
STATUTORY INSTRUMENTS

1992 No. 614

ENVIRONMENTAL PROTECTION

**The Environmental Protection (Prescribed Processes
and Substances) (Amendment) Regulations 1992**

<i>Made</i>	- - - -	<i>10th March 1992</i>
<i>Laid before Parliament</i>		<i>11th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland, in exercise of their powers under section 2 of the Environmental Protection Act 1990(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environmental Protection (Prescribed Processes and Substances) (Amendment) Regulations 1992 and shall come into force on 1st April 1992.

(2) In these Regulations, “the 1991 Regulations” means the Environmental Protection (Prescribed Processes and Substances) Regulations 1991(2).

Amendment of the 1991 Regulations and transitionals

2. Schedule 1 (amendment of the 1991 Regulations) and Schedule 2 (transitionals) shall have effect.

9th March 1992

Michael Heseltine
Secretary of State for the Environment

10th March 1992

David Hunt
Secretary of State for Wales

(1) 1990 c. 43.
(2) S.I. 1991/472, amended by S.I. 1991/836.

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10th March 1992

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Regulation 2

AMENDMENT OF THE 1991 REGULATIONS

1. The 1991 Regulations shall be amended as follows.
2. After regulation 4(4) insert—

“(4A) The running of an engine which is designed to propel an aircraft, hovercraft, mechanically propelled road vehicle, railway locomotive or ship or other vessel in order to test it before installation or in the course of its development shall not be taken to fall within a description in Schedule 1.”
3. After the end of regulation 4(5) insert—

“(5A) A process which would otherwise fall within Section 6.4 of Schedule 1 shall not be taken to fall within that or any other Section of that Schedule if it is carried on at an installation in respect of which a nuclear site licence under section 1 of the Nuclear Installations Act 1965(3) is for the time being in force.”
4. In the heading of Chapter 1 of Schedule 1 (descriptions of process), for “The production of fuel and power” substitute “Fuel production processes, combustion processes (including power generation)”.
5. At the end of Part A of Section 1.2 of Schedule 1 (carbonisation and associated processes) insert—

“In paragraph (a), the heat treatment of oil does not include heat treatment of waste oil or waste emulsions containing oil in order to recover the oil.”
6. In Part A of Section 1.3 of Schedule 1 (combustion processes) for the words from “The following processes” to the end of paragraph (b) substitute—

“(a) Burning any fuel in a boiler or furnace with a net rated thermal input of 50 megawatts or more or, when the process is carried on by the same person at the same location, burning any fuel in any of two or more boilers or furnaces with an aggregate net rated thermal input of 50 megawatts or more (disregarding any boiler or furnace with a net rated thermal input of less than 3 megawatts);

(b) burning any fuel in a gas turbine or compression ignition engine with a net rated thermal input of 50 megawatts or more or, when the process is carried on by the same person at the same location, burning any fuel in any of two or more such turbines or engines with an aggregate net rated thermal input of 50 megawatts or more (disregarding any such turbine or engine with a net rated thermal input of less than 3 megawatts);”.
7. In Part B of Section 1.3 of Schedule 1, for “if carried on primarily for the purpose of producing energy and not” substitute “unless” and in paragraph (e) for the words from “and all the appliances” to the end of the paragraph substitute “which each have a net rated thermal input of less than 3 megawatts and the aggregate net rated thermal input of all the appliances is at least 0.4 megawatts”.
8. In Part A of Section 2.2 of Schedule 1 (non-ferrous metals)—
 - (a) in the list in paragraph (e), for the respective entries relating to lead and manganese alloys substitute the following entries—

(3) 1965 c. 57.

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“lead	23% when present in an alloy containing copper and 2% when present in any other alloy”
“manganese	15% when present in an alloy containing copper and 4% when present in any other alloy”;

