

SCHEDULE 26

Regulation 107

Consequential amendments

PART 1

Public General Acts

Continental Shelf Act 1964

1. In section 7 of the Continental Shelf Act 1964(1)(radioactive substances)—
 - (a) for “and any orders and regulations made thereunder” substitute “(and any orders and regulations made thereunder), or for the purposes of the Environmental Permitting (England and Wales) Regulations 2010,”; and
 - (b) after “modifying the provisions of that Act” insert “or those Regulations”.

Nuclear Installations Act 1965

- 2.—(1) The Nuclear Installations Act 1965(2) is amended as follows.
- (2) In section 3(6A)(3) (consultation before variation of nuclear site licences)—
 - (a) for “Great Britain” substitute “England or Wales”; and
 - (b) for “the Radioactive Substances Act 1993” substitute “the Environmental Permitting (England and Wales) Regulations 2010”.
- (3) In section 4 (attachment of conditions to licences)—
 - (a) in subsection (1)(d)(4), for “sections 13 and 16 of the Radioactive Substances Act 1993” substitute “the Environmental Permitting (England and Wales) Regulations 2010”;
 - (b) in subsection (3A)(5)—
 - (i) for “Great Britain” substitute “England or Wales”, and
 - (ii) for “the Radioactive Substances Act 1993” substitute “Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010”.

Control of Pollution Act 1974

3. In section 30(5) of the Control of Pollution Act 1974 (power to apply Part 1 of that Act to radioactive waste)(6)—
 - (a) for “the Radioactive Substances Act 1960” substitute “Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010”; and
 - (b) in paragraph (b), for “the said Act of 1960 and any other Act” substitute “the Radioactive Substances Act 1993, the Environmental Permitting (England and Wales) Regulations 2010 and any other enactment”.

(1) 1964 c. 29; section 7 was amended by the Radioactive Substances Act 1993 (c. 12), Schedule 4, paragraph 1.

(2) 1965 c. 57.

(3) Subsection (6A) was inserted by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 7(1).

(4) Subsection (1)(d) was amended by the Radioactive Substances Act 1993 (c. 12), Schedule 4, paragraph 2.

(5) Subsection (3A) was inserted by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 8.

(6) 1974 c. 40. Section 30 was prospectively repealed by the Environmental Protection Act 1990 (c. 43), section 162 and Schedule 16, Part 2, on a date to be appointed.

Salmon and Freshwater Fisheries Act 1975

4. In section 5 of the Salmon and Freshwater Fisheries Act 1975 (prohibition of use of explosives etc)(7), for subsection (5)(c) substitute—

“(c) regulation 38(1) of the Environmental Permitting (England and Wales) Regulations 2010;”.

Environmental Protection Act 1990

5.—(1) The 1990 Act(8) is amended as follows.

(2) In section 28(2)(9) (authorisations)—

(a) for “a registration or authorisation under the Radioactive Substances Act 1993” substitute “an environmental permit granted under the Environmental Permitting (England and Wales) Regulations 2010 in relation to a radioactive substances activity within the meaning of those Regulations”; and

(b) for “registration or authorisation under that Act” substitute “environmental permit”.

(3) In section 29 (waste on land: preliminary)(10), for subsection (12) substitute—

“(12) “The Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2010.”

(4) In the following sections, for “the 2007 Regulations” substitute “the Environmental Permitting Regulations”—

(a) section 29(13) (waste on land: preliminary);

(b) section 34(1)(aa), (1)(c)(ii)(11) and (1A)(b) (duty of care etc as respects waste);

(c) section 59(1) and (7) (powers to require removal of waste unlawfully deposited)(12);

(d) section 59ZA(2) (section 59: supplementary power)(13).

(5) For section 33(1B) (exceptions to prohibition on unauthorised disposal of waste)(14) substitute—

“(1B) Subsection (1) does not apply in relation to the carrying on of any waste operation which is or forms part of an operation which—

(a) is the subject of a licence under Part 2 of the Food and Environment Protection Act 1985; or

(b) by virtue of an order under section 7 of that Act, does not require such a licence;”.

(6) In the following sections, for “regulation 38(1)(a) of the 2007 Regulations” substitute “regulation 38(1) of the Environmental Permitting Regulations”—

(7) 1975 c. 51.

(8) 1990 c 43.

(9) Section 28(2) was amended by the Radioactive Substances Act 1993 (c. 12), Schedule 4, paragraph 6, and prospectively repealed by the Pollution, Prevention and Control Act 1999 (c. 24), Schedule 3, on a date to be appointed.

(10) Section 29 was amended by the Clean Neighbourhoods and Environment Act 2005 (c. 16), section 51 and S.I. 2007/3538 and 2009/1799.

(11) Section 34 was amended by the Deregulation and Contracting Out Act 1994 (c. 40), section 33, and the Environment Act 1995 (c. 25), section 120 and Schedule 22, and by S.I. 1999/1820, 2000/1973, 2005/2900, 2006/123, 2007/3538 and 2009/1799.

(12) Section 59 was amended by the Clean Neighbourhoods and Environment Act 2005 (c. 16), sections 43(2) and 50(1) and S.I. 2007/3538 and 2009/1799.

(13) Section 59ZA was inserted by the Clean Neighbourhoods and Environment Act 2005 (c. 16), section 50(2) and amended by S.I. 2007/3538.

(14) Section 33 was amended by the Environment Act 1995 (c. 25), section 120 and Schedule 22, the Clean Neighbourhoods and Environment Act 2005 (c. 16), sections 40(1), 41(1), 107 and Schedule 5, and S.I. 2005/894, 2006/937, 2007/3538 and 2009/1799.

- (a) section 33A(1)(b) (section 33 offences: investigation and enforcement costs)(**15**);
 - (b) section 33B(1)(b) (section 33 offences: clean-up costs)(**16**);
 - (c) section 33C(1)(b) (section 33 offences: forfeiture of vehicles)(**17**).
- (7) In section 33C(7)(d), for “regulation 38(1)(a) or 38(1)(b) of the 2007 Regulations” substitute “regulation 38(1) or (2) of the Environmental Permitting Regulations”.
- (8) In section 34B(2)(a) and (3)(a) (power to search and seize vehicles etc)(**18**), for “regulation 38(1)(a) or (b) of the 2007 Regulations” substitute “regulation 38(1) or (2) of the Environmental Permitting Regulations”.
- (9) In section 78 (radioactive substances)—
- (a) for “the Radioactive Substances Act 1993” substitute “Schedule 23 to the Environmental Permitting Regulations (radioactive substances activities)”; and
 - (b) in paragraph (b), for “the Radioactive Substances Act 1993 and any other Act” substitute “the Environmental Permitting Regulations in relation to such radioactive waste, and any Act or other enactment”.
- (10) In section 78YB (interaction with other enactments)(**19**)—
- (a) in subsection (4), for “a consent given under Chapter II of Part III of the Water Resources Act 1991 (pollution offences)” substitute “an environmental permit”; and
 - (b) in subsection (5)(**20**), in the definition of “enforcement action”, for “the Environmental Permitting (England and Wales) Regulations 2007” substitute “the Environmental Permitting (England and Wales) Regulations 2010”.
- (11) In section 78YC (radioactivity)(**21**), in paragraph (b), for “the Radioactive Substances Act 1993 or any other Act” substitute “the Environmental Permitting (England and Wales) Regulations 2010 or any Act or other enactment”.
- (12) In section 142(7) (powers to obtain information about potentially hazardous substances), for “the Radioactive Substances Act 1993;” substitute “the Environmental Permitting (England and Wales) Regulations 2010 in relation to radioactive material or radioactive waste;”.
- (13) In section 156(2) (power to give effect to Community and other international obligations etc) omit “; and the provisions of the Radioactive Substances Act 1993”.

