
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Environmental Permitting
(England and Wales) Regulations 2010

PART 3

Discharge of functions in relation to a regulated facility

Direction to a regulator: discharge of functions by a different regulator

- 33.—(1) An appropriate authority may direct—
- (a) the Agency to exercise such local authority functions as are, and for such period as is, specified in the direction; or
 - (b) a local authority to exercise such Agency functions as are, and for such period as is, specified in the direction.
- (2) A direction under this regulation may include such saving and transitional provisions as the appropriate authority considers necessary or expedient.
- (3) A direction under this regulation may be made in respect of a description or class of regulated facility or a specific regulated facility.
- (4) A direction under paragraph (1)(b) may only be made in respect of—
- (a) an installation, but not in respect of a mining waste operation carried on at an installation; or
 - (b) mobile plant.
- (5) When giving a direction under this regulation the appropriate authority must notify the persons in paragraph (6) of the direction and publish the direction on its website.
- (6) The persons are—
- (a) the Agency; and
 - (b) any local authority or other person whom the appropriate authority considers is affected by the direction.
- (7) An appropriate authority must not comply with a duty under paragraph (5) in a case where the authority considers that to do so would be contrary to the interests of national security.
- (8) In this regulation (ignoring any direction under this regulation)—
- “Agency functions” means functions which are exercisable by the Agency by virtue of regulation 32 or paragraph 2 of Schedule 2; and
- “local authority functions” means functions which are exercisable by a local authority by virtue of regulation 32 or paragraph 2 of Schedule 2.