

*Status: Point in time view as at 21/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Pollution Prevention and Control Act 1999, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 6.

#### CONSEQUENTIAL AND MINOR AMENDMENTS

##### *Prevention of Oil Pollution Act 1971 (c.60)*

- 1 In section 11A(1) of the Prevention of Oil Pollution Act 1971 (provisions of Act not to apply to escapes etc. authorised by Part I of the Environmental Protection Act 1990)—
- (a) for “(2A), 3(1) and 11(1)” substitute “ 3(1) ”; and
  - (b) at the end insert “ or a permit granted under regulations under section 2 of the Pollution Prevention and Control Act 1999. ”

#### **Commencement Information**

- I1** [Sch. 2 para. 1](#) wholly in force; [Sch. 2 para. 1](#) not in force at Royal Assent see [s. 7\(3\)](#); [Sch. 2 para. 1](#) in force (E.W.) at 21.3.2000 by [S.I. 2000/800](#), [art. 2](#); [Sch. 2 para. 1](#) in force (S.) at 29.9.2000 by [S.S.I. 2000/322](#), [art. 2\(b\)](#)

##### *Public Health (Control of Disease) Act 1984 (c.22)*

- 2 In section 7(4) of the Public Health (Control of Disease) Act 1984 (enactments conferring functions assignable to the London port health authority), after paragraph (m) insert—
- “(n) regulations under section 2 of the Pollution Prevention and Control Act 1999.”

#### **Commencement Information**

- I2** [Sch. 2 para. 2](#) partly in force; [Sch. 2 para. 2](#) not in force at Royal Assent see [s. 7\(3\)](#); [Sch. 2 para. 2](#) in force (E.W.) at 21.3.2000 by [S.I. 2000/800](#), [art. 2](#)

##### *Environmental Protection Act 1990 (c.43)*

- 3 The Environmental Protection Act 1990 has effect subject to the following amendments.

#### **Commencement Information**

- I3** [Sch. 2 para. 3](#) wholly in force; [Sch. 2 para. 3](#) not in force at Royal Assent see [s. 7\(3\)](#); [Sch. 2 para. 3](#) in force (E.W.) at 21.3.2000 by [S.I. 2000/800](#), [art. 2](#); [Sch. 2 para. 3](#) in force (S.) at 29.9.2000 by [S.S.I. 2000/322](#), [art. 2\(b\)](#)

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- 4 In section 8(7) (expenditure to be covered by charging schemes under the section is that of local enforcing authorities in exercising their functions under Part I of the Act), at the end insert “ together with the expenditure incurred by the Environment Agency in exercising, in relation to authorisations granted by local enforcing authorities or the prescribed processes to which such authorisations relate, such of its functions as are specified in the scheme. ”

**Commencement Information**

- I4** Sch. 2 para. 4 partly in force; Sch. 2 para. 4 not in force at Royal Assent see s. 7(3); Sch. 2 para. 4 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2

- 5 In section 77(2) (waste disposal licences: transition from Part I of the <sup>M1</sup>Control of Pollution Act 1974), at the beginning insert “ Subject to section 4 of the Pollution Prevention and Control Act 1999, ”.

**Commencement Information**

- I5** Sch. 2 para. 5 wholly in force; Sch. 2 para. 5 not in force at Royal Assent see s. 7(3); Sch. 2 para. 5 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2; Sch. 2 para. 5 in force (S.) at 29.9.2000 by S.S.I. 2000/322, art. 2(b)

**Marginal Citations**

- M1** 1974 c. 40.

