

---

STATUTORY INSTRUMENTS

---

**2000 No. 1973**

**The Pollution Prevention and Control  
(England and Wales) Regulations 2000**

**PART I**

**GENERAL**

**Discharge and scope of functions**

**8.—(1)** This regulation determines the authority by whom the functions conferred or imposed by these Regulations on a regulator are exercisable and the purposes for which they are exercisable.

(2) Those functions, in their application to a Part A(1) installation or Part A(1) mobile plant, shall be functions of the Environment Agency<sup>(1)</sup> and shall be exercisable for the purpose of achieving a high level of protection of the environment taken as a whole by, in particular, preventing or, where that is not practicable, reducing emissions into the air, water and land.

(3) Subject to regulation 13, those functions, in their application to a Part A(2) installation or Part A(2) mobile plant, shall be functions of the local authority in whose area the installation is (or will be) situated or the mobile plant is (or will be) operated and shall be exercisable for the purpose of achieving a high level of protection of the environment taken as a whole by, in particular, preventing or, where that is not practicable, reducing emissions into the air, water and land.

(4) Those functions, in their application to a Part B installation, shall be functions of the local authority in whose area the installation is (or will be) situated and shall be exercisable for the purpose of preventing or, where that is not practicable, reducing emissions into the air.

(5) Those functions, in their application to a Part B mobile plant, shall be functions of—

- (a) where the operator of the mobile plant has his principal place of business in England and Wales, the local authority in whose area that place of business is;
- (b) where the operator of the mobile plant has his principal place of business outside of England and Wales and the mobile plant is not covered by a permit, the local authority in whose area the plant is first operated or, where the plant has not been operated in England and Wales, the local authority in whose area it is intended by the operator that the plant should first be operated;
- (c) where the operator has his principal place of business outside of England and Wales and the mobile plant is covered by a permit, the local authority which granted the permit,

and shall be exercisable for the purpose of preventing or, where that is not practicable, reducing emissions into the air.

(6) The Secretary of State may, as respects functions under these Regulations exercisable by a local authority specified in the direction, direct that those functions shall be exercised instead by the Environment Agency while the direction remains in force or during a period specified in the direction.

---

(1) See section 1 of the Environment Act 1995 (1995 c. 25).

(7) A transfer of functions under paragraph (6) to the Environment Agency relating to Part B installations or Part B mobile plant does not make them exercisable by the Agency for any other purpose than that mentioned in paragraphs (4) and (5).

(8) The Secretary of State may, as respects functions under these Regulations exercisable by the Environment Agency specified in the direction, direct that those functions shall be exercised instead by a local authority while the direction remains in force or during a period specified in the direction.

(9) A direction under paragraph (6) may transfer functions exercisable by a local authority in relation to all or any description of installations or mobile plant (a “general direction”) or in relation to a specific installation or mobile plant specified in the direction (a “specific direction”) but a direction under paragraph (8) may only be a specific direction.

(10) A direction under paragraph (6) or (8) may include such saving and transitional provisions as the Secretary of State considers necessary or expedient.

(11) The Secretary of State, on giving or withdrawing a general direction under paragraph (6), shall—

- (a) serve notice of it on the Environment Agency and on the local authorities affected by the direction; and
- (b) cause notice of it to be published as soon as practicable in the London Gazette and in at least one newspaper circulating in the area of each authority affected by the direction,

and any such notice shall specify the date on which the direction is to take (or took) effect and (where appropriate) its duration.

(12) The Secretary of State, on giving or withdrawing a specific direction under paragraph (6) or (8), shall—

- (a) serve notice on the Environment Agency, the local authority and the operator or the person appearing to the Secretary of State to be the operator of the installation or mobile plant affected; and
- (b) cause notice of it to be published in the London Gazette and in at least one newspaper circulating in the authority’s area,

and any such notice shall specify the date on which the direction is to take (or took) effect and (where appropriate) its duration.

(13) The requirements of sub-paragraph (b) of paragraph (11), or, as the case may be, sub-paragraph (b) of paragraph (12) shall not apply in any case where, in the opinion of the Secretary of State, the publication of the notice in accordance with that sub-paragraph would be contrary to the interests of national security.

(14) It shall be the duty of regulators to follow developments in best available techniques.

(15) In this regulation, “local authority” means, subject to paragraph (16)—

- (a) in Greater London, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple;
- (b) in England outside Greater London, a district council or, in relation to an area for which there is a county council but no district council, the county council, and the Council of the Isles of Scilly;
- (c) in Wales, a county council or county borough council.

(16) Where, by an order under section 2 of the Public Health (Control of Disease) Act 1984(2), a port health authority has been constituted for any port health district, the port health authority

---

(2) 1984 c. 22.

shall have, as respects its district, the functions conferred or imposed by these Regulations in their application to a Part B installation; and “local authority” and “area” shall be construed accordingly.