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STATUTORY INSTRUMENTS

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**2016 No. 1154**

**ENVIRONMENTAL PROTECTION,  
ENGLAND AND WALES**

**The Environmental Permitting  
(England and Wales) Regulations 2016**

*Made - - - - 11th December 2016  
Coming into force in accordance with  
regulation 1(1)*

**THE ENVIRONMENTAL PERMITTING  
(ENGLAND AND WALES) REGULATIONS 2016**

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**Changes to legislation:** The Environmental Permitting (England and Wales) Regulations 2016 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## PART 2 — Activities

### CHAPTER 1

#### Energy activities

##### SECTION 1.1

###### *Combustion activities*

Part A(1) (a) Burning any fuel in an appliance with...

Interpretation and application of Part A(1)

1. For the purpose of Part A(1) of this Section, where...
  2. Nothing in this Part of this Section applies to burning...
  3. In paragraph 2, “offshore platform” means any fixed or floating...
  4. In paragraph 3, “petroleum” includes any mineral oil or relative...
  5. Nothing in this Part of this Section applies to burning...
1. Part B does not apply to any activity falling within...
  2. For the purpose of paragraph (a) of Part B of...

##### SECTION 1.2

###### *Gasification, liquefaction and refining activities*

Part A(1) (a) Refining gas where this is likely to...

Interpretation and application of Part A(1)

1. Part A(1)(f) does not include— (a) the use of any...
  2. In Part A(1)(f), the heat treatment of oil, other than...
  3. In Part A(1), “carbonaceous material” includes such materials as charcoal,...
  4. In paragraph (1)(d), “anaerobic digestion” means the mesophilic and thermophilic...
1. In Part B— “existing service station” means a service station—...
  2. Any other expressions used in Part B which, in relation...

### CHAPTER 2

#### Production and processing of metals

##### SECTION 2.1

###### *Ferrous metals*

Interpretation of Section 2.1

1. In this Section, “ferrous alloy” means an alloy of which...

##### SECTION 2.2

###### *Non-ferrous metals*

Interpretation and application of Section 2.2

1. Part A(1) and Part B do not apply to hand...
1. When determining the extent of an installation carrying on an...
2. In Part B, “non-ferrous metal alloy” means an alloy which...

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## SECTION 2.3

### *Surface treating metals and plastic materials*

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## CHAPTER 3

### Mineral industries

## SECTION 3.1

### *Production of cement and lime*

- Part A(1) (a) Producing cement clinker in rotary kilns with...
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- Part B (a) Storing, loading or unloading cement or cement...

## SECTION 3.2

### *Activities involving asbestos*

Interpretation of Section 3.2

1. In this Section “asbestos” means any of the following fibrous...

## SECTION 3.3

### *Manufacturing glass and glass fibre*

- Part A(1) (a) Manufacturing glass fibre in plant with a...
- Part A(2) (a) Manufacturing glass, unless falling within Part A(1)...
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## SECTION 3.4

### *Production of other mineral fibres*

- Part A(1) (a) Melting mineral substances including the production of...

## SECTION 3.5

### *Other mineral activities*

- Part A(2) (a) Manufacturing cellulose fibre reinforced calcium silicate board...
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- Interpretation and application of Part B
1. In Part B— “coal” includes lignite; “designated mineral or mineral...
  2. Part B does not apply to any activity carried on...

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## SECTION 3.6

### *Ceramic production*

Part A(1) (a) Manufacturing ceramic products (including roofing tiles, bricks,...

Part A(2) (a) Unless falling within Part A(1) of this...

Part B (a) Unless falling within Part A(1) or A(2)...

Interpretation of Part B

1. In Part B— “clay” includes a blend of clay with...

## CHAPTER 4

### The chemical industry

Interpretation of Chapter 4

1. In Part A(1) of the Sections of this Chapter, “producing”...

## SECTION 4.1

### *Organic chemicals*

Interpretation of Section 4.1

1. In this Section, “pre-formulated resin or pre-formulated gel coat” means...

### *Organic chemicals*

Interpretation of Section 4.1

1. In this Section, “pre-formulated resin or pre-formulated gel coat” means...

## SECTION 4.2

### *Inorganic chemicals*

Part A(1) (a) Producing inorganic chemicals such as—

## SECTION 4.3

### *Chemical fertiliser production*

Part A(1) (a) Producing (including any blending which is related...

## SECTION 4.4

### *Plant health products and biocides*

Part A(1) (a) Producing plant health products or biocides.

## SECTION 4.5

### *Pharmaceutical production*

Part A(1) (a) Producing pharmaceutical products.

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## SECTION 4.6

### *Explosives production*

Part A(1) (a) Producing explosives.

## SECTION 4.7

### *Manufacturing activities involving carbon disulphide or ammonia*

Part A(1) (a) Any activity for the manufacture of a...

