
STATUTORY INSTRUMENTS

1998 No. 1731

The Environmental Assessment (Forestry) Regulations 1998

Revocation and transitional provisions

20.—(1) The Environmental Assessment (Afforestation) Regulations 1988(1) (in this regulation called “the 1988 Regulations”) are revoked.

(2) Where, before the date of coming into force of these Regulations, an application under regulation 4 of the 1988 Regulations has been received by the Commissioners but the Commissioners have not given their opinion in relation to that application –

- (a) the application shall be treated as an application under regulation 4(1) of these Regulations;
- (b) any notification by the Commissioners under regulation 4(3) of the 1988 Regulations shall be treated as a notification under regulation 4(3) of these Regulations; and
- (c) so much of the period specified in regulation 5(1) of these Regulations as has expired before the date of coming into force of these Regulations shall be taken into account as if that regulation had been in force when the period began to run.

(3) Where, before the date of coming into force of these Regulations, an application under regulation 4(6) or 5(2)(b) of the 1988 Regulations has been received by the Minister but the Minister has not given his direction in relation to that application –

- (a) the application shall be treated as an application under regulation 6(1) of these Regulations;
- (b) any notification by the Minister under regulation 6(3) of the 1988 Regulations shall be treated as a notification under regulation 6(3) of these Regulations;
- (c) so much of the period specified in regulation 6(4) of these Regulations as has expired before the date of coming into force of these Regulations shall be taken into account as if that regulation had been in force when the period began to run.

(4) Where an application for a grant or loan under section 1 of the Forestry Act 1979(2) has been received by the Commissioners before the coming into force of these Regulations, any environmental information provided, consultations undertaken or other things done under the 1988 Regulations for the purpose of the Commissioners' taking into consideration environmental information in respect of the project that is the subject of the application, shall be treated as having been provided, undertaken or done under the corresponding provision of these Regulations as if the application were an application for consent.

(5) Where an application for a grant or loan under section 1 of the Forestry Act 1979 in respect of any relevant project has been approved by the Forestry Commissioners before the date of coming into force of these Regulations –

- (a) the relevant project shall be deemed to have consent subject to conditions as required by regulation 14 (and on the basis that the Commissioners had specified the maximum times permitted by that regulation) in addition to the conditions (if any) to which the grant or loan is subject; and

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

- (b) consent shall be deemed to have been given when the Commissioners made their decision to make the grant or loan for the project.