
STATUTORY INSTRUMENTS

2001 No. 3211 (C. 102)

ENVIRONMENTAL PROTECTION, WALES

The Environment Act 1995 (Commencement No. 20 and Saving Provision) (Wales) Order 2001

Made - - - - - 14th September 2001

The Secretary of State for Wales in exercise of the powers conferred upon him by section 125(3) and (4) of the Environment Act 1995(a) hereby makes the following Order:

Citation, interpretation and application

1.—(1) This Order may be cited as the Environment Act 1995 (Commencement No. 20 and Saving Provision) (Wales) Order 2001.

(2) In this Order:

“the 1990 Act” means the Environmental Protection Act 1990(b); and

“the 1995 Act” means the Environment Act 1995.

(3) The provisions of the Environment Act 1995 brought into force by this Order are brought into force for the purposes of their application to Wales only.

2. The following provisions of the 1995 Act shall (in so far as not already in force) come into force on 15th September 2001:—

(a) section 57;

(b) section 120(1) in so far as it relates to paragraphs 79, 89, 91 and 92 of Schedule 22; and

(c) section 120(3) in so far as it relates to the repeal in Schedule 24 of sections 61 and 143 of the 1990 Act.

Saving provision

3. Where, before 15th September 2001,—

(a) an abatement notice has been served under section 80(1) of the 1990 Act; or

(b) a complaint has been made to a magistrates’ court under section 82(1) of the 1990 Act or an order made under section 82(2) of that Act,

it, and any proceedings consequent upon any such notice, complaint or order, shall continue to have effect notwithstanding the amendments made to section 79 of the 1990 Act by paragraph 89 of Schedule 22 to the 1995 Act.

14th September 2001

Secretary of State for Wales

(a) 1995 c. 25. Some functions of the Secretary of State were transferred in relation to Wales to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), but this transfer excluded the commencement powers in section 125 (*see* article 2(e) of S.I. 1999/672).

(b) 1990 c. 43.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings various provisions of the Environment Act 1995 (“the 1995 Act”) into force in respect of Wales on 15th September 2001.

Article 2(a) brings into force section 57 of the 1995 Act, which inserts a new Part IIA in the Environmental Protection Act 1990 (“the 1990 Act”). Part IIA provides for a regime for the identification and remediation of contaminated land.

Article 2(b) brings into force section 120(1) of the 1995 Act in so far as it relates to the following paragraphs in Schedule 22—

- (a) paragraph 79, which provides for section 61 of the 1990 Act (duty of waste regulation authorities as respects closed landfills) to cease to have effect;
- (b) paragraph 89, which amends section 79 of the 1990 Act (statutory nuisances and inspections therefor);
- (c) paragraph 91, which provides for section 143 of the 1990 Act (public registers of land which may be contaminated) to cease to have effect; and
- (d) paragraph 92, which amends section 161(4) of the 1990 Act (regulations, orders and directions).

Article 2(c) brings into force section 120(3) of the 1995 Act in so far as it relates to the repeal in Schedule 24 of sections 61 and 143 of the 1990 Act.

Article 3 makes saving provision in connection with the commencement of paragraph 89 of Schedule 22 of the 1995 Act.

The Environment Act 1995 (Commencement and Saving Provision) (Wales) Order 2001 (S.I. 2001/2351) (W.191) was made by the National Assembly for Wales and purported to bring into force the provisions referred to above. The National Assembly for Wales subsequently found it did not have the power to make a commencement order in relation to these provisions. That order therefore had no effect, necessitating the making of the present order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	28th July 1995	1995/1983
Section 2	1st April 1996	1996/186
Section 3(1)	1st April 1996	1996/186
Section 3(2) to (8)	28th July 1995	1995/1983
Section 4	28th July 1995	1995/1983
Section 5	1st February 1996 and 1st April 1996	1996/186
Section 6	1st April 1996	1996/186
Section 7	28th July 1995	1995/1983
Section 8	1st April 1996	1996/186
Section 9	28th July 1995	1995/1983
Sections 10 and 11	1st April 1996	1996/186
Section 12	28th July 1995	1995/1983
Sections 13 to 19	1st April 1996	1996/186
Sections 20 to 23	12th October 1995	1995/2649