## SECTION 4.8

### *The storage of chemicals in bulk*

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## CHAPTER 5

### Waste management

## SECTION 5.1

### *Incineration and co-incineration of waste*

Part A(1) (a) The incineration of hazardous waste in a...

Part B (a) The incineration in a small waste incineration...

Application of Part B

1. When determining the extent of an installation carrying on an...

## SECTION 5.2

### *Disposal of waste by landfill*

Part A(1) (a) The disposal of waste in a landfill—...

## SECTION 5.3

### *Disposal or recovery of hazardous waste*

Part A(1) (a) Disposal or recovery of hazardous waste with...

## SECTION 5.4

### *Disposal, recovery or a mix of disposal and recovery of non-hazardous waste*

Part A(1) (a) Disposal of non-hazardous waste with a capacity...

Interpretation of Part A(1)

1. In Part A(1), “anaerobic digestion” has the same meaning as...

## SECTION 5.5

### *The production of fuel from waste*

Part A(1) (a) Making solid fuel (other than charcoal) from...

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## SECTION 5.6

### *Temporary or underground storage of hazardous waste*

Part A(1) (a) Temporary storage of hazardous waste with a...

## SECTION 5.7

### *Treatment of waste water*

Part A(1) (a) Independently operated treatment of waste water not...

## CHAPTER 6

### Other activities

## SECTION 6.1

### *Paper, pulp and board manufacturing activities*

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Part A(2) (a) Producing, in an industrial plant, one or...

## SECTION 6.2

### *Carbon activities*

Part A(1) (a) Producing carbon or hard-burnt coal or electro-graphite...

## SECTION 6.3

### *Tar and bitumen activities*

Part A(1) (a) The following activities— (i) distilling tar or...

Part B (a) Any activity not falling within Part A(1)...

Interpretation of Part B

1. In Part B, “tar” and “bitumen” include pitch.

## SECTION 6.4

### *Coating activities, printing and textile treatments*

Part A(1) (a) Pre-treating (by operations such as washing, bleaching...

Part A(2) (a) Unless falling within Part A(1) of this...

Part B (a) Unless falling within Part A(1) or Part...

Interpretation and application of Part B

1. In Part B— “aircraft” includes gliders and missiles; “coating material”...
2. The amount of organic solvents used in an activity must...
3. When determining the extent of an installation carrying on an...

## SECTION 6.5

### *The manufacture of dyestuffs, printing ink and coating materials*

Part B (a) Unless falling within Part A(1) or Part...

Interpretation of Part B

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1. In Part B, “coating material” has the same meaning as...
2. The amount of organic solvents used in an activity must...

## SECTION 6.6

### *Timber activities*

Part A(2) (a) Preservation of wood and wood products with...

Part B (a) Unless falling within Part A(2) of Section...

Interpretation of Part B

1. In Part B and in this paragraph— “excluded activity” means...

## SECTION 6.7

### *Activities involving rubber*

Part A(2) (a) Manufacturing new tyres (but not remoulds or...

Part B (a) Unless falling within Part A(1) or Part...

## SECTION 6.8

### *The treatment of animal and vegetable matter and food industries*

Interpretation of Section 6.8

1. (1) In this Section— “animal” includes a bird or a...

## SECTION 6.9

### *Intensive farming*

Part A(1) (a) Rearing poultry or pigs intensively in an...

## SECTION 6.10

### *Carbon capture and storage*

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## SCHEDULE 2 — Exempt facilities: general

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1. Interpretation: general
2. Interpretation: exemption registration authority and exemption authority
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6. Exempt water discharge activities: England
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9. Exempt flood risk activities
10. Procedure for registering an exempt facility
11. Register of exempt facilities
12. Duty to remove entries from the register
13. Exclusion from the register of information affecting national security
14. Restrictions on registering exempt waste operations carried on at the same place
15. Validity of registration of waste operations
16. Changes to relevant particulars relating to waste operations
17. Record keeping for exempt waste operations
18. Periodic inspections of establishments and undertakings

SCHEDULE 3 — Exempt facilities and waste operations to which section 33(1)(a) of the 1990 Act does not apply: descriptions and conditions

PART 1 — Exempt waste operations: descriptions and conditions

#### CHAPTER 1

##### Interpretation of Part 1

1. Interpretation

#### CHAPTER 2

##### Use of waste

#### SECTION 1

##### *Introductory*

1. (1) The descriptions in this Chapter— (a) are set out...

#### SECTION 2

##### *Descriptions and specific conditions*

1. Use of waste in construction (U1)
2. Use of baled end-of-life tyres in construction (U2)
3. Use of waste in the construction of entertainment or educational installations etc. (U3)
4. Burning of waste as a fuel in a small appliance (U4)
5. Use of waste derived biodiesel as fuel (U5)
6. Use of sludge for the purposes of re-seeding a waste water treatment plant (U6)
7. Use of effluent to clean a highway gravel bed (U7)
8. Use of waste for a specified purpose (U8)

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9. Use of waste to manufacture finished goods (U9)
10. Spreading waste on agricultural land to confer benefit (U10)
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16. Use of depolluted end-of-life vehicles for vehicle parts (U16)

### CHAPTER 3

#### Treatment of waste

##### SECTION 1

###### *Introductory*

1. (1) The descriptions in this Chapter— (a) are set out...

