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STATUTORY INSTRUMENTS

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**1998 No. 781**

**The Environment Act 1995 (Commencement No. 12  
and Transitional Provisions) (Scotland) Order 1998**

**Transitional provisions**

**3.—(1)** Any application by the Crown for a consent for the purposes of section 30I(1)(a) of the Control of Pollution Act 1974<sup>(1)</sup> made before 8th April 1998, 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 Part II of that Act or under the Control of Pollution (Consents for Discharges) (Secretary of State Functions) Regulations 1984<sup>(2)</sup>.

(2) Where—

- (a) any application to which paragraph (1) above applies has not been finally disposed of before 8th April 1998; 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 Scottish Environment Protection 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 on—

- (a) the date on which the Agency gives the consent applied for unconditionally or the application is withdrawn;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 content, the expiration of the time limit for appealing against that decision without an appeal being made; or
- (c) if an appeal is duly made against the Agency's decision, the date on which that appeal is determined or withdrawn.

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(1) 1974 c. 40; section 30I was inserted by section 106 and paragraph 2 of Schedule 16 to the Environment Act 1995.  
(2) S.I.1984/865.