Atomic Weapons Establishment Act 1991

- 6.** In the Schedule to the Atomic Weapons Establishment Act 1991 (application of certain enactments)(**22**)—
- (a) omit paragraph 10A (Radioactive Substances Act 1993)(**23**) and the cross-heading preceding it; and

(15) Section 33A was inserted by the Clean Neighbourhoods and Environment Act 2005 (c. 16), section 42(1) and amended by S.I. 2007/3538 and 2009/1799.

(16) Section 33B was inserted by the Clean Neighbourhoods and Environment Act 2005 (c. 16), section 43(1) and amended by S.I. 2006/937, 2007/3538 and 2009/1799.

(17) Section 33C was inserted by the Clean Neighbourhoods Act 2005 (c. 16), section 44(1) and amended by S.I. 2006/937 and 2007/3538.

(18) Section 34B was inserted by the Clean Neighbourhoods and Environment Act (c. 16), section 46(1) and amended by S.I. 2007/3538.

(19) Section 78YB was inserted by the Environment Act 1995 (c. 25), section 57, and amended by the Water Act 2003 (c. 37), section 86 and S.I. 2000/1973 and 2007/3538.

(20) Subsection (5) was inserted by S.I. 2007/3538, Schedule 21, paragraphs 2 and 18(b).

(21) Section 78YC was inserted by the Environment Act 1995 (c. 25), section 57.

(22) 1991 c. 46.

(23) Paragraph 10A was inserted by the Radioactive Substances Act 1993 (c. 12), section 49(1) and Schedule 4, paragraph 10.

(b) after paragraph 10B(24) insert—

“Environmental Permitting (England and Wales) Regulations 2010

(1) For the purposes of the Environmental Permitting (England and Wales) Regulations 2010, so far as relating to an environmental permit for the disposal of radioactive waste, a relevant site in designated premises shall be treated as a site in respect of which a nuclear site licence is for the time being in force.

(2) For the purposes of sub-paragraph (1), “relevant site” means a site used by a contractor for the purposes of any activity which would, if section 1 of the Nuclear Installations Act 1965 applied to the site, require a nuclear site licence.”

Water Industry Act 1991

7. In section 138(1B)(25) of the Water Industry Act 1991 (meaning of “special category effluent”)(26)—

(a) in paragraph (a), for “the Environmental Permitting (England and Wales) Regulations 2007 (“the 2007 Regulations”)” substitute “the Environmental Permitting (England and Wales) Regulations 2010”; and

(b) in paragraphs (aa) and (b), for “the 2007 Regulations” substitute “those Regulations”.

Water Resources Act 1991

8.—(1) The 1991 Act(27) is amended as follows.

(2) Omit the following provisions—

(a) section 85 (offences of polluting controlled waters);

(b) section 86 (prohibition of certain discharges);

(c) section 87 (discharges into and from public sewers);

(d) section 88 (defence to principal offences: authorised discharges);

(e) section 89 (other defences to principal offences);

(f) section 90 (offences: deposits and vegetation in rivers);

(g) section 90A (applications for consent under section 89 or 90)(28);

(h) section 90B (enforcement notices)(29);

(i) section 91 (appeals: consents under Chapter 2 of Part 3);

(j) section 96(3) (regulations: consents under Chapter 2 of Part 3);

(k) section 99 (consents required by the Agency);

(l) section 103 (transitional pollution provisions);

(m) section 161ZC(5) (sections 161 to 161ZB: supplementary)(30);

(n) section 161AB(4) (works notices: exceptions etc)(31);

(24) Paragraph 10B was inserted by the Clean Air Act 1993 (c. 11), section 67(1) and Schedule 4, paragraph 5.

(25) Subsection (1B) was inserted by S.I. 2000/1973, regulation 39 and Schedule 10.

(26) 1991 c. 56.

(27) 1991 c. 57. Section 88(1) was amended by S.I. 2000/1973. Sections 91, 161 and 203 were amended by the Environment Act 1995 (c. 25) section 120 and Schedule 22. Section 161 was also amended by section 60 of that Act. Section 203 was also amended by the Water Act 2003 (c. 37), section 101 and Schedule 8. Sections 90A, 90B, 91(2G), 161A, 161B and 191B were inserted by the Environment Act 1995 (c. 25), section 120 and Schedule 22.

(28) Section 90A was inserted by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 142.

(29) Section 90B was inserted by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 142.

(30) Section 161ZC(5) was inserted by S.I. 2009/3104.

(31) Section 161AB(4) was inserted by S.I. 2009/3104.

- (o) section 190(1)(b), (c), (g), (h), (j), (k), (m) and (n) and (5) (pollution control register);
 - (p) section 191B(2)(a), (2)(b) and (12) (exclusion from register: confidential information)(32);
 - (q) Schedule 10 (discharge consents);
 - (r) Schedule 13 (transitional water pollution provisions).
- (3) In the following provisions, for each reference to “consent” substitute “environmental permit”—
- (a) section 74(1)(e) and (2)(g) (provisions and duration of ordinary drought order);
 - (b) section 77(3)(b) and (5)(a) (provisions of drought order: abstractions and discharges);
 - (c) in Schedule 8 (proceedings on applications for drought orders), in paragraph 1(2), paragraph (d) of the third item in the table;
 - (d) in Schedule 9 (compensation in respect of drought orders), paragraphs 2(5) and 4(1)(d).
- (4) In section 84 (general duties to achieve and maintain objectives)—
- (a) in subsection (1), after “below)” insert “and by the Environmental Permitting Regulations”;
 - (b) in subsection (2), after “this Act” insert “or under the Environmental Permitting Regulations”.
- (5) In section 92(2)(c), for each reference to “subsection (6) of section 85 above” substitute “regulation 39(1) of the Environmental Permitting Regulations”.
- (6) In section 97(2) (codes of good agricultural practice), for paragraph (a) substitute—
- “(a) its relevant functions, in relation to water discharge activities, under the Environmental Permitting Regulations”.
- (7) In section 98 (radioactive substances)—
- (a) in subsection (1), for “the Radioactive Substances Act 1993” substitute “the Environmental Permitting Regulations”; and
 - (b) in subsection (2), for “the said Act of 1993” substitute “the Environmental Permitting Regulations”.
- (8) In the following sections, for each reference to “a consent given under Chapter II of Part III of this Act” substitute “an environmental permit”—
- (a) section 161ZC(1) (sections 161 to 161ZB: supplementary)(33);
 - (b) section 161AB(1) (works notices: exceptions etc)(34).
- (9) In section 191B (exclusion from registers of confidential information)(35), for subsection (6) substitute—
- “(6) Section 114 of the 1995 Act (delegation or reference to appeals etc) applies to any appeal brought under subsection (5).
 - (6A) If either party to the appeal so requests, or the Secretary of State or Welsh Ministers so decide, an appeal shall be or continue in the form of a hearing (which must be held in private).
 - (6B) The Secretary of State may by regulations make provision as to appeals under subsection (5) to the Secretary of State, and the Welsh Ministers may by regulations make

