

SCHEDULES

SCHEDULE 1

Section 2.

PARTICULAR PURPOSES FOR WHICH PROVISION MAY BE MADE UNDER SECTION 2

PART I

LIST OF PURPOSES

Preliminary

- 1 (1) Establishing standards, objectives or requirements in relation to emissions within the meaning of the regulations.
- (2) Authorising the making of plans for—
 - (a) the setting of overall limits,
 - (b) the allocation of quotas, or
 - (c) the progressive improvement of standards or objectives, relating to such emissions.
- (3) Authorising the making of schemes for the trading or other transfer of quotas so allocated.
- 2 (1) Determining the authorities (whether public or local or the Secretary of State) by whom functions conferred by the regulations—
 - (a) in relation to permits under the regulations, or
 - (b) otherwise for or in connection with the prevention or control of environmental pollution,are to be exercisable (in this Schedule referred to as “regulators”).
- (2) Specifying any purposes for which any such functions are to be exercisable by regulators.
- 3 Enabling the Secretary of State to give directions which regulators are to comply with, or guidance which regulators are to have regard to, in exercising functions under the regulations, including—
 - (a) directions providing for any functions exercisable by one regulator to be instead exercisable by another;
 - [^{F1}(b) directions given for the purposes of the implementation of—
 - (i) any [^{F2}assimilated] obligations, or
 - (ii) any obligations under an international agreement to which the United Kingdom is a party;]
 - (c) directions relating to the exercise of any function in a particular case or class of case.

Changes to legislation: There are currently no known outstanding effects for the Pollution Prevention and Control Act 1999, SCHEDULE 1. (See end of Document for details)

Textual Amendments

- F1** Sch. 1 para. 3(b) substituted (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **4(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in Sch. 1 para. 3(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 42**

Permits

- 4 ^{F3}(1) Prohibiting persons from operating any installation or plant of any specified description, or otherwise carrying on any activities of any specified description, except—
- (a) under a permit in force under the regulations, and
 - (b) in accordance with any conditions to which the permit is subject.
- ^{F4}(2) In relation to England and Wales, imposing such a prohibition in relation to an activity except where the carrying on of the activity meets conditions determined by the regulators in accordance with the regulations.]

Textual Amendments

- F3** Sch. 1 para. 4 renumbered as Sch. 1 para. 4(1) (9.1.2022) by [Environment Act 2021 \(c. 30\)](#), **ss. 70(a), 147(2)(i)** (with s. 144)
- F4** Sch. 1 para. 4(2) inserted (9.1.2022) by [Environment Act 2021 \(c. 30\)](#), **ss. 70(b), 147(2)(i)** (with s. 144)

- 5 Specifying restrictions or other requirements in connection with the grant of permits (including provisions for restricting the grant of permits to those who are fit and proper persons within the meaning of the regulations); and otherwise regulating the procedure to be followed in connection with the grant of permits.
- 6
- (1) Prescribing the contents of permits.
 - (2) Authorising permits to be granted subject to conditions imposed by regulators.
 - (3) Securing that permits have effect subject to—
 - (a) conditions specified in the regulations; or
 - (b) rules of general application specified in or made under the regulations.
- 7
- (1) Requiring permits or the conditions to which permits are subject to be reviewed by regulators (whether periodically or in any specified circumstances).
 - (2) Authorising or requiring the variation of permits or such conditions by regulators (whether on applications made by holders of permits or otherwise).
 - (3) Regulating the making of changes—
 - (a) in the operation of the installations or plant to which permits relate, or
 - (b) in the case of permits for the carrying on of activities otherwise than in the course of operating any installation or plant, in the carrying on of the activities.
- 8
- (1) Regulating the transfer or surrender of permits.
 - (2) Authorising the revocation of permits by regulators.

Changes to legislation: There are currently no known outstanding effects for the Pollution Prevention and Control Act 1999, SCHEDULE 1. (See end of Document for details)

- (3) Authorising the imposition by regulators of requirements with respect to the taking of preventive or remedial action (by holders of permits or other persons) in connection with the surrender or revocation of permits.
- 9 Authorising the Secretary of State to make schemes for the charging by regulators of fees or other charges in respect of, or in respect of an application for—
- (a) the grant of a permit,
 - (b) the variation of a permit or the conditions to which it is subject, or
 - (c) the transfer or surrender of a permit,
- or in respect of the subsistence of a permit.
- [^{F5}9A^{F6}(1) Authorising the Secretary of State to make schemes for the charging by regulators of charges, as respects functions in relation to offshore installations, corresponding to those that may be prescribed under section 41A of the Environment Act 1995.]
- (2) Subsections (2) to (5) of section 41A of that Act apply in relation to the Secretary of State and a charging scheme made by virtue of this paragraph as they apply in relation to the Scottish Environment Protection Agency and a charging scheme made by that Agency under the 1995 Act.
- (3) In this paragraph [^{F7}“offshore installation” has”] the same meaning as in the Greenhouse Gas Emissions Trading Scheme Regulations 2005.]

