

**2015 No. 73 (C. 15)**

**ENVIRONMENTAL PROTECTION**

**The Environment Act 1995 (Commencement No. 24) (Scotland)  
Order 2015**

*Made* - - - - - *18th February 2015*

*Laid before the Scottish Parliament* *20th February 2015*

*Coming into force* - - - *1st April 2015*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 125(3) of the Environment Act 1995(a) and all other powers enabling them to do so.

**Citation, commencement, interpretation and extent**

**1.**—(1) This Order may be cited as the Environment Act 1995 (Commencement No. 24) (Scotland) Order 2015 and comes into force on 1st April 2015.

(2) In this Order—

“the 1990 Act” means the Environmental Protection Act 1990(b); and

“the 1995 Act” means the Environment Act 1995.

(3) This Order extends to Scotland only.

**Provisions coming into force on 1st April 2015**

**2.**—(1) Section 120(1) of, and Schedule 22 to, the 1995 Act come into force on 1st April 2015 in so far as they relate to paragraph 81 of Schedule 22.

(2) Section 120(3) of, and Schedule 24 to, the 1995 Act comes into force on 1st April 2015, in so far as they relate to the following repeals—

(a) in section 33(1) of the 1990 Act the words “and, in relation to Scotland, section 54 below,”;

(b) section 54 of the 1990 Act;

(c) paragraph 19 of Schedule 22 to the 1995 Act in so far as it has not already been repealed(c); and

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(a) 1995 c.25 (“the 1995 Act”). 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).

(b) 1990 c.43.

(c) Paragraph 19(4) of Schedule 22 to the 1995 Act was repealed by Part 13 of Schedule 1 to the Statute Law Repeals Act 2004 (c.14).

(d) paragraphs 20 to 24, 26 and 27 of Schedule 22 to the 1995 Act.

St Andrew's House,  
Edinburgh  
18th February 2015

*AILEEN McLEOD*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

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

This Order partially commences section 120(1) and (3) of, and partially commences Schedules 22 and 24 to, the Environment Act 1995 (“the 1995 Act”) for Scotland only.

Article 2(1) of the Order brings into force on 1st April 2015, section 120(1) of, and Schedule 22 to, the 1995 Act in so far as they relate to paragraph 81 of Schedule 22. This paragraph substitutes section 63(2) of the Environmental Protection Act 1990 (“the 1990 Act”), which provides for offences relating to the deposit of waste other than controlled waste.

Article 2(2) of the Order brings into force on 1st April 2015, section 120(3) of, and Schedule 24 to, the 1995 Act in so far as they relate to the repeals set out in that paragraph.

Article 2(2)(b) of the Order commences the repeal of section 54 of the 1990 Act which relates to a waste disposal regime which is now spent. There is a cross reference to section 54 in section 33(1) of the 1990 Act and article 2(2)(a) of this Order commences the repeal of that reference.

Schedule 24 to the 1995 Act provides for the repeal of paragraphs 19 to 27 of Schedule 22 to that Act. Paragraph 19(4) and paragraph 25 of Schedule 22 to the 1995 Act were repealed by Part 13 of Schedule 1 to the Statute Law Repeals Act 2004. Article 2(2)(c) and (d) of this Order completes the commencement of the repeal of paragraphs 19 to 27 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 and 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
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
Sections 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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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) as to England	1.4.2000	2000/340
(partially) as to Scotland	14.7.2000	S.S.I. 2000/180
(partially) as to Scotland	14.7.2000	2000/1986
(partially) as to Wales	15.9.2001	2001/3211
Section 58	21.9.1995 and 1.7.1998	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
Paragraph 7(2) of Schedule 7	1.4.1997	1996/2560
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 23.12.1996	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 (as to England and Wales)	1.11.1995	1995/2765
Section 96(1), (5) and (6) and Schedules 13 and 14 (as to 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) (as to 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	1.2.1996	1996/186
Section 118(1) to(3), (4) and (5) (partially) and (6)	1.2.1996	1996/186
Section 119	1.2.1996	1996/186
Section 120(1) and Schedule 22 (partially)	28.7.1995 21.9.1995 12.10.1995 1.2.1996 1.4.1996	1995/1983 1995/2649 1996/186 1996/2909 1997/3044

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	21.11.1996	1998/604
	31.12.1996	1999/803
	23.12.1997	1999/1301
	1.4.1998	1999/1301
	16.3.1999	
	1.4.1999	
	29.4.1999	
(partially) as to England	1.4.2000	2000/340
(partially) as to Scotland	14.7.2000, 1.1.2001	S.S.I. 2000/180 S.S.I. 2000/433
(partially) as to Wales	15.9.2001	2001/3211
(partially) as to Scotland	1.4.2003	S.S.I. 2003/206
	1.1.2005	S.S.I. 2004/541
(partially) as to England and Wales	15.5.2006	2006/934
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
	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	
	1.1.1999	
(partially) as to England	1.4.2000	2000/340
(partially) as to Scotland	14.7.2000	S.S.I. 2000/180
(partially) as to Wales	15.9.2001	2001/3211
(partially) as to Scotland	1.1.2005	S.S.I. 2004/541
(partially) as to England and Wales	15.5.2006	2006/934
Section 120(4) to (6)	28.7.1995	1995/1983
Sections 121 to 124	28.7.1995	1995/1983

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