
STATUTORY INSTRUMENTS

1994 No. 1096 (C.18)

ENVIRONMENTAL PROTECTION

The Environmental Protection Act 1990
(Commencement No. 15) Order 1994

Made - - - - 4th April 1994

The Secretary of State, in exercise of his powers under section 164(3) of the Environmental Protection Act 1990⁽¹⁾, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Environmental Protection Act 1990 (Commencement No. 15) Order 1994.

(2) In this Order—

“appropriate date”, in relation to an appeal, means the date on which—

- (a) the period for appealing expires without an appeal being made; or
- (b) any appeal is withdrawn or finally determined;

“authorisation” has the meaning given in section 1(9) of the Environmental Protection Act 1990;

“existing process” and “prescribed date” have the same meaning as in Schedule 3 to the Environmental Protection (Prescribed Processes and Substances) Regulations 1991⁽²⁾;

“relevant date”, in relation to an application for a licence, means the date on which the licence applied for is granted or, if the application is (or is deemed to be) rejected, the date on which

- (a) the period for appealing expires without an appeal being made; or
- (b) any appeal is withdrawn or finally determined;

and

“scrap metal” has the same meaning as in the Scrap Metal Dealers Act 1964⁽³⁾.

(1) 1990 c. 43.

(2) S.I. 1991/472, amended by S.I. 1991/836, 1992/614, 1993/1749, 2405.

(3) 1964 c. 69; see section 9(2).

Provisions coming into force on 1st May 1994

2.—(1) The following provisions of the Environmental Protection Act 1990 shall come into force on 1st May 1994

- section 54 (insofar as not already in force);
- sections 58 and 59;
- section 60 (insofar as not already in force);
- sections 64 to 67 (insofar as not already in force);
- sections 73 and 74 (insofar as not already in force);
- section 162(1) insofar as it relates to paragraph 27 of Schedule 15;
- section 162(2) insofar as it relates to the following repeals in Part II of Schedule 16—
 - the repeal of section 1 of the Control of Pollution Act 1974⁽⁴⁾;
 - in relation to Scotland only, the repeal of section 11 of the Control of Pollution Act 1974.

(2) The provisions of the Environmental Protection Act 1990 set out in paragraph (3) below shall come into force on 1st May 1994, save for the purposes of their application to the following activities—

- (a) an activity which on that date is the subject of a pending application for a disposal licence under Part I of the Control of Pollution Act 1974;
- (b) an activity in respect of which on that date an appeal in pursuance of section 10(1)(d) of the Control of Pollution Act 1974 (appeals to Secretary of State where a disposal licence is revoked) is pending or where the period for making such an appeal has not expired;
- (c) an activity which involves treating, keeping or disposing of scrap metal or motor vehicles which are to be dismantled;
- (d) an activity—
 - (i) which on that date is the subject of a disposal licence under Part I of the Control of Pollution Act 1974;
 - (ii) which is or forms part of an existing process for which no authorisation has been granted; and
 - (iii) to which, if an authorisation were granted, section 33(1)(a) and (b) of the Environmental Protection Act 1990 would not apply by virtue of the Waste Management Licensing Regulations 1994⁽⁵⁾.

(3) The provisions referred to in paragraph (2) are—

- section 33 (insofar as not already in force);
- sections 35 to 40 (insofar as not already in force);
- sections 42 and 43 (insofar as not already in force);
- section 44;
- section 57;
- section 162(1) insofar as it relates to paragraph 26 of Schedule 15;
- section 162(2) insofar as it relates to the following repeals in Part II of Schedule 16—
 - the repeal of sections 3 to 10, 18 and 27 of the Control of Pollution Act 1974.

(4) 1974 c. 40.

(5) S.I. 1994/1056; see regulations 16 and 17, and Schedule 3.

Provisions coming into force after 1st May 1994

3.—(1) Subject to paragraphs (2) and (3) below, the provisions of the Environmental Protection Act 1990 set out in article 2(3) (“the relevant provisions”) shall come into force—

- (a) for the purposes of their application to an activity falling within article 2(2)(a), on the day immediately following the relevant date in relation to the application in question;
- (b) for the purposes of their application to an activity falling within article 2(2)(b), on the day immediately following the appropriate date in relation to the appeal in question.

(2) Subject to paragraph (3)

below, where an activity falls within article 2(2)(c) (whether or not it also falls within article 2(2)(a) or (b)), the relevant provisions shall come into force for the purposes of their application to that activity—

- (a) if on 1st October 1994 that activity is the subject of a pending application for a disposal licence under Part I of the Control of Pollution Act 1974, on the day immediately following the relevant date in relation to the application in question;
- (b) if on 1st October 1994 an appeal in pursuance of section 10(1)(d) of the Control of Pollution Act 1974 (appeals to Secretary of State where a disposal licence is revoked) is pending in respect of that activity or the period for making such an appeal has not expired, on the day immediately following the appropriate date in relation to that appeal;
- (c) in any other case, on 1st October 1994.

(3) Where an activity falls within article 2(2)(d) (whether or not it also falls within any other sub-paragraph of article 2(2)), the relevant provisions shall come into force for the purposes of their application to that activity on the day immediately following the prescribed date in relation to the process in question.

