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STATUTORY INSTRUMENTS

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**1996 No. 2909 (C. 87)**

**ENVIRONMENTAL PROTECTION**

**The Environment Act 1995 (Commencement  
No. 8 and Saving Provisions) Order 1996**

*Made - - - - 20th November 1996*

The Secretary of State, in exercise of the powers conferred on him by section 125(3) and (4) of the Environment Act 1995<sup>(1)</sup>, hereby makes the following Order:

**Citation**

1. This Order may be cited as the Environment Act 1995 (Commencement No. 8 and Saving Provisions) Order 1996.

**Provisions coming into force on 21st November 1996**

2. Section 120(1) of the Environment Act 1995 shall come into force on 21st November 1996 in so far as it relates to paragraphs 142, 143, 169, 170 and 183 of Schedule 22 in so far as the amendments made by those provisions confer any power to make regulations.

**Provisions coming into force on 31st December 1996**

3. Subject to article 4, the following provisions of the Environment Act 1995 shall come into force on 31st December 1996—

section 120(1) in so far as it relates to paragraphs 142, 143, 169, 170 and 183 of Schedule 22 in so far as those paragraphs are not already in force; and

section 120(3) in so far as it relates to the repeals made in Schedule 24 in relation to sections 91 and 190(1) of the Water Resources Act 1991<sup>(2)</sup>.

**Saving provisions**

4.—(1) Nothing in this Order shall affect—

(a) the application of—

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(1) 1995 c. 25.  
(2) 1991 c. 57.

- (i) paragraphs 1 to 5 of Schedule 10 to the Water Resources Act 1991 as originally enacted or as modified by the Control of Pollution (Discharges by the National Rivers Authority) Regulations 1989(3); and
  - (ii) regulations 2 to 6 of the Control of Pollution (Consents for Discharges etc.) (Secretary of State Functions) Regulations 1989(4),  
in relation to any application made under paragraph 1 of that Schedule (applications for discharge consents) before 31st December 1996 or any consent given under paragraph 5 of that Schedule (discharge consents granted without applications) before that date;
  - (b) the application of section 91 of the Water Resources Act 1991 as originally enacted (appeals in respect of consents under Chapter II of Part III of that Act), and regulations 2 and 7 of the Control of Pollution (Consents for Discharges etc.) (Secretary of State Functions) Regulations 1989, in relation to any appeal under that section made in relation to a decision taken before 31st December 1996;
  - (c) the power to amend or revoke any of the regulations mentioned in sub-paragraph (a) or (b) above.
- (2) Paragraph (1)(a) above shall not apply in relation to an application made under paragraph 1 of Schedule 10 to the Water Resources Act 1991 before 31st December 1996 if—
- (a) the application relates to discharges of a kind which the applicant, or a predecessor of his, was authorised to make by virtue of a consent to which paragraph 21 of Schedule 23 to the Environment Act 1995 (transitional provisions in relation to discharge consents) applied; and
  - (b) notice in accordance with sub-paragraph (2)(b)(ii) of that paragraph was not given by him or his predecessor.

Signed by authority of the Secretary of State for the Environment

Department of the Environment  
20th November 1996

*Robert Jones*  
Minister of State,

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(3) S.I. 1989/1157; relevant amendments were made by paragraph 1(3) of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60) and paragraph 233 of Schedule 22 to the Environment Act 1995 (c. 25).

(4) S.I. 1989/1151; see previous footnote for relevant amendments.

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## EXPLANATORY NOTE

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

Article 2 brings into force on 21st November 1996 section 120(1) of, and paragraphs 142, 143, 169, 170 and 183 of Schedule 22 to, the Environment Act 1995 to the extent necessary to make regulations in relation to—

- (a) the procedure in connection with consents under Chapter II of Part III of the Water Resources Act 1991, including procedure relating to appeals; and
- (b) water pollution control registers of the Environment Agency.

Article 3 brings those provisions of Schedule 22 fully into force, and also provisions about—

- (i) enforcement notices in relation to discharge consents; and
- (ii) the exclusion of information from water pollution control registers on grounds of national security or commercial confidentiality.

