
STATUTORY INSTRUMENTS

1997 No. 1626

**The Environment Act 1995 (Commencement
No. 9 and Transitional Provisions) Order 1997**

Transitional provisions

3.—(1) Any application by the Crown for a consent for the purposes of section 88(1)(a) of the Water Resources Act 1991 made before 1st July 1997, and anything done before that date in relation to that application, shall be treated on and after that date as if it had been made or done under the relevant provisions of Schedule 10(1) to that Act or the Control of Pollution (Applications, Appeals and Registers) Regulations 1996(2).

(2) Where—

- (a) any application to which paragraph (1) above applies has not been finally disposed of before 1st July 1997; and
- (b) the application relates to discharges which are substantially the same as discharges lawfully made by the Crown before that date without a consent,

the Environment Agency shall be deemed to have given unconditionally the consent applied for and the deemed consent shall continue in force until the application is finally disposed of.

(3) An application shall be treated as finally disposed of for the purposes of paragraph (2) above—

- (a) on the date on which the Agency gives the consent applied for unconditionally or the application is withdrawn;
- (b) if the Agency gives its consent subject to conditions or refuses its consent, on the expiration of the time limit for appealing against that decision; or
- (c) if an appeal is duly made against the Agency's decision, on the date on which that appeal is determined or withdrawn.

(1) Substituted by paragraph 183 of Schedule 22 to the Environment Act 1995.

(2) S.I.1996/2971.