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STATUTORY INSTRUMENTS

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**1996 No. 593**

**ENVIRONMENTAL PROTECTION**

**The Environment Act 1995 (Consequential  
Amendments) Regulations 1996**

<i>Made</i>	- - - -	<i>5th March 1996</i>
<i>Laid before Parliament</i>		<i>8th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State, being satisfied that it is expedient by reason of the coming into force of provisions of the Environment Act 1995(1) to make additional consequential amendments of the public general enactments and subordinate legislation specified in these Regulations, in exercise of his powers under section 120(1) and (5) of that Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Environment Act 1995 (Consequential Amendments) Regulations 1996 and shall come into force on 1st April 1996.

**Amendment of references to the National Rivers Authority in other enactments**

2. In each of the enactments specified in Schedule 1 to these Regulations, any reference (however framed) to the National Rivers Authority, and any reference which falls to be construed as such a reference, shall be construed on and after 1st April 1996 as a reference to the Environment Agency.

**The Environment Act 1995: consequential amendments to other enactments**

3. The legislation mentioned in Schedule 2 to these Regulations shall have effect with the amendments there specified (being amendments consequential on the coming into force of provisions of the Environment Act 1995).

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**Status:** This is the original version (as it was originally made).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

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Signed by authority of the Secretary of State

5th March 1996

*Ferrers*  
Minister of State,  
Department of the Environment

## SCHEDULE 1

Regulation 2

Enactment	Number
1. The Public Health Act 1936(2).	1936 c. 49.
2. The Requisitioned Land and War Works Act 1945(3).	1945 c. 43.
3. The Coast Protection Act 1949(2).	1949 c. 74.
4. The National Parks and Access to the Countryside Act 1949(2).	1949 c. 97.
5. The Local Government (Miscellaneous Provisions) Act 1953(3).	1953 c. 26.
6. The Manoeuvres Act 1958(3).	1958 c. 7.
7. The Public Health Act 1961(2).	1961 c. 64.
8. The Pipe-lines Act 1962(2).	1962 c. 58.
9. The Harbours Act 1964(2).	1964 c. 40.
10. The Gas Act 1965(2).	1965 c. 36.
11. The Mines (Working Facilities and Support) Act 1966(4).	1966 c. 4.
12. The Agriculture Act 1967(3).	1967 c. 22.
13. The Leasehold Reform Act 1967(3).	1967 c. 88.
14. The Countryside Act 1968(3).	1968 c. 41.
15. The Transport Act 1968(2).	1968 c. 73.
16. The Post Office Act 1969(3).	1969 c. 48.

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- (2) Relevant amendments were made by Schedule 25 to the Water Act 1989 (c. 15) and by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).
- (3) Relevant amendments were made by Schedule 25 to the Water Act 1989.
- (2) Relevant amendments were made by Schedule 25 to the Water Act 1989 (c. 15) and by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).
- (2) Relevant amendments were made by Schedule 25 to the Water Act 1989 (c. 15) and by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).
- (3) Relevant amendments were made by Schedule 25 to the Water Act 1989.
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- (4) Section 7A of the Mines (Working Facilities and Support) Act 1966 was added by section 67 and paragraph 10(4) of Schedule 9 to the Coal Industry Act 1994 (c. 21).
- (3) Relevant amendments were made by Schedule 25 to the Water Act 1989.
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- (2) Relevant amendments were made by Schedule 25 to the Water Act 1989 (c. 15) and by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).
- (3) Relevant amendments were made by Schedule 25 to the Water Act 1989.

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Enactment	Number
17. The Reservoirs Act 1975(3).	1975 c. 23.
18. The Land Drainage Act 1976(5).	1976 c. 70.
19. The Employment Protection (Consolidation) Act 1978(3).	1978 c. 44.
20. The Competition Act 1980(2).	1980 c. 21.
21. The Local Government, Planning and Land Act 1980(2).	1980 c. 65.
22. The Highways Act 1980(2).	1980 c. 66.
23. The Wildlife and Countryside Act 1981(3).	1981 c. 69.
24. The Civil Aviation Act 1982(3).	1982 c. 16.
25. The Telecommunications Act 1984(2).	1984 c. 12.
26. The Road Traffic Regulation Act 1984(3).	1984 c. 27.
27. The Housing Act 1985(3).	1985 c. 68.
28. The Local Government Finance Act 1988(2).	1988 c. 41.
29. The Road Traffic (Driver Licensing and Information Systems) Act 1989.	1989 c. 22.
30. The Town and Country Planning Act 1990(6).	1990 c. 8.
31. The Planning (Listed Buildings and Conservation Areas) Act 1990.	1990 c. 9.
32. The Planning (Hazardous Substances) Act 1990.	1990 c. 10.
33. The Coal Mining Subsidence Act 1991(6).	1991 c. 45.