Textual Amendments

- F5** Sch. 1 para. 9A inserted (21.4.2005) by [The Greenhouse Gas Emissions Trading Scheme Regulations 2005 \(S.I. 2005/925\)](#), art. 1, **Sch. 6 para. 2(2)(a)** (with reg. 3)
- F6** Sch. 1 para. 9A(1) substituted (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **16(a)**
- F7** Words in Sch. 1 para. 9A(3) substituted (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **16(b)**

- 10 Authorising, or authorising a Minister of the Crown to make schemes for, the charging by Ministers of the Crown or public or local authorities of fees or other charges in respect of—
- (a) the testing or analysis of substances,
 - (b) the validating of, or of the results of, any testing or analysis of substances, or
 - (c) assessing how the environment might be affected by the release into it of any substances,
- in cases where the testing, analysis, validating or assessing is in any way in anticipation of, or otherwise in connection with, the making of applications for the grant of permits or is carried out in pursuance of conditions to which any permit is subject.

Information, publicity and consultation

- 11 Enabling persons of any specified description (whether or not they are holders of permits) to be required—
- (a) to compile information—
 - (i) on emissions within the meaning of the regulations;

Changes to legislation: There are currently no known outstanding effects for the Pollution Prevention and Control Act 1999, SCHEDULE 1. (See end of Document for details)

- (ii) on energy consumption and on the efficiency with which energy is used;
 - (iii) on waste within the meaning of the regulations and on the destinations of such waste;
 - (b) to provide such information in such manner as is specified in the regulations.
- 12 Securing—
- (a) that publicity is given to specified matters;
 - (b) that regulators maintain registers of specified matters (but excepting information which under the regulations is, or is determined to be, commercially confidential and subject to any other exceptions specified in the regulations) which are open to public inspection;
 - (c) that copies of entries in such registers, or of specified documents, may be obtained by members of the public.
- 13 Requiring or authorising regulators to carry out consultation in connection with the exercise of any of their functions; and providing for them to take into account representations made to them on consultation.

Enforcement and offences

- 14 (1) Conferring on regulators functions with respect to the monitoring and inspection of the carrying on of activities to which permits relate, including—
- (a) power to take samples or to make copies of information;
 - (b) power to arrange for preventive or remedial action to be taken at the expense of holders of permits.
- (2) Authorising regulators to appoint suitable persons to exercise any such functions and conferring powers (such as those specified in section 108(4) of the ^{M1}Environment Act 1995) on persons so appointed.

Marginal Citations

M1 1995 c. 25.

- 15 (1) Authorising regulators to serve on holders of permits—
- (a) notices requiring them to take remedial action in respect of contraventions, actual or potential, of conditions to which their permits are subject;
 - (b) notices requiring them to provide such financial security as the regulators serving the notices consider appropriate pending the taking of remedial action in respect of any such contraventions;
 - (c) notices requiring them to take steps to remove imminent risks of serious environmental pollution (whether or not arising from any such contraventions).
- (2) Providing for the enforcement of such notices by proceedings in the High Court or any court of competent jurisdiction in Scotland.
- 16 Authorising regulators to suspend the operation of permits so far as having effect to authorise the carrying on of activities to which they relate.

Changes to legislation: There are currently no known outstanding effects for the Pollution Prevention and Control Act 1999, SCHEDULE 1. (See end of Document for details)

- 17 The creation of offences and dealing with matters relating to such offences, including—
- (a) the provision of defences; and
 - (b) evidentiary matters.
- 18 Enabling, where a person has been convicted of an offence under the regulations—
- (a) a court dealing with that person for the offence to order the taking of remedial action (in addition to or instead of imposing any punishment); or
 - (b) a regulator to arrange for such action to be taken at that person’s expense.

Appeals

- 19 Conferring rights of appeal in respect of decisions made, notices served or other things done (or omitted to be done) under the regulations; and making provision for (or for the determination of) matters relating to the making, considering and determination of such appeals (including provision for or in connection with the holding of inquiries or hearings).

