
STATUTORY INSTRUMENTS

1996 No. 3056 (C.94)

ENVIRONMENTAL PROTECTION

The Environmental Protection Act 1990
(Commencement No. 18) Order 1996

Made - - - - 28th November 1996

The Secretary of State, in exercise of his powers under section 164(3) of the Environmental Protection Act 1990⁽¹⁾, hereby makes the following Order:

Citation

1. This Order may be cited as the Environmental Protection Act 1990 (Commencement No. 18) Order 1996.

Provisions coming into force on 16th December 1996

2. Section 162(2) of the Environmental Protection Act 1990 shall come into force on 16th December 1996 in so far as it relates to the following repeals in Part I of Schedule 16 to that Act and the repeals extend to England and Wales:

- the repeal of the whole of the Alkali, &c. Works Regulation Act 1906⁽²⁾ so far as unrepealed;
- the repeal of section 1(1)(d) and the word “and” preceding it and section 5 of the Health and Safety at Work etc. Act 1974⁽³⁾;
- the repeal, in section 79(10) of the Environmental Protection Act 1990, of the words following “Part I”.

(1) 1990 c. 43.
(2) 1906 c. 14.
(3) 1974 c. 37.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State

28th November 1996

Ferrers
Minister of State,
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 16th December 1996 the repeal of the Alkali, &c. Works Regulation Act 1906, in so far as that Act has not already been repealed, and the repeal of sections 1(1)(d) and 5 of the Health and Safety at Work etc. Act 1974. The repealed provisions concern the control of releases of noxious and offensive emissions into the air from certain premises. In so far as these releases arise from processes which are prescribed under Part I of the Environmental Protection Act 1990 they are regulated by the pollution control provisions contained in that Part of that Act. The reference to these repealed provisions in section 79(10) of the Environmental Protection Act 1990 (statutory nuisances) is also repealed on the same date. These repeals are only brought into force in so far as they extend to England and Wales.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is nor part of the Order)

The following provisions of the Environmental Protection Act 1990 have been brought into force by commencement orders made before the date of this Order (N.B. for convenience the provisions brought into force by section 164(2) of the Act are also shown):