##### SECTION 2

###### *Descriptions and specific conditions*

1. Cleaning, washing, spraying or coating relevant waste (T1)
2. Recovery of textiles (T2)
3. Treatment of waste metals and metal alloys by heating for the purposes of removing grease etc. (T3)
4. Preparatory treatments (baling, sorting, shredding etc.) (T4)
5. Screening and blending of waste (T5)
6. Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising (T6)
7. Treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size (T7)
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9. Recovery of scrap metal (T9)
10. Sorting mixed waste (T10)
11. Repair or refurbishment of WEEE (T11)
12. Manual treatment of waste (T12)
13. Treatment of waste food (T13)
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15. Treatment of waste aerosol cans (T15)
16. Treatment of waste toner cartridges and waste ink cartridges by sorting, dismantling, cleaning or refilling (T16)
17. Crushing waste fluorescent tubes (T17)
18. Dewatering using flocculants (T18)
19. Physical and chemical treatment of waste edible oil and fat to produce biodiesel (T19)
20. Treatment of waste at a water treatment works (T20)
21. Recovery of waste at a waste water treatment works (T21)
22. Recovery of central heating oil by filtration
23. Aerobic composting and associated prior treatment (T23)
24. Anaerobic digestion at premises used for agriculture and burning of resultant biogas (T24)

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25. Anaerobic digestion at premises not used for agriculture and burning of resultant biogas (T25)
26. Treatment of kitchen waste in a wormery (T26)
27. Treatment of sheep dip using organophosphate-degrading enzyme (T27)
28. Sorting and de-naturing of controlled drugs for disposal (T28)
29. Treatment of non-hazardous pesticide washings by carbon filtration for disposal (T29)
30. Recovery of silver (T30)
31. Recovery of monopropylene glycol from aircraft antifreeze fluids (T31)
32. Treatment of waste in a biobed or biofilter (T32)
33. Recovery of central heating oil by filtration (T33)

## CHAPTER 4

### Disposal of waste

#### SECTION 1

##### *Introductory*

1. (1) The descriptions in this Chapter— (a) are set out...

#### SECTION 2

##### *Descriptions and specific conditions*

1. Deposit of waste from dredging of inland waters (D1)
2. Deposit of waste from a railway sanitary convenience (D2)
3. Deposit of waste from a portable sanitary convenience (D3)
4. Deposit of agricultural waste consisting of plant tissue under a Plant Health notice (D4)
5. Depositing samples of waste for the purposes of testing or analysing them (D5)
6. Disposal by incineration (D6)
7. Burning waste in the open (D7)
8. Burning waste at a port under a Plant Health notice (D8)

## CHAPTER 5

### Storage of waste other than at the place of production pending its recovery or re-use

#### SECTION 1

##### *Introductory*

1. (1) The descriptions in this Chapter are set out in...

#### SECTION 2

##### *Storage of waste*

1. Storage of waste in secure containers (S1)
2. Storage of waste in a secure place (S2)
3. Storage of sludge (S3)

PART 2 — Exempt water discharge activities: descriptions and conditions

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1. Vegetation management activities
2. Small discharges of sewage effluent: Wales
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  - PART 3 — Exempt groundwater activities: descriptions and conditions
    1. Interpretation of Part 3
    2. Discharge of small quantities of substances for scientific purposes
    3. Small discharges of sewage effluent: Wales
    4. Small discharges of sewage effluent: England
    5. Open-loop ground source heating and cooling systems
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        6. Temporary scaffolding in England
        7. Temporary dewatering in England
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      10. Drinking bays
      11. Access platforms
      12. Outfalls
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      14. Repair of bank slips and erosion
      15. Channel habitat structures made of natural materials
      16. Rafts for surveys
      17. Gravel-cleaning for fish-spawning beds
      18. Placement of stones or logs in a main river in England for habitat enhancement
      19. Eel pass devices
      20. Notches
      21. Removal of silt, sand and other material in England
      22. Removal of silt and sand adjacent to in-river structures in England
      23. Dredging of man-made ditches, land drains, agricultural drains and previously straightened watercourses in England
      24. Dredging of any main river in England
      25. Excavation of scrapes and shallow wetland features
      26. Raised flood defences in England
      27. Bankside wildlife refuge structures
      28. Improvement works for tracks and paths
        - PART 5 — Other waste operations to which section 33(1)(a) of the 1990 Act does not apply: descriptions and conditions
          1. General and interpretation
          2. Temporary storage at the place of production
          3. Temporary storage of waste at a place controlled by the producer
          4. Temporary storage at a collection point

