

SCHEDULE

Regulation 1(2)

LIST 1

1.—(1) Subject to sub-paragraph (2) below, a substance is in list I if it belongs to one of the following families or groups of substances—

- (a) organohalogen compounds and substances which may form such compounds in the aquatic environment;
- (b) organophosphorus compounds;
- (c) organotin compounds;
- (d) substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment (including substances which have those properties which would otherwise be in list II);
- (e) mercury and its compounds;
- (f) cadmium and its compounds;
- (g) mineral oils and hydrocarbons;
- (h) cyanides.

(2) A substance is not in list I if it has been determined by the Agency to be inappropriate to list I on the basis of a low risk of toxicity, persistence and bioaccumulation.

Commencement Information

II Sch. para. 1 in force at 2.12.1998 by virtue of reg. 1(2)

LIST II

2.—(1) A substance is in list II if it could have a harmful effect on groundwater and it belongs to one of the following families or groups of substances—

- (a) the following metalloids and metals and their compounds:

Zinc	Tin
Copper	Barium
Nickel	Beryllium
Chromium	Boron
Lead	Uranium
Selenium	Vanadium
Arsenic	Cobalt
Antimony	Thallium
Molybdenum	Tellurium
Titanium	Silver.

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- (b) biocides and their derivatives not appearing in list I;
 - (c) substances which have a deleterious effect on the taste or odour of groundwater, and compounds liable to cause the formation of such substances in such water and to render it unfit for human consumption;
 - (d) toxic or persistent organic compounds of silicon, and substances which may cause the formation of such compounds in water, excluding those which are biologically harmless or are rapidly converted in water into harmless substances;
 - (e) inorganic compounds of phosphorus and elemental phosphorus;
 - (f) fluorides;
 - (g) ammonia and nitrites.
- (2) A substance is also in list II if—
- (a) it belongs to one of the families or groups of substances set out in paragraph 1(1) above;
 - (b) it has been determined by the Agency to be inappropriate to list I under paragraph 1(2); and
 - (c) it has been determined by the Agency to be appropriate to list II having regard to toxicity, persistence and bioaccumulation.

Commencement Information

I2 Sch. para. 2 in force at 2.12.1998 by virtue of reg. 1(2)

3.—(1) The Secretary of State may review any decision of the Agency in relation to the exercise of its powers under paragraph 1(2) or 2(2).

(2) The Secretary of State shall notify the Agency of his decision following a review under subparagraph (1) above and it shall be the duty of the Agency to give effect to that decision.

Commencement Information

I3 Sch. para. 3 in force at 2.12.1998 by virtue of reg. 1(2)

4. The Agency shall from time to time publish a summary of the effect of its determinations under this Schedule in such manner as it considers appropriate and shall make copies of any such summary available to the public free of charge.

Commencement Information

I4 Sch. para. 4 in force at 2.12.1998 by virtue of reg. 1(2)

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument rev (S) by [S.S.I. 2006/127 art 2](#)
- Regulations revoked by [S.I. 2009/2902 reg. 25](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 1(3)(e) and word inserted by [S.S.I. 2000/323 Sch. 10 para. 16\(2\)](#)
- reg. 1(3)(e) and word inserted by [S.I. 2000/1973 Sch. 10 para. 47](#)
- reg. 1(3)(e) substituted for (e)(f) by [S.I. 2007/3538 Sch. 21 para. 39\(2\)](#)
- reg. 1(3)(f) and word added by [S.S.I. 2005/22 reg. 7\(2\)\(b\)](#)