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No</i> |
|---|-----------------------------|----------------------------|
| ss. 1 & 2 | 1.1.1991 | 90/2635 |
| s. 3 | 19.12.1990 | 90/2635 |
| ss. 4 to 28 | 1.1.1991 | 90/2635 |
| ss. 29 to 32 | 31.5.1991 | 91/1319 |
| s. 33(1)(a) & (b) (partially) | 1.5.1994 | 94/1096 |
| s. 33(1)(a) & (b) (partially) | 1.4.1995 | 94/1096, 94/2487 & 94/3234 |
| s. 33(1)(a) & (b) (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |
| s. 33(1)(c) | 1.4.1992 | 91/2829 |
| s. 33(2) (partially) | 1.4.1992 | 91/2829 |
| s. 33(2) (partially) | 1.5.1994 | 94/1096 |
| s. 33(2) (partially) | 1.4.1995 | 94/1096, 94/2487 & 94/3234 |
| s. 33(2) (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |
| s. 33(3) & (4) | 13.12.1991 | 91/2829 |
| s. 33(6) to (9) (partially) | 1.4.1992 | 91/2829 |
| s. 33(6) to (9) (partially) | 1.4.1992 | 91/2829 |
| s. 33(6) to (9) (partially) | 1.5.1994 | 94/1096 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No</i> |
|---|-----------------------------|----------------------------|
| s. 33(6) to (9) (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |
| s. 34(1) to (4) | 1.4.1992 | 91/2829 |
| s. 34(5) | 13.12.1991 | 91/2829 |
| s. 34(6) | 1.4.1992 | 91/2829 |
| s. 34(7) to (9) | 13.12.1991 | 91/2829 |
| s. 34(10) | 1.4.1992 | 91/2829 |
| s. 34(11) | 13.12.1991 | 91/2829 |
| s. 35(1) to (5) (partially) | 94/1096 | 1.5.1994 |
| s. 35(1) to (5) (partially) | 1.4.1995 | 94/1096,94/2487 & 94/3234 |
| s. 35(1) to (5) (insofar as not already) | Various | 94/1096,94/2487 & 94/3234 |
| s. 35(6) | 18.2.1993 | 93/274 |
| s. 35(7) to (12) (partially) | 1.5.1994 | 94/1096 |
| s. 35(7) to (12) (partially) | 1.4.1995 | 94/1096, 94/2487 & 94/3234 |
| s. 35(7) to (12) (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |
| s. 36(1) | 18.2.1993 | 93/274 |
| ss. 36(2) to (10) & 37(1) & (2) (partially) | 1.5.1994 | 94/1096 |
| ss. 36(2) to (10) & 37(1) & (2) (partially) | 1.4.1995 | 94/1096, 94/2487 & 94/3234 |
| ss. 36(2) to (10) & 37(1) & (2) (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |
| s. 37(3) (partially) | 18.2.1993 | 93/274 |
| ss. 37(3) to (6) & 38(1) to (6) (partially) | 1.5.1994 | 94/1096 |
| ss. 37(3) to (6) & 38(1) to (6) (partially) | 1.4.1995 | 94/1096,94/2487 & 94/3234 |
| ss. 37(3) to (6) & 38(1) to (6) (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |
| s. 38(7) (partially) | 18.2.1993 | 93/274 |
| ss. 38(7) to (12) & 39(1) & (2) (partially) | 1.5.1994 | 94/1096 |
| ss. 38(7) to (12) & 39(1) & (2) (partially) | 1.4.1995 | 94/1096, 94/2487 & 94/3234 |
| ss. 38(7) to (12) & 39(1) & (2) (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No</i> |
|---|-----------------------------|----------------------------|
| s. 39(3) | 18.2.1993 | 93/274 |
| ss. 39(4) to (11) & 40(1) & (2) (partially) | 1.5.1994 | 94/1096 |
| ss. 39(4) to (11) & 40(1) & (2) (partially) | 1.4.1995 | 94/1096, 94/2487 & 94/3234 |