General

- 20 (1) Making provision which, subject to any modifications that the Secretary of State considers appropriate, corresponds or is similar to—
- (a) any provision made by or under, or capable of being made under, Part I or II of the ^{M2}Environmental Protection Act 1990 or made by any of sections 157, 158 and 160 of that Act; or
 - [^{F8}(b) any provision (not being provision within any of paragraphs 1 to 19 or paragraph (a) above) that might be made by an Act of Parliament in connection with the relevant directives, other than provision—
 - (i) imposing or increasing taxation;
 - (ii) taking effect from a date earlier than that of the making of the instrument containing the provision;
 - (iii) conferring any power to legislate by means of orders, rules, regulations or other subordinate instrument, other than rules of procedure for any court or tribunal.]
- (2) In sub-paragraph (1) “the relevant directives” means—
- ^{F9}(a)
 - ^{F9}(b)
 - ^{F10}(c)
 - [^{F11}(d) Council [Directive 87/217/EEC](#) on the prevention and reduction of environmental pollution by asbestos;
 - (e) Council [Directive 91/271/EEC](#) concerning urban waste water treatment;
 - (f) Council [Directive 91/676/EEC](#) concerning the protection of waters against pollution caused by nitrates from agricultural sources;
 - (g) European Parliament and Council [Directive 94/62/EC](#) on packaging and packaging waste;
 - (h) European Parliament and Council [Directive 94/63/EC](#) on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations;

Changes to legislation: There are currently no known outstanding effects for the Pollution Prevention and Control Act 1999, SCHEDULE 1. (See end of Document for details)

- (i) Council [Directive 96/59/EC](#) on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT);
- (j) Council [Directive 1999/31/EC](#) on the landfill of waste;
- (k) [Directive 2000/14/EC](#) of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors;
- (l) [Directive 2000/53/EC](#) of the European Parliament and of the Council on end-of life vehicles;
- (m) [Directive 2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy;
- (n) [Directive 2002/49/EC](#) of the European Parliament and of the Council relating to the assessment and management of environmental noise;
- (o) [Directive 2003/35/EC](#) of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment;
- (p) [Directive 2004/35/CE](#) of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage;
- (q) [Directive 2005/64/EC](#) of the European Parliament and of the Council on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability;
- (r) [Directive 2006/7/EC](#) of the European Parliament and of the Council concerning the management of bathing water quality;
- (s) [Directive 2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries;
- (t) [Directive 2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators;
- (u) [Directive 2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration;
- (v) [Directive 2008/50/EC](#) of the European Parliament and of the Council on ambient air quality and cleaner air for Europe;
- (w) [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste;
- (x) [Directive 2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy;
- (y) [Directive 2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide;
- (z) Commission [Directive 2009/90/EC](#) laying down, pursuant to [Directive 2000/60/EC](#) of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status;
- (aa) [Directive 2009/126/EC](#) of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations;
- (bb) [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast);
- (cc) [Directive 2012/19/EU](#) of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (recast);
- (dd) [Directive 2012/27/EU](#) of the European Parliament and of the Council on energy efficiency;

Changes to legislation: There are currently no known outstanding effects for the Pollution Prevention and Control Act 1999, SCHEDULE 1. (See end of Document for details)

- (ee) Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation;
- (ff) Commission Directive (EU) 2015/996 establishing common noise assessment methods according to [Directive 2002/49/EC](#) of the European Parliament and of the Council;
- (gg) [Directive 2015/2193/EU](#) of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants;
- (hh) Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants; and
- (ii) Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment].

[^{F12}(2A) In sub-paragraph (1)(b)(iii), the reference to provision conferring any power to legislate does not include provision—

- (a) amending or extending a power to legislate conferred other than under this paragraph;
- (b) giving directions as to matters of administration.]

(3) Making provision about the application of the regulations to the Crown.

Textual Amendments

- F8** Sch. 1 para. 20(1)(b) substituted (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **4(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Sch. 1 para. 20(2)(a)(b) omitted (17.9.2018) by virtue of [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018 \(S.I. 2018/942\)](#), regs. 1(2), **4(3)(a)**
- F10** Sch. 1 para. 20(2)(c) omitted (31.12.2020) by virtue of [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **4(3)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Sch. 1 para. 20(2)(d)-(ii) inserted by S.I. 2019/458, reg. 4(3)(b)(iii) (as inserted (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) \(Amendment\) \(England and Wales\) Regulations 2020 \(S.I. 2020/603\)](#), regs. 1, **2(3)(b)**)
- F12** Sch. 1 para. 20(2A) inserted (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **4(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** Sch. 1 para. 20(2)(c): transfer of functions (10.7.2008) by [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2008 \(S.I. 2008/1776\)](#), arts. 1(1), 2, **Sch.**

Marginal Citations

- M2** 1990 c. 43.

