
STATUTORY INSTRUMENTS

1998 No. 781 (S. 40) (C. 16)

ENVIRONMENTAL PROTECTION

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

Made - - - - 11th March 1998

The Secretary of State, in exercise of the powers conferred on him under section 125(3) and (4) of the Environment Act 1995⁽¹⁾, hereby makes the following Order:

Citation

1. This Order may be cited as the Environment Act 1995 (Commencement No. 12 and Transitional Provisions) (Scotland) Order 1998.

Provision coming into force on 8th April 1998

2. Section 116 of the Environment Act, insofar as it relates to paragraph 4 of Schedule 21, shall come into force on 8th April 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⁽²⁾ 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⁽³⁾.

(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.

(1) 1995 c. 25.

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

(3) S.I. 1984/865.

Status: This is the original version (as it was originally made).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

(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- (a) the date on which the Agency gives the consent applied for unconditionally or the application is withdrawn;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- (c) if an appeal is duly made against the Agency's decision, the date on which that appeal is determined or withdrawn.

St Andrew's House,
Edinburgh
11th March 1998

Sewel
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 brings into force on 8th April 1998 section 116 of the Environment Act 1995 insofar as it relates to paragraph 4 of Schedule 21 (Crown application of Control of Pollution Act 1974).

Article 3 makes transitional provisions in cases where an application for a discharge consent has been made by the Crown before 8th April 1998.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Environment Act 1995 have been brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	28. 7.1995	1995/1983
Section 2	1. 4.1996	1996/186
Section 3(1)	1. 4.1996	1996/186
Section 3(2) to (8)	28. 7.1995	1995/1983
Section 4	28. 7.1995	1995/1983
Section 5	1. 2.1996 and 1. 4.1996	1996/186
Section 6	1. 4.1996	1996/186
Section 7	28. 7.1995	1995/1983
Section 8	1. 4.1996	1996/186
Section 9	28. 7.1995	1995/1983
Sections 10 and 11	1. 4.1996	1996/186
Section 12	28. 7.1995	1995/1983
Sections 13 to 19	1. 4.1996	1996/186
Sections 20 to 23	12.10.1995	1995/2649
Sections 25 to 29	1. 4.1996	1996/186
Sections 30 to 32	12.10.1995	1995/2649
Sections 33 to 35	1. 4.1996	1996/186
Section 36	12.10.1995	1995/2649
Section 37	28. 7.1995 and 1. 4.1996	1995/1983 and 1996/186
Sections 38 to 40	28. 7.1995	1995/1983

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 41	21. 9.1995 1. 2.1996 and 1. 4.1996	1995/1983 and 1996/186
Section 42	21. 9.1995	1995/1983
Sections 43 to 52	28. 7.1995	1995/1983
Sections 53 and 54	1. 4.1996	1996/186
Section 55	1. 2.1996 and 1. 4.1996	1996/186
Section 56	28. 7.1995	1995/1983
Section 57 (partially)	21. 9.1995	1995/1983
Section 58	21. 9.1995 and 1. 7.1998	1995/1983 and 1998/
Section 59 (partially)	12.10.1995	1995/2649
Section 60	1. 7.1997 and 1. 7.1998	1997/1626 and 1998
Section 78 and Schedule 10 (partially), with savings	23.11.1995 1. 4.1996 and 1. 4.1997	1995/2950 and 1996/2560
Section 80	1. 2.1996	1996/186
Section 81	1. 4.1996	1996/186
Section 82 to 86	23.12.1997	1997/3044
Sections 87 to 89	1. 2.1996	1996/186
Section 90 and Schedule 11	1. 2.1996 and 23.12.1997	1996/186 and 1997/3044
Section 91	1. 2.1996	1996/186
Section 92	1. 4.1996	1996/186
Sections 93 to 95	21. 9.1995	1995/1983
Section 96(1) (5) and (6) and Schedule 13 and 14 (England and Wales)	1.11.1995	1995/2765
Section 96(1), (5) and (6) and Schedule 13 and 14 (Scotland)	1. 1.1997	1996/2857
Section 96(2)	1.11.1995	1995/2765
Section 96(3)	1. 1.1997	1996/2857
Section 96(4) (partially) (England and Wales)	1.11.1995	1995/2765
Section 96(4) (partially) (Scotland)	1. 1.1997	1996/2857
Sections 97 to 103	21. 9.1995	1995/1983
Section 104	1. 4.1996	1996/186
Section 105 and Schedule 15	21. 9.1995 1. 2.1996 1. 4.1996 and 1. 1.1999	1995/1983 and 1996/186
Sections 106 to 114	1. 4.1996	1996/186

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 115	1. 4.1996	1995/2950 and 1996/186
Section 116 and Schedule 21 (partially)	21. 9.1995 and 1. 7.1997	1995/1983 and 1997/1626
Section 117	1. 4.1996	1996/186
Section 118(1) to (3), (4) and (5) (partially) and (6)	1. 4.1996	1996/186
Section 119	1. 4.1996	1996/186
Section 120(1) and Schedule 22 (partially)	12.10.1995 21. 9.95 1. 2.1996 1. 4.1996 21.11.1996 31.12.1996 23.12.1997 and 1. 4.1998	1995/1983 1995/2649 1996/186 1996/2909 1997/3044 and 1998/
Section 120(2) and Schedule 23 (partially)	1. 4.1996 and 1. 1.1999	1995/1983 and 1996/186
Section 120(3) and Schedule 24 (partially)	1. 2.1995 21. 9.1995 1.11.1995 1. 2.1996 1. 4.1996 31.12.1996 1. 1.1997 1. 4.1997 and 1. 1.1999	1995/1983 1995/2765 1996/186 1996/2560 1996/2857 and 1996/2909
Section 120(4) to (6)	28. 7.1995	1995/1983
Sections 121 to 124	28. 7.1995	1995/1983
Paragraph 7(2) of Schedule 7	1. 4.1997	1996/2560