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STATUTORY INSTRUMENTS

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**1994 No. 2847**

**ENVIRONMENTAL PROTECTION**

**The Environmental Protection (Authorisation of Processes)  
(Determination Periods) (Amendment) Order 1994**

*Made - - - - 6th November 1994*  
*Laid before Parliament 10th November 1994*  
*Coming into force - - 1st December 1994*

The Secretary of State, in exercise of the powers conferred on him by paragraph 5(3) of Schedule 1 to the Environmental Protection Act 1990<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Environmental Protection (Authorisation of Processes) (Determination Periods) (Amendment) Order 1994 and shall come into force on 1st December 1994.

**Extension of period for consideration of applications by local authorities**

2.—(1) Article 3 of the Environmental Protection (Authorisation of Processes) (Determination Periods) Order 1991<sup>(2)</sup> shall be amended as follows.

(2) In paragraph (5), after the words “paragraph (2)(a) and (b) above” there shall be inserted the words “or paragraph (5A) below”.

(3) After paragraph (5) there shall be inserted the following paragraph—

“(5A) Subject to paragraph (6) below, in the case of an application for an authorisation to carry on a process subject to local control in respect of which paragraph 5, 6 or 7 of Schedule 6 to the Environmental Protection (Prescribed Processes and Substances Etc.) (Amendment) Regulations 1994<sup>(3)</sup> applies but which does not fall within paragraph (2)(a) and (b) above, for the period mentioned in paragraph 5(1) of Schedule 1 to the 1990 Act there shall be substituted the period of nine months beginning with the day on which the enforcing authority received the application or such longer period as it may agree with the applicant.”.

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(1) 1990 c. 43.

(2) S.I.1991/513.

(3) S.I. 1994/1271; a new Schedule 6 was substituted by S.I. 1994/1329.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(4) In paragraph (6)—

- (a) for the words “paragraph (2), (4) or (5)” there shall be substituted the words “paragraph (2), (4), (5) or (5A)”;
- (b) for the words “paragraph (1), (3) and (5)” there shall be substituted the words “paragraph (1), (3), (5) and (5A)”.

Signed by authority of the Secretary of State

6th November 1994

*Paul Beresford*  
Parliamentary Under Secretary of State,  
Department of the Environment

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 3 of the Environmental Protection (Authorisation of Processes) (Determination Periods) Order 1991 generally extends the period laid down in the Environmental Protection Act 1990 for enforcing authorities to determine applications under Part I of that Act for authorisations to carry on processes prescribed for local control.

This Order amends that article by specifying a period of nine months in respect of processes, other than small waste oil burners, to which the transitional provisions in paragraphs 5 to 7 of Schedule 6 to the Environmental Protection (Prescribed Processes and Substances Etc.) (Amendment) Regulations 1994 (as substituted by the Environmental Protection (Prescribed Processes and Substances Etc.) (Amendment) (No. 2) Regulations 1994) apply. These are processes which, by virtue of regulation 4 of those Regulations, become processes prescribed for local control on 1st December 1994.