Department of the Environment
14th April 1994

John Selwyn Gummer
One of Her Majesty’s Principal Secretaries of
State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st May 1994 the provisions of Part II of the Environmental Protection Act 1990 (“the 1990 Act”) relating to waste management licensing, with exceptions for the following four cases for which a later date is specified in article 3:—

- (a) activities which may be the subject of pending applications for disposal licences under Part I of the Control of Pollution Act 1974 (“the 1974 Act”);
- (b) activities which may be the subject of appeals to the Secretary of State against the revocation of disposal licences under Part I of the 1974 Act;
- (c) activities which involve treating, keeping or disposing of scrap metal or motor vehicles which are to be dismantled; and
- (d) activities which are the subject of existing disposal licences under Part I of the 1974 Act and which consist of or include an existing process falling within Schedule 1 to the Environmental Protection (Prescribed Processes and Substances) Regulations 1991, but which would be excluded or exempted from waste management licensing under Part II of the 1990 Act if an authorisation were granted under Part I of that Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Environmental Protection Act 1990 have been brought into force by commencement orders made before the date of this Order:

<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
ss. 128 to 139 (save for the amendments made by ss. 128, 130 and 132)	5.11.1990	1990/2226
s.89(7) to (9) and (11) to (13)	13.11.1990	1990/2243
s.105 (partially)	7.12.1990	1990/2565
s.3	19.12.1990	1990/2635
ss. 1, 2, 4 to 28, 100 to 104, 105 (partially), 159 and 162(2) (partially)	1.1.1991	1990/2635
ss. 86(2), (6) to (8), (11), (14) and (15), 88(5), (7) and (9) (b), 89(4), 90(1), (2) and (7), 94(1) and (2), 96(2) and (3) and 162(2)(partially)	14.1.1991	1991/96
ss. 86(1), (4), (5), (9) and (13), 87(1) (2), (3)(a) to (e) and (4) to (6), 88(1) to (4), (6), (8),	13.2.91	1991/96

<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
(9)(a) and (c) to (e) and (10), 98(1),(2), (5) and (6)(England and Wales only)		
the amendments made by ss. 128, 130 and 132 s. 162(2) (partially)	1.4.1991	1991/685
ss. 86(3) and (10), 87(7), 89(1) (a) to (f), (2), (3), (5), (6), (10) and (14), 91(1)(a) to (f), (2) to (13), 92(1)(a) to (c), (2) to (10),93, 94(3) to (9), 95, 96(1), 98(3) and (4), 106(4) and (5), 107(8), 108(1)(b), (3)(b), (5), (7) and (9), 111(1), (2), (4), (5), (7) and(11), 113, 114(1) to (3), 115(4), 122(1) (partially) and (4), 123(7) and (9), 124 to 126, 156, 158, 162(1) and (2) (partially),	1.4.1991	1991/1042
ss. 86(1), (4), (5) and (13), 87(1), (2), (3)(a) to (e) and (4) to (6), 88(1) to (4), (6), (8), (9) (a), (c) and (d) and (10) and 98(1), (5)and (6) (Scotland only)	1.4.1991	1991/1042
ss. 29 to 32, 50, 51, 60 (partially), 68, 71, 72, 75, 77, 147, 162(1) and (2) (partially)	31.5.1991	1991/1319
ss. 86(12), 87(3)(f), 89(1)(g), 90(3) to (6), 91(1)(g) and 92(1) (d)	1.6.1991	1991/1042
s. 152	10.7.1991	1991/1577
s. 49	1.8.1991	1991/1577
ss. 33(3) and (4), 34(5), (7) to (9) and (11), 52(8) (partially) and 78	13.12.1991	1991/2829
ss. 144 (partially) and 162(2) (partially)	1.1.1992	1991/2829
ss. 33(1)(c), 33(2) and (6) to (9) (partially), 34, 69, 70 and 162(1) and (2) (partially)	1.4.1992	1991/2829
ss. 45, 149 to 151 (partially), and ss. 143(1), (5) and (6) (so far as they extend to England and Wales) 1.	4.2.1992	1992/266

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<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
ss. 45(1), (3) to (12), (2) (so far as it extends to Scotland), 46, 47 48(1) to (6), (8) and (9), 52(1), (3) to (7) and (9) to (11), 53, 55, 56, 73(1) to (5), 149 to 151 (insofar as not already in force), 162(1) (partially), 162(2) (partially) and 162(3)	1.4.1992	1992/266
s. 108(10)	1.1.1993	1992/3253
ss. 106(1) to (3), (6) and (7), 107(1) to (7) and (9) to (11), 108(1)(a) (partially), 110 (partially), 111(6), (6A) and (8) to (10), 112(1), (2) and (5) to (7), 114(4) and (5), 115(1) to (3) and (5) to (10), 116 (partially), 117, 118(1)(a), (c), (e) to (l), (m) (partially), (n) and (o) and (2) to (10), 119 to 121, 122(1)(c) to (h) (insofar as not already in force), (2) and (3), 123(1) to (6) and (8) and 127	1.2.1993	1992/3253
ss. 35(6), 36(1), 37(3) (partially), 38(7) (partially), 39(3), 40(3), 41(2), (4) and (5), 42(8) (partially), 43(8), 54(14), 63(1), 64(1), (4) and (8), 65(2) (partially), 66(7) (partially), 74(6), 144 (partially), 162(1) and (2) (partially)	18.2.1993	1993/274
ss. 144 (partially) and 162(2) (partially)	1.5.1993	1993/274
s. 41 (insofar as not already in force)	16.3.1994	1994/780