

2000 No. 3359

**ENVIRONMENTAL PROTECTION, ENGLAND
AND WALES**

**The Environmental Protection (Disposal of
Polychlorinated Biphenyls and other Dangerous
Substances) (England and Wales) (Amendment)
Regulations 2000**

Made - - - - - 21st December 2000

Laid before Parliament 21st December 2000

Coming into force - - - 1st January 2001

The Secretary of State for the Environment, Transport and the Regions, being a Minister designated(a) for the purposes of subsection (2) of section 2 of the European Communities Act 1972(b) in relation to measures relating to restrictions on the marketing and use of certain dangerous substances and preparations and measures relating to the prevention, reduction and elimination of pollution caused by waste, in exercise of the powers conferred by that subsection and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances), (England and Wales) (Amendment) Regulations 2000 and shall come into force on 1st January 2001.

Amendment of Regulations

2. In regulation 4 of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000(c), insert after paragraph (6) the following paragraph—

“(6A) Where a holder has, before 1st January 2001, made an application in writing to the Agency for a direction to be given under paragraph (5) in relation to equipment, but

- (a) the Agency does not determine the application before that date; or
- (b) a direction given by the Agency in relation to any of that equipment is not confirmed before that date by the Secretary of State or the Welsh Assembly,

(a) S.I. 1992/1711, 2870.
(b) 1972 c. 68.
(c) S.I. 2000/1043.

paragraphs (1) and (5) shall have effect in relation to that equipment as if for “31st December 2000” (in all places) there were substituted “31st March 2001”.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Michael Meacher
Minister of State,

21st December 2000

Department of the Environment, Transport and the Regions

EXPLANATORY NOTE

(This note is not part of the regulations)

The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances), (England and Wales) Regulations 2000 (“the 2000 Regulations”) provide for the implementation of those provisions of Council Directive 96/59/EC that require decontamination or disposal of polychlorinated biphenyls and polychlorinated terphenyls (“PCBs”) and equipment containing them.

Regulation 4(1) of the 2000 Regulations imposes a prohibition on holding PCBs and equipment containing them after 31st December 2000. This is subject to exceptions specified in those regulations. One exception relates to major replacement programmes and depends upon the Environment Agency having issued a direction under regulation 4(5) of those Regulations before 31st December 2000 and upon the direction having been confirmed by the Secretary of State (for equipment in England) or the National Assembly for Wales (for equipment in Wales).

These regulations amend the 2000 Regulations so as to enable those who applied before 1st January 2001 for a direction under regulation 4(5) of the 2000 Regulations to continue to hold equipment until 31st March 2001.

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