

*Status: Point in time view as at 06/04/2010.*

*Changes to legislation: Energy Act 2004, SCHEDULE 15 is up to date with all changes known to be in force on or before 30 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 15 **U.K.**

Section 75

#### AMENDMENTS OF 1993 ACT

*[<sup>F1</sup>Preliminary*

#### Textual Amendments

- F1** Sch. 15 repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), [Sch. 28](#) (with reg. 1(2), Sch. 4)

- 1 The 1993 Act is amended as follows.

#### Commencement Information

- I1** Sch. 15 para. 1 in force at 27.7.2004 by [S.I. 2004/1973](#), art. 2, [Sch.](#)

#### *Applications for authorisations*

- 2 In section 16(6) (obligation to send copy of application to local authorities), for “any application being made” substitute “ receipt of an application ”.

#### Commencement Information

- I2** Sch. 15 para. 2 in force at 27.7.2004 by [S.I. 2004/1973](#), art. 2, [Sch.](#)

#### *Duty to display documents*

- 3 In section 19 (duty to display authorisation etc.), for “to whom the authorisation was granted” substitute “ who holds the authorisation ”.

#### Commencement Information

- I3** Sch. 15 para. 3 in force at 27.7.2004 by [S.I. 2004/1973](#), art. 2, [Sch.](#)

#### *Requirements with respect to records*

- 4 In section 20(1) (imposition of requirements with respect to records), for “an authorisation under section 13 or 14 has been granted” substitute “ who holds an authorisation under section 13 or 14 ”.

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**Commencement Information**

**I4** Sch. 15 para. 4 in force at 27.7.2004 by [S.I. 2004/1973](#), [art. 2](#), [Sch.](#)

*Enforcement notices*

- 5 (1) In subsection (1) of section 21 (enforcement notifications), for “to whom an authorisation was granted under section 13 or 14” substitute “ who holds an authorisation under section 13 or 14 ”.
- (2) In subsection (4)(b) of that section, after “16(9)(b)” insert “ or 16A(8)(d) ”.

**Commencement Information**

**I5** Sch. 15 para. 5 in force at 27.7.2004 by [S.I. 2004/1973](#), [art. 2](#), [Sch.](#)

*Prohibition notices*

- 6 In section 22(6) (copy of prohibition notice to be served on persons to whom authorisation copied under section 16(9)(b)), after “16(9)(b)” insert “ or 16A(8)(d) ”.

**Commencement Information**

**I6** Sch. 15 para. 6 in force at 27.7.2004 by [S.I. 2004/1973](#), [art. 2](#), [Sch.](#)

*Directions in relation to applications etc.*

- 7 (1) In subsection (1)(b) of section 23 (directions in relation to applications), after “14” insert “ or for the transfer (in whole or in part) or variation of an authorisation ”.
- (2) In subsection (2)(a) of that section, after “authorisation” insert “ or for the transfer (in whole or in part) or variation of an authorisation ”.
- (3) After subsection (2)(c) of that section insert—
- “(ca) to grant an application for the transfer (in whole or in part) of an authorisation, or
- (cb) to carry out a review under section 17A, or”.

**Commencement Information**

**I7** Sch. 15 para. 7 in force at 27.7.2004 by [S.I. 2004/1973](#), [art. 2](#), [Sch.](#)

*Power to call in applications*

- 8 In section 24(1)(a) (applications that may be called in), for “or authorisations” substitute “ , authorisations, transfers or variations ”.

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#### Commencement Information

**I8** Sch. 15 para. 8 in force at 27.7.2004 by [S.I. 2004/1973](#), [art. 2](#), [Sch.](#)

#### *Power to restrict knowledge of applications etc.*

- 9 (1) In subsection (2)(a) of section 25 (directions to restrict knowledge of information about applications), after “14” insert “ or for the transfer (in whole or in part) or variation of an authorisation ”.
- (2) In subsection (3) of that section—
- (a) for “, as the case may be” substitute “ or notice of variation ”; and
  - (b) in paragraph (b), after “16” insert “ 16A or 17 ”.

#### Commencement Information

**I9** Sch. 15 para. 9 in force at 27.7.2004 by [S.I. 2004/1973](#), [art. 2](#), [Sch.](#)

#### *Appeals*

- 10 (1) In subsection (1) of section 26 (appeals), after paragraph (a) insert—
- “(aa) refuses an application under section 16A or 17 for the transfer (in whole or in part) or variation of such an authorisation,”.
- (2) In subsection (5) of that section, after paragraph (b) insert—
- “(c) in relation to an application under section 16A for the transfer of an authorisation, either or both of the persons making the application;
  - (d) in relation to an application for a variation under section 17, the person applying for the variation.”

#### Commencement Information

**I10** Sch. 15 para. 10 in force at 27.7.2004 by [S.I. 2004/1973](#), [art. 2](#), [Sch.](#)

#### *Offences*

- 11 In each of paragraphs (c) and (d) of section 32(1) (offences relating to registrations and authorisations), for “to whom an authorisation under section 13 or 14 has been granted” substitute “ who holds an authorisation under section 13 or 14 ”.

#### Commencement Information

**I11** Sch. 15 para. 11 in force at 27.7.2004 by [S.I. 2004/1973](#), [art. 2](#), [Sch.](#)

#### *False and misleading statements*

- 12 In section 34A (offences of making false and misleading statements)—
- (a) in subsection (1)(a), after “14” insert “ , any transfer of such an authorisation under section 16A ”; and

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- (b) in subsection (2)(a), for “or an authorisation under section 13 or 14” substitute “ , an authorisation under section 13 or 14 or a transfer under section 16A ”.

**Commencement Information**

**I12** Sch. 15 para. 12 in force at 27.7.2004 by [S.I. 2004/1973](#), [art. 2](#), [Sch.](#)

*Meaning of “prescribed”*

- 13 In section 47(1) (interpretation), for the definition of “prescribed” substitute—
- ““prescribed”—
- (a) in relation to a charging scheme under section 41 of the Environment Act 1995, has the same meaning as in that section;
  - (b) in relation to fees or charges payable in Northern Ireland in accordance with a scheme under section 43 of this Act, means prescribed under that scheme; and
  - (c) in other contexts, means prescribed by regulations under this Act.”]

**Commencement Information**

**I13** Sch. 15 para. 13 in force at 27.7.2004 by [S.I. 2004/1973](#), [art. 2](#), [Sch.](#)

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