(32) Section 191B was inserted by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 170.

(33) Section 161ZC(1) was inserted by S.I. 2009/3104.

(34) Section 161AB(1) was inserted by S.I. 2009/3104.

(35) Section 191B was inserted by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 170.

provision as to appeals under that subsection to them; and the regulations may, in particular, may make provision as to—

- (a) the period within which and the manner in which appeals are to be brought; and
- (b) the manner in which appeals are to be considered.”

(10) In section 221 (general interpretation)—

(a) at the appropriate place, insert—

““environmental permit” has the same meaning as in the Environmental Permitting Regulations;

“Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2010;” and

(b) omit the definition of “enforcement notice”.

(11) In Schedule 9, in paragraph 4(2)(c), for “a consent” substitute “an environmental permit”.

Water Consolidation (Consequential Provisions) Act 1991

9. In paragraph 30(1) of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (offences under the Salmon and Freshwater Fisheries Act 1975)(**36**)—

- (a) in paragraph (a), for “a consent under Chapter II of Part III of the Water Resources Act 1991 or” substitute “an environmental permit under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2010 or a consent”; and
- (b) in paragraph (b), after “such a” insert “permit or”.

Clean Air Act 1993

10.—(1) Section 41A of the Clean Air Act 1993 (relation to the Pollution Prevention and Control Act 1999)(**37**) is amended as follows.

(2) In subsection (2)(c)(**38**), for “paragraph 4 of Schedule 2 to the 2007 Regulations” substitute “paragraph 7 of Schedule 2 (exempt facilities: general) to the Environmental Permitting Regulations”.

(3) In subsection (3), for “the 2007 Regulations” substitute “the Environmental Permitting Regulations”.

(4) In subsection (4)(**39**)—

(a) in the definition of “activity”, for “within the meaning of the 2007 Regulations” substitute “, or mining waste operation, within the meaning of the Environmental Permitting Regulations;”; and

(b) for the definition of “the 2007 Regulations” substitute—

““the Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2010.”

Radioactive Substances Act 1993

11.—(1) The 1993 Act(**40**) is amended as follows.

(36) 1991 c. 60.

(37) 1993 c. 11. Section 41A was inserted by S.I. 2000/1973 and amended by S.I. 2007/3538 and 2009/1799.

(38) Subsection 2(c) was inserted by S.I. 2007/3538, Schedule 21, paragraph 22(2).

(39) Subsection (4) was inserted by S.I. 2007/3538, Schedule 21, paragraph 22(1) and (4) and amended by S.I. 2009/1799, regulation 28 and Schedule 2, paragraph 3.

(40) 1993 c. 12.

- (2) Omit the following provisions—
- (a) section 1 (meaning of “radioactive material”);
 - (b) section 2 (meaning of “radioactive waste”);
 - (c) section 3 (meaning of “mobile radioactive apparatus”);
 - (d) section 6 (prohibition of use of radioactive material without registration);
 - (e) section 7 (registration of users of radioactive material);
 - (f) section 8(1) to (3) and (8) (exemptions from registration under section 7);
 - (g) section 9 (prohibition of use of mobile radioactive apparatus without registration);
 - (h) section 10 (registration of mobile radioactive apparatus);
 - (i) section 11(3) (application of exemptions to Northern Ireland);
 - (j) section 12 (cancellation and variation of registration);
 - (k) section 13 (disposal of radioactive waste);
 - (l) section 14 (accumulation of radioactive waste);
 - (m) section 15(3) (application of exemptions to Northern Ireland);
 - (n) section 16 (grant of authorisations);
 - (o) section 16A (transfer of authorisations);
 - (p) section 17 (revocation and variation of authorisations);
 - (q) section 17A (review of authorisations);
 - (r) section 18 (functions of authorities in relation to authorisations under section 13);
 - (s) section 19 (duty to display documents);
 - (t) section 20 (retention and production of site or disposal records);
 - (u) section 21 (enforcement notices);
 - (v) section 22 (prohibition notices);
 - (w) section 23 (power of Secretary of State to give directions);
 - (x) section 24 (power of Secretary of State to require certain applications to be determined by him);
 - (y) section 25 (power of Secretary of State to restrict knowledge of applications);
 - (z) section 26 (registrations, authorisations and notices: appeals);
 - (aa) section 27 (procedure on appeals under section 26);
 - (bb) section 29 (provision of facilities for disposal or accumulation of radioactive waste);
 - (cc) section 30 (power of Secretary of State to dispose of radioactive waste);
 - (dd) section 30A (recovery and disposal of orphan sources);
 - (ee) section 32 (offences relating to registration or authorisation);
 - (ff) section 33 (offences relating to sections 19 and 20);
 - (gg) section 34 (disclosure of trade secrets);
 - (hh) section 34A (offences of making false or misleading statements or false entries);
 - (ii) section 36 (offences by body corporate);
 - (jj) section 37 (offence due to another’s fault);
 - (kk) section 38 (restriction on prosecutions);
 - (ll) section 39 (public access to documents and records);

