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STATUTORY INSTRUMENTS

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**1999 No. 396**

**ENVIRONMENTAL PROTECTION**

**The Environmental Protection Act 1990  
(Extension of Section 140) Regulations 1999**

<i>Made</i>	- - - -	<i>15th February 1999</i>
<i>Laid before Parliament</i>		<i>26th February 1999</i>
<i>Coming into force</i>	- -	<i>19th March 1999</i>

The Secretary of State for the Environment, Transport and the Regions, as respects England, the Secretary of State for Scotland, as respects Scotland, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by section 156 of the Environmental Protection Act 1990(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Environmental Protection Act 1990 (Extension of Section 140) Regulations 1999 and shall come into force on 19th March 1999.

(2) These Regulations do not extend to Northern Ireland.

**Extension of section 140 of the Environmental Protection Act 1990**

2. Section 140 (power to prohibit or restrict the importation, use, supply or storage of injurious substances or articles) of the Environmental Protection Act 1990 shall have effect, for the purpose of enabling Her Majesty's Government in the United Kingdom—

- (a) to give effect to the Community obligation imposed by Council Directive [96/59/EC](#) on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)(2) and to exercise any related right; and
- (b) to give effect to any obligation imposed, and exercise any related right under, PARCOM Decision 92/3 (Ministerial Meeting of the Oslo and Paris Commissions of 21–22 September 1992) on the phasing out of PCBs and hazardous PCB substitutes, being an

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(1) 1990 c. 43. See section 156(3) for the definition of “prescribed”.  
(2) O.J. No. L243, 24.9.96, p.31.

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**Status:** This is the original version (as it was originally made).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

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international agreement to which the United Kingdom is for the time being a party<sup>(3)</sup>, as if—

- (i) at the end of paragraph (c) the word “and” were omitted; and
- (ii) after paragraph (d) there were inserted “(e) the holding,”.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

9th February 1999

*Michael Meacher*  
Minister of State,  
Department of the Environment, Transport and  
the Regions

15th February 1999

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

10th February 1999

*Jon Owen Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

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(3) The Oslo Convention (the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft) of 15th February 1972, as amended by the protocols of 2nd March 1983 and 5th December 1989 and the Paris Convention (the Convention for the Prevention of Marine Pollution from Land-based Sources) of 4th June 1974, as amended by the protocol of 26th March 1986, (1993 ISBN 0–946956–29–4) were replaced by the Convention for the Protection of the Marine Environment of the North-East Atlantic (“the OSPAR Convention”) of 22nd September 1992; *see* Cmnd 2265. Agreements under the Oslo and Paris Conventions continue to be applicable by virtue of Article 31.2 of the OSPAR Convention.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 of these Regulations extends section 140 of the Environmental Protection Act 1990 by enabling the Secretary of State to make regulations prohibiting or restricting the holding of specified substances or articles.

The modification is to enable the implementation of Council Directive [96/59/EC](#) on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)<sup>(4)</sup> and to give effect to the obligation imposed under PARCOM Decision 92/3 (Ministerial Meeting of the Oslo and Paris Commissions of 21–22 September 1992) on the phasing out of PCBs and hazardous PCB substitutes.

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(4) O.J. No. L243, 24.9.96, p.31.