 1995 Act so far as it relates to a function falling within paragraph (d);".

Environment Act 1995

3.—(1) The Environment Act 1995(**4**) is amended as follows.

(2) In section 56(1)(**5**), in the definition of "environmental licence", for paragraph (aa) substitute—

"(aa) a permit granted by the appropriate agency under—

(i) regulations made under section 2 of the Pollution Prevention and Control Act 1999(**6**), other than regulations made for the purpose of implementing the EU ETS Directive,

(ii) regulations made under section 61 of the Water Act 2014.".

(3) In section 108—

(a) in subsection (1)—

(i) in paragraph (a), after the words "pollution control enactments" insert "or flood risk activity enactments";

(**1**) 1980 c.66; section 339 was amended by the Water Act 1989 (c.15), Schedule 25, paragraph 62, the Water Consolidation (Consequential Provisions) Act 1991 (c.60), Schedule 1, paragraph 36(2) and S.I. 1996/593.

(**2**) The definition of "flood defence functions" was substituted by the Environment Act 1995 (c. 25), Schedule 22, paragraph 177(7) and amended by S.I. 2013/755.

(**3**) 2014 c. 21.

(**4**) 1995 c.25.

(**5**) Paragraph (aa) of the definition of "environmental licence" was inserted by S.I. 2000/1973 and amended by 2013/755 and 2012/2788.

(**6**) 1999 c. 24; section 2 was amended by the Water Act 2014, section 62(13) and S.I. 2013/755.

(ii) in paragraph (b), after the words "pollution control functions" insert "or flood risk activity functions";

(b) in subsection (4)—

(i) for paragraph (g) substitute—

"(g) in the case of any article or substance found in or on any premises which the person has power to enter, being an article or substance which appears to that person to have caused or to be likely to cause—

(i) pollution of the environment,

(ii) harm to the environment,

(iii) flooding,

(iv) harm to human health, or

(v) a detrimental impact on drainage,

to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it, unless that is necessary);";

(ii) in paragraph (h)(iii), after the words "pollution control enactments" insert "or flood risk activity enactments";

(iii) in paragraph (k)(i), after the words "pollution control enactments" insert "or flood risk activity enactments";

(c) in subsection (5), after the words "pollution control enactments" insert "or flood risk activity enactments";

(d) in subsection (15)—

(i) for the definition of "emergency" substitute—

""emergency" means a case in which it appears to the authorised person in question—

(a) that there is an immediate risk of serious harm or that circumstances exist which are likely to endanger life or health, and

(b) that immediate entry to any premises is necessary to verify the existence of that risk or those circumstances or to ascertain the cause of that risk or those circumstances or to effect a remedy,

and for this purpose "serious harm" means—

(i) serious pollution of the environment,

(ii) serious harm to the environment,

(iii) serious flooding,

(iv) serious harm to human health, or

(v) a serious detrimental impact on drainage;";

(ii) after the definition of "English waste collection authority"(**7**) insert—

""flood risk activity enactment", in relation to an enforcing authority, means an enactment relating to the flood risk activity functions of that authority;

"flood risk activity functions", in relation to the Agency or the Natural Resources Body for Wales, means the functions relating to flood risk activities

(**7**) The definition of "English waste collection authority" was inserted by the Protection of Freedoms Act 2012 (c. 9), Schedule 2, Part 1, paragraph 3(3).

conferred or imposed on it by or under regulations made under section 61 of the Water Act 2014;".

PART 2

Subordinate legislation

4. Any requirement of a byelaw made by the regulator before 6th April 2016 under section 210(1) of, and paragraph 5 of Schedule 25 to, the 1991 Act(**8**) for a person to obtain the consent of the regulator ceases to apply.

(**8**) Section 210(1) was amended by S.I. 2013/755. Paragraph 5 of Schedule 25 was amended by the Natural Environment and Rural Communities Act 2006 (c. 16), section 100(1) and (2), the Marine and Coastal Access Act 2009, section 84 and Schedule 11, paragraph 3, the Flood and Water Management Act 2010 (c. 29), Schedule 2, paragraph 49 and S.I. 2013/755.