- (mm) section 41 (service of documents);
 - (nn) section 42 (application to Crown);
 - (oo) section 44(2) (power to make Regulations in relation to registrations or authorisations: Great Britain);
 - (pp) section 45 (Regulations and orders: Northern Ireland);
 - (qq) section 46 (effect of Act on other rights and duties);
 - (rr) section 48 (index of defined expressions);
 - (ss) Schedule 1 (specified elements);
 - (tt) in Schedule 3, Parts II and III (application of section 40 to Scotland and Northern Ireland);
 - (uu) Schedule 6 (repeals and revocations).
- (3) In section 8 (the title to which becomes “Exemptions from requirement for environmental permit”)—
- (a) in subsections (4) and (5), for “registration under section 7” substitute “the requirement for an environmental permit”;
 - (b) in subsection (6), for “registration under section 7” substitute “the requirement for an environmental permit”.
- (4) In section 11 (the title to which becomes “Exemptions from requirement for environmental permit for mobile radioactive apparatus”), in subsection (1), for “registration under section 10” substitute “the requirement for an environmental permit”.
- (5) In section 15 (the title to which becomes “Further exemptions from requirement for environmental permit”)—
- (a) in subsection (1), for “Sections 13(1) and (3) and 14(1)” substitute “The requirement for an environmental permit”;
 - (b) in subsection (1), for “operation of section 13(1) or section 14(1)” substitute “requirement for an environmental permit”;
 - (c) in subsection (2)—
 - (i) for “any of the provisions of section 13 or 14” substitute “the requirement for an environmental permit”;
 - (ii) for “such of those provisions as may be specified in an order under this subsection” substitute “that requirement”; and
 - (iii) for “so specified” substitute “specified in an order under this subsection”.
- (6) For section 47 (general interpretation provisions) substitute—

“General interpretation provisions

47.—(1) In this Act—

“environmental permit” means a permit granted under regulation 13 of the Environmental Permitting Regulations;

“the Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2010;

“local authority” has the same meaning as in the Environmental Permitting Regulations;

“relevant water body” means a water undertaker, a sewerage undertaker or a local fisheries committee.

(2) The following have the same meaning as in Schedule 23 to the Environmental Permitting Regulations (radioactive substances activities)—

“article”;
“disposal”;
“mobile radioactive apparatus”;
“premises”;
“radioactive material”;
“radioactive waste”;
“substance”;
“undertaking”.”

(7) Schedule 3 is amended as follows—

- (a) in paragraph 9, omit “85, 86, 87(1), 88(2)”;
- (b) after paragraph 10, insert—

“**10A.** The Environmental Permitting Regulations, insofar as they relate to water discharge activities within the meaning of those Regulations.”

Goods Vehicles (Licensing of Operators) Act 1995

12. In the Goods Vehicles (Licensing of Operators) Act 1995(**41**), in Schedule 2 (information about applicants and holders of licences), in paragraph 5(ia)(**42**) (offences), for “regulation 38(1) (a) or 38(1)(b) of the Environmental Permitting (England and Wales) Regulations 2007” substitute “regulation 38(1) or (2) of the Environmental Permitting (England and Wales) Regulations 2010”.

Environment Act 1995

13.—(1) The 1995 Act(**43**) is amended as follows.

(2) In section 5(5) (pollution control functions), omit paragraph (h).

(3) In section 42 (approval of charging schemes), for subsection (3)(b) substitute—

“(b) which the Food Standards Agency incurs in carrying out its functions in relation to environmental permits under the Environmental Permitting (England and Wales) Regulations 2010 concerning the disposal of radioactive waste within the meaning of those Regulations.”.

(4) In section 56(1) (interpretation of Part 1), in the definition of “environmental licence”, omit paragraphs (e), (f) and (g).

(5) In section 108(15) (powers of enforcing authorities and persons authorised by them), in the definition of “pollution control functions”, omit paragraph (1).

(6) In section 114(2)(a) (power to delegate appeal functions)—

- (a) in sub-paragraph (v), omit “91,”; and
- (b) omit sub-paragraph (vi).

(7) In Schedule 20 (delegation of appellate functions), in paragraph 4(3) (holding of local enquiries), for paragraph (d) substitute—

“(d) regulation 53 of the Environmental Permitting (England and Wales) Regulations 2010.”.

(41) 1995 c 23.

(42) Paragraph 5(ia) was inserted by S.I. 2007/3538, Schedule 21, paragraph 24.

(43) 1995 c 25. Section 56(1) was amended by the Pollution Prevention and Control Act 1999 (c. 24), section 6(1) and Schedule 2, and by S.I. 2000/1973, 2005/925, 2005/1728 and 2006/3289. Paragraph 4 of Schedule 20 was amended by S.I. 2000/1973.

Finance Act 1996

14. In section 43A(4)(h) of the Finance Act 1996 (contaminated land)(44), for “the Environmental Permitting (England and Wales) Regulations 2007” substitute “the Environmental Permitting (England and Wales) Regulations 2010”.

Food Standards Act 1999

15. In the Food Standards Act 1999(45), in Schedule 3 (the Agency’s functions under other enactments), omit paragraph 21 and the cross-heading preceding it.

Finance Act 2000

16. In Schedule 6 to the Finance Act 2000 (climate change levy)(46), in paragraph 51(6), in the definition of “primary activity”, in the table (the cross-heading preceding entry 1 of which becomes “Installations regulated under the Environmental Permitting (England and Wales) Regulations 2010”)—

- (a) in entry 5(1), for “the Environmental Permitting (England and Wales) Regulations 2007” substitute “the Environmental Permitting (England and Wales) Regulations 2010”; and
- (b) in entry 5(2)(a), for “regulation 3(2) of the Environmental Permitting (England and Wales) Regulations 2007” substitute “paragraph 1 of Part 1 of Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2010”.

Energy Act 2004

17.—(1) The Energy Act 2004(47) is amended as follows.

(2) In section 10 (powers of NDA for carrying out functions), in subsection (2)(b), for the words from “, registrations” to the end substitute “and environmental permits (within the meaning of the Environmental Permitting (England and Wales) Regulations 2010) that relate to radioactive material or radioactive waste (within the meaning of those Regulations);”.

(3) In section 37(7) (general interpretation of Chapter 1 of Part 1), in the definition of “radioactive waste”, for “the 1993 Act” substitute “the Environmental Permitting (England and Wales) Regulations 2010”.

(4) In section 196(1), omit the definition of “the 1993 Act”.

Income Tax (Trading and Other Income) Act 2005

18. In section 167 of the Income Tax (Trading and Other Income) Act 2005 (site preparation expenditure: supplementary)(48), in subsection (1), in the definition of “waste disposal licence”, omit paragraph (d).

Energy Act 2008

19. In section 59(2)(d) of the Energy Act 2008 (offence of further disclosure of information)(49), for “the Radioactive Substances Act 1993 (c 12)” substitute “the Environmental Permitting (England

(44) 1996 c. 8. Section 43A was inserted by S.I. 1996/1529, amended by S.I. 2000/1973 and 2005/3226 and substituted by S.I. 2007/3538, Schedule 21, paragraph 25. It has been prospectively repealed by S.I. 2008/2669, with the repeal to come into force on 1st April 2012.

(45) 1999 c 28.

(46) 2000 c 17. Paragraph 51 of Schedule 6 was amended by S.I. 2001/1139 and 2006/1848.

(47) 2004 c. 20.

(48) 2005 c. 5.