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- (3) Relevant amendments were made by Schedule 25 to the Water Act 1989.
- (5) Relevant amendments were made by Schedule 15 to the Water Act 1989 and relevant repeals and savings by sections 2 and 3 of, and Schedules 2 and 3 to, the Water Consolidation (Consequential Provisions) Act 1991.
- (3) Relevant amendments were made by Schedule 25 to the Water Act 1989.
- (2) Relevant amendments were made by Schedule 25 to the Water Act 1989 (c. 15) and by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).
- (2) Relevant amendments were made by Schedule 25 to the Water Act 1989 (c. 15) and by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).
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- (3) Relevant amendments were made by Schedule 25 to the Water Act 1989.
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- (2) Relevant amendments were made by Schedule 25 to the Water Act 1989 (c. 15) and by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).
- (3) Relevant amendments were made by Schedule 25 to the Water Act 1989.
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- (2) Relevant amendments were made by Schedule 25 to the Water Act 1989 (c. 15) and by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).
- (6) Relevant amendments were made by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991.
- (6) Relevant amendments were made by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991.

Enactment	Number
34. The Cardiff Bay Barrage Act 1993.	1993 c. 42.
35. The Coal Industry Act 1994.	1994 c. 21.

## SCHEDULE 2

Regulation 3

### **The Public Bodies (Admission to Meetings) Act 1960**

1. In paragraph 1(j) of the Schedule to the Public Bodies (Admission to Meetings) Act 1960(7) (which includes as bodies to which that Act applies advisory committees established and maintained under section 7 or 8 of the Water Resources Act 1991(8)), for the words “section 7 or 8 of the Water Resources Act 1991” there shall be substituted the words “section 12 or 13 of the Environment Act 1995”.

### **The Control of Pollution Act 1974**

2. In section 6(4)(b) of the Control of Pollution Act 1974(9) (registers) the words “at its principal office” shall be omitted.

### **The Water Act 1989**

3.—(1) Section 174 of the Water Act 1989(10) (general restrictions on disclosure of information) shall be amended as follows.

(2) In subsection (2)(a) (exceptions from prohibition on disclosure)—

(a) for the words “the Authority” there shall be substituted the words “the Environment Agency, the Scottish Environment Protection Agency”; and

(b) after the words “any of the water consolidation Acts” there shall be added the words “or the Environment Act 1995”.

(3) In subsection (2)(j) after the words “any of the water consolidation Acts” there shall be inserted the words “, the Environment Act 1995”.

(4) In subsection (4)—

(a) for the words “the Authority” there shall be substituted the words “the Environment Agency, the Scottish Environment Protection Agency”; and

(b) after the words “the water consolidation Acts” there shall be added the words “or the Environment Act 1995”.

4.—(1) Paragraph 1 of Schedule 25 to the Water Act 1989 (adaptation of enactments relating to statutory undertakers etc.) shall be amended as follows.

(2) In sub-paragraphs (1)(a), (3), (4) and (9)(a) for the words “the Authority” wherever appearing there shall be substituted the words “the Environment Agency”.

(7) 1960 c. 67; paragraph 1 of the Schedule to the Public Bodies (Admission to Meetings) Act 1960 was amended by paragraph 10(a) of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).

(8) 1991 c. 57.

(9) 1974 c. 40.

(10) 1989 c. 15; section 174 was amended by paragraph 50 of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).

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(3) In sub-paragraphs (6) and (11) for the words “the National Rivers Authority” there shall be substituted the words “the Environment Agency”.

### **The Sludge (Use in Agriculture) Regulations 1989**

5.—(1) The Sludge (Use in Agriculture) Regulations 1989<sup>(11)</sup> shall be amended as follows.

(2) In regulation 7(1) (supply of information about sludge)—

(a) for the words “the Secretary of State” in both places there shall be substituted the words “the Environment Agency”;

(b) for the word “he” there shall be substituted the word “it”.

(3) In regulation 8(2) (dedicated sites) for the words “the Secretary of State” there shall be substituted the words “the Environment Agency”.

(4) In paragraph 2(2)(c) of Schedule 2 (testing of agricultural soil) for the words “the Secretary of State” there shall be substituted the words “the Environment Agency”.

### **The Environmental Protection Act 1990**

6. In section 64(6) of the Environmental Protection Act 1990<sup>(12)</sup> (registers) the words “at its principal office” shall be omitted.

### **The Planning and Compensation Act 1991**

7. In Part I of Schedule 18 to the Planning and Compensation Act 1991<sup>(13)</sup> (interest on compensation), in the entries relating to the Water Resources Act 1991, after the words “ordinary drought order” there shall be added the words “or the drought permit”.

### **The Water Resources Act 1991**

8. In each of sections 24(1) and 25(1) of the Water Resources Act 1991<sup>(14)</sup> (restrictions on abstraction and impounding), after the words “drought order” there shall be substituted the words “or drought permit”.

### **Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991**

9.—(1) The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991<sup>(15)</sup> shall be amended as follows.

(2) In regulation 3(1)(a) (registers) the words “at their principal office” shall be omitted.

(3) In regulation 14(1) (production of authority) for the words “the principal office” there shall be substituted the words “an office”.

### **Waste Management Licensing Regulations 1994**

10.—(1) The Waste Management Licensing Regulations 1994<sup>(16)</sup> shall be amended as follows.

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(11) S.I.1989/1263.

