

SCHEDULE 3

Regulation 3(1) and (3)

DATE FROM WHICH AUTHORISATION IS REQUIRED UNDER SECTION 6 OF THE ACT

PART I

1. This Part of this Schedule applies in the case of a Part A process carried on in England or Wales.
2. The prescribed date in the case of a Part A process is, except in the case of an existing process, 1st April 1991.
- 3.—(1) In the case of an existing process, the prescribed date is—
  - (i) in a case falling within paragraph (2), the date at which the change mentioned in that paragraph is made unless later than the date applicable in accordance with sub-paragraph (ii);
  - (ii) where sub-paragraph (i) does not apply and subject to paragraph 5, the day after that on which the period for applying for authorisation in accordance with the Table in paragraph 4 expires.
 (2) A case falls within this paragraph if the person carrying on the process makes a substantial change in the process on or after 1 April 1991 and that change—
  - (i) has not occasioned construction work which is in progress on that date; or
  - (ii) is not the subject of a contract for construction work entered into before that date.
4. Application for authorisation to carry on an existing process shall be made in the relevant period specified in the following Table—

TABLE

Any process falling within a description set out in—	Application to be made	
	Not earlier than	Not later than
Paragraph (a) of Section 1.3	1st April 1991	30th April 1991
Any other paragraph of Chapter 1	1st April 1992	30th June 1992
Section 2.1 or 2.3	1st January 1995	31st March 1995
Section 2.2	1st May 1995	31st July 1995
Chapter 3	1st December 1992	28th February 1993
Section 4. 1, 4.2, 4.7 or 4.8	1st May 1993	31st July 1993
Section 4.3, 4.4, 4.6 or 4.9	1st November 1993	31st January 1994
Section 4.5	1st May 1994	31st July 1994
Chapter 5	1st August 1992	31st October 1992
Chapter 6	1st November 1995	31st January 1996

5. Where paragraph 3(1)(ii) would otherwise apply and application is duly made in accordance with section 6 of the Act within the appropriate period specified in paragraph 4 for authorisation to carry on a process, the prescribed date as respects the carrying on by the applicant (or other person in his place) of the process to which the application relates is the date on which the application is first granted or refused.

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6. Subject to paragraph 7 below, references in this Part to an existing process are to a process—
- (i) which was being carried on at some time in the 12 months immediately preceding 1st April 1991; or
  - (ii) which is to be carried on at a works, plant or factory or by means of mobile plant which was under construction or in course of manufacture or in the course of commission at that date, or the construction or supply of which was the subject of a contract entered into before that date.

7. A process shall cease to be an existing process for the purposes of this Part if at any time between 1st April 1990 and the last day by which an application is otherwise required to be made for authorisation for the carrying on of that process, the process ceases to be carried on and is not carried on again at the same location (or with the same mobile plant) within the following 12 months.

8. In this Part and subsequent provisions of the Schedule, “substantial change” has the same meaning as in section 10 of the Act.

## PART II

9. This Part of this Schedule applies in the case of a Part B process carried on in England or Wales.

10. The prescribed date in the case of a Part B process is, except in the case of an existing process, the date specified in paragraph 12 below as the date from which application may be made for authorisation to carry on an existing process of the same description.

- 11.—(1) In the case of an existing process, the prescribed date is, subject to paragraph 13,—
- (i) in a case falling within paragraph (2), the date at which the change mentioned in that paragraph is made;
  - (ii) where sub-paragraph (i) does not apply, the day after that on which the period for applying for authorisation in accordance with the Table in paragraph 12 expires.

(2) A case falls within this paragraph if the person carrying on the process makes a substantial change in the process in the period specified in paragraph 12 in relation to the description of processes which comprise that process (when changed) and that change—

- (i) has not occasioned construction work which is in progress at the beginning of that period; or
- (ii) is not the subject of a contract for construction work entered into before the beginning of that period.

12. Application for authorisation for an existing process shall be made in the relevant period determined in accordance with the following Table—

TABLE

Any process falling within a description set out in—	Application to be made	
	Not earlier than	Not later than
Paragraph (a), (b), (c) or (e) of Section 1.3, Section 3.5, 3.6, 5.1 or 6.7 or paragraph (b) of Section 6.9	1st April 1991	30th September 1991
Section 2.1, 2.2, 3.1, 3.2 or 3.4	1st October 1991	31st March 1992

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Any process falling within a description set out in—	Application to be made	
	Not earlier than	Not later than
Paragraph (d) of Section 1.3, Section 6.2, 6.5, 6.6 or 6.8 or paragraph (a) of Section 6.9	1st April 1992	30th September 1992

**13.** Where application is duly made in accordance with section 6 of the Act for authorisation for the carrying on of an existing Part B process, the prescribed date as respects the carrying on by the applicant (or another person in his place) of the process to which the application relates is the date on which the application is first granted or refused.

**14.** References in this Part to an existing process are to a process—

- (i) which was being carried on at some time in the 12 months immediately preceding the earlier date mentioned in paragraph 12 in relation to the description of processes within which the process falls; or
- (ii) which is to be carried on at a works, plant or factory or by means of mobile plant which was under construction or in course of manufacture or in the course of commission at that earlier date, or the construction or supply of which was the subject of a contract entered into before that date.