SCHEDULE 4 — Application to the Crown

1. Crown application

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3. Entry to Crown premises
4. Service on certain Crown operators
5. Application of this Schedule to certain radioactive substances activities

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##### PART 1 — Grant, variation, transfer and surrender of environmental permits

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3. Withdrawing an application
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6. Public participation in relation to certain applications
7. Calculation of the consultation communication period
8. Public participation in relation to regulator-initiated variations
9. Consultation: conditions mentioned in regulation 15(1)
10. Consultation with ... member States
11. Duty to consider representations
12. Duty to determine an application
13. Identity and competence of the operator
14. Surrender applications
15. Time limits for determination
16. Calculation of the relevant period
17. Notification of a determination or decision
18. Date of effect of certain determinations and decisions
19. Form of certain determinations and decisions: consolidation of permits
20. Incidents and accidents: deemed condition of a permit

##### PART 2 — Compensation in relation to conditions affecting certain interests in land

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2. Entitlement to compensation
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4. Date when entitlement to compensation arises
5. Application for compensation
6. Assessment of the amount to be paid by way of compensation
7. Payment of compensation
8. Interest payable on compensation

#### SCHEDULE 6 — Appeals to the appropriate authority

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2. Making an appeal
3. Time limit for making an appeal
4. Notice to affected and interested persons
5. Hearing before an appointed person
6. Notice of determination of an appeal
7. Procedure following the quashing of a determination of an appropriate authority

#### SCHEDULE 7 — Part A installations: Industrial Emissions Directive

1. Application
2. Interpretation
3. Exercise of regulator's functions: general
4. Applications for the grant of an environmental permit

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5. Exercise of relevant functions
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SCHEDULE 8 — Part B installations and Part B mobile plant etc.

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5. Exercise of relevant functions
6. Change in operation
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8. Developments in best available techniques

SCHEDULE 9 — Waste operations and materials facilities

PART 1 — Waste operations

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PART 2 — Materials facilities

CHAPTER 1

Introductory provisions, conditions and functions

1. Assessment and notification
2. Interpretation
3. Specification of conditions of environmental permits and exercise of relevant functions

CHAPTER 2

Measurement and reporting requirements for materials facilities

4. Input material
  5. Output material
  6. Records
  7. Reports to the regulator
- PART 3 — Waste operations: management and technical competence conditions
1. Written management system conditions
  2. Technical competence: notification condition
- Part 4 — Waste separately collected for preparing for re-use and recycling not to be incinerated
1. (1) Every environmental permit which authorises a small waste incineration...

SCHEDULE 10 — Landfill

1. Application
2. Interpretation: general
3. Applications for the grant of an environmental permit
4. Inspection prior to operation

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5. Exercise of relevant functions
- 5A Waste separately collected for preparing for re-use and recycling not to be landfilled
6. Interpretation of the Landfill Directive for the exercise of relevant functions
7. Interpretation of the Decision Annex for the exercise of relevant functions: general
8. Interpretation of the Decision Annex for the exercise of relevant functions: additional acceptance criteria relating to physical stability and bearing capacity of granular waste
9. Interpretation of the Decision Annex for the exercise of relevant functions: additional acceptance criteria in relating to monolithic waste
10. Closure of a landfill
11. Surrender applications

#### SCHEDULE 11 — Waste motor vehicles

1. Application
2. Interpretation
3. Exercise of relevant functions

#### SCHEDULE 12 — Waste electrical and electronic equipment

1. Application
2. Interpretation
3. Exercise of relevant functions

#### SCHEDULE 13 — Waste incineration: Industrial Emissions Directive

1. Application
2. Interpretation
3. Applications for the grant of an environmental permit
4. Exercise of relevant functions

#### SCHEDULE 14 — Solvent emission activities

1. Application
2. Interpretation
3. Exercise of relevant functions

#### SCHEDULE 15 — Large combustion plants: Industrial Emissions Directive

1. Application
2. Interpretation
3. Exercise of relevant functions
4. Interruption in supply of fuel

#### SCHEDULE 16 — Asbestos

1. Application
2. Interpretation
3. Exercise of relevant functions

#### SCHEDULE 17 — Titanium dioxide: Industrial Emissions Directive

1. Application
2. Interpretation
3. Exercise of relevant functions

#### SCHEDULE 18 — Petrol vapour recovery

##### PART 1 — PVR I

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1. Application
  2. Exercise of relevant functions
- PART 2 — PVR II
1. Application
  2. Exercise of relevant functions

SCHEDULE 19 — Waste batteries and accumulators

1. Application
2. Exercise of relevant functions

SCHEDULE 20 — Mining waste operations

1. Application
2. Interpretation
3. Applications for grant or variation of an environmental permit
4. Review of environmental permits
5. Classification of mining waste facilities
6. Inspections
7. Exercise of relevant functions
8. Public participation
9. Derogation from requirements
10. Closure of a mining waste facility
11. Inventory of closed mining waste facilities
12. Developments in best available techniques
13. Planning permission conditions
14. Applications for grant or variation of an environmental permit for a Category A mining waste facility

