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STATUTORY INSTRUMENTS

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**1995 No. 1983 (C.40)**

**ENVIRONMENTAL PROTECTION**

**The Environment Act 1995 (Commencement No. 1) Order 1995**

*Made* - - - - *21st July 1995*

The Secretary of State, in exercise of his powers under section 125(3) of the Environment Act 1995(1), hereby makes the following Order:

**Citation**

1. This Order may be cited as the Environment Act 1995 (Commencement No. 1) Order 1995.

**Provisions coming into force on 28th July 1995**

2. The following provisions of the Environment Act 1995 shall come into force on 28th July 1995—

- section 1;
- section 3(2) to (8);
- section 4;
- section 7;
- section 9;
- section 12;
- section 37(1), (2) and (9);
- sections 38 to 40;
- sections 43 to 52;
- section 56;
- section 120(1) in so far as it—
  - (a) confers power on the Secretary of State and the Minister to make regulations; or
  - (b) relates to paragraphs 4, 31, 42, 213(1), (2)(b) and (3) and 223(1)(c) of Schedule 22;
- section 120(4) to (6);
- sections 121 to 124.

### **Provisions coming into force on 21st September 1995**

**3.** The following provisions of the Environment Act 1995 shall come into force on 21st September 1995—

- section 41 in so far as it confers power to make schemes imposing charges;
- section 42;
- sections 57 and 58, in so far as the amendments made by those sections—
  - (a) confer power on the Secretary of State to make regulations or orders, give directions or issue guidance; or
  - (b) make provision with respect to the exercise of any such power;
- sections 93 to 95;
- sections 97 to 103;
- section 105 in so far as it relates to paragraphs 25 and 26(1) of Schedule 15;
- section 116 in so far as it relates to paragraphs 2(1) to (3) of Schedule 21;
- section 120(1) in so far as it relates to the following provisions of Schedule 22—
  - (a) paragraphs 37(1) and (4), 38, 39, 76(1) and (3), 80(1) and (2), 133(1), 137 to 139, 147, 153, 182, 187(1) and 192;
  - (b) paragraphs 82(1) and (5) and 162, in so far as the amendments made by those provisions—
    - (i) confer power on the Secretary of State to make regulations; or
    - (ii) make provision with respect to the exercise of any such power;
- section 120(3) in so far as it relates to the repeal in Schedule 24 of sections 68, 69(5), 126(6) and 129(4) of the Water Resources Act 1991<sup>(2)</sup>.

### **Provisions coming into force on 1st January 1999**

**4.** The following provisions of the Environment Act 1995 shall come into force on 1st January 1999—

- section 105 in so far as it relates to paragraphs 13, 14(1) and (4), 17, 20 and 26(2) of Schedule 15;
- section 120(2) in so far as it relates to paragraph 14(5) and (6) of Schedule 23 and to the definitions of “grating” and “the substitution date” in paragraph 14(8) of that Schedule;
- section 120(3) in so far as it relates to the repeals made in Schedule 24 in relation to sections 30 and 41(1) of the Salmon and Freshwater Fisheries Act 1975<sup>(3)</sup>.

Signed by authority of the Secretary of State for the Environment

21st July 1995

*David Curry*  
Minister of State,  
Department of the Environment

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(2) 1991 c. 57.  
(3) 1975 c. 51.

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## EXPLANATORY NOTE

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

Article 2 of this Order brings into force on 28th July 1995 the following provisions of the Environment Act 1995—