| ss. 39(4) to (11) & 40(1) & (2) (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |
| s. 40(3) | 18.2.1993 | 93/274 |
| s. 40(4) to (6) (partially) | 1.5.1994 | 94/1096 |
| s. 40(4) to (6) (partially) | 1.4.1995 | 94/1096, 94/2487 & 94/3234 |
| s. 40(4) to (6) (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |
| s. 41(1) | 16.3.1994 | 94/780 |
| s. 41(2) | 18.2.1993 | 93/274 |
| s. 41(3) | 16.3.1994 | 94/780 |
| s. 41(4) & (5) | 18.2.1993 | 93/274 |
| s. 41(6) to (8) | 16.3.1994 | 94/780 |
| s. 42(1) to (7) (partially) | 1.5.1994 | 94/1096 |
| s. 42(1) to (7) (partially) | 1.1.1995 | 94/1096, 94/2487 & 94/3234 |
| s. 42(1) to (7) (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |
| s. 42(8) (partially) | 18.2.1993 | 93/274 |
| ss. 42(8) & 43(1) to (7) (partially) | 1.5.1994 | 94/1096 |
| ss. 42(8) & 43(1) to (7) (partially) | 1.4.1995 | 94/1096, 94/2487 & 94/3234 |
| ss. 42(8) & 43(1) to (7) (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |
| s. 43(8) | 18.2.1993 | 93/274 |
| s. 44 (partially) | 1.5.1994 | 94/1096 |
| s. 44 (partially) | 1.4.1995 | 94/1096, 94/2487 & 94/3234 |
| s. 44 (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |
| s. 45(1) | 1.4.1992 | 92/266 |
| s. 45(2) (Scotland) | 1.4.1992 | 92/266 |
| s. 45(3) (partially) | 14.2.1992 | 92/266 |
| s. 45(3) to (12) (insofar as not already in force) | 1.4.1992 | 92.266 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No</i> |
|--|-----------------------------|----------------------------|
| ss. 46,47 & 48(1) to (6) | 1.4.1992 | 92/266 |
| s. 48(8) & (9) | 1.4.1992 | 92/266 |
| s. 49 | 1.8.1991 | 91/1577 |
| ss. 50 & 51 | 31.5.1991 | 91/1319 |
| s. 52(1) | 1.4.1992 | 92/266 |
| s. 52(3) to (7) | 1.4.1992 | 92/266 |
| s. 52(8) (partially) | 13.12.1991 | 91/2829 |
| ss. 52(9) to (11) & 53 | 1.4.1992 | 92/266 |
| s. 54(1) to (13) | 1.5.1994 | 94/1096 |
| s. 54(14) | 18.2.1993 | 93/274 |
| s. 54(15) to (17) | 1.5.1994 | 94/1096 |
| ss. 55 & 56 | 1.4.1992 | 92/266 |
| s. 57 (partially) | 1.5.1994 | 94/1096 |
| s. 57 (partially) | 1.4.1995 | 94/1096, 94/2487 & 94/3234 |
| s. 57 (insofar as not already in force) | Various | 94/1096, 94/2487 & 94/3234 |
| ss. 58 & 59 | 1.5.1994 | 94/1096 |
| s. 60 (partially) | 31.5.1991 | 91/1319 |
| s. 60 (insofar as not already in force) | 1.5.1994 | 94/1096 |
| s. 62 | 11.8.1995 | 95/2152 |
| s. 63(1) | 18.2.1993 | 93/274 |
| s. 64(1) | 18.2.1993 | 93/274 |
| s. 64(2) & (3) | 1.5.1994 | 94/1096 |
| s. 64(4) | 18.2.1993 | 93/274 |
| s. 64(5) to (7) | 1.5.1994 | 94/1096 |
| s. 64(8) | 18.2.1993 | 93/274 |
| s. 65(1) | 1.5.1994 | 94/1096 |
| s. 65(2) (partially) | 18.2.1993 | 93/274 |
| s. 65(2) (insofar as not already in force) | 1.5.1994 | 94/1096 |
| ss. 65(3) & (4) & 66(1) to (6) | 1.5.1994 | 94/1096 |
| s. 66(7) (partially) | 18.2.1993 | 93/274 |
| s. 66(7) (insofar as not already in force) | 1.5.1994 | 94/1096 |
| ss. 66(8) to (11) & 67 | 1.5.1994 | 94/1096 |

