
STATUTORY INSTRUMENTS

1991 No. 507

**The Environmental Protection (Applications,
Appeals and Registers) Regulations 1991**

National security and confidential information

- 7.—(1) This regulation applies where in relation to an application or an authorisation—
- (a) a direction given by the Secretary of State under section 21(2) of the 1990 Act applies;
 - (b) notice is given to the Secretary of State under section 21(4) of that Act;
 - (c) an application is made to an enforcing authority under section 22(2) of that Act; or
 - (d) an objection is made to such an authority under section 22(4) of that Act.
- (2) Subject to paragraph (3) below, the requirements of paragraph 2(1), 6(2) or 7(2) of Schedule 1 to the 1990 Act shall not apply in so far as they would require a person mentioned in regulation 4(1)(f), (g), or (h) above to be consulted on information which is not to be included in the register by virtue of section 21 or 22 of that Act.
- (3) Information which is not to be included in the register by virtue of section 22 of the 1990 Act shall not be excluded by paragraph (2) above if—
- (a) in the case of any person mentioned in regulation 4(1)(f) above, it is information about the release of any substance into a sewer vested in that person;
 - (b) in the case of any person mentioned in regulation 4(1)(g) above, it is information about the release of any substance—
 - (i) designated for central control;
 - (ii) designated for local control which may involve a release of any substance into the air, which may affect a site of special scientific interest in that person's area; or
 - (c) in the case of any person mentioned in regulation 4(1)(h) above, it is information about the release of any substance into a harbour managed by a harbour authority.
- (4) The requirements of paragraph 1(2), 6(2) or 7(2) of Schedule 1 to the 1990 Act shall not apply in so far as they would require the advertisement of information mentioned in regulation 5(3) above which is not to be included in the register by virtue of section 21 or 22 of that Act.
- (5) Where a matter falls to be determined under section 21 or 22 of the 1990 Act—
- (a) the period for notification under paragraph 2(1), 6(2) or 7(2) of Schedule 1 to that Act shall be the period of 14 days beginning 14 days after the day on which the matters to be determined under section 21 or 22 of that Act are finally disposed of;
 - (b) the period within which an advertisement is to be published in the manner specified in regulation 5(1) above shall be the period of 28 days beginning 14 days after the day on which the matters to be determined under section 21 or 22 of the 1990 Act are finally disposed of.
- (6) For the purposes of paragraph (5) above, the matters to be determined under section 21 or 22 of the 1990 Act are finally disposed of—

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- (a) on the date on which the Secretary of State determines under section 21 of that Act whether or not information is to be included in the register;
- (b) on the date on which the enforcing authority is treated under section 22(3) of that Act as having made a determination;
- (c) in a case where the enforcing authority determines under section 22(2) or (4) of that Act that the information in question is commercially confidential, on the date of the authority's determination;
- (d) in a case where the enforcing authority determines under section 22(2) or (4) of that Act that the information in question is not commercially confidential, on the date on which the period for bringing an appeal expires without an appeal being brought or, if such an appeal is brought within that period, on the date of the Secretary of State's final determination of the appeal or, as the case may be, the date on which the appellant withdraws his appeal.