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WELSH STATUTORY INSTRUMENTS

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**2001 No. 2351 (W. 191) (C. 79)**

**ENVIRONMENTAL PROTECTION, WALES**

**The Environment Act 1995 (Commencement  
and Saving Provision) (Wales) Order 2001**

*Made - - - - 12th June 2001*

The National Assembly for Wales, in exercise of the powers conferred on the Secretary for State by section 125(3) and (4) of the Environment Act 1995 (1) and now vested in it (2), hereby makes the following Order:

**Citation, interpretation and application**

1.—(1) This Order may be cited as the Environment Act 1995 (Commencement and Saving Provision) (Wales) Order 2001.

(2) In this Order:

“the 1990 Act” (“Deddf 1990”) means the Environmental Protection Act 1990(3)

“the 1995 Act” (“Deddf 1995”) means the Environment Act 1995;

(3) Any reference in this Order to a numbered section or Schedule is a reference to the section or Schedule bearing that number in the 1995 Act except where otherwise expressly provided.

(4) This Order applies to Wales.

2. —Subject to paragraph (2) below, the following provisions of the 1995 Act shall (insofar as not already in force) come into force on 1 July 2001:—

(a) section 57;

(b) section 120(1) in so far as it relates to paragraphs 79, 89, 91 and 92 of Schedule 22; and

(c) section 120(3) in so far as it relates to the repeal in Schedule 24 of sections 61 and 143 of the 1990 Act.

**Saving provision**

3. Where, before 1 July 2001,—

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(1) 1995 c. 25.

(2) The powers of the Secretary of State in so far as exercisable in relation to Wales have been transferred to the National Assembly of Wales: see Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672)

(3) 1990 c. 43

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*Status: This is the original version (as it was originally made).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

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- (a) an abatement notice has been served under section 80(1) of the 1990 Act; or
- (b) a complaint has been made to a magistrates' court under section 82(1) of the 1990 Act or an order made under section 82(2) of that Act,

it, and any proceedings consequent upon any such notice, complaint or order, shall continue to have effect notwithstanding the amendments made to section 79 of the 1990 Act by paragraph 89 of Schedule 22 to the 1995 Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

12th June 2001

*D. Elis Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

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

Article 2 of this Order brings various provisions of the Environment Act 1995 (“the 1995 Act”) into force in respect of Wales on 1 July 2001.

Article 2(a) brings into force section 57 of the 1995 Act, which inserts a new Part IIA in the Environmental Protection Act 1990 (“the 1990 Act”).

Article 2(b) brings into force section 120(1) of the 1995 Act in so far as it relates to the following paragraphs in Schedule 22—

- (a) paragraph 79, which provides for section 61 of the 1990 Act (duty of waste regulation authorities as respects closed landfills) to cease to have effect;
- (b) paragraph 89, which amends section 79 of the 1990 Act (statutory nuisances and inspections therefor);
- (c) paragraph 91, which provides for section 143 of the 1990 Act (public registers of land which may be contaminated) to cease to have effect; and (d) paragraph 92, which amends section 161(4) of the 1990 Act (regulations, orders and directions).

Article 2(c) brings into force 120(3) of the 1995 Act in so far as it relates to the repeal in Schedule 24 of sections 61 and 143 of the 1990 Act.

Article 3 makes saving provision in connection with the commencement of paragraph 89 of Schedule 22 to the 1995 Act.