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|---|-----------------------------|----------------|
| s. 68 | 31.5.1991 | 91/1319 |
| ss. 69 & 70 | 1.4.1992 | 91/2829 |
| ss. 71 & 72 | 31.5.1991 | 91/1319 |
| s. 73(1) to (5) | 1.4.1992 | 92/266 |
| ss. 73(6) to (9) & 74(1) to (5) | 1.5.1994 | 94/1096 |
| s. 74(6) | 18.2.1993 | 93/274 |
| s. 74(7) | 1.5.1994 | 94/1096 |
| s. 75 | 31.5.1991 | 91/1319 |
| s. 77 | 31.5.1991 | 91/1319 |
| s. 78 | 13.12.1991 | 91/2829 |
| ss. 79 to 85 | 1.1.1991 | s. 164(2) |
| s. 86(1) (England & Wales) | 13.2.1991 | 91/96 |
| s. 86(1) (Scotland) | 1.4.1991 | 91/1042 |
| s. 86(2) | 14.1.1991 | 91/96 |
| s. 86(3) | 1.4.1991 | 91/1042 |
| s. 86(4) & (5) (England & Wales) | 13.2.1991 | 91/96 |
| s. 86(4) & (5) (Scotland) | 1.4.1991 | 91/1042 |
| s. 86(6) to (8) | 14.1.1991 | 91/96 |
| s. 86(9) (England & Wales) | 13.2.1991 | 91/96 |
| s. 86(10) | 1.4.1991 | 91/1042 |
| s. 86(11) | 14.1.1991 | 91/96 |
| s. 86(12) | 1.6.1991 | 91/1042 |
| s. 86(13) (England & Wales) | 13.2.1991 | 91/96 |
| s. 86(13) (Scotland) | 1.4.1991 | 91/1042 |
| s. 86(14) & (15) | 14.1.1991 | 91/96 |
| s. 87(1), (2) & (3)(a) to (e) (England & Wales) | 13.2.1991 | 91/96 |
| s. 87(1), (2) & (3)(a) to (e) (Scotland) | 1.4.1991 | 91/1042 |
| s. 87(3)(f) | 1.6.1991 | 91/1042 |
| s. 87(4) to (6) (England & Wales) | 13.2.1991 | 91/96 |
| s. 87(4) to (6) (Scotland) | 1.4.1991 | 91/1042 |
| s. 87(7) | 1.4.1991 | 91/1042 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No</i> |
|---|-----------------------------|----------------|
| s. 88(1) to (4) (England & Wales) | 13.2.1991 | 91/96 |
| s. 88(1) to (4) (Scotland) | 1.4.1991 | 91/1042 |
| s. 88(5) | 14.1.1991 | 91/96 |
| s. 88(6) (England & Wales) | 13.2.1991 | 91/96 |
| s. 88(6) (Scotland) | 1.4.1991 | 91/1042 |
| s. 88(7) | 14.1.1991 | 91/96 |
| s. 88(8) & (9)(a) (England & Wales) | 13.2.1991 | 91/96 |
| s. 88(8) & (9)(a) (Scotland) | 1.4.1991 | 91/1042 |
| s. 88(9)(b) | 14.1.1991 | 91/96 |
| s. 88(9)(c) & (d) (Scotland) | 1.4.1991 | 91/1042 |
| s. 88(9)(c) to (e) & (10) (England & Wales) | 13.2.1991 | 91/96 |
| s. 88(10) (Scotland) | 1.4.1991 | 91/1042 |
| s. 89(1)(a) to (f) | 1.4.1991 | 91/1042 |
| s. 89(1)(g) | 1.6.1991 | 91/1042 |
| s. 89(2) & (3) | 1.4.1991 | 91/1042 |
| s. 89(4) | 14.1.1991 | 91/96 |
| s. 89(5) & (6) | 1.4.1991 | 91/1042 |
| s. 89(7) to (9) | 13.11.1990 | 90/2243 |
| s. 89(10) | 1.4.1991 | 91/1042 |
| s. 89(11) to (13) | 13.11.1990 | 90/2243 |
| s. 89(14) | 1.4.1991 | 91/1042 |
| s. 90(1) & (2) | 14.1.1991 | 91/96 |
| s. 90(3) to (6) | 1.6.1991 | 91/1042 |
| s. 90(7) | 14.1.1991 | 91/96 |
| s. 91(1)(a) to (f) | 1.4.1991 | 91/1042 |
| 91(1)(g) | 1.6.1991 | 91/1042 |
| s. 91(2) to (13) | 1.4.1991 | 91/1042 |
| s. 92(1)(a) to (c) | 1.4.1991 | 91/1042 |
| s. 92(1)(d) | 1.6.1991 | 91/1042 |
| ss. 92(2) to (10) & 93 | 1.4.1991 | 91/1042 |
| s. 94(1) & (2) | 14.1.1991 | 91/96 |
| ss. 94(3) to (9), 95 & 96(1) | 1.4.1991 | 91/1042 |

