

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⁽¹⁾ (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⁽²⁾), 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⁽³⁾ (registers) the words “at its principal office” shall be omitted.

The Water Act 1989

3.—(1) Section 174 of the Water Act 1989⁽⁴⁾ (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”.

(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⁽⁵⁾ shall be amended as follows.

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

(1) 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).

(2) 1991 c. 57.

(3) 1974 c. 40.

(4) 1989 c. 15; section 174 was amended by paragraph 50 of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).

(5) S.I.1989/1263.

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- (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(6) (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(7) (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(8) (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(9) 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(10) shall be amended as follows.
- (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—

(6) 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.

(7) 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).

(8) 1991 c. 57.

(9) S.I. 1991/1264.

(10) S.I. 1994/1056.

- “(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”(11);
 - (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;
 - (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(12) shall be amended as follows.

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

(12) S.I. 1994/1137.

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(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.