SCHEDULE 21 — Water discharge activities

1. Application
2. Interpretation
3. Meaning of “water discharge activity”
4. Highway drains – notice requiring environmental permit
5. Discharge of trade effluent or sewage effluent into lake or pond – notice requiring environmental permit
6. Liability resulting from discharge of sewage effluent from public sewer

SCHEDULE 22 — Groundwater activities

1. Application
2. Interpretation
3. Meaning of “groundwater activity”
4. Meaning of “hazardous substance”
5. Meaning of “non-hazardous pollutant”
6. Exercise of relevant functions
7. Applications for grant of environmental permit
8. Groundwater activities for which a permit may be granted
9. Prohibition notice
10. Notice requiring environmental permit
11. Notice in relation to a highway drain
12. Guidance
13. Liability resulting from discharge of sewage effluent from public sewer

SCHEDULE 23 — Radioactive substances activities

PART 1 — Application

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1. Application
  - PART 2 — Interpretation
  1. Interpretation
  2. Interpretation: NORM industrial activity
  3. Interpretation: “radioactive material”, “radioactive waste” and “waste”
  4. NORM industrial activities
  5. Processed radionuclides of natural terrestrial or cosmic origin
  6. Radionuclides not of natural terrestrial or cosmic origin
  - 6A Dilution to reduce concentration of radioactivity
  7. Radionuclides with a short half-life
  8. Radionuclides not of natural terrestrial or cosmic origin in background radioactivity
  9. Contaminated substances or articles
  - 9A Historic radium contamination
  10. Substances or articles after disposal
  11. Interpretation: radioactive substances activity
  12. Discharge of functions: mobile radioactive apparatus
  13. Nuclear sites
  14. Vehicles, vessels and aircraft
  - PART 3 — Tables of radionuclides and summation rules
  1. Table 1
  2. Table 2
  3. References in Table 1 and Table 2 to + and sec
  4. Table 3
  - PART 4 — The Basic Safety Standards Directive

## SECTION 1

### *Exposures and doses*

1. Optimisation and dose limits
2. Specific dose limits and calculation

## SECTION 2

### *Interventions*

3. Radioactive waste: power of the Secretary of State to provide facilities for disposal or accumulation
4. Radioactive waste: power of disposal by the regulator

## SECTION 3

### *Miscellaneous duties of the regulator*

5. Inspection programmes
6. Inspection findings
7. Radioactive waste: requirements to be imposed on permit holders
8. Dilution of radioactive material and radioactive waste
9. Monitoring of discharges

PART 5 — The control of high-activity and other sources

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## SECTION 1

### *Security of sources*

1. Interpretation
2. Site security: inspection
3. Site security: security measures and advice

## SECTION 2

### *Advice and assistance in relation to orphan sources*

4. Advice and assistance in respect of orphan sources

## SECTION 3

### *Exercise of relevant functions and matters in relation to ... sources*

5. General
  6. Records and inspections
  7. Training and information
  8. Orphan sources
- PART 6 — Radioactive substances activity exemptions

## SECTION 1

### *General*

1. Interpretation
2. Interpretation: NORM

## SECTION 2

### *Exemption for keeping and using radioactive material and accumulating radioactive waste*

3. Exemption for keeping and using radioactive material
4. Exemption for accumulating radioactive waste
5. Radioactive substances exempted under paragraphs 3 and 4
6. Conditions in respect of the total quantity or concentration of radioactive substances on any premises
7. Exemption for accumulating NORM waste

## SECTION 3

### *Exemption for keeping or using mobile radioactive apparatus*

8. Exemption for keeping or using mobile radioactive apparatus

## SECTION 4

### *Relevant standard conditions*

9. Interpretation of this Section
10. Relevant standard conditions
11. General conditions
12. Loss or theft conditions

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13. Loss or theft conditions: mobile radioactive apparatus
14. Condition to dispose of accumulated waste

## SECTION 5

### *Exemption for disposing of solid radioactive waste*

15. Exemption for receiving and disposing of solid radioactive waste
16. Solid radioactive waste
17. Conditions in respect of solid radioactive waste

## SECTION 6

### *Exemption for disposing of NORM waste*

18. Exemption for receiving and disposing of NORM waste
- 18A. Exemption for disposing of gaseous NORM waste from oil and gas production
19. Conditions in respect of NORM waste

## SECTION 7

### *Exemption for disposing of aqueous radioactive waste*

20. Exemption for disposing of aqueous radioactive waste in Table 6
21. Exemption for disposing of other aqueous radioactive waste
22. Conditions in respect of aqueous radioactive waste in paragraph 21