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|--|-----------------------------|-------------------|
| s. 96(2) & (3) | 14.1.1991 | 91/96 |
| s. 97 | 1.1.1991 | s. 164(2) |
| s. 98(1) (Scotland) | 1.4.1991 | 91/1042 |
| s. 98(1) & (2) (England & Wales) | 13.2.1991 | 91/96 |
| s. 98(3) & (4) | 1.4.1991 | 91/1042 |
| s. 98(5) & (6) (England & Wales) | 13.2.1991 | 91/96 |
| s. 98(5) & (6) (Scotland) | 1.4.1991 | 91/1042 |
| s. 99 | 1.1.1991 | s. 164(2) |
| ss. 100 to 104 | 1.1.1991 | 90/2565 & 90/2635 |
| s. 105 (partially) | 7.12.1990 | 90/2565 |
| s. 105 (partially) | 1.1.1991 | s. 164(2) |
| s. 105 (insofar as not already in force) | 1.1.1991 | 90/2565 & 90/2635 |
| s. 106(1) to (3) | 1.2.1993 | 92/3253 |
| s. 106(4) & (5) | 1.4.1991 | 91/1042 |
| ss. 106(6) & (7) & 107(1) to (7) | 1.2.1993 | 92/3253 |
| s. 107(8) | 1.4.1991 | 91/1042 |
| s. 107(9) to (11) | 1.2.1993 | 92/3253 |
| s. 108(1)(a) (partially) | 1.2.1993 | 92/3253 |
| s. 108(1)(b) | 1.4.1991 | 91/1042 |
| s. 108(3)(b) | 1.4.1991 | 91/1042 |
| s. 108(5) | 1.4.1991 | 91/1042 |
| s. 108(7) | 1.4.1991 | 91/1042 |
| s. 108(9) | 1.4.1991 | 91/1042 |
| s. 108(10) | 1.1.1993 | 92/3253 |
| s. 110 (partially) | 1.2.1993 | 92/3253 |
| s. 111(1) & (2) | 1.4.1991 | 91/1042 |
| s. 111(4) & (5) | 1.4.1991 | 91/1042 |
| s. 111(6) & (6A) | 1.2.1993 | 92/3253 |
| s. 111(7) | 1.4.1991 | 91/1042 |
| s. 111(8) to (10) | 1.2.1993 | 92/3253 |
| s. 111(11) | 1.4.1991 | 91/1042 |
| s. 112(1) & (2) | 1.2.1993 | 92/3253 |