Article 4 makes saving provisions in connection with the provisions commenced by this Order.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Environment Act 1995 have been or are to be brought into force by commencement orders made before the date of the Order.

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 1	28.07.1995	1995/1983
Section 2	01.04.1996	1996/186
Section 3(1)	01.04.1996	1996/186
Section 3(2) to (8)	28.07.1995	1995/1983
Section 4	28.07.1995	1995/1983
Section 5	01.02.1996 and 01.04.1996	1996/186
Section 6	01.04.1996	1996/186
Section 7	28.07.1995	1995/1983
Section 8	01.04.1996	1996/186
Section 9	28.07.1995	1995/1983
Sections 10 and 11	01.04.1996	1996/186
Section 12	28.07.1995	1995/1983
Sections 13 to 19	01.04.1996	1996/186
Sections 20 to 23	12.10.1995	1995/2649
Sections 25 to 29	01.04.1996	1996/186

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 30 to 32	12.10.1995	1995/2649
Sections 33 to 35	01.04.1996	1996/186
Section 36	12.10.1995	1995/2649
Section 37	28.07.1995 and 01.04.1996	1995/1983 and 1996/186
Sections 38 to 40	28.07.1995	1995/1983
Section 41	21.09.1995, 01.02.1996 and 01.04.1996	1995/1983 and 1996/186
Section 42	21.09.1995	1995/1983
Section 43 to 52	28.07.1995	1995/1983
Sections 53 and 54	01.04.1996	1996/186
Section 55	01.02.1996 and 01.04.1996	1996/186
Section 56	28.07.1995	1995/1983
Section 57 (partially)	21.09.1995	1995/1983
Section 58 (partially)	21.09.1995	1995/1983
Section 59 (partially)	12.10.1995	1995/2649
Section 78 (partially) and paragraphs 1, 2(1), 2(3) to (8), 2(9)(a), (c) and (d), 3 to 7, 8(2), 9, 10(1) and (3), 11, 12, 14, 15, 17 to 19, 21, 23 to 26, 28 to 31, 32(1) to (13) and (15) to (18), 33(1) to (5), 34, 35 (partially), 36, 37 and 38(1) of Schedule 10, with savings	23.11.1995	1995/2950
Section 78 (partially) and paragraphs 2(2) and (9)(b), 8(1) and (3), 13, 16, 20 and 22(3), (4)(a) and (b) and (5) of Schedule 10, with savings	01.04.1996	1995/2950
Section 78 (partially) and paragraphs 10(2)(b), 22(2), (4)(c), (6) and (7), 27, 32(14) and 33(6) to (8), 35 (insofar as that paragraph is not already in force), and 38(2) of Schedule 10	01.04.1997	1996/2560
Section 80	01.02.1996	1996/186
Section 81	01.04.1996	1996/186
Sections 87 to 89	01.02.1996	1996/186

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 90 (partially) and paragraphs 2, 3 and 5 of Schedule 11	01.02.1996	1996/186
Section 91	01.02.1996	1996/186
Section 92	01.04.1996	1996/186
Sections 93 to 95	21.09.1995	1995/1983
Section 96(1) and (4) to (6) (partially)	01.11.1995	1995/2765
Section 96(1), (5) and (6) (Scotland)	01.01.1997	1996/2857
Section 96(2)	01.11.1995	1995/2765
Section 96(3)	01.01.1997	1996/2857
Section 96(4) (partially) (Scotland)	01.01.1997	1996/2857
Sections 97 to 103	21.09.1995	1995/1983
Section 104	01.04.1996	1996/186
Section 105 (partially) and paragraphs 25 and 26(1) of Schedule 15	21.09.1995	1995/1983
Section 105 (partially) and paragraphs 3 and 5(1) of Schedule 15	01.02.1996	1996/186
Section 105 (partially) and paragraphs 1, 2, 4, 5(2) and (3), 6 to 12, 14(2) and (3), 15, 16, 18, 19 and 21 to 24 of Schedule 15	01.04.1996	1996/186
Section 105 (partially) and paragraphs 13, 14(1) and (4), 17, 20 and 26(2) of Schedule 15	01.01.1999	1995/1983
Sections 106 to 114	01.04.1996	1996/186
Section 115	01.04.1996	1995/2950 and 1996/186
Section 116 (partially) and paragraph 2(1) to (3) of Schedule 21	21.09.1995	1995/1983
Section 117	01.04.1996	1996/186
Section 118(1) to (3), (4) and (5) (partially) and (6)	01.04.1996	1996/186
Section 119	01.04.1996	1996/186