## SECTION 8

### *Exemption for disposal of gaseous radioactive waste*

23. Exemption for disposal of gaseous radioactive waste
24. Conditions in respect of gaseous radioactive waste

## SECTION 9

### *Tables and summation rules in this Part*

25. Table 4
- 25A. Table 4A
26. Table 5
27. Table 6
28. Table 7
29. Interpretation of this Section
30. Table 8

### PART 7 — Radioactivity to be disregarded

1. Application
2. Provisions of enactments

### SCHEDULE 24 — Efficiency in heating and cooling energy: Energy Efficiency Directive

1. Interpretation
2. Electricity generating installations
3. Installations generating waste heat

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4. Heating and cooling networks
5. Thresholds
6. Determination of applications
7. Aggregation of rated thermal input – existing installations
8. Existing applications for the grant or variation of an environmental permit

SCHEDULE 25 — Flood risk activities and excluded flood risk activities

PART 1 — Flood risk activities

1. Application
2. Interpretation
3. Meaning of “flood risk activity”
4. Excluded flood risk activities
5. Exercise of relevant functions
6. Conditions for operation and maintenance of structures and works
7. Emergency works notice
8. Remediation notice
9. Regulator's power to take steps to remove and remedy etc.
10. Protected undertakings, railways and bridges

PART 2 — Excluded flood risk activities

SECTION 1

*Introductory*

1. (1) The descriptions in this Part are set out in...

SECTION 2

*Descriptions and conditions*

2. Emergency activity
3. A licensable marine activity in England
4. A licensable marine activity in Wales
5. Ladders, scaffold towers and other similar apparatus
6. Service crossings within an existing structure
7. Flood protection devices attached to buildings
8. Minor works on or affecting bridges and culverts
9. Fencing
10. Fish traps
11. Notice boards
12. Purpose-built sediment traps
13. Site investigation boreholes and trial pits

SCHEDULE 25A — Medium Combustion Plants: Medium Combustion Plant Directive

PART 1 — General

1. Application
2. Interpretation
3. Applications for the grant of an environmental permit
4. Exercise of relevant function

PART 2 — Emission Limit Values

5. Interpretation of this Part
6. Emission limit values
7. Limited operating hours – existing medium combustion plants
8. Limited operating hours - new medium combustion plants

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9. Small and micro isolated systems – existing medium combustion plants
10. Plant at gas compressor stations – existing medium combustion plants
11. Temporary derogations – existing and new medium combustion plants

#### SCHEDULE 25B — Specified generators

1. Application
2. Interpretation – specified generators
3. Interpretation – relevant dates and permitting dates
4. Interpretation - general
5. Environmental permit conditions: general
6. Exceptions to environmental permit conditions

#### SCHEDULE 26 — Enforcement undertakings

1. Enforcement undertakings
2. Contents of an enforcement undertaking
3. Acceptance of an enforcement undertaking
4. General provisions on enforcement undertakings
5. Discharge of an enforcement undertaking
6. Inaccurate, incomplete or misleading information
7. Non-compliance with an enforcement undertaking
8. Appeals
9. Guidance as to use of enforcement undertakings
10. Publication of enforcement undertakings

#### SCHEDULE 26A — Variable monetary penalties (England)

##### PART 1 — Variable monetary penalties: procedure

1. Power to impose a variable monetary penalty
  2. Notice of intent to impose a variable monetary penalty
  3. Making representations and objections
  4. Offering a third party undertaking
  5. Procedure for imposition of a variable monetary penalty
  6. Final notice
  7. Variable monetary penalties: criminal proceedings and conviction
  8. Variable monetary penalties: enforcement cost recovery notice
- ##### PART 2 — Non-compliance penalties and recovery of penalties and costs
9. Non-compliance penalty
  10. Power to recover a variable monetary penalty or non-compliance penalty
- ##### PART 3 — Appeals
11. Variable monetary penalties: appeals
  12. Non-compliance penalty and enforcement cost recovery notice: appeals
  13. Powers of the First-tier Tribunal on appeal
- ##### PART 4 — Guidance
14. Guidance as to the use of civil sanctions and cost recovery
- ##### PART 5 — Publication of reports
16. Publication of enforcement action

#### SCHEDULE 27 — Public registers

1. Matters to be included in a public register
2. Information no longer relevant for public participation
3. Formal cautions
4. Spent convictions of individuals

#### SCHEDULE 28 — Revocations

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## SCHEDULE 29 — Consequential amendments

### PART 1 — Public General Acts

1. Continental Shelf Act 1964
2. Nuclear Installations Act 1965
3. Control of Pollution Act 1974
4. Salmon and Freshwater Fisheries Act 1975
5. Highways Act 1980
6. Environmental Protection Act 1990
7. Atomic Weapons Establishment Act 1991
8. Water Industry Act 1991
9. Water Resources Act 1991
10. Water Consolidation (Consequential Provisions) Act 1991
11. Clean Air Act 1993
12. Goods Vehicles (Licensing of Operators) Act 1995
13. Environment Act 1995
14. Petroleum Act 1998
15. Finance Act 2000
16. Energy Act 2004
17. Planning Act 2008
18. Energy Act 2008
19. Scrap Metal Dealers Act 2013
20. Defence Reform Act 2014