(49) 2008 c 32.

and Wales) Regulations 2010 in relation to radioactive material and radioactive waste within the meaning of those Regulations”.

Corporation Tax Act 2009

20. In section 144(1) of the Corporation Tax Act 2009 (site preparation expenditure: supplementary)(**50**), omit paragraph (d).

PART 2

Subordinate legislation

The Regulations as to Cremation (1930)

1. In the definitions in the Regulations as to Cremation (1930)(**51**)—
 - (a) in the definition of “Incinerated”, for “2007” substitute “2010”; and
 - (b) in the definition of “Permit”, for “2007” substitute “2010”.

The Deposits in the Sea (Exemptions) Order 1985

2. In article 4(2) of the Deposits in the Sea (Exemptions) Order 1985 (exemptions involving waste)(**52**), for “2007” substitute “2010”.

The Town and Country Planning (Use Classes) Order 1987

3. In article 3 of the Town and Country Planning (Use Classes) Order 1987 (use classes)(**53**), for paragraph (8) substitute—

“(8) For the purpose of paragraph (7), “radioactive material” and “radioactive waste” have the same meaning as in the Environmental Permitting (England and Wales) Regulations 2010.”.

The Civil Jurisdiction (Offshore Activities) Order 1987

4.—(1) The Civil Jurisdiction (Offshore Activities) Order 1987(**54**) is amended as follows.

(2) In article 4 (the title to which becomes “Application of the Wireless Telegraphy Act 1949, the Radioactive Substances Act 1993 and the Environmental Permitting (England and Wales) Regulations 2010”)—

- (a) for “the Radioactive Substances Act 1960 and” substitute “the Radioactive Substances Act 1993,”; and
- (b) after “therein”, insert “and the Environmental Permitting (England and Wales) Regulations 2010 (to the extent those Regulations apply to radioactive substances activities within the meaning of Schedule 23 to those Regulations),”.

(50) 2009 c 4.

(51) S.I. 1930/1016; relevant amending instruments are S.I. 2006/92 and 2007/3538.

(52) S.I. 1985/1699; relevant amending instruments are S.I. 1994/1056 and 2007/3538.

(53) S.I. 1987/764, amended, in relation to Wales, by S.I. 2002/1875; there are other amending instruments but none is relevant.

(54) S.I. 1987/2197.

The Radioactive Substances (Hospitals) Exemption Order 1990

5. In article 2(1) of the Radioactive Substances (Hospitals) Exemption Order 1990 (interpretation)(55), in the definition of “site licence”, for “2007” substitute “2010”.

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

6.—(1) The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(56) are amended as follows.

(2) In regulation 6(1)(g) (registration as a carrier), for “2007” substitute “2010”.

(3) In the list in Schedule 1 (prescribed offences: relevant enactments), for “The Environmental Permitting (England and Wales) Regulations 2007” substitute “The Environmental Permitting (England and Wales) Regulations 2010”.

The Environmental Protection (Duty of Care) Regulations 1991

7.—(1) The Environmental Protection (Duty of Care) Regulations 1991(57) are amended as follows.

(2) In regulation 1(2) (interpretation), for the definition of “the 2007 Regulations” substitute—
““the Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2010.”.

(3) For the table in regulation 2(2) (transfer notes) substitute—
“TABLE

<i>Category of person</i>	<i>Additional information</i>
A waste collection authority for the purposes of Part 2 of the 1990 Act	
The holder of an environmental permit in respect of a waste operation under the Environmental Permitting Regulations, excluding the holder of such a permit in respect of a Part A activity or Part B activity which is not a specified waste management activity within the meaning of paragraph 3 of Schedule 9 to those Regulations	If the waste is to be kept, treated or disposed of by that person, the relevant permit number and the name of the permitting regulator.
A person carrying on an exempt waste operation under the Environmental Permitting Regulations	
A person carrying on an operation to which section 33(1)(a) of the 1990 Act does not apply by virtue of regulation 68(2) of the Environmental Permitting Regulations	
A person registered as a carrier of controlled waste under Regulations made under section 2 of the Control of Pollution (Amendment) Act 1989	The name of the waste regulation authority with whom the person is registered and the person’s registration number

(55) S.I. 1990/2512, amended by S.I. 2000/1973; there are other amending instruments but none is relevant.

(56) S.I. 1991/1624, amended by S.I. 2000/1973; there are other amending instruments but none is relevant.

(57) S.I. 1991/2839; relevant amending instruments are S.I. 1996/972, 2000/1973, 2002/1559, 2005/894, 2005/895, 2005/1806 (W. 138), 2005/1820 (W. 148) and 2007/3538.

<i>Category of person</i>	<i>Additional information</i>
A person who is not required to be so registered by virtue of Regulations made under section 1(3) of that Act”	

The Controlled Waste Regulations 1992

- 8.—(1) The Controlled Waste Regulations 1992(**58**) are amended as follows.
- (2) In regulation 1(2) (interpretation), for “2007” substitute “2010”.
- (3) In paragraph 18(2) of Schedule 3 (waste to be treated as industrial waste), for the definition of “tank washings” substitute—
- ““tank washings” means waste residues from the tanks (other than the fuel tanks) or holds of a ship or waste arising from the cleaning of such tanks or holds;”.

The Waste Management Licensing Regulations 1994

- 9.—(1) The Waste Management Licensing Regulations 1994(**59**) are amended as follows.
- (2) In regulation 20(2) (registration of brokers)—
- (a) in sub-paragraph (a), for “the Environmental Permitting (England and Wales) Regulations 2007, a consent under Chapter 2 of Part 3 of the Water Resources Act 1991” substitute “the Environmental Permitting (England and Wales) Regulations 2010”; and
- (b) in sub-paragraph (b)(i), for “the Environmental Permitting (England and Wales) Regulations 2007” substitute “the Environmental Permitting (England and Wales) Regulations 2010”.
- (3) In paragraph 1 of Part 1 of Schedule 4 (waste framework directive etc), for the definition of “permit” substitute—
- ““permit” means an environmental permit under the Environmental Permitting (England and Wales) Regulations 2010 or a licence under Part 2 of the Food and Environment Protection Act 1985;”.
- (4) In paragraph 1 of Part 1 of Schedule 5 (registration of brokers of controlled waste), in the definition of “relevant offence”, for “2007” substitute “2010”.

The Urban Waste Water Treatment Regulations 1994

- 10.—(1) The Urban Waste Water Treatment Regulations 1994(**60**) are amended as follows.
- (2) In regulation 2 (interpretation), at the appropriate place, insert—
- ““environmental permit” has the same meaning as in the Environmental Permitting Regulations;
- “Environmental Permitting Regulations” means the Environmental Permitting Regulations (England and Wales) Regulations 2010;”.
- (3) In regulation 6 (discharges of treated urban waste water)—

(58) S.I. 1992/588; relevant amending instruments are S.I. 1994/1056, 1996/972, 2006/937 and 2007/3538.

