

*Status: Point in time view as at 21/03/2000.*

*Changes to legislation: Environment Act 1995, SCHEDULE 3 is up to date with all changes known to be in force on or before 27 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)*

## SCHEDULES

### SCHEDULE 3

Section 12.

#### ENVIRONMENT PROTECTION ADVISORY COMMITTEES

##### *Introductory*

- 1 (1) In this Schedule, “scheme” means a scheme prepared under this Schedule.
- (2) Subject to sub-paragraph (1) above, expressions used in this Schedule and in section 12 of this Act have the same meaning in this Schedule as they have in that section.

##### *Duty of Agency to prepare and submit schemes for each region*

- 2 (1) It shall be the duty of the Agency, in accordance with such guidance as may be given for the purpose by the Secretary of State,—
  - (a) to prepare, in respect of each region, a scheme with respect to the appointment of persons as members of the advisory committee for that region; and
  - (b) to submit that scheme to the Secretary of State for his approval before such date as may be specified in the guidance.
- (2) Every scheme shall—
  - (a) specify descriptions of bodies which, or persons who, appear to the Agency likely to have a significant interest in matters likely to be affected by the manner in which it carries out its functions in the region to which the scheme relates;
  - (b) indicate how the membership of the advisory committee is to reflect the different descriptions of bodies or persons so specified;
  - (c) specify or describe bodies which, and persons whom, the Agency proposes to consult in connection with appointments of persons as members of the advisory committee; and
  - (d) make provision with respect to such other matters as the Agency considers relevant to the membership of the advisory committee.

##### *Approval of schemes*

- 3 (1) A scheme shall not come into force unless it has been approved by the Secretary of State or until such date as he may specify for the purpose in giving his approval.
- (2) Where the Agency submits a scheme to the Secretary of State for his approval, it shall also submit to him—
  - (a) a statement of the Agency’s reasons for considering that the scheme is one which it is appropriate for him to approve; and
  - (b) such information in support of those reasons as it considers necessary.

*Status: Point in time view as at 21/03/2000.*

*Changes to legislation: Environment Act 1995, SCHEDULE 3 is up to date with all changes known to be in force on or before 27 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)*

- (3) On submitting a scheme to the Secretary of State for his approval, the Agency shall publish the scheme, in such manner as it considers appropriate for bringing it to the attention of persons likely to be interested in it, together with a notice specifying the period within which representations or objections with respect to the scheme may be made to the Secretary of State.
- (4) Where a scheme has been submitted to the Secretary of State for his approval, it shall be the duty of the Secretary of State, in determining whether to—
  - (a) approve the scheme,
  - (b) reject the scheme, or
  - (c) approve the scheme subject to modifications,
 to consider any representations or objections made to him within the period specified pursuant to sub-paragraph (3) above and not withdrawn.
- (5) Where the Secretary of State approves a scheme, with or without modifications, it shall be the duty of the Agency to take such steps as it considers appropriate for bringing the scheme as so approved to the attention of persons whom it considers likely to be interested in it.

*Replacement and variation of approved membership schemes*

- 4 (1) The Agency may from time to time, and if required to do so by the Secretary of State shall,—
  - (a) prepare in accordance with paragraph 2 above a fresh scheme with respect to the appointment of persons as members of the advisory committee for any particular region; and
  - (b) submit that scheme to the Secretary of State for his approval;
 and paragraph 3 above shall have effect accordingly in relation to any such scheme.
- (2) An approved membership scheme may from time to time be varied by the Agency with the approval of the Secretary of State.
- (3) The provisions of paragraph 3 above shall have effect in relation to any variation of an approved membership scheme as they have effect in relation to a scheme.

*Appointment of members*

- 5 (1) Before appointing a person to be a member of an advisory committee, the Agency—
  - (a) shall consult such of the associates for that advisory committee as it considers appropriate in the particular case; and
  - (b) may, if it considers it appropriate to do so, also consult bodies or persons who are not associates for that advisory committee.
- (2) In this paragraph, “associates”, in the case of any advisory committee, means those bodies and persons specified or described in the approved membership scheme for that advisory committee pursuant to paragraph 2(2)(c) above.

*Vacancies, defective appointments etc.*

- 6 The validity of any proceedings of an advisory committee shall not be affected by—
  - (a) any vacancy amongst the members;
  - (b) any defect in the appointment of a member; or

---

*Status:* Point in time view as at 21/03/2000.

*Changes to legislation:* Environment Act 1995, SCHEDULE 3 is up to date with all changes known to be in force on or before 27 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)

---

- (c) any temporary breach of the terms of the approved membership scheme for the advisory committee.

*Remuneration and allowances*

- 7 (1) The Agency shall pay to the chairman of an advisory committee such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (2) The Agency shall pay to the members of an advisory committee other than the chairman such sums by way of reimbursement (whether in whole or in part) for loss of remuneration, for travelling expenses and for other out-of-pocket expenses as the Secretary of State may determine.

**Status:**

Point in time view as at 21/03/2000.

**Changes to legislation:**

Environment Act 1995, SCHEDULE 3 is up to date with all changes known to be in force on or before 27 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.