

Changes to legislation: Environmental Protection Act 1990, Paragraph 7 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

AUTHORISATIONS FOR PROCESSES: SUPPLEMENTARY PROVISIONS

[^{F1}PART II

VARIATION OF AUTHORISATIONS

Textual Amendments

- F1** Sch. 1 repealed (1.4.2015 for S.) by [Pollution Prevention and Control Act 1999 \(c. 24\), s. 7\(3\), Sch. 3; S.S.I. 2015/74, art. 2\(2\)\(b\)](#)

Applications for variation

- 7 (1) The requirements of this paragraph apply where an application is made to an enforcing authority under section 11(4) for the variation of an authorisation.
- (2) Subject to sub-paragraph (3) below, the enforcing authority shall give notice of any such application for a variation of an authorisation, enclosing a copy of the application, to the persons who are prescribed or directed to be consulted under this paragraph and shall do so within the specified period for notification; and the holder of the authorisation shall advertise the application in the manner prescribed in regulations made by the Secretary of State.
- (3) The Secretary of State may, by regulations, exempt any class of application from all or any of the requirements of this paragraph or exclude any class of information furnished with applications for variations of authorisations from all or any of those requirements, in all cases or as respects specified classes only of persons to be consulted.
- (4) Any representations made by the persons so consulted within the period allowed shall be considered by the enforcing authority in determining the application.
- (5) For the purposes of sub-paragraph (2) above—
- (a) persons are prescribed to be consulted on any description of application for a variation if they are persons specified for the purposes of applications of that description in regulations made by the Secretary of State;
 - (b) persons are directed to be consulted on any particular application if the Secretary of State specifies them in a direction given to the enforcing authority;
- and the “specified period for notification” is the period specified in the regulations or in the direction.

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- (6) Any representation made by any other persons within the period allowed shall also be considered by the enforcing authority in determining the application.
- (7) Subject to sub-paragraph (8) below, the period allowed for making representations is—
- (a) in the case of persons prescribed or directed to be consulted, the period of twenty-eight days beginning with the date on which notice of the application was given under sub-paragraph (2) above; and
 - (b) in the case of other persons, the period of twenty-eight days beginning with the date on which the making of the application was advertised in pursuance of sub-paragraph (2) above.
- (8) The Secretary of State may, by order, substitute for the period for the time being specified in sub-paragraph (7)(a) or (b) above, such other period as he considers appropriate.]

Modifications etc. (not altering text)

C1 Sch. 1 para. 7 excluded (1.4.1991 for E.W. and 1.4.1992 for S.) by [S.I. 1991/507, reg. 6\(1\)](#)

C2 Sch. 1 para. 7(2) excluded (1.4.1991 for E.W. and 1.4.1992 for S.) by [S.I. 1991/507, reg. 7\(2\)\(4\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)