(12) 1990 c. 43; section 64(6) of the Environmental Protection Act 1990 was amended by paragraph 82(5) of Schedule 22 to the Environment Act 1995.

(13) 1991 c. 34; Part I of Schedule 18 to the Planning and Compensation Act 1991 was amended by paragraph 58 of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).

(14) 1991 c. 57.

(15) S.I. 1991/1264.

(16) S.I. 1994/1056.

(2) In regulation 8 (reports of hearings) for the words “section 43(2)(b) of that Act” there shall be substituted the words “section 114(1)(a) of the Environment Act 1995”.

(3) In regulation 10 (particulars to be entered in public registers)—

(a) at the end of paragraph (1)(m) there shall be added the words “or written reports under section 109(2) of the Environment Act 1995 by persons authorised by the authority under section 108(1) or (2) of that Act where the articles or substances seized and rendered harmless are waste”;

(b) at the end of paragraph (2)(a) there shall be added—

“(aa) where a person authorised by the authority exercises any power under section 108(4) of the Environment Act 1995 in connection with the authority’s functions under Part II of the Environmental Protection Act 1990, a record showing when the power was exercised and indicating what information was obtained, and what action was taken, on that occasion;”

(c) in paragraph (3)—

(i) after the word “England” there shall be inserted the words “or Wales”; and

(ii) the words “which is not a waste regulation authority” shall be omitted.

(4) In regulation 18(8) (registration in connection with exempt activities) the words “at its principal office” shall be omitted.

(5) In Part I of Schedule 4 (Waste Framework Directive etc.)—

(a) in the definition of “plan-making provisions” in paragraph 1 (interpretation)—

(i) the word “and” where it first occurs shall be omitted; and

(ii) at the end there shall be added the words “and section 44A of the Environmental Protection Act 1990 or, in Scotland, section 44B of that Act”(17);

(b) in Table 5 in paragraph 3(1) (meaning of competent authority etc.)—

(i) in the second entry in column (1) for the words “sections 43(2)(b) of the 1990 Act” there shall be substituted the words “section 114(1)(a) of the Environment Act 1995”;

(ii) at the end of the second entry in column (2) there shall be added the words “and preparing the strategy, or any modification of it, under section 44A or 44B of that Act”;

(iii) in the fifth entry in column (1) for the words “section 15(3)(b) of the 1990 Act” there shall be substituted the words “section 114(1)(a) of the Environment Act 1995”;

(c) in paragraph 12(9) (registration by professional collectors and transporters of waste, and by dealers and brokers) the words “at its principal office” shall be omitted;

(d) in paragraph 13 (duty to carry out appropriate periodic inspections)—

(i) in sub-paragraph (2) for the words “Sections 68(3) to (5), 69 and” there shall be substituted the word “Section” and the words “power to appoint inspectors, powers of entry and” shall be omitted;

(ii) at the end of sub-paragraph (2) there shall be added—

“(2A) Section 108 of the Environment Act 1995 (powers of entry) shall apply as if the competent authority was an enforcing authority and its functions under this paragraph were pollution control functions.”

(6) In Part I of Schedule 5 (registration of brokers of controlled waste)—

(a) in paragraph 2(1)(a) (registers) the words “at its principal office” shall be omitted;

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(17) Sections 44A and 44B were inserted by section 92(1) of the Environment Act 1995.

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(b) at the end of paragraph 6 (appeals) there shall be added—

“(13) This paragraph is subject to 114 of the Environment Act 1995 (delegation or reference of appeals).”

### **The Transfrontier Shipment of Waste Regulations 1994**

**11.**—(1) The Transfrontier Shipment of Waste Regulations 1994(**18**) shall be amended as follows.

(2) In regulation 6(7)(a) and (b) (transmission of notification by competent authority of despatch) for the words “in at least one local newspaper circulating in the area of that authority”, in both places where they occur, there shall be substituted the words “in such other manner as the authority consider appropriate for bringing the matters to which it relates to the attention of persons likely to be affected by them”.

(3) In regulation 9—

- (a) in paragraph (5) the words “in Great Britain, by an inspector appointed under section 68(3) of the Environmental Protection Act 1990 and, in Northern Ireland,” shall be omitted;
- (b) in paragraph (6) the words “inspector or” shall be omitted;
- (c) in paragraph (7) the words “inspector or”, in each place where they occur, shall be omitted.

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Part I of the Environment Act 1995 establishes the Environment Agency for England and Wales, and transfers to it the functions, property, rights and liabilities of the National Rivers Authority, Her Majesty’s Inspectorate of Pollution and waste regulation authorities, together with certain functions, property, rights and liabilities of the Secretary of State: see sections 2 and 3 of the Environment Act 1995. The National Rivers Authority is abolished by section 2(3) of the Environment Act 1995. These regulations make a number of consequential amendments to other legislation.

Regulation 2 and Schedule 1 convert statutory references to the National Rivers Authority in the enactments listed in Schedule 1 to references to the Environment Agency.

Regulation 3 and Schedule 2 effect other consequential amendments to the enactments listed in Schedule 2.