### PART III

**15.** This Part of this Schedule applies in the case of a Part A process carried on in Scotland.

**16.** The prescribed date in the case of a Part A process is, except in the case of an existing process, 1st April 1992.

**17.—(1)** In the case of an existing process, the prescribed date is—

- (i) in a case falling within paragraph (2), the date at which the change mentioned in that paragraph is made unless later than the date applicable in accordance with sub-paragraph (ii);
- (ii) where sub-paragraph (i) does not apply and subject to paragraph 19, the day after that on which the period for applying for authorisation in accordance with the Table in paragraph 18 expires.

(2) A case falls within this paragraph if the person carrying on the process makes a substantial change in the process on or after 1 April 1992 and that change —

- (i) has not occasioned construction work which is in progress on that date; or
- (ii) is not the subject of a contract for construction work entered into before that date.

**18.** Application for authorisation to carry on an existing process shall be made in the relevant period specified in the following Table—

TABLE

Any process falling within a description set out in—	Application to be made	
	Not earlier than	Not later than
Chapter 1	1st April 1992	30th June 1992
Section 2.1 or 2.3	1st January 1995	31st March 1995
Section 2.2	1st May 1995	31st July 1995

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Any process falling within a description set out in—	Application to be made	
	Not earlier than	Not later than
Chapter 3	1st December 1992	28th February 1993
Section 4.1, 4.2, 4.7 or 4.8	1st May 1993	31st July 1993
Section 4.3, 4.4, 4.6 or 4.9	1st November 1993	31st January 1994
Section 4.5	1st May 1994	31st July 1994
Chapter 5	1st August 1992	31st October 1992
Chapter 6	1st November 1995	31st January 1996

**19.** Where paragraph 17(1)(ii) would otherwise apply and application is duly made in accordance with Section 6 of the Act within the period specified in paragraph 18 for authorisation to carry on a process, the prescribed date as respects the carrying on by the applicant (or another person in his place) of the process to which the application relates is the date on which the application is first granted or refused.

**20.** Subject to paragraph 21 below, references in this Part to an existing process are to a process—

- (i) which was being carried on at some time in the 12 months immediately preceding 1st April 1992; or
- (ii) which is to be carried on at a works, plant or factory or by means of mobile plant which was under construction or in course of manufacture or in the course of commission at that date, or, where construction or manufacture had not been begun before that date, the construction or supply of which was the subject of a contract entered into before that date.

**21.** A process shall cease to be an existing process for the purposes of this Part if at any time between 1st April 1992 and the last date by which an application is otherwise required to be made for authorisation for the carrying on of that process, the process ceases to be carried on and is not carried on again at the same location (or with the same mobile plant) within the following 12 months.

## PART IV

**22.** This Part of this Schedule applies in the case of a Part B process carried on in Scotland.

**23.** The prescribed date in the case of a Part B process is, except in the case of an existing process, the date specified in paragraph 25 below as the date from which application may be made for authorisation to carry on an existing process of the same description.

**24.—(1)** In the case of an existing process the prescribed date is, subject to paragraph 26,—

- (i) in a case falling within paragraph (2), the date at which the change mentioned in that paragraph is made;
- (ii) where sub-paragraph (i) does not apply, the day after that on which the period for applying for authorisation in accordance with the Table in paragraph 25 expires.

(2) A case falls within this paragraph if the person carrying on the process makes a substantial change in the process in the period specified in paragraph 25 in relation to the description of processes which comprise that process (when changed) and that change—

- (i) has not occasioned construction work which is in progress at the beginning of that period; or

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(ii) is not the subject of a contract for construction work entered into before the beginning of that period.

**25.** Application for authorisation for an existing process shall be made in the relevant period specified in the following Table—

TABLE

Any process falling within a description set out in—	Application to be made	
	Not earlier than	Not later than
Paragraph (a), (b), (d) or (e) of Section 1.3, Section 3.2, 3.5, 3.6, 5.1 or 6.7 or paragraph (b) of Section 6.9	1st April 1992	31st July 1992
Paragraph (c) of Section 1.3	1st April 1992	30th September 1992
Section 2.1, 2.2, 3.1 or 3.4	1st August 1992	30th November 1992
Section 6.2, 6.5, 6.6 or 6.8 or paragraph (a) of Section 6.9	1st December 1992	31st March 1993

**26.** Where application is duly made in accordance with section 6 of the Act for authorisation for the carrying on of an existing Part B process, the prescribed date as respects the carrying on by the applicant (or another person in his place) of the process to which the application relates is the date on which the application is first granted or refused.

**27.** References in this Part to an existing process are to a process—

- (i) which was being carried on at some time in the 12 months immediately preceding the earlier date mentioned in paragraph 25 in relation to the description of processes within which the process falls; or
- (ii) which is to be carried on at a works, plant or factory or by means of mobile plant which was under construction or in course of manufacture or in the course of commission at that earlier date, or the construction or supply of which was the subject of a contract entered into before that date.