
Changes to legislation: Environment Act 1995, Paragraph 46 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 22

MINOR AND CONSEQUENTIAL AMENDMENTS

The Environmental Protection Act 1990

- 46 [F1(1) Section 4 of that Act (determination of authority by whom functions are exercisable) shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (2) (functions of the chief inspector etc in relation to prescribed processes designated for central control) for the words “the chief inspector appointed for England and Wales by the Secretary of State under section 16 below and, in relation to Scotland, of the chief inspector so appointed for Scotland or of the river purification authority, as determined under regulations made under section 5(1) below” there shall be substituted the words “the appropriate Agency”.
- (3) In subsection (3) (discharge of functions designated for local control) for paragraphs (a) and (b) there shall be substituted—
- “(a) in the case of a prescribed process carried on (or to be carried on) by means of a mobile plant, where the person carrying on the process has his principal place of business—
 - (i) in England and Wales, the local authority in whose area that place of business is;
 - (ii) in Scotland, SEPA;
 - (b) in any other cases, where the prescribed processes are (or are to be) carried on—
 - (i) in England and Wales, the local authority in whose area they are (or are to be) carried on;
 - (ii) in Scotland, SEPA;”.
- (4) In subsection (4) (directions transferring functions to the chief inspector) for the words “the chief inspector” there shall be substituted the words “the Environment Agency”.
- (5) After that subsection there shall be inserted—
- “(4A) In England and Wales, a local authority, in exercising the functions conferred or imposed on it under this Part by virtue of subsection (3) above, shall have regard to the strategy for the time being published pursuant to section 80 of the Environment Act 1995.”
- (6) In subsection (5) (effect of such a transfer)—
- (a) for the words “the chief inspector” there shall be substituted the words “the Environment Agency”; and
 - (b) for the word “him” there shall be substituted the words “that Agency”.
- (7) In subsection (8) (giving or withdrawal of directions)—

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- (a) for the words “the chief inspector” in each place where they occur there shall be substituted the words “ the Environment Agency ”; and
 - (b) the words “or, as the case may be, in the Edinburgh Gazette”, in each place where they occur, shall be omitted.
- (8) After subsection (8) there shall be inserted—
- “(8A) The requirements of sub-paragraph (ii) of paragraph (a) or, as the case may be, of paragraph (b) of subsection (8) above shall not apply in any case where, in the opinion of the Secretary of State, the publication of notice in accordance with that sub-paragraph would be contrary to the interests of national security.
- (8B) Subsections (4) to (8A) above shall not apply to Scotland.”
- (9) For subsection (9) (which, among other things, imposed a duty on the chief inspector etc to follow developments in technology etc and which is partly superseded by this Act) there shall be substituted—
- “(9) It shall be the duty of local authorities to follow such developments in technology and techniques for preventing or reducing pollution of the environment due to releases of substances from prescribed processes as concern releases into the air of substances from prescribed processes designated for local control.”
- (10) In subsection (10) (duty of chief inspector etc to give effect to directions) for the words “the chief inspector, river purification authorities” there shall be substituted the words “ the Environment Agency, SEPA ”.
- (11) In subsection (11) (meaning of “local authority”)—
- (a) at the beginning of paragraph (b) there shall be inserted the words “ in England and Wales, ” and
 - (b) paragraph (c) and the word “and” immediately preceding it shall cease to have effect.]

Textual Amendments

- F1** Sch. 22 paras. 45-61 repealed (1.4.2015 for S.) by [Pollution Prevention and Control Act 1999 \(c. 24\)](#), s. 7(3), [Sch. 3](#); S.I. 2015/139, art. 3(e)

Commencement Information

- I1** Sch. 22 para. 46 wholly in force at 23.12.1997; Sch. 22 para. 46 not in force at Royal Assent see s. 125(3); Sch. 22 para. 46(1)-(4)(6)-(11) in force at 1.4.1996 by [S.I. 1996/186](#), [art. 3](#); Sch. 22 para. 46(5) in force at 23.12.1997 by [S.I. 1997/3044](#), [art. 2](#)

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Changes and effects yet to be applied to :

- Sch. 22 para. 46(11)(a) repealed by [1995 c. 25 Sch. 24](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)