(59) S.I. 1994/1056, amended by S.I. 1995/288, 1995/1950, 1996/593, 1996/634, 1996/972, 1996/1279, 1997/2203, 1998/606, 1998/2746, 2000/1973, 2002/674, 2002/1087 (W. 114), 2002/1559, 2002/2980, 2003/595, 2003/780 (W. 91), 2003/2635, 2004/70 (W. 6), 2004/3276, 2005/894, 2005/1728, 2005/1806 (W. 138), 2005/2900, 2006/937, 2006/3315, 2007/1156, 2007/2596 and 2007/3476.

(60) S.I. 1994/2841, amended by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 233(1).

- (a) in paragraph (2), for “Chapter II of Part III of the Water Resources Act 1991 (pollution offences)” substitute “the Environmental Permitting Regulations”;
 - (b) in paragraph (2)(d)(ii), for “consents under the said Chapter II is controlled by such consents” substitute “environmental permits under the Environmental Permitting Regulations is controlled by such permits”;
 - (c) omit paragraph (4); and
 - (d) in paragraph (5), for “section 85 of that Act (offences of polluting controlled waters) insofar as that section relates” substitute “the Environmental Permitting Regulations insofar as they relate”.
- (4) In regulation 8 (discharges of certain industrial waste water)—
- (a) for paragraph (2) substitute—

“(2) The Environment Agency must impose, in every environmental permit with respect to any discharge on or after 31st December 2000 to which this regulation applies, conditions which are appropriate to the nature of the industry concerned for the discharge of such waste water.”;
 - (b) omit paragraph (3); and
 - (c) in paragraph (4), for “paragraphs (2) and (3)” substitute “paragraph (2)”.
- (5) In regulation 10 (samples and records)—
- (a) in paragraph (1)(a), for “a consent under Chapter II of Part III of the Water Resources Act 1991” substitute “an environmental permit”;
 - (b) for paragraph (1)(b) substitute—

“(b) “the operator” has the meaning given in the Environmental Permitting Regulations”;
 - (c) in paragraph (3), for “Chapter II of Part III of the Water Resources Act 1991” substitute “the Environmental Permitting Regulations”;
 - (d) in paragraph (5), after “(evidence of samples and abstractions)” insert “and the Environmental Permitting Regulations”; and
 - (e) in paragraph (6), after “section 209” insert “and the Environmental Permitting Regulations”.

The Landfill Tax Regulations 1996

- 11.** In regulation 33(4) (bodies eligible for approval) of the Landfill Tax Regulations 1996**(61)**—
- (a) omit paragraph (f); and
 - (b) in paragraph (h), for “2007” substitute “2010”.

Control of Pollution (Applications, Appeals and Registers) Regulations 1996

- 12.**—(1) The Control of Pollution (Applications, Appeals and Registers) Regulations 1996**(62)** are amended as follows.
- (2) In regulation 1(2) (interpretation), omit the definition of “discharge consent”.
 - (3) Omit the following regulations—
 - (a) regulation 2 (advertisements);

(61) S.I. 1996/1527; relevant amending instruments are S.I. 2000/1973 and 2007/3538.

(62) S.I. 1996/2971.

- (b) regulation 3 (timing of advertisements);
 - (c) regulation 4 (exemption from advertising requirements);
 - (d) regulation 5 (consultation);
 - (e) regulation 6 (transmitted applications);
 - (f) regulation 7 (discharge consents without applications).
- (4) In regulation 8(1) (appeals), omit—
- (a) “91 or”; and
 - (b) “appeals in respect of consents under Chapter II of Part III and”.
- (5) In regulation 9 (time limit for bringing appeal), omit—
- (a) paragraph (1)(a), (b) and (d); and
 - (b) paragraph (3)(a), (b) and (c).
- (6) Omit regulation 10 (action on receipt of notice of appeal).
- (7) In regulation 11 (written representations)—
- (a) omit paragraph (1)(a);
 - (b) in paragraph (1)(b), omit “in all other cases”;
 - (c) omit paragraph (3); and
 - (d) in paragraph (4)(b), for “(1) to (3)” substitute “(1) and (2)”.
- (8) In regulation 12 (hearings)—
- (a) in paragraph (1)—
 - (i) omit “91 or”, and
 - (ii) omit “appeals in respect of consents under Chapter II of Part III and”;
 - (b) omit paragraphs (2) and (5);
 - (c) in paragraph (3), for “paragraphs (1) and (2)” substitute “paragraph (1)”; and
 - (d) in paragraph (6), for sub-paragraphs (a) to (c) substitute—
 - “(a) the appellant; and
 - (b) the Agency.”.
- (9) In regulation 13(2) (notification of determination)—
- (a) in sub-paragraph (a), omit “and to any persons required under regulation 10(1)(b)(ii) to be notified of the appeal;” and
 - (b) in sub-paragraph (b), omit “to any other person who made representations to the Secretary of State under regulation 10 and”.
- (10) Omit regulation 14 (consents for discharges by the Agency).
- (11) In regulation 15 (pollution control registers)—
- (a) omit paragraphs (b), (c), (f), (g), (h), (k) and (l); and
 - (b) in paragraph (i)—
 - (i) omit “notices of appeal under section 91 of that Act,” and
 - (ii) omit “representations made under regulation 10,”.
- (12) In regulation 16 (particulars on register)—
- (a) in paragraph (1), omit “and paragraph (2) below”; and
 - (b) omit paragraphs (1)(a) and (b) and (2).

(13) In regulation 17(2) (period after which information may be removed from register), for “, (e) or (l)” substitute “or (e)”.

(14) Omit Schedule 1 (discharge consents without applications) and Schedule 2 (discharge consents for the Agency).

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

13. In Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(**63**), in paragraph 3(g) of the table, in column 2, for the words from “an authorisation” to the end substitute “the grant of an environmental permit under the Environmental Permitting (England and Wales) Regulations 2010 in relation to a radioactive substances activity described in paragraph 5(2)(b), (2)(c) or (4) of Part 2 of Schedule 23 to those Regulations, or the variation of such a permit”.

The Water Protection Zone (River Dee Catchment) Designation Order 1999

14. In article 2 of the Water Protection Zone (River Dee Catchment) Designation Order 1999 (interpretation)(**64**), in paragraph (ii) of the definition of “controlled substance”, for “section 2 of the Radioactive Substances Act 1993” substitute “Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010”.

The Ionising Radiations Regulations 1999

15.—(1) The Ionising Radiations Regulations 1999(**65**) are amended as follows.

(2) In regulation 30 (notification of certain occurrences), for paragraph (2) substitute—

“(2) Paragraph (1) shall not apply where such release—

- (a) was in accordance with an environmental permit under the Environmental Permitting (England and Wales) Regulations 2010 in respect of mobile radioactive apparatus within the meaning of those Regulations;
- (b) was in a manner specified in such an environmental permit in respect of radioactive waste within the meaning of those Regulations; or
- (c) did not, under regulation 12 of those Regulations, require an environmental permit.”.