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 25 to 29	1st April 1996	1996/186
Sections 30 to 32	12th October 1995	1995/2649
Sections 33 to 35	1st April 1996	1996/186
Section 36	12th October 1995	1995/2649
Section 37	28th July 1995 and 1st April 1996	1995/1983 and 1996/186
Sections 38 to 40	28th July 1995	1995/1983
Section 41	21st September 1995, 1st February 1996 and 1st April 1996	1995/1983 and 1996/186
Section 42	21st September 1995	1995/1983
Sections 43 to 52	28th July 1995	1995/1983
Sections 53 and 54	1st April 1996	1996/186
Section 55	1st February 1996 and 1st April 1996	1996/186
Section 56	28th July 1995	1995/1983
Section 57 (partially)	21st September 1995	1995/1983
England	1st April 2000	2000/340
Scotland	14th July 2000	S.S.I. 2000/180
Scotland	14th July 2000	2000/1986
Section 58	21st September 1995 and 4th March 1998	1995/1983 and 1998/604
Section 59	12th October 1995 and 1st January 1999	1995/2649 and 1998/3272
Section 60	1st July 1997 and 1st July 1998	1997/1626 and 1998/604
Section 78 and Schedule 10 (partially), with savings	23rd November 1995, 1st April 1996 and 1st April 1997	1995/2950 and 1996/2560
Section 80	1st February 1996	1996/186
Section 81	1st April 1996	1996/186
Sections 82 to 86	23rd December 1997	1997/3044
Sections 87 to 89	1st February 1996	1996/186
Section 90 and Schedule 11	1st February 1996 and 23rd December 1997	1996/186 and 1997/3044
Section 91	1st February 1996	1996/186
Section 92	1st April 1996	1996/186
Sections 93 to 95	21st September 1995	1995/1983
Section 96(1), (5) and (6) and Schedules 13 and 14 (England and Wales)	1st November 1995	1995/2765
Section 96(1), (5) and (6) and Schedules 13 and 14 (Scotland)	1st January 1997	1996/2857
Section 96(2)	1st November 1995	1995/2765
Section 96(3)	1st January 1997	1996/2857

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 96(4) (partially)	1st November 1995	1995/2765
Section 96(4) (partially) (Scotland)	1st January 1997	1996/2857
Sections 97 to 103	21st September 1995	1995/1983
Section 104	1st April 1996	1996/186
Section 105 and Schedule 15	21st September 1995, 1st February 1996, 1st April 1996 and 1st January 1999	1995/1983 and 1996/186
Sections 106 to 114	1st April 1996	1996/186
Section 115	1st April 1996	1995/2950 and 1996/186
Section 116 and Schedule 21 (partially)	21st September 1995, 1st July 1997 and 8th April 1998	1995/1983, 1997/1626 and 1998/781
Section 117	1st April 1996	1996/186
Section 118(1) to (3), (4) and (5) (partially) and (6)	1st April 1996	1996/186
Section 119	1st April 1996	1996/186
Section 120(1) and Schedule 22 (partially)	21st September 1995	1995/1983
	12th October 1995	1995/2649
	1st February 1996	1996/186
	1st April 1996	1996/2909
	21st November 1996	1997/3044
	31st December 1996	1998/604
	23rd December 1997	1999/803
	1st April 1998	1999/1301
	16th March 1999	1999/1301
	1st April 1999	
	29th April 1999	
England	1st April 2000 and	2000/340
Scotland	14th July 2000	S.S.I. 2000/180
	1st January 2001	S.S.I. 2000/433
Section 120(2) and Schedule 23 (partially)	1st April 1996 and 1st January 1999	1995/1983 and 1996/186
Section 120(3) and Schedule 24 (partially)	21st September 1995	1995/1983
	1st November 1995	1995/2765
	1st February 1996	1996/186
	1st April 1996	1996/2560
	31st December 1996	1996/2857
	1st January 1997	1996/2909
	1st April 1997	
	1st January 1999	

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
England	1st April 2000 and	2000/340
Scotland	14th July 2000	S.S.I. 2000/180
Section 120(4) to (6)	28th July 1995	1995/1983
Sections 121 to 124	28th July 1995	1995/1983
Paragraph 7(2) of Schedule 7	1st April 1997	1996/2560

This Statutory Instrument has been made in consequence of a defect in S.I. 2001/2351 and is being issued free of charge to all known recipients of that Statutory Instrument

S T A T U T O R Y I N S T R U M E N T S

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