- section 1 (the Environment Agency);
- section 3(2) to (8) (schemes for the transfer of property, rights and liabilities to the Agency);
- section 4 (principal aim and objectives of the Agency);
- section 7 (general environmental and recreational duties);
- section 9 (codes of practice with respect to environmental and recreational duties);
- section 12 (environment protection advisory committees);
- section 37(1), (2) and (9) (incidental general functions);
- sections 38 to 40 (delegation of functions by Ministers to the new Agencies, general duty of the new Agencies to have regard to costs and benefits in exercising powers and Ministerial directions to the new Agencies);
- sections 43 to 52 (incidental power of the new Agencies to charge, general financial duties, accounts and records, audit, grants to the new Agencies, borrowing powers, government loans to the new Agencies, government guarantees of a new Agency's borrowing, provision of information by the new Agencies, annual report);
- section 56 (interpretation of Part I);
- section 120(1) (minor and consequential amendments) in so far as it—
  - (a) confers power on the Secretary of State and the Minister to make regulations;
- or
- (b) relates to paragraphs 4 (Environment Agency to be public records body), 31 (disqualification of members of the new Agencies for membership of House of Commons and Northern Ireland Assembly), 42 (application of Part III (accounts and audit) of the Local Government Finance Act 1982 to a joint planning board), 213(1), (2)(b) and (3) and 223(1)(c) (power to give directions on national security grounds restricting knowledge of specified information contained in applications, authorisations, and certificates of registration under the Radioactive Substances Act 1993) of Schedule 22;
- section 120(4) to (6) (regulations making additional consequential amendments);
- sections 121 to 124 (local statutory provisions (consequential amendments etc.), directions, service of documents and general interpretation).

Article 3 of this Order brings into force on 21st September 1995 the following provisions of the Environment Act 1995—

- section 41 in so far as it confers power on the new Agencies to make schemes imposing charges;
- section 42 (approval of charging schemes);
- sections 57 (contaminated land) and 58 (abandoned mines (England and Wales)), in so far as the amendments made by those sections—
  - (a) confer power on the Secretary of State to make regulations or orders, give directions or issue guidance; or

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- (b) make provision with respect to the exercise of any such power;
  - sections 93 to 95 (producer responsibility);
  - sections 97 to 103 (hedgerows, grants for purposes conducive to conservation, consultation before making or modifying certain subordinate legislation for England, meaning of “drainage” in certain enactments, grants in connection with drainage works, sea fisheries);
  - section 105 (minor and consequential amendments relating to fisheries) in so far as it relates to paragraphs 25 and 26(1) of Schedule 15;
  - section 116 (application of certain enactments to the Crown) in so far as it relates to paragraphs 2(1) to (3) of Schedule 21;
  - section 120(1) (minor and consequential amendments) in so far as it relates to the following provisions of Schedule 22—
    - (a) paragraphs 37(1) and (4) (power to make regulations about the disposal of property seized by waste regulation authorities), 38 and 39 (combined heat and power stations), 76(1) and (3) (recovery of expenditure for emergency works from holders or former holders of waste management licences), 80(1) and (2) (regulations for the supervision and recovery of costs from persons carrying out activities in relation to dangerous or intractable waste), 133(1) (consultation of electricity generators in relation to minimum acceptable flows), 137, 138, 153 (repeal of power to establish tribunals for certain appeals and references), 139 (power to make drought orders to deal with threats to flora and fauna), 147 (power to charge for applications for consents and approvals under section 109 of the Water Resources Act 1991), 182 (power of Secretary of State to direct the NRA to undertake a review of discharge consents under Part III of the Water Resources Act 1991), 187(1) (penalties for certain offences committed in relation to drainage charges) and 192 (application fees in relation to consents in relation to the obstruction etc. of watercourses);
    - (b) paragraphs 82(1) and (5) (places where public registers are to be kept in relation to the control of waste on land) and 162 (anti-pollution works and operations), in so far as the amendments made by those provisions—
      - (i) confer power on the Secretary of State to make regulations; or
      - (ii) make provision with respect to the exercise of any such power;
  - section 120(3) (repeals) in so far as it relates to the repeal in Schedule 24 of sections 68, 69(5), 126(6) and 129(4) of the Water Resources Act 1991 (power to establish tribunals for certain appeals and references).

Article 4 of this Order brings into force on 1st January 1999 the following provisions of the Environment Act 1995 which relate to the provision of screens to protect salmon and migratory trout—

- section 105 (minor and consequential amendments in relation to fisheries) in so far as it relates to paragraphs 13, 14(1) and (4), 17, 20 and 26(2) of Schedule 15;
- section 120(2) (general minor and consequential amendments) in so far as it relates to paragraph 14(5) and (6) of Schedule 23 and to the definitions of “grating” and “the substitution date” in paragraph 14(8) of that Schedule;
- section 120(3) (repeals) in so far as it relates to the repeals made in Schedule 24 in relation to sections 30 and 41(1) of the Salmon and Freshwater Fisheries Act 1975.