(3) In Schedule 1 (work not required to be notified under regulation 6)—

- (a) in paragraph 1, for “the appropriate Agency” wherever it appears substitute “the Environment Agency”; and
- (b) omit paragraph 2.

The Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000

16. In Schedule 3 to the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000 (accuracy classes for filling instruments)(**66**), for “section 2 of the Radioactive Substances Act 1993” substitute “Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010”.

(63) S.I. 1999/293.

(64) S.I. 1999/915.

(65) S.I. 1999/3232.

(66) S.I. 2000/388.

The Non-automatic Weighing Instruments Regulations 2000

17.—(1) The Non-automatic Weighing Instruments Regulations 2000(67) are amended as follows.

(2) In regulation 28(7) (restrictions on use of instruments for trade), for “section 2 of the Radioactive Substances Act 1993” substitute “Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010”.

The Control of Pollution (Oil Storage) (England) Regulations 2001

18. In regulation 2(2)(a) of the Control of Pollution (Oil Storage)(England) Regulations 2001 (application of Regulations)(68), for “2007” substitute “2010”.

The Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003

19. In Schedule 3 to the Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003 (requirements relating to use)(69), for “section 2 of the Radioactive Substances Act 1993” substitute “Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010”.

The End-of-Life Vehicles Regulations 2003

20. In regulation 2 of the End-of-Life Vehicles Regulations 2003 (interpretation)(70), in the definition of “authorised treatment facility”, for “2007” substitute “2010”.

The Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2003

21.—(1) The Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2003(71) are amended as follows.

(2) In Schedule 3 (requirements in respect of manner of use), under “Definition of waste”, for “section 2 of the Radioactive Substances Act 1993” substitute “Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010”.

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

22. Schedule 2 to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 (enactments to which duties in regulation 3 apply)(72) is amended as follows—

(a) for paragraph 4 substitute—

“4. Parts 2 and 2A of the Environmental Protection Act 1990 (waste on land and contaminated land).”;

(b) omit paragraph 22;

(c) for paragraph 28 substitute—

“28. The Environmental Permitting (England and Wales) Regulations 2010.”.

(67) S.I. 2000/3236.

(68) S.I. 2001/2954, amended by S.I. 2007/3538; there are other amending instruments but none is relevant.

(69) S.I. 2003/2454.

(70) S.I. 2003/2635, amended by S.I. 2007/3538; there are other amending instruments but none is relevant.

(71) S.I. 2003/2761.

(72) S.I. 2003/3242, amended by S.I. 2007/3538; there are other amending instruments but none is relevant.

The Hazardous Waste (England and Wales) Regulations 2005

23.—(1) The Hazardous Waste (England and Wales) Regulations 2005⁽⁷³⁾ are amended as follows.

- (2) In regulation 5(1) (general interpretation)—
- (a) for the definition of “the 2007 Regulations”, substitute—
- ““the Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2010;”;
- (b) in the definition of “environmental permit”, for “the 2007 Regulations” substitute “the Environmental Permitting Regulations”;
- (c) for the definition of “registered exemption” substitute—
- ““registered exemption” means an exempt waste operation within the meaning of the Environmental Permitting Regulations;”;
- (d) for the definition of “waste permit” substitute—
- ““waste permit” means a licence under Part 2 of the Food and Environment Protection Act 1985 or an environmental permit”; and
- (e) at the appropriate place, insert—
- ““radioactive substances activity” has the meaning given in Schedule 23 to the Environmental Permitting Regulations;
- “radioactive waste” has the meaning given in Schedule 23 to the Environmental Permitting Regulations;”.
- (3) For paragraph (1) of regulation 15 (radioactive waste) substitute—
- “(1) This regulation applies to radioactive waste where—
- (a) a radioactive substances activity in relation to that radioactive waste does not require an environmental permit by virtue of section 15 of the Radioactive Substances Act 1993; and
- (b) that radioactive waste has one or more hazardous properties arising other than from its radioactive nature.”.
- (4) In regulation 26(4)(d) (common provisions on notifications), for “the 2007 Regulations” substitute “the Environmental Permitting Regulations”.
- (5) In regulation 42(8) (duty of consignee not accepting delivery), for “the Environmental Permitting (England and Wales) Regulations 2007” substitute “the Environmental Permitting Regulations”.

The Greenhouse Gas Emissions Trading Scheme Regulations 2005

24. In regulation 8(3)(b)(i) of the Greenhouse Gas Emissions Trading Scheme Regulations 2005 (applications for greenhouse gas emissions permits)⁽⁷⁴⁾, for “2007” substitute “2010”.

The Hazardous Waste (Wales) Regulations 2005

- 25.**—(1) The Hazardous Waste (Wales) Regulations 2005⁽⁷⁵⁾ are amended as follows.
- (2) In regulation 5(1)(general interpretation)—
- (a) for the definition of “the 2007 Regulations” substitute—

⁽⁷³⁾ S.I. 2005/894, amended by S.I. 2009/507; there are other amending instruments but none is relevant.

⁽⁷⁴⁾ S.I. 2005/925, amended by S.I. 2007/3538.

⁽⁷⁵⁾ S.I. 2005/1806 (W. 138), amended by S.I. 2007/3538.

- “the Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2010;”;
- (b) in the definition of “environmental permit”, for “the 2007 Regulations” substitute “the Environmental Permitting Regulations”;
- (c) for the definition of “registered exemption” substitute—
- ““registered exemption” (“*esemptiad cofrestredig*”) means an exempt waste operation within the meaning of the Environmental Permitting Regulations;”;
- (d) for the definition of “waste permit” substitute—
- ““waste permit” (“*trwydded gwastraff*”) means a licence under Part 2 of the Food and Environment Protection Act 1985 or an environmental permit”; and
- (e) at the appropriate place, insert—
- ““radioactive substances activity” has the meaning given in Schedule 23 to the Environmental Permitting Regulations;
- “radioactive waste” has the meaning given in Schedule 23 to the Environmental Permitting Regulations;”.
- (3) For paragraph (1) of regulation 15 (radioactive waste) substitute—
- “(1) This regulation applies to radioactive waste where—
- (a) a radioactive substances activity in relation to that radioactive waste does not require an environmental permit by virtue of section 15 of the Radioactive Substances Act 1993; and
- (b) that radioactive waste has one or more hazardous properties arising other than from its radioactive nature.”.
- (4) In regulation 26(4)(d) (common provisions on notifications), for “the 2007 Regulations” substitute “the Environmental Permitting Regulations”.
- (5) In regulation 42(8) (duty of consignee not accepting delivery), for “the Environmental Permitting (England and Wales) Regulations 2007” substitute “the Environmental Permitting Regulations”.

