

SCHEDULE 5

Section 49(2).

TRANSITIONAL AND TRANSITORY PROVISIONS

PART I

GENERAL TRANSITIONAL PROVISIONS AND SAVINGS

- 1 The substitution of this Act for the enactments repealed by this Act does not affect the continuity of the law.
- 2 Any reference, whether express or implied, in this Act or any other enactment, instrument or document to a provision of this Act shall, so far as the context permits, be construed as including, in relation to the times, circumstances and purposes in relation to which the corresponding provision of the enactments repealed by this Act has effect, a reference to that corresponding provision.
- 3 Any document made, served or issued after the commencement of this Act which contains a reference to any of the enactments repealed by this Act shall be construed, except so far as a contrary intention appears, as referring or, as the case may require, including a reference to the corresponding provision of this Act.
- 4 Paragraphs 2 and 3 have effect without prejudice to the operation of sections 16 and 17 of the Interpretation Act 1978 (which relate to the effect of repeals).
- 5 The power to amend or revoke the subordinate legislation reproduced in the definition of “local authority” in section 47(1) shall be exercisable in relation to the provision reproduced to the same extent as it was exercisable in relation to the subordinate legislation.
- 6 Subsection (1) of section 80 of the Health and Safety at Work etc. Act 1974 (general power to repeal or modify Acts or instruments) shall apply to provisions of this Act which re-enact provisions previously contained in the Radioactive Substances Act 1960 as it applies to provisions contained in Acts passed before the Health and Safety at Work etc. Act 1974.
- 7 In the application of paragraph 6 to Northern Ireland[^]
 - (a) the reference to subsection (1) of section 80 of the Health and Safety at Work etc. Act 1974 shall have effect as a reference to paragraph (1) of Article 54 of the Health and Safety at Work (Northern Ireland) Order 1978, and
 - (b) the reference to Acts passed before that Act shall have effect as a reference to statutory provisions passed or made before the making of that Order.

PART II

TRANSITORY MODIFICATIONS OF SCHEDULE 3

- 8 (1) If—
 - (a) no date has been appointed before the commencement of this Act as the date on which paragraph 8 of Schedule 15 of the Environmental Protection Act 1990 (in this paragraph referred to as “the 1990 provision”) is to come into force, or
 - (b) a date has been appointed which is later than that commencement,

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paragraph 7 of Schedule 3 to this Act shall be omitted until the appointed day.

- (2) In this paragraph “the appointed day” means—
- (a) in the case mentioned in paragraph (a) of sub-paragraph (1) above, such day as may be appointed by the Secretary of State by order, and
 - (b) in the case mentioned in paragraph (b) of that sub-paragraph, the date appointed as the day on which the 1990 provision is to come into force.
- 9 (1) If—
- (a) no date has been appointed before the commencement of this Act as the date on which the repeal by Schedule 4 to the Control of Pollution Act 1974 of the provisions of the Radioactive Substances Act 1960 specified in sub-paragraph (2) below (in this paragraph referred to as “the 1974 repeal”) is to come into force, or
 - (b) a date has been appointed which is later than that commencement,
- Schedule 3 to this Act shall have effect until the appointed day with the modifications specified in sub-paragraph (3) below.
- (2) The provisions of the Radioactive Substances Act 1960 referred to in sub-paragraph (1)(a) above are—
- (a) in paragraph 3 of Schedule 1, the words “seventy-nine”, and
 - (b) paragraph 8A of Schedule 1.
- (3) The modifications of Schedule 3 to this Act referred to in sub-paragraph (1) above are as follows—
- (a) in paragraph 1 after “48” there shall be inserted “79”, and
 - (b) after paragraph 2 there shall be inserted—
- “2A** Sections 2, 5 and 7 of the Rivers (Prevention of Pollution) Act 1961.”
- (4) In this paragraph “the appointed day” means—
- (a) in the case mentioned in paragraph (a) of sub-paragraph (1) above, such day as may be appointed by the Secretary of State by order, and
 - (b) in the case mentioned in paragraph (b) of that sub-paragraph, the date appointed as the day on which the 1974 repeal is to come into force.
- 10 (1) If—
- (a) no date has been appointed before the commencement of this Act for the purposes of paragraph 17 of Schedule 4 to the Planning (Consequential Provisions) Act 1990, or
 - (b) a date has been appointed which is later than that commencement,
- paragraph 6 of Schedule 3 to this Act shall be omitted until the appointed day.
- (2) In this paragraph “the appointed day” means—
- (a) in the case mentioned in paragraph (a) of sub-paragraph (1) above, such day as may be appointed by the Secretary of State by order, and
 - (b) in the case mentioned in paragraph (b) of that sub-paragraph, the date appointed for the purposes of paragraph 17 of Schedule 4 to the Planning (Consequential Provisions) Act 1990.
- 11 Until the commencement of the repeal by Part II of Schedule 16 to the Environmental Protection Act 1990 of subsection (5) of section 30 of the Control of

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Pollution Act 1974 (or, if the repeal of that subsection comes into force on different days, until the last of those days) Schedule 3 to this Act shall have effect—

(a) with the insertion after paragraph 4 of the following paragraph—

“4B The Control of Pollution (Special Waste) Regulations 1980.”,
and

(b) with the insertion after paragraph 17 of the following paragraph—

“17A The Control of Pollution (Special Waste) Regulations 1980.”

12 Until the commencement of the repeal by Part II of Schedule 16 to the Environmental Protection Act 1990 of section 124 of the Civic Government (Scotland) Act 1982 (or, if the repeal of that section comes into force on different days, until the last of those days) Schedule 3 to this Act shall have effect with the insertion at the end of Part II of the following paragraph—

“17B Section 124 of the Civic Government (Scotland) Act 1982.”