



# 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—
    - [<sup>F1</sup>(i) section 42B(5) of the Control of Pollution Act 1974,]
    - (ii) section 4 of the <sup>M1</sup>Control of Pollution (Amendment) Act 1989,
    - (iii) section [<sup>F2</sup>15, 22(5),]<sup>F3</sup> ..., 62(3)(c), <sup>F3</sup> ..., 78L or 78T of the <sup>M2</sup>Environmental Protection Act 1990,
    - [<sup>F4</sup>(iv) paragraph 2 or paragraph 3(3) of Schedule 6 to the <sup>M3</sup>Natural Heritage (Scotland) Act 1991,]
    - (v) section [<sup>F5</sup> 36A,] 43, [<sup>F6</sup>51,]<sup>F7</sup> ... 92, 96, 161C or 191B(5) of the <sup>M4</sup>Water Resources Act 1991,
    - <sup>F8</sup>(vi) .....
    - <sup>F9</sup>(vii) [<sup>F10</sup>paragraph 6 of Schedule 5 to the Waste Management Licensing (Scotland) Regulations 2011,]
    - (viii) regulations under section 2 of the Pollution Prevention and Control Act 1999 extending to Scotland<sup>F11</sup>, under section 61 of the Water Act

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- 2014 extending to Scotland] or under section 18 of the Regulatory Reform (Scotland) Act 2014,
- (viii) regulations under section 2 of the Pollution Prevention and Control Act 1999 extending to England and Wales [<sup>F11</sup>or regulations under section 61 of the Water Act 2014 extending to England and Wales],
- [<sup>F12</sup>(ix) section 3 of the Water Act 2003,]
- [<sup>F13</sup>(ix) regulations under section 20 (regulation of controlled activities) of the [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#),]
- or any matter involved in such an appeal;
- [<sup>F14</sup>(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 <sup>M5</sup>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) [<sup>F15</sup>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.

#### Textual Amendments

- F1** S. 114(2)(a)(i) substituted (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), **sch. Pt. 4 para. 8(5)(a)**
- F2** Words in s. 114(2)(a)(iii) repealed (1.4.2015 for S.) by [Pollution Prevention and Control Act 1999 \(c. 24\)](#), s. 7(3), **Sch. 3**; S.S.I. 2015/139, art. 3(c)
- F3** Words in s. 114(2)(a)(iii) repealed (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 1(1)(b), **Sch. 23** (with reg. 72, Sch. 4)
- F4** S. 114(2)(a)(iv) omitted (S.) (1.4.2006) by virtue of [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), **sch. Pt. 4 para. 8(5)(b)**
- F5** Word in s. 114(2)(a)(v) inserted (E.W.) (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 13(4)**, 105(3); S.I. 2006/984, art. 2(h) (with [Sch. para. 7](#))
- F6** Word in s. 114(2)(a)(v) inserted (E.W.) (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 21(4)**, 105(3) (with s. 21(5)); S.I. 2006/984, art. 2(k)
- F7** Word in s. 114(2)(a)(v) repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 13(6)(a), **Sch. 28** (with reg. 1(2), Sch. 4)
- F8** S. 114(2)(a)(vi) repealed: (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 13(6)(b), **Sch. 28** (with reg. 1(2), Sch. 4); (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5 para. 2)
- F9** S. 114(2)(a)(vii) repealed (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 1(1)(b), **Sch. 23** (with reg. 72, Sch. 4)
- F10** S. 114(2)(a)(vii) substituted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), reg. 1(1), **sch. para. 1**
- F11** Words in s. 114(2)(a)(viii) inserted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **10(4)**
- F12** S. 114(2)(a)(ix) inserted (E.W.) (1.4.2006) by [Water Act 2003 \(c. 37\)](#), **ss. 3(13)**, 105(3); S.I. 2006/984, art. 2(c) (with [Sch. para. 2](#))
- F13** S. 114(2)(a)(ix) inserted (S.) (1.4.2006) by [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), **sch. Pt. 4 para. 8(5)(c)**

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- F14** S. 114(2)(b) omitted (S.) (1.4.2006) by virtue of [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), [sch. Pt. 4 para. 8\(5\)\(d\)](#)
- F15** S. 114(3)(b) repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 29\(7\)](#); S.S.I. 2014/160, art. 2(1)(2)

**Modifications etc. (not altering text)**

- C1** S. 114 applied (S.) (1.4.2006) by [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/348\)](#), regs. 1(2), [49\(3\)](#) (with regs. 4, 50)
- C2** S. 114 applied (S.) (31.3.2011) by [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/209\)](#), regs. 1(2), [53\(3\)](#) (with reg. 54)
- C3** 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** 1989 c. 14.  
**M2** 1990 c. 43.  
**M3** 1991 c. 28.  
**M4** 1991 c. 57.  
**M5** 1974 c. 40.

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