The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005

26. In regulation 3(4) of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005 (scope)(76), in paragraph (i) of the definition of “SED Activity”, for “2007” substitute “2010”.

The Railways Infrastructure (Access and Management) Regulations 2005

27. In regulation 3(1) of the Railways Infrastructure (Access and Management) Regulations 2005 (interpretation)(77), in the definition of “nuclear site”, for “Radioactive Substances Act 1993” substitute “Environmental Permitting (England and Wales) Regulations 2010”.

The Waste Management (England and Wales) Regulations 2006

28. In the Waste Management (England and Wales) Regulations 2006(78), omit the following—
- (a) regulation 6 (amendment of Waste Management Licensing Regulations 1994);

(76) S.I. 2005/2773, amended by S.I. 2007/3538; there are other amending instruments but none is relevant.

(77) S.I. 2005/3049.

(78) S.I. 2006/937.

- (b) regulation 7 (amendment of Waste Management Regulations 1996);
- (c) regulation 8 (amendment of Groundwater Regulations 1998);
- (d) regulation 9 (amendment of Landfill (England and Wales) Regulations 2002).

The Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006

29. In regulation 16(3) of the Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006 (accuracy class)(**79**), for “section 2 of the Radioactive Substances Act 1993” substitute “Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010”.

The Measuring Instruments (Automatic Catchweighers) Regulations 2006

30. In regulation 18(5) of the Measuring Instruments (Automatic Catchweighers) Regulations 2006 (use for trade)(**80**), for “section 2 of the Radioactive Substances Act 1993” substitute “Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010”.

The Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006

31. In Part 1 of Schedule 5 to the Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006 (requirements for use for trade: accuracy classes)(**81**), for “section 2 of the Radioactive Substances Act 1993” substitute “Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010”.

The Contaminated Land (England) Regulations 2006

32.—(1) The Contaminated Land (England) Regulations 2006(**82**) are amended as follows.

(2) In regulation 2(4) (land required to be designated as a special site), for “2007” substitute “2010”.

(3) In paragraph 16 of Schedule 3 (particulars to be contained in a register)—

- (a) for “a consent given under Chapter 2 of Part 3 of the Water Resources Act 1991 (pollution offences)” substitute “an environmental permit granted under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2010”; and
- (b) in sub-paragraph (a), for “consent” substitute “environmental permit”.

The Contaminated Land (Wales) Regulations 2006

33.—(1) The Contaminated Land (Wales) Regulations 2006(**83**) are amended as follows.

(2) In regulation 2(4) (land required to be designated as a special site), for “2007” substitute “2010”.

(3) In paragraph 16 of Schedule 3 (particulars to be contained in a register)—

- (a) for “a consent given under Chapter 2 of Part 3 of the Water Resources Act 1991 (pollution offences)” substitute “an environmental permit granted under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2010”; and
- (b) in sub-paragraph (a), for “consent” substitute “environmental permit”.

(79) [S.I. 2006/1256](#).

(80) [S.I. 2006/1257](#).

(81) [S.I. 2006/1258](#).

(82) [S.I. 2006/1380](#).

(83) [S.I. 2006/2989 \(W. 278\)](#), amended by [S.I. 2007/3538](#).

The Waste Electrical and Electronic Equipment Regulations 2006

34. In regulation 2(1) of the Waste Electrical and Electronic Equipment Regulations 2006 (interpretation)(84), in the definition of “relevant authorisation”, for each reference to “the Environmental Permitting (England and Wales) Regulations 2007” substitute “the Environmental Permitting (England and Wales) Regulations 2010”.

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

35. In regulation 2(2) of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (interpretation)(85), in the definition of “relevant authorisation”, for each reference to “the Environmental Permitting (England and Wales) Regulations 2007” substitute “the Environmental Permitting (England and Wales) Regulations 2010”.

The Transfrontier Shipment of Waste Regulations 2007

36. For regulation 16 of the Transfrontier Shipment of Waste Regulations 2007(86), substitute—

“Environmental Permitting (England and Wales) Regulations 2010

16. The definition of “waste management plan” in paragraph 1 of Part 1 of Schedule 25 to the Environmental Permitting (England and Wales) Regulations 2010 has effect as if the reference in that paragraph to a plan made under the plan-making provisions includes a reference to a waste management plan made under this Part.”.

The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007

37.—(1) The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007(87) are amended as follows.

(2) In regulation 3(1)(a) (meaning of “participating plant”), for “2007” substitute “2010”.

(3) In paragraph 1 of Schedule 1 (the register), in paragraph (a) of the definition of “cumulative in-year mass emissions”, for “2007” substitute “2010”.

The Persistent Organic Pollutants Regulations 2007

38.—(1) Regulation 4 of the Persistent Organic Pollutants Regulations 2007(88) is amended as follows—

- (a) regulation 4 is renumbered as paragraph (1) of that regulation;
- (b) in paragraph (1)(b) (as re-numbered), for “the Pollution Prevention and Control (England and Wales) Regulations 2000” substitute “the Environmental Permitting (England and Wales) Regulations 2010”;
- (c) after paragraph (1)(b) (as re-numbered), insert—

“(2) In paragraph (1)(b), “permit” in relation to the Environmental Permitting (England and Wales) Regulations 2010 means environmental permit within the meaning of those Regulations.”.

(84) S.I. 2006/3289, amended by S.I. 2007/3538.

(85) S.I. 2007/871, amended by S.I. 2007/3538.

(86) S.I. 2007/1711.

(87) S.I. 2007/2325, amended by S.I. 2007/3538.

(88) S.I. 2007/3106.

The Environmental Damage (England) Regulations 2009

39.—(1) The Environmental Damage (England) Regulations 2009(**89**) are amended as follows.

(2) In regulation 10 (the title to which becomes “Enforcing authorities under the Environmental Permitting (England and Wales) Regulations 2010”), in paragraph (1), for “2007” substitute “2010”.

(3) In regulation 11 (enforcing authorities in other cases), for “2007” substitute “2010”.

(4) In paragraph 1 of Schedule 3 (permits etc)—

(a) in sub-paragraph (a), for “2007” substitute “2010”;

(b) in sub-paragraph (c), omit “a water discharge consent,”; and

(c) omit sub-paragraph (d).

The Waste Batteries and Accumulators Regulations 2009

40.—(1) The Waste Batteries and Accumulators Regulations 2009(**90**) are amended as follows.

(2) In paragraph 12 of Schedule 4 (approval of battery treatment operators and exporters), for each reference to “the Environmental Permitting (England and Wales) Regulations 2007” substitute “the Environmental Permitting (England and Wales) Regulations 2010”.

(3) In Schedule 8 (amendments to other enactments), omit paragraph 2(3) and (6).

(89) S.I. 2009/153.

(90) S.I. 2009/890.