- 6 In section 79(10) (restrictions on taking proceedings for statutory nuisance where proceedings possible under Part I of the Act), after “Part I” insert “ or under regulations under section 2 of the Pollution Prevention and Control Act 1999. ”

**Commencement Information**

- I6** Sch. 2 para. 6 wholly in force; Sch. 2 para. 6 not in force at Royal Assent see s. 7(3); Sch. 2 para. 6 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2; Sch. 2 para. 6 in force (S.) at 29.9.2000 by S.S.I. 2000/322, art. 2(b)

*Water Industry Act 1991 (c.56)*

- 7 In paragraph (a) of each of subsections (3) and (4) of section 206 of the Water Industry Act 1991 (exceptions from restrictions on disclosure of information), for “or the <sup>M2</sup>Environment Act 1995” substitute “ , the Environment Act 1995 or regulations under section 2 of the Pollution Prevention and Control Act 1999 ”.

**Commencement Information**

- I7** Sch. 2 para. 7 partly in force; Sch. 2 para. 7 not in force at Royal Assent see s. 7(3); Sch. 2 para. 7 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2

**Marginal Citations**

- M2** 1995 c. 25.

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*Water Resources Act 1991 (c.57)*

- 8 In paragraph (a) of each of subsections (2) and (3) of section 204 of the Water Resources Act 1991 (exceptions from restrictions on disclosure of information), for “or the 1995 Act” substitute “, the 1995 Act or regulations under section 2 of the Pollution Prevention and Control Act 1999”.

**Commencement Information**

- I8** Sch. 2 para. 8 partly in force; Sch. 2 para. 8 not in force at Royal Assent see s. 7(3); Sch. 2 para. 8 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2

*Clean Air Act 1993 (c.11)*

- 9 The Clean Air Act 1993 has effect subject to the following amendments.

**Commencement Information**

- I9** Sch. 2 para. 9 wholly in force; Sch. 2 para. 9 not in force at Royal Assent see s. 7(3); Sch. 2 para. 9 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2; Sch. 2 para. 9 in force (S.) at 29.9.2000 by S.S.I. 2000/322, art. 2(b)

- 10 In section 33(1) (cable burning), after “a process subject to Part I of the Environmental Protection Act 1990” insert “ or an activity subject to regulations under section 2 of the Pollution Prevention and Control Act 1999”.

**Commencement Information**

- I10** Sch. 2 para. 10 wholly in force; Sch. 2 para. 10 not in force at Royal Assent see s. 7(3); Sch. 2 para. 10 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2; Sch. 2 para. 10 in force (S.) at 29.9.2000 by S.S.I. 2000/322, art. 2(b)

- 11 In section 35(3) (limit on investigations into emissions from certain processes), after “any process subject to Part I of the Environmental Protection Act 1990” insert “ or activity subject to regulations under section 2 of the Pollution Prevention and Control Act 1999”.

**Commencement Information**

- I11** Sch. 2 para. 11 wholly in force; Sch. 2 para. 11 not in force at Royal Assent see s. 7(3); Sch. 2 para. 11 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2; Sch. 2 para. 11 in force (S.) at 29.9.2000 by S.S.I. 2000/322, art. 2(b)

*Railways Act 1993 (c.43)*

- 12 In section 4(9) of the Railways Act 1993 (interpretation), for the definition of “environment” substitute—

““the environment” means all, or any, of the following media, namely, the air, water and land (and the medium of air includes the air within buildings

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and the air within other natural or man-made structures above or below ground);”.

**Commencement Information**

**I12** Sch. 2 para. 12 wholly in force; Sch. 2 para. 12 not in force at Royal Assent see s. 7(3); Sch. 2 para. 12 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2; Sch. 2 para. 12 in force (S.) at 29.9.2000 by S.S.I. 2000/322, art. 2(b)

*Merchant Shipping Act 1995 (c.21)*

13 After section 136 of the Merchant Shipping Act 1995 (oil pollution) insert—

**“136A Discharges etc. authorised under other enactments.**

The provisions of sections 131(1) and 136(1) shall not apply to any discharge which is made under, and the provisions of section 136(1) shall not apply to any escape which is authorised by, an authorisation granted under Part I of the <sup>M3</sup>Environmental Protection Act 1990 or a permit granted under regulations under section 2 of the Pollution Prevention and Control Act 1999.”

