



Environment Act 1995

1995 CHAPTER 25

PART I

THE ENVIRONMENT AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

CHAPTER III

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS RELATING TO THE NEW AGENCIES [F¹AND THE NATURAL RESOURCES BODY FOR WALES]

Supplemental provisions

56 Interpretation of Part I.

(1) In this Part of this Act, except where the context otherwise requires—

F¹
...

“the 1990 Act” means the M¹Environmental Protection Act 1990;

“the 1991 Act” means the M²Water Resources Act 1991;

[F²“appropriate agency” means the Agency or the Natural Resources Body for Wales;]

“the appropriate Minister”—

(a) in the case of the Agency, means the Secretary of State or the Minister;
and

(b) in the case of SEPA, means the Secretary of State;

“the appropriate Ministers”—

(a) in the case of the Agency, means the Secretary of State and the Minister;
and

(b) in the case of SEPA, means the Secretary of State;

[F²“the appropriate national authority” means—

(a) in relation to the Agency, the Secretary of State;

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(b) in relation to the Natural Resources Body for Wales, the Welsh Ministers;]

[^{F3}“the catchment areas of the rivers Dee, Wye and Severn” has the meaning given by article 1(3) of the National Assembly for Wales (Transfer of Functions) Order 1999;]

“conservancy authority” has the meaning given by section 221(1) of the 1991 Act;

“costs” includes—

- (a) costs to any person; and
- (b) costs to the environment;

“disposal authority”—

- (a) in the application of this Part in relation to the Agency, has the same meaning as it has in Part I of the ^{M3}Control of Pollution Act 1974 by virtue of section 30(1) of that Act; and
- (b) [^{F4}in the application of this Part in relation to SEPA, has the meaning assigned to it by section 30(2) of that Act;]

[^{F5}“the environment” means all, or any, of the following media, namely, the air, water and land (and the medium of air includes the air within buildings and the air within other natural or man-made structures above or below ground);]

“environmental licence”, in the application of this Part in relation to [^{F6}an appropriate agency], means any of the following—

- (a) registration of a person as a carrier of controlled waste under section 2 of the ^{M4}Control of Pollution (Amendment) Act 1989,
- (aa) [^{F7}a permit granted by the appropriate agency under—
 - (i) regulations made under section 2 of the Pollution Prevention and Control Act 1999, other than [^{F8}the Greenhouse Gas Emissions Trading Scheme Regulations 2005 (S.I. 2005/925) and the Greenhouse Gas Emissions Trading Scheme Regulations 2012 (S.I. 2012/3038)],
 - (ii) regulations made under section 61 of the Water Act 2014.]
- (b) [^{F9}an authorisation under Part I of the 1990 Act, other than any such authorisation granted by a local enforcing authority,]
- (c) ^{F10} ...
- (d) a licence under Chapter II of Part II of the 1991 Act,
- (e) ^{F11} ...
- (f) ^{F11} ...
- (g) ^{F11} ...
- (h) [^{F12}registration of a person as a broker of or dealer in controlled waste under [^{F13}[^{F14}assimilated] law which, in England and Wales, implemented] Article 26(b) of Directive 2008/98/EC of the European Parliament and of the Council on waste, [^{F15}as last amended by [^{F16}Directive (EU) 2018/851].]
- (j) [^{F17}registration under Schedule 2 to [^{F18}the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)] of an establishment or undertaking in relation to a [^{F19}waste operation (within the meaning of those Regulations).]
- (k) ^{F20} ...
- (l) ^{F21} ...

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(m) ^{F21} ...

(n) ^{F21} ...

(o) ^{F21} ...

so far as having effect in relation to England and Wales;

“environmental licence”, in the application of this Part in relation to SEPA, means any of the following—

(a) ^{F22} ...

(aa) [^{F23}a permit granted by SEPA under regulations under section 2 of the Pollution Prevention and Control Act 1999 [^{F24}, other than regulations made for the purpose of implementing the EU ETS Directive]],

(ab) [^{F25}an authorisation under regulations under section 18 of the Regulatory Reform (Scotland) Act 2014,]

(b) registration of a person as a carrier of controlled waste under section 2 of the ^{M5}Control of Pollution (Amendment) Act 1989 [^{F26}or as a professional collector or transporter of waste under paragraph 12 of Schedule 4 to the Waste Management Licensing (Scotland) Regulations 2011],

(c) [^{F9}an authorisation under Part I of the 1990 Act,]

(d) a waste management licence under Part II of that Act,

(e) ^{F22} ...

(f) ^{F27} ...

(g) ^{F27} ...

