
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 180 (C. 5)

ENVIRONMENTAL PROTECTION

The Environment Act 1995 (Commencement No. 17 and Savings Provision) (Scotland) Order 2000

Made - - - - 12th June 2000

The Scottish Ministers, in exercise of the powers conferred upon them under section 125(3) and (4) of the Environment Act 1995⁽¹⁾, hereby make the following Order:

Citation, extent and interpretation

1.—(1) This Order may be cited as the Environment Act 1995 (Commencement No. 17 and Savings Provision) (Scotland) Order 2000.

(2) This Order extends to Scotland only.

(3) In this Order—

“the 1990 Act” means the Environmental Protection Act 1990⁽²⁾.

“the 1995 Act” means the Environment Act 1995;

Provisions coming into force on 14th July 2000

2.—(1) Subject to paragraph (2) below, the following provisions of the 1995 Act shall (insofar as not already in force) come into force on 14th July 2000:—

(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.

(2) Paragraph (1)(a) above does not bring into force section 57 so far as it inserts section 78S into the 1990 Act.

Savings provision

3. Where, before 14th July 2000:—

(1) 1995 c. 25. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) 1990 c. 43.

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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 the sheriff under section 82(1) of the 1990 Act or an order made under section 82(2) of that Act,

such notice, complaint or order, and any proceedings consequent thereon 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.

St Andrew's House,
Edinburgh
12th June 2000

SARAH BOYACK
A member of the Scottish Executive

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 Scotland on 14th July 2000.

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”), with the exception of section 78S which provides for the exclusion from registers of information affecting national security. Part IIA provides for a regime for the identification and remediation of contaminated land.

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.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Environment Act 1995 have been brought into force by commencement Orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	28.7.1995	1995/1983
Section 2	1.4.1996	1996/186
Section 3(1)	1.4.1996	1996/186
Section 3(2) to (8)	28.7.1995	1995/1983
Section 4	28.7.1995	1995/1983
Section 5	1.2.1996, 1.4.1996	1996/186
Section 6	1.4.1996	1996/186
Section 7	28.7.1995	1995/1983
Section 8	1.4.1996	1996/186

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 9	28.7.1995	1995/1983
Sections 10 and 11	1.4.1996	1996/186
Section 12	28.7.1995	1995/1983
Sections 13 to 19	1.4.1996	1996/186
Sections 20 to 23	12.10.1995	1995/2649
Sections 25 to 29	1.4.1996	1996/186
Sections 30 to 32	12.10.1995	1995/2649
Section 33 to 35	1.4.1996	1996/186
Section 36	12.10.1995	1995/2649
Section 37	28.7.1995 and 1.4.1996	1995/1983 and 1996/186
Sections 38 to 40	28.7.1995	1995/1983
Section 41	21.9.1995, 1.2.1996 and 1.4.1996	1995/1983 and 1996/186
Section 42	21.9.1995	1995/1983
Sections 43 to 52	28.7.1995	1995/1983
Sections 53 and 54	1.4.1996	1996/186
Section 55	1.2.1996 and 1.4.1996	1996/186
Section 56	28.7.1995	1995/1983
Section 57 (partially)	21.9.1995	1995/1983
(partially) England and Wales	and 1.4.2000	and 2000/340
Section 58	21.9.1995 and 4.3.1998	1995/1983 and 1998/604
Section 59	12.10.1995 and 1.1.1999	1995/2649 and 1998/3272
Section 60	1.7.1997 and 1.7.1998	1997/1626 and 1998/604
Section 78 and Schedule 10 (partially), with savings	23.11.1995, 1.4.1996 and 1.4.1997	1995/2950 and 1996/2560
Section 80	1.2.1996	1996/186
Section 81	1.4.1996	1996/186
Sections 82 to 86	23.12.1997	1997/3044
Sections 87 to 89	1.2.1996	1996/186
Section 90 and Schedule 11	1.2.1996 and 23.12.1997	1996/186 and 1997/3044
Section 91	1.2.1996	1996/186
Section 92	1.4.1996	1996/186
Sections 93 to 95	21.9.1995	1995/1983
Section 96(1), (5) and (6) and Schedules 13 and 14 (England and Wales)	1.11.1995	1995/2765

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 96(1), (5) and (6) and Schedules 13 and 14 (Scotland)	1.1.1997	1996/2857
Section 96(2)	1.11.1995	1995/2765
Section 96(3)	1.1.1997	1996/2857
Section 96(4) (partially)	1.11.1995	1995/2765
Section 96(4) (partially) (Scotland)	1.1.1997	1996/2857
Sections 97 to 103	21.9.1995	1995/1983
Section 104	1.4.1996	1996/186
Section 105 and Schedule 15	21.9.1995 1.2.1996 1.4.1996 and 1.1.1999	1995/1983 and 1996/186
Sections 106 to 114	1.4.1996	1996/186
Section 115	1.4.1996	1995/2950 and 1996/186
Section 116 and Schedule 21 (partially)	21.9.1995, 1.7.1997 and 8.4.1998	1995/1983, 1997/1626 and 1998/781
Section 117	1.4.1996	1996/186
Section 118(1) to (3), (4) and (5) (partially) and (6)	1.4.1996	1996/186
Section 119	1.4.1996	1996/186
Section 120(1) and Schedule 22 (partially)	21.9.1995	1995/1983
	12.10.1995	1995/2649
	1.2.1996	1996/186
	1.4.1996	1996/2909
	21.11.1996	1997/3044
	31.12.1996	1998/604
	23.12.1997	1999/803
	1.4.1998	1999/1301
	16.3.99	and 2000/340
	1.4.99	
	29.4.99	
(partially) England and Wales	and 1.4.2000	
Section 120(2) and Schedule 23 (partially)	1.4.1996 and 1.1.1999	1995/1983 and 1996/186
Section 120(3) and Schedule 24 (partially)	21.9.1995	1995/1983

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	1.11.1995	1995/2765
	1.2.1996	1996/186
	1.4.1996	1996/2560
	31.12.1996	1996/2857
	1.1.1997	1996/2909
	1.4.1997	and 2000/340
	1.1.1999	
(partially) (England and Wales) and 1.4.2000		
Section 120(4) to (6)	28.7.1995	1995/1983
Sections 121 to 124	28.7.1995	1995/1983
Paragraph 7(2) of Schedule 7	1.4.1997	1996/2560