**Commencement Information**

**I13** Sch. 2 para. 13 partly in force; Sch. 2 para. 13 not in force at Royal Assent see s. 7(3); Sch. 2 para. 13 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2

**Marginal Citations**

**M3** 1990 c. 43.

*Environment Act 1995 (c.25)*

14 The Environment Act 1995 has effect subject to the following amendments.

**Commencement Information**

**I14** Sch. 2 para. 14 wholly in force; Sch. 2 para. 14 not in force at Royal Assent see s. 7(3); Sch. 2 para. 14 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2; Sch. 2 para. 14 in force (S.) at 29.9.2000 by S.S.I. 2000/322, art. 2(b)

15 In section 5(5) (pollution control powers and functions), after paragraph (h) insert—

“(i) regulations under section 2 of the Pollution Prevention and Control Act 1999;”.

**Commencement Information**

**I15** Sch. 2 para. 15 partly in force; Sch. 2 para. 15 not in force at Royal Assent see s. 7(3); Sch. 2 para. 15 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2

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- 16 In section 33(5) (pollution control powers and functions in Scotland), before the word “and” at the end of paragraph (g) insert—
- “(ga) regulations under section 2 of the Pollution Prevention and Control Act 1999;”.

**Commencement Information**

**I16** Sch. 2 para. 16 wholly in force; Sch. 2 para. 16 not in force at Royal Assent see s. 7(3); Sch. 2 para. 16 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2; Sch. 2 para. 16 in force (S.) at 29.9.2000 by S.S.I. 2000/322, art. 2(b)

- 17 In section 56(1) (interpretation of Part I), for the definition of “the environment” substitute—
- ““the environment” means all, or any, of the following media, namely, the air, water and land (and the medium of air includes the air within buildings and the air within other natural or man-made structures above or below ground);”.

**Commencement Information**

**I17** Sch. 2 para. 17 wholly in force; Sch. 2 para. 17 not in force at Royal Assent see s. 7(3); Sch. 2 para. 17 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2; Sch. 2 para. 17 in force (S.) at 29.9.2000 by S.S.I. 2000/322, art. 2(b)

- 18 (1) Section 113(5) (disclosure of information: interpretation) is amended as follows.
- (2) For the definition of “the environment” substitute—
- ““the environment” means all, or any, of the following media, namely, the air, water and land (and the medium of air includes the air within buildings and the air within other natural or man-made structures above or below ground);”.
- (3) In the definition of “local enforcing authority”, at the end of paragraph (b) insert “or”.

**Commencement Information**

**I18** Sch. 2 para. 18 wholly in force; Sch. 2 para. 18 not in force at Royal Assent see s. 7(3); Sch. 2 para. 18 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2; Sch. 2 para. 18 in force (S.) at 29.9.2000 by S.S.I. 2000/322, art. 2(b)

*Finance Act 1996 (c.8)*

- 19 In section 66 of the Finance Act 1996 (landfill tax: definition of landfill site), after paragraph (b) insert—
- “(ba) a permit under regulations under section 2 of the Pollution Prevention and Control Act 1999 is in force in relation to the land and authorises deposits or disposals in or on the land;”.

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**I19** Sch. 2 para. 19 partly in force; Sch. 2 para. 19 not in force at Royal Assent see s. 7(3); Sch. 2 para. 19 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2

*Government of Wales Act 1998 (c.38)*

- 20 In Schedule 3 to the Government of Wales Act 1998 (provisions about the transfer of functions), in paragraph 6(3) (meaning of “relevant transferred environmental function”), after paragraph (b) insert “or
- (c) under, or under regulations under section 2 of, the Pollution Prevention and Control Act 1999,”.

**Commencement Information**

**I20** Sch. 2 para. 20 partly in force; Sch. 2 para. 20 not in force at Royal Assent see s. 7(3); Sch. 2 para. 20 in force (E.W.) at 21.3.2000 by S.I. 2000/800, art. 2

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