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 120(1) (partially) and paragraphs 4, 31, 42, 213(1), (2)(b) and (3) and 223(1)(c) of Schedule 22	28.07.1995	1995/1983
Section 120(1) (partially) and paragraphs 15, 29(1) and (22) (partially), 51(1) to (3) and (5) and 53 of Schedule 22	12.10.1995	1995/2649
Section 120(1) (partially) and paragraphs 37(1) and (4), 38, 39, 76(1) and (3), 80(1) and (2), 82(1) and (5) (partially), 133(1), 137 to 139, 147, 153, 162 (partially), 182, 187(1) and 192 of Schedule 22	21.09.1995	1995/1983
Section 120(1) (partially) and paragraphs 2, 13, 36, 37(2)(b), 43, 44, 102, 103 (partially), and 232(1) of Schedule 22	01.02.1996	1996/186
Section 120(1) (partially) and paragraphs 2, 13, 36, 37(2)(b), 43, 44, 102, 103 (partially), and 232(1) of Schedule 22	01.02.1996	1996/186
Section 120(1) (partially) and paragraphs 1, 3, 5 to 12, 14, 17 to 27(a), 28, 29(2) to (20), 21(a)(ii), (23) to (25) and (27) to (35), 30, 32 to 35, 37(3) and (5) to (8), 40, 41, 45, 46(1) to (4) and (6) to (11), 47 to 50, 51(4), 52, 54 to 66, 68(1), (2) (partially), (3), (4), and (6), 70(1) and (2), 72(2) (partially), and (3) to (6), 74 (partially), 75, 76(2), (4) to (7) and (8)(b), 77, 78, 80(3), 82 (so far as not already in force), 83 to 87, 90, 93, 94, 96 to 101, 103 (so far as not already in force), 104 to 132, 133(2), 134, 136, 140, 141, 144 to 146, 148 to 152, 154 to 160, 164 to 168, 171 to 181, 184, 185, 187(2), 188 to 191, 193 to 212, 213(2)(a), (4) and (5), 214 to 222, 223(1) (a) and (b) and (2), 224 to 231, 232(2) and 233 of Schedule 22	01.04.1996	1996/186

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 120(2) (partially) and paragraphs 1 to 6, 8 to 10, 12, 13, 14(1) to (4), (7) and (8) (partially) and 16 to 24 of Schedule 23	01.04.1996	1996/186
Section 120(2) (partially) and paragraph 14(5), (6) and (8) (partially) of Schedule 23	01.01.1999	1995/1983
Section 120(3) (partially) and the repeals in Schedule 24 relating to sections 68, 69(5), 126(6) and 129(4) of the Water Resources Act 1991	21.09.1995	1995/1983
Section 120(3) (partially) and the repeal in Schedule 24 relating to section 105 of the Town and Country Planning Act 1990	01.11.1995	1995/2765
Section 120(3) (partially) and the repeal in Schedule 24 relating to the Local Government etc. (Scotland) Act 1994, except section 165(6)	01.02.1996	1996/186
Section 120(3) (partially) and the repeals in Schedule 24 relating to the Public Health (Scotland) Act 1897, the Alkali, &c, Works Regulation Act 1906, the Rivers (Prevention of Pollution) (Scotland) Act 1951, section 151(5) of the Mines and Quarries Act 1954, section 10(6)(a) of the Rivers (Prevention of Pollution) (Scotland) Act 1965, section 3(3)(b) of the Nuclear Installations Act 1965, the Parliamentary Commissioner Act 1967, the Sewerage (Scotland) Act 1968, section 1(1)(g) of the Hovercraft Act 1968, the Agriculture Act 1970, section 223(2) of the Local Government Act 1972, the Clyde River Purification Act	01.04.1996	1996/186