### PART 2 — Subordinate legislation

1. Deposits in the Sea (Exemptions) Order 1985
2. Town and Country Planning (Use Classes) Order 1987
3. Civil Jurisdiction (Offshore Activities) Order 1987
4. Urban Waste Water Treatment (England and Wales) Regulations 1994
5. Landfill Tax Regulations 1996
6. Water Protection Zone (River Dee Catchment) Designation Order 1999
7. Ionising Radiations Regulations 1999
8. Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000
9. Non-automatic Weighing Instruments Regulations 2000
10. Control of Pollution (Oil Storage) (England) Regulations 2001
11. Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003
12. End-of-Life Vehicles Regulations 2003
13. Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2003
14. Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
15. Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004
16. Hazardous Waste (England and Wales) Regulations 2005
17. Hazardous Waste (Wales) Regulations 2005
18. Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006
19. Measuring Instruments (Automatic Catchweighers) Regulations 2006
20. Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006
21. Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006
22. Contaminated Land (England) Regulations 2006
23. Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006

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24. Contaminated Land (Wales) Regulations 2006
25. Producer Responsibility Obligations (Packaging Waste) Regulations 2007
26. Persistent Organic Pollutants Regulations 2007
27. Cremation (England and Wales) Regulations 2008
28. Co-ordination of Regulatory Enforcement (Enforcement Action) Order 2009
29. Waste Batteries and Accumulators Regulations 2009
30. Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009
31. Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009
32. Corporation Tax (Land Remediation Relief) Order 2009
33. Mercury Export and Data (Enforcement) Regulations 2010
34. Conservation of Habitats and Species Regulations 2010
35. River Mersey (Mersey Gateway Bridge) Order 2011
36. Waste (England and Wales) Regulations 2011
37. Network Rail (Hitchin (Cambridge Junction)) Order 2011
38. Town and Country Planning (Environmental Impact Assessment) Regulations 2011
39. Renewable Heat Incentive Scheme Regulations 2011
40. Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012
41. Ipswich Barrier Order 2012
42. Network Rail (Ipswich Chord) Order 2012
43. Network Rail (North Doncaster Chord) Order 2012
44. Chiltern Railways (Bicester to Oxford Improvements) Order 2012
45. Climate Change Agreements (Eligible Facilities) Regulations 2012
46. Greenhouse Gas Emissions Trading Scheme Regulations 2012
47. Crossrail (Kensal Green) Order 2013
48. Brechfa Forest West Wind Farm Order 2013
49. Hinkley Point C (Nuclear Generating Station) Order 2013
50. Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013
51. Leeds Railway Station (Southern Entrance) Order 2013
52. Croxley Rail Link Order 2013
53. Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013
54. Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013
55. M1 Junction 10a (Grade Separation) Order 2013
56. Network Rail (Redditch Branch Enhancement) Order 2013
57. Waste Electrical and Electronic Equipment Regulations 2013
58. National Grid (King's Lynn B Power Station Connection) Order 2013
59. Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013
60. Network Rail (Norton Bridge Area Improvements) Order 2014
61. National Grid (North London Reinforcement Project) Order 2014
62. East Anglia ONE Offshore Wind Farm Order 2014
63. Daventry International Rail Freight Interchange Alteration Order 2014
64. Rampion Offshore Wind Farm Order 2014
65. Network Rail (Huyton) Order 2014
66. A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014

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67. Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014
68. North Killingholme (Generating Station) Order 2014
69. Clocaenog Forest Wind Farm Order 2014
70. Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014
71. South Hook Combined Heat and Power Plant Order 2014
72. Able Marine Energy Park Development Consent Order 2014
73. Walney Extension Offshore Wind Farm Order 2014
74. London Underground (Northern Line Extension) Order 2014
75. Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014
76. Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014
77. Willington C Gas Pipeline Order 2014
78. Hornsea One Offshore Wind Farm Order 2014
79. Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015
80. A160/A180 (Port of Immingham Improvement) Development Consent Order 2015
81. Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015
82. Dogger Bank Creyke Beck Offshore Wind Farm Order 2015
83. Ship Recycling Facilities Regulations 2015
84. Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015
85. Control of Major Accidents Hazards Regulations 2015
86. Town and Country Planning (General Permitted Development) (England) Order 2015
87. Nitrate Pollution Prevention Regulations 2015
88. Knottingley Power Plant Order 2015
89. Network Rail (Ordsall Chord) Order 2015
90. Environmental Damage (Prevention and Remediation) (England) Regulations 2015
91. White Moss Landfill Order 2015
92. Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015
93. Hazardous Waste (Miscellaneous Amendments) Regulations 2015
94. Swansea Bay Tidal Generating Station Order 2015
95. Preesall Underground Gas Storage Facility Order 2015
96. Progress Power (Gas Fired Power Station) Order 2015
97. Hirwaun Generating Station Order 2015
98. Dogger Bank Teesside A and B Offshore Wind Farm Order 2015
99. Ferrybridge Multifuel 2 Power Station Order 2015
100. Network Rail (Tinsley Chord) Order 2015
101. Large Combustion Plants (Transitional National Plan) Regulations 2015
102. Port Talbot Steelworks Generating Station Order 2015
103. London Underground (Bank Station Capacity Upgrade) Order 2015
104. East Midlands Gateway Rail Freight Interchange and Highway Order 2016
105. National Grid (Hinkley Point C Connection Project) Order 2016
106. Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016
107. A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016

