

SCHEDULES

SCHEDULE 22

MINOR AND CONSEQUENTIAL AMENDMENTS

The Control of Pollution (Amendment) Act 1989

- 37 (1) The Control of Pollution (Amendment) Act 1989 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 2 (registration of carriers)—
- (a) in subsection (3), without prejudice to the power of regulation authorities to impose a charge in respect of their consideration of any such application, paragraph (e) (power to require them to impose such charges) shall cease to have effect; and
 - (b) after that subsection there shall be added—
 - “(3A) Without prejudice to the generality of paragraphs (b) and (d) of subsection (3) above—
 - (a) the power to prescribe a form under paragraph (b) of that subsection includes power to require an application to be made on any form of any description supplied for the purpose by the regulation authority to which the application is to be made; and
 - (b) the power to impose requirements with respect to information under paragraph (d) of that subsection includes power to make provision requiring an application to be accompanied by such information as may reasonably be required by the regulation authority to which it is to be made.”
- (3) In section 4 (appeals to the Secretary of State against refusal of registration etc) after subsection (8) there shall be added—
- “(9) This section is subject to section 114 of the Environment Act 1995 (delegation or reference of appeals etc).”
- (4) In section 6 (seizure and disposal of vehicles used for illegal waste disposal) for subsection (6) there shall be substituted—
- “(6) Regulations under this section shall not authorise a regulation authority to sell or destroy any property or to deposit any property at any place unless—
- (a) the following conditions are satisfied, that is to say—
 - (i) the authority have published such notice, and taken such other steps (if any), as may be prescribed for informing persons who may be entitled to the property that it has been seized and is available to be claimed; and

Status: This is the original version (as it was originally enacted).

- (ii) the prescribed period has expired without any obligation arising under the regulations for the regulation authority to return the property to any person; or
 - (b) the condition of the property requires it to be disposed of without delay.”
- (5) In section 7 (further enforcement provisions) in subsection (1) (which applies certain provisions of the Environmental Protection Act 1990) for the words “sections 68(3), (4) and (5), 69, 70 and 71” there shall be substituted the words “section 71”.
- (6) Subsection (2) of that section (disclosure of information between certain authorities) shall cease to have effect.
- (7) Subsection (8) of that section (which applies section 72 of the 1990 Act) shall cease to have effect.
- (8) In section 9, for the definition of “regulation authority” there shall be substituted—
- ““regulation authority” means—
 - (a) in relation to England and Wales, the Environment Agency; and
 - (b) in relation to Scotland, the Scottish Environment Protection Agency;
- and any reference to the area of a regulation authority shall accordingly be construed as a reference to any area in England and Wales or, as the case may be, in Scotland;”.