(h) [^{F28}registration of a person as a broker of, or dealer in, controlled waste under the Waste Management Licensing (Scotland) Regulations 2011,]

(j) [^{F29}registration in respect of an activity falling within paragraph 7, 8(2), 9, 10, 12, 19, 42, 45(1) or (2), 46 [^{F30}, 47 or 51 of Schedule 1] to those Regulations, except where the waste which is the subject of the activity consists of agricultural waste within the meaning of those Regulations,]

(ja) [^{F31}registration in respect of an activity falling within paragraph 17, 18, 36 or 39 of Schedule 3 to those Regulations, where the waste which is the subject of the activity consists of or includes waste batteries [^{F32}(including accumulators) as defined in regulation 2 of those Regulations, and where those batteries have been collected in accordance with Article 8 of Directive [2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators,]

(k) ^{F20} ...

(l) ^{F33} ...

(m) ^{F33} ...

(n) ^{F33} ...

(o) ^{F33} ...

so far as having effect in relation to Scotland;

^{F34} ...

“flood defence functions”, in relation to [^{F6}an appropriate agency], has the same meaning as in the 1991 Act;

“harbour authority” has the meaning given by section 221(1) of the 1991 Act;

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“local authority”, in the application of this Part in relation to SEPA, means a district or islands council in Scotland;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“the Ministers” means the Secretary of State and the Minister;

“navigation authority” has the meaning given by section 221(1) of the 1991 Act;

“new Agency” means the Agency or SEPA;

“river purification authority” means a river purification authority within the meaning of the 1951 Act;

“river purification board” means a river purification board established by virtue of section 135 of the ^{M6}Local Government (Scotland) Act 1973;

“the transfer date” means such date as the Secretary of State may by order made by statutory instrument appoint as the transfer date for the purposes of this Part; and different dates may be appointed for the purposes of this Part—

- (i) as it applies for or in connection with transfers under or by virtue of Chapter I above, and
- (ii) as it applies for or in connection with transfers under or by virtue of Chapter II above;

“waste regulation authority”—

- (a) in the application of this Part in relation to the Agency, means any authority in England or Wales which, by virtue of section 30(1) of the 1990 Act, is a waste regulation authority for the purposes of Part II of that Act; and
- (b) in the application of this Part in relation to SEPA, means any council which, by virtue of section 30(1)(g) of the 1990 Act, is a waste regulation authority for the purposes of Part II of that Act.

(2) In relation to any time on or after 1st April 1996—

- (a) subsection (1) above shall have effect as if, in the definition of “local authority”, for the words “district or islands council in Scotland” there were substituted the words “council constituted under section 2 of the ^{M7}Local Government etc. (Scotland) Act 1994”; and
- (b) in section 22(3)(a)(iv) above the reference to an islands council shall be construed as a reference to a council mentioned in section 3(1) of the Local Government etc. (Scotland) Act 1994.

(3) Where by virtue of any provision of this Part any function of a Minister of the Crown is exercisable concurrently by different Ministers, that function shall also be exercisable jointly by any two or more of those Ministers.

Textual Amendments

- F1** Words in s. 56(1) omitted (S.) (1.4.2006) by virtue of [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), **sch. Pt. 4 para. 8(3)(a)**
- F2** Words in s. 56(1) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 375(2)** (with Sch. 7)
- F3** Words in s. 56(1) inserted (18.7.2013) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **30** (with art. 24)
- F4** Words in s. 56(1) repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **sch. 3 para. 29(4)**; S.S.I. 2014/160, art. 2(1)(2)