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
1972, the Local Government (Scotland) Act 1973, section 28 of the Health and Safety at Work etc. Act 1974, the Control of Pollution Act 1974 (except that relating to section 30(1)), paragraph 1 of Schedule 2 to the Clean Air Enactments (Repeals and Modifications) Regulations 1974, Schedule 1 to the House of Commons Disqualification Act 1975, Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, the Local Government (Scotland) Act 1975, sections 5(2), 10 and 15 of the Salmon and Freshwater Fisheries Act 1975, the Water (Scotland) Act 1980, paragraph 17(3) of Schedule 9 to the Roads (Scotland) Act 1984, regulations 2 and 4 of the Control of Industrial Air Pollution (Transfer of Powers of Enforcement) Regulations 1987, sections 7(2) and (8) and 11(3) of the Control of Pollution (Amendment) Act 1989, the Water Act 1989, the Environmental Protection Act 1990 (except those relating to sections 33(1), 36(11) and (12), 39(12) and (13), 54, 61, 75(3), 88, 143 and Schedule 8), the Natural Heritage (Scotland) Act 1991, the Water Industry Act 1991 (except those relating to section 4(6)), sections 1 to 14, 16 to 19, 58, 105(1), 114, 117, 121 to 124, 131, 132, 144, 146, 150 to 153, 187, 196, 202(5), 209(1), (2) and (4), 213 to 215, 218, the words “Subject to subsection (3) below,” in section 219(2), section 219(3), the definitions of “the Authority” and “constituent council” in section 221(1) and Schedules 1, 3 and 4 to the Water Resources Act		



<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
1991, the Land Drainage Act 1991, the Water Consolidation (Consequential Provisions) Act 1991, the Clean Air Act 1993, the Radioactive Substances Act 1993, the Noise and Statutory Nuisance Act 1993, paragraph 17(4) of Schedule 9 and paragraph 3(1) and (2) of Schedule 11 to the Local Government (Wales) Act 1994, and the words “a river purification board” in section 165(6) of the Local Government etc. (Scotland) Act 1994		
Section 120(3) (partially) and the repeals in Schedule 24 relating to sections 30 and 41(1) of the Salmon and Freshwater Fisheries Act 1975	01.01.1999	<a href="#">1995/1983</a>
Section 120(3) (partially) and the repeals in Schedule 24 relating to the National Parks and Access to the Countryside Act 1949, section 24(8) of the Caravan Sites and Control of Development Act 1960, section 50(3) of the Agriculture Act 1967, the Countryside Act 1968, the Local Government Act 1972, section 7 of the Local Government Act 1974, section 16(9) of the Welsh Development Agency Act 1975, section 19A(2)(a) of the Race Relations Act 1976, the Local Government Planning and Land Act 1980, except the repeals relating to section 103(2)(c), and paragraphs 9(2) and (3) of Schedule 2, the Highways Act 1980, the Acquisition of Land Act 1981, the Wildlife and Countryside Act 1981, the Local Government Miscellaneous Provisions Act 1982, section 1(11) of the Derelict Land Act 1982, the	01.04.1997	<a href="#">1996/2560</a>

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Litter Act 1983, Schedule 3 to the Local Government Act 1985, section 573 of the Housing Act 1985, Schedule 6 to the Norfolk and Suffolk Broads Act 1988, Schedule 2 to the Local Government Act 1988, section 74(7) of the Local Government Finance Act 1988, Schedule 8 to the Electricity Act 1989, the Local Government and Housing Act 1989 except the repeal relating to the word “and” in section 21(1), the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, section 3 of the Planning (Hazardous Substances) Act 1990 and Schedule 2 to the Planning (Consequential Provisions) Act 1990		
Section 120(3) (partially) and the repeal in Schedule 24 relating to section 251A of the Town and Country Planning (Scotland) Act 1972	01.01.1997	<a href="#">1996/2857</a>
Section 120(4) to (6)	28.07.1995	<a href="#">1995/1983</a>
Sections 121 to 124	28.07.1995	<a href="#">1995/1983</a>
Paragraph 7(2) of Schedule 7	01.04.1997	<a href="#">1996/2560</a>
Schedules 13 and 14	01.11.1995 (England and Wales)	<a href="#">1995/2765</a>
	01.01.1997 (Scotland)	<a href="#">1996/2857</a>