PART II

SUPPLEMENTARY PROVISIONS

Particular types of pollution

- 21 The regulations may provide for specified provisions of the regulations to have effect in relation only to such environmental pollution as is specified.

Changes to legislation: There are currently no known outstanding effects for the Pollution Prevention and Control Act 1999, SCHEDULE 1. (See end of Document for details)

[^{F13}Emissions quota trading schemes: penalties

Textual Amendments

F13 Sch. 1 para. 21A and preceding cross-heading inserted (13.11.2003) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), **ss. 38, 40**

- 21A (1) The regulations may authorise the inclusion in a trading scheme of—
- (a) provision for penalties in respect of contraventions of provisions of the scheme;
 - (b) provision for the amount of any penalty under the scheme to be such as may be set out in, or calculated in accordance with—
 - (i) the scheme, or
 - (ii) the regulations (including regulations made after the scheme).
- (2) In this paragraph “ trading scheme ” means a scheme of the kind mentioned in paragraph 1(3).]

Determination of matters by regulators

- 22 The regulations may make provision for anything which, by virtue of paragraphs 5 to 8, could be provided for by the regulations to be determined under the regulations by regulators.

Imposition of conditions

- 23 In connection with the determination of conditions as mentioned in paragraph 6(3)
- (a) the regulations may in particular provide—
 - (a) for such conditions to be determined in the light of any specified general principles and any directions or guidance given under the regulations;
 - (b) for such guidance to include guidance sanctioning reliance by a regulator on any arrangements referred to in the guidance to operate to secure a particular result as an alternative to imposing a condition.

Charging schemes

- 24 The regulations may—
- (a) require any such scheme as is mentioned in paragraph 9^[F14, 9A] or 10 to be so framed that the fees and charges payable under the scheme are sufficient, taking one year with another, to cover such expenditure (whether or not incurred by the regulator or other person to whom they are so payable) as is specified;
 - (b) authorise any such scheme to make different provision for different cases (and specify particular kinds of such cases).

Textual Amendments

F14 Word in [Sch. 1 para. 24](#) inserted (21.4.2005) by [The Greenhouse Gas Emissions Trading Scheme Regulations 2005 \(S.I. 2005/925\)](#), art. 1, **Sch. 6 para. 2(2)(b)** (with reg. 3)

Changes to legislation: There are currently no known outstanding effects for the Pollution Prevention and Control Act 1999, SCHEDULE 1. (See end of Document for details)

Offences

- 25 (1) The regulations may provide for any such offence as is mentioned in paragraph 17 to be triable—
- (a) only summarily; or
 - (b) either summarily or on indictment.
- (2) The regulations may provide for such an offence to be punishable—
- (a) on summary conviction by—
 - (i) imprisonment for a term not exceeding such period as is specified (which may not exceed [^{F15}six months][^{F16}12 months][^{F16}the general limit in a magistrates' court]), or
 - (ii) [^{F17}a fine, the amount of which may be limited by the regulations,] or both; or
 - (b) on conviction on indictment by—
 - (i) imprisonment for a term not exceeding such period as is specified (which may not exceed five years), or
 - (ii) a fine, or both.

Textual Amendments

- F15** Words in Sch. 1 para. 25(2)(a)(i) substituted (E.W.) (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 105\(1\)\(a\), 108\(4\)](#) (with s. 105(2))
- F16** Words in Sch. 1 para. 25(2)(a)(i) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table
- F17** Sch. 1 para. 25(2)(a)(ii) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 90** (with reg. 5(2))
- F18** Word in Sch. 1 para. 25(2)(a)(ii) substituted (E.W.) (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\), ss. 105\(1\)\(b\), 108\(4\)](#) (with s. 105(2))
- F19** Word in Sch. 1 para. 25(2)(a)(ii) substituted (S.) (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), s. 145(2), Sch. 2 para. 5; [S.S.I. 2004/420](#), art. 3, Sch. 1

Interpretation

- 26 In this Schedule—
- “functions” includes powers and duties;
 - “the regulations” means regulations under section 2;
 - “specified” means specified in regulations under that section.

Changes to legislation:

There are currently no known outstanding effects for the Pollution Prevention and Control Act 1999, SCHEDULE 1.