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- F5** Definition of “the environment” in s. 56(1) substituted (21.3.2000 (E.W.) and 29.9.2000 (S.)) by 1999 c. 24, s. 6(1), **Sch. 2 para. 17**; S.I. 2000/800, **art. 2**; S.S.I. 2000/322, **art. 2**
- F6** Words in s. 56(1) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), **art. 1(2)**, **Sch. 2 para. 375(3)** (with Sch. 7)
- F7** Words in s. 56(1) substituted (E.W.) (6.4.2016) by The Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 (S.I. 2016/475), **reg. 1(2)**, **Sch. 3 para. 3(2)** (with regs. 31-33)
- F8** Words in s. 56(1) substituted (31.12.2020) by The Environment (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/458), **regs. 1(1)**, **3(5)(a)(i)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F9** Words in s. 56(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)(g)**
- F10** Words in s. 56(1) repealed (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), **reg. 1(1)(b)**, **Sch. 21 para. 23(2)(a)**, **Sch. 23** (with **reg. 72**, **Sch. 4**)
- F11** Words in s. 56(1) repealed (E.W.) (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), **reg. 1(1)(b)**, **Sch. 26 para. 13(4)**, **Sch. 28** (with **reg. 1(2)**, **Sch. 4**)
- F12** Words in s. 56(1) substituted (E.W.) (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), **reg. 1(2)**, **Sch. 4 para. 4(3)** (with **regs. 2**, **47(2)**)
- F13** Words in s. 56(1) substituted (31.12.2020) by The Environment (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/458), **regs. 1(1)**, **3(5)(a)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F14** Word in s. 56(1) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), **reg. 1(2)**, **Sch. para. 36(2)(c)**
- F15** Words in s. 56(1) inserted (E.W.) (29.3.2019) by The Environment, Food and Rural Affairs (Miscellaneous Amendments etc.) Regulations 2019 (S.I. 2019/526), **regs. 1(2)**, **2**
- F16** Words in s. 56(1) substituted (1.10.2020) by The Waste (Circular Economy) (Amendment) Regulations 2020 (S.I. 2020/904), **regs. 1(1)**, **4**
- F17** Words in s. 56(1) substituted (6.4.2010) by The Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2009 (S.I. 2009/3381), **regs. 1(1)(b)**, **13(3)** (with **regs. 1(2)**, **16(3)**)
- F18** Words in s. 56(1) substituted (E.W.) (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), **reg. 1(1)**, **Sch. 29 Pt. 1 para. 13(3)** (with **regs. 1(3)**, **77-79**, **Sch. 4**)
- F19** Words in s. 56(1) substituted (24.1.2022 for specified purposes, 7.3.2022 for W. for specified purposes, 9.11.2022 for S. for specified purposes) by Environment Act 2021 (c. 30), **s. 64(3)(a)(i)** (with s. 144); S.I. 2022/48, **reg. 2(1)**; S.I. 2022/223, **regs. 1(2)**, **2(c)**; S.S.I. 2022/305, **reg. 2(b)**
- F20** Words in s. 56(1) omitted (3.12.2012) by virtue of The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), **regs. 1**, **7(a)(ii)**
- F21** Words in s. 56(1) omitted (24.1.2022 for specified purposes, 7.3.2022 for W. for specified purposes, 9.11.2022 for S. for specified purposes) by virtue of Environment Act 2021 (c. 30), **s. 64(3)(a)(ii)** (with s. 144); S.I. 2022/48, **reg. 2(1)**; S.I. 2022/223, **regs. 1(2)**, **2(c)**; S.S.I. 2022/305, **reg. 2(b)**
- F22** Words in s. 56(1) omitted (S.) (1.4.2006) by virtue of The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181), **sch. Pt. 4 para. 8(3)(b)**
- F23** S. 56(1): para. (aa) in the definition of “environmental licence” in relation to SEPA inserted (S.) (28.9.2000) by S.S.I. 2000/323, **regs. 1(1)**, **36**, **Sch. 10 para. 5(2)**
- F24** Words in s. 56(1) inserted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), **regs. 1**, **7(a)(i)**
- F25** Words in s. 56 inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 5(2)**; S.S.I. 2014/160, **art. 2(1)(2)**
- F26** Words in s. 56(1) inserted (S.) (27.3.2011) by The Waste (Scotland) Regulations 2011 (S.S.I. 2011/226), **regs. 1(1)**, **3(2)(a)**
- F27** Words in s. 56(1) repealed (S.) (1.9.2018) by The Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219), **reg. 1**, **sch. 7 para. 1** (with **reg. 78**, **sch. 5 para. 2**)
- F28** Words in s. 56(1) substituted (S.) (27.3.2011) by The Waste (Scotland) Regulations 2011 (S.S.I. 2011/226), **regs. 1(1)**, **3(2)(b)**
- F29** Words in s. 56(1) substituted (S.) (1.12.2006) by The Waste Management Licensing Amendment (Scotland) Regulations 2006 (S.S.I. 2006/541), **regs. 1(1)**, **10(2)** (with **regs. 11**, **12**)

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- F30** Words in s. 56(1) substituted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **3(2)(c)**
- F31** Words in s. 56(1) inserted (S.) (6.7.2009) by [The Waste Batteries \(Scotland\) Regulations 2009 \(S.S.I. 2009/247\)](#), regs. 1(1), **5** (with regs. 8-10)
- F32** Words in s. 56(1) substituted (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **3(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in s. 56(1) omitted (24.1.2022 for specified purposes, 7.3.2022 for W. for specified purposes, 9.11.2022 for S. for specified purposes) by virtue of [Environment Act 2021 \(c. 30\)](#), s. **64(3)(b)** (with s. 144); S.I. 2022/48, reg. 2(1); S.I. 2022/223, regs. 1(2), 2(c); S.S.I. 2022/305, reg. 2(b)
- F34** Words in s. 56(1) omitted (31.12.2020) by virtue of [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **3(5)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** 1990 c. 43.
M2 1991 c. 57.
M3 1974 c. 40.
M4 1989 c. 14.
M5 1989 c. 14.
M6 1973 c. 65.
M7 1994 c. 39.

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Changes and effects yet to be applied to :

- s. 56(1) words inserted by [S.I. 2005/1528 reg. 3\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Affecting Regulations revoked (30.6.2005) by S.I. 2005/1728, regs. 1(2)(a), 2)
- s. 56(1) words inserted by [S.I. 2005/883 reg. 2](#) (This amendment not applied to [legislation.gov.uk](#). Affecting Regulations revoked (30.6.2005) by S.I. 2005/1528, reg. 1(2)(b), 2)

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. 41(1)(s) inserted by [2021 c. 30 s. 57\(8\)](#)
- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)