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|---|-----------------------------|----------------|
| s. 112(5) to (7) | 1.2.1993 | 92/3253 |
| ss. 113, 114(1) to (3) | 1.4.1991 | 91/1042 |
| ss. 114(4) & (5) & 115(1) to (3) | 1.2.1993 | 92/3253 |
| s. 115(4) | 1.4.1991 | 91/1042 |
| s. 115(5) to (10) | 1.2.1993 | 92/3253 |
| s. 116 (partially) | 1.2.1993 | 92/3253 |
| s. 117 | 1.2.1993 | 92/3253 |
| s. 118(1)(a) | 1.2.1993 | 92/3253 |
| s. 118(1)(c) | 1.2.1993 | 92/3253 |
| s. 118(1)(e) to (1) | 1.2.1993 | 92/3253 |
| s. 118(1)(m)(partially) | 1.2.1993 | 92/3253 |
| s. 118(1)(n) & (0) & (2) to (10) | 1.2.1993 | 92/3253 |
| ss. 119 to 121 | 1.2.1993 | 92/3253 |
| s. 122(1) (partially) | 1.4.1991 | 91/1042 |
| s. 122(1)(c) to (h) (insofar as not already in force) | 1.2.1993 | 92/3253 |
| s. 122(2) & (3) | 1.2.1993 | 92/3253 |
| s. 122(4) | 1.4.1991 | 91/1042 |
| s. 123(1) to (6) | 1.2.1993 | 92/3253 |
| s. 123(7) | 1.4.1991 | 91/1042 |
| s. 123(8) | 1.2.1993 | 92/3253 |
| ss. 123(g), 124 to 126 | 1.4.1991 | 91/1042 |
| s. 127 | 1.2.1993 | 93/3253 |
| s. 128 (partially) | 5.11.1990 | 90/2226 |
| s. 128 (insofar as not already in force) | 1.4.1991 | 91/685 |
| s. 129 | 5.11.1990 | 90/2226 |
| s. 130 (partially) | 5.11.1990 | 90/2226 |
| s. 130 (insofar as not already in force) | 1.4.1991 | 91/685 |
| s. 131 | 5.11.1990 | 90/2226 |
| s. 132 (partially) | 5.11.1990 | 90/2226 |
| s. 132 (insofar as not already in force) | 1.4.1991 | 91/685 |
| ss. 133 to 139 | 5.11.1990 | 90/2226 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No</i> |
|--|-----------------------------|----------------------------|
| ss. 140 to 142 | 1.1.1991 | s. 164(2) |
| s. 143(1) (England & Wales) | 14.2.1992 | 92/266 |
| s. 143(5) & (6) (England & Wales) | 14.2.1992 | 92/266 |
| s. 144 (partially) | 1.1.1992 | 91/2829 |
| s. 144 (partially) | 18.2.1993 | 93/274 |
| s. 144 (insofar as not already in force) | 1.5.1993 | 93/274 |
| ss. 145 & 146 | 1.1.1991 | s. 164(2) |
| s. 147 | 31.5.1991 | 91/1319 |
| s. 148 | 1.1.1991 | s. 164(2) |
| ss. 149 to 151 (partially) | 14.2.1992 | 92/266 |
| ss. 149 to 151 (insofar as not already in force) | 1.4.1992 | 92/266 |
| s. 152 | 10.7.1991 | 91/1577 |
| ss. 153 to 155 | 1.1.1991 | s. 164(2) |
| s. 156 | 1.4.1991 | 91/1042 |
| s. 157 | 1.1.1991 | s. 164(2) |
| s. 158 | 1.4.1991 | 91/1042 |
| s. 159 | 1.1.1991 | 90/2635 |
| ss. 160 & 161 | 1.1.1991 | s. 164(2) |
| s. 162(1) (partially) | 14.1.1991 | 91/96 |
| s. 162(1) (partially) | 1.4.1991 | 91/1042 |
| s. 162(1) (partially) | 31.5.1991 | 91/1319 |
| s. 162(1) (partially) | 1.4.1992 | 91/2829 |
| s. 162(1) (partially) | 1.4.1992 | 92/266 |
| s. 162(1) (partially) | 18.2.1993 | 93/274 |
| s. 162(1) (partially) | 1.5.1994 | 94/1096 |
| s. 162(1) (partially) | 1.10.1994 | 94/1096 |
| s. 162(1) (partially) | Various | 94/1096, 94/2487 & 94/3234 |
| s. 162(2) (partially) | 1.1.1991 | 90/2565 & 90/2635 |
| s. 162(2) (partially) | 1.4.1991 | 91/685 |
| s. 162(2) (partially) | 1.4.1991 | 91/1042 |
| s. 162(2) (partially) | 31.5.1991 | 91/1319 |
| s. 162(2) (partially) | 1.1.1992 | 91/2829 |

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|-----------------------|-----------------------------|-------------------------------------|
| s. 162(2) (partially) | 1.4.1992 | 91/2829 |
| s. 162(2) (partially) | 1.4.1992 | 92/266 |
| s. 162(2) (partially) | 18.2.1993 | 93/274 |
| s. 162(2) (partially) | 1.5.1993 | 93/274 |
| s. 162(2) (partially) | 1.5.1994 | 94/1096 |
| s. 162(2) (partially) | 1.4.1995 | 94/1096, 94/2487 & 94/3232 |
| s. 162(2) (partially) | Various | 94/1096, 94/2487, 94/2854 & 94/3234 |
| s. 162(3) | 1.4.1992 | 92/266 |
| ss. 162(5) & 163 | 1.1.1991 | s. 164(2) |
| s. 164 | 1.11.1990 | |