- (b) in paragraph (j), after “carrying on” insert “of”.
- 9.** In Part B of Section 5.1 of Schedule 1 (incineration)—
 - (a) in the definition of “exempt incinerator”, for “incinerate waste” substitute “incinerate waste, including animal remains”;
 - (b) for the definition of “waste”, substitute “waste means solid or liquid wastes or gaseous wastes (other than gas produced by biological degradation of waste); and”;
 - (c) in the definition of “clinical waste”, omit “(other than animal carcasses)”.
- 10.** In Section 6.4 of Schedule 1 (processes involving uranium) omit from “unless carried on” to “being in force”.
- 11.** In Part B of Section 6.7 of Schedule 1 (timber processes)—
 - (a) after “chemical treatment of wood”, insert “(“relevant processes”);”;
 - (b) in paragraph (i), for “sawed but not otherwise processed” substitute “sawed but is not subjected to any other relevant processes”;
 - (c) in the definition of “throughput”, for “of the processes described in the paragraph” substitute “of the relevant processes” and for “of the processes mentioned” substitute “relevant processes”.
- 12.** In Part A of Section 6.9 of Schedule 1 (treatment and processing of animal or vegetable matter), for “plant or plant product (or part thereof)” substitute “vegetable matter”.
- 13.** In Schedule 2 (rules for the interpretation of Schedule 1)—
 - (a) in paragraph 4, for “but where a process” substitute “but where two or more descriptions are equally apt and a process”;
 - (b) in paragraph 6, after “coal product” insert “, or iron ore or burnt pyrites,”;
 - (c) after paragraph 7 insert—
 - “**7A.** The reference to “any other process” in paragraph 2 and the references to “other processes” in paragraph 7 do not include references to a process (other than one described in Schedule 1) of loading or unloading any ship or other vessel.”

SCHEDULE 2

Regulation 2

TRANSITIONALS

- 1.** Part I of Schedule 3 to the 1991 Regulations shall apply to a process which by virtue of these Regulations becomes a process to which paragraph (a) of Part A of Section 1.3 of Schedule 1 to the 1991 Regulations applies as if—
 - (a) in paragraph 2, for “1st April 1991” there were substituted “1st April 1992”;

- (b) in paragraph 3(1)(ii), for the words from “the day after” to the end of the sub-paragraph there were substituted “1st July 1992”;
- (c) in paragraph 3(2), for “1 April 1991” there were substituted “1st April 1992”;
- (d) paragraph 4 were omitted;
- (e) in paragraph 5, for the words “within the appropriate period specified in paragraph 4” there were substituted “by not later than 30th June 1992”;
- (f) in paragraph 6, for “1st April 1991” there were substituted “1st April 1992”; and
- (g) in paragraph 7, for the words from “1st April 1990” to “of that process” there were substituted “1st April 1991 and 30th June 1992”.

2. Part II of Schedule 3 to the 1991 Regulations shall apply to a process which by virtue of these Regulations becomes a process to which Part B of Section 1.3, 2.2 or 5.1 of Schedule 1 to the 1991 Regulations applies as if—

- (a) in paragraph 10, for the words from “the date specified” to the end of the paragraph there were substituted “1st April 1992”;
- (b) in paragraph 11(1)(ii), for the words from “the day after” to the end of the sub-paragraph there were substituted “1st July 1992”;
- (c) in paragraph 11(2), for the words from “in the period” to “(when changed)” there were substituted “on or after 1st April 1992 and before 1st July 1992”;
- (d) paragraph 12 were omitted;
- (e) in paragraph 14(i), for the words from “the earlier date” to “falls” there were substituted “1st April 1992”; and
- (f) in paragraph 14(ii), for “that earlier date” there were substituted “1st April 1992”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further minor amendments to the Environmental Protection (Prescribed Processes and Substances) Regulations 1991 (S.I.1991/472) (“the 1991 Regulations”) which were amended by S.I. 1991/836. The main amendments relate to—

the operation of engines designed to propel an aircraft, hovercraft, mechanically propelled road vehicle, railway locomotive or ship or other vessel;

processes carried on at an installation in respect of which a nuclear site licence under section 1 of the Nuclear Installations Act 1965 is in force;

the heat treatment of waste oil or waste emulsions containing oil in order to recover the oil;

burning any fuel in two or more boilers or furnaces (or turbines or compression ignition engines) which each have a net rated thermal input of 3 megawatts or more and which have an aggregate net rated thermal input of 50 megawatts or more;

combustion appliances with a net rated thermal input of less than 3 megawatts but not less than 0.4 megawatts which are located with other similar appliances;

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processes for producing, melting or recovering by chemical means or by the use of heat, lead or manganese or certain alloys of those metals;

incinerators designed to incinerate waste at a rate of not more than 50 kilogrammes per hour;

burning gas produced by the biological degradation of waste, for example, from landfill sites.

Transitional arrangements are made to ensure that certain existing processes in England and Wales which are brought into control by the amendments made by these Regulations can continue to be carried on if an application for authorisation is made before 1st July 1992.