



Environment Act 1995

1995 CHAPTER 25

PART V

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Appeals

114 Power of Secretary of State to delegate his functions of determining, or to refer matters involved in, appeals.

- (1) The Secretary of State may—
 - (a) appoint any person to exercise on his behalf, with or without payment, any function to which this paragraph applies; or
 - (b) refer any item to which this paragraph applies to such person as the Secretary of State may appoint for the purpose, with or without payment.
- (2) The functions to which paragraph (a) of subsection (1) above applies are any of the Secretary of State's functions of determining—
 - (a) an appeal under—
 - (i) section 31A(2)(b), 42B(5), 46C or 49B of the ^{M1}Control of Pollution Act 1974,
 - (ii) section 4 of the ^{M2}Control of Pollution (Amendment) Act 1989,
 - (iii) section 15, 22(5), 43, 62(3)(c), 66(5), 78L or 78T of the ^{M3}Environmental Protection Act 1990,
 - (iv) paragraph 2 or paragraph 3(3) of Schedule 6 to the ^{M4}Natural Heritage (Scotland) Act 1991,
 - (v) section 43, 91, 92, 96, 161C or 191B(5) of the ^{M5}Water Resources Act 1991,
 - (vi) section 26 of the ^{M6}Radioactive Substances Act 1993 against any decision of, or notice served by, SEPA,
 - (vii) paragraph 6 of Schedule 5 to the ^{M7}Waste Management Licensing Regulations 1994,

Status: Point in time view as at 01/04/1996.

Changes to legislation: Environment Act 1995, Cross Heading: Appeals is up to date with all changes known to be in force on or before 16 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)

- or any matter involved in such an appeal;
- (b) the questions, or any of the questions, which fall to be determined by the Secretary of State under section 39(1) or section 49(4) of the ^{M8}Control of Pollution Act 1974.
- (3) The items to which paragraph (b) of subsection (1) above applies are—
- (a) any matter involved in an appeal falling within subsection (2)(a) above;
- (b) any of the questions which fall to be determined by the Secretary of State under section 39(1) or section 49(4) of the Control of Pollution Act 1974.
- (4) Schedule 20 to this Act shall have effect with respect to appointments under subsection (1)(a) above.

Modifications etc. (not altering text)

- C1** S. 114(1)(3)(a)(4) applied (with modifications) (E.W.) (4.5.2000) by S.I. 2000/1043, **reg. 8**
 S. 114(1)(3)(a)(4) applied (S.) (8.5.2000) by S.S.I. 2000/95, **reg. 8**

Marginal Citations

- M1** 1974 c. 40.
M2 1989 c. 14.
M3 1990 c. 43.
M4 1991 c. 28.
M5 1991 c. 57.
M6 1993 c. 12.
M7 S.I. 1994/1056.
M8 1974 c. 40.

Status:

Point in time view as at 01/04/1996.

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