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108. Palm Paper Mill Generating Station Order 2016
109. Thorpe Marsh Gas Pipeline Order 2016
110. Water Resources (Control of Pollution) (Oil Storage) (Wales) Regulations 2016
111. Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016
112. The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016
113. The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016
114. The Midland Metro (Wolverhampton City Centre Extension) Order 2016
115. The York Potash Harbour Facilities Order 2016
116. The Meaford Gas Fired Generating Station Order 2016
117. The North Wales Wind Farms Connection Order 2016
118. The Hornsea Two Offshore Wind Farm Order 2016
119. The River Humber Gas Pipeline Replacement Order 2016
120. The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016
121. The Triton Knoll Electrical System Order 2016

Explanatory Note

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**Changes and effects yet to be applied to :**

- Sch. 7 para. 5(d) omitted by [S.I. 2019/39 reg. 2\(11\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(11)(b)(i) revoked immediately before IP completion day by S.I. 2019/559, regs. 1(2), 3(2)(a))
- Sch. 9 Pt. 2 words omitted by [S.I. 2023/1156 reg. 2\(2\)](#)
- Sch. 13 para. 4(1)(d) omitted by [S.I. 2019/39 reg. 2\(17\)\(b\)\(i\)\(aa\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(17)(b)(i)(aa) revoked immediately before IP completion day by S.I. 2019/559, regs. 1(2), 3(2)(b)(i))
- Sch. 14 para. 3(d) omitted by [S.I. 2019/39 reg. 2\(18\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(18)(b)(i) revoked immediately before IP completion day by S.I. 2019/559, regs. 1(2), 3(2)(c))
- reg. 12 excluded by [S.I. 2020/1297 art. 3\(1\)\(f\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- reg. 12 excluded by [S.I. 2021/51 art. 3\(f\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 2(3) inserted by [S.I. 2023/1156 reg. 2\(6\)](#)
- Sch. 9 Pt. 2 para. 4(5)(aa) inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(6A) inserted by [S.I. 2023/1156 reg. 2\(7\)\(e\)](#)
- Sch. 9 Pt. 2 para. 5(6)(aa) inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(6A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(d\)](#)
- Sch. 9 Pt. 2 para. 5(7A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(11) inserted by [S.I. 2023/1156 reg. 2\(8\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(1)(ba) inserted by [S.I. 2023/1156 reg. 2\(9\)\(d\)](#)
- Sch. 9 Pt. 2 para. 6(1)(h) inserted by [S.I. 2023/1156 reg. 2\(9\)\(h\)](#)
- Sch. 9 Pt. 2 para. 8 inserted by [S.I. 2023/1156 reg. 2\(12\)](#)
- Sch. 9 Pt. 2 para. 7(3)(d)-(f) omitted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(f)-(h) omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(vi\)](#)
- Sch. 9 Pt. 2 para. 7(5) omitted by [S.I. 2023/1156 reg. 2\(11\)\(d\)](#)
- Sch. 9 Pt. 2 para. 2(2)(a) substituted by [S.I. 2023/1156 reg. 2\(5\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(2) substituted by [S.I. 2023/1156 reg. 2\(7\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(2) substituted by [S.I. 2023/1156 reg. 2\(8\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(8) substituted by [S.I. 2023/1156 reg. 2\(8\)\(g\)](#)
- Sch. 9 Pt. 2 para. 6(1)(b) substituted by [S.I. 2023/1156 reg. 2\(9\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(f) substituted by [S.I. 2023/1156 reg. 2\(9\)\(f\)](#)

- Sch. 9 Pt. 2 para. 4(6)(a)-(j) substituted for Sch. 9 Pt. 2 para. 4(6)(a)-(d) by S.I. 2023/1156 reg. 2(7)(d)(ii)
- Sch. 9 Pt. 2 para. 4(8)(9) substituted for Sch. 9 Pt. 2 para. 4(8) by S.I. 2023/1156 reg. 2(7)(g)
- Sch. 9 Pt. 2 para. 2(2)(b) word inserted by S.I. 2023/1156 reg. 2(5)(c)
- Sch. 9 Pt. 2 para. 6(1)(g) word inserted by S.I. 2023/1156 reg. 2(9)(g)(ii)
- Sch. 9 Pt. 2 para. 4(6) word omitted by S.I. 2023/1156 reg. 2(7)(d)(i)(bb)
- Sch. 9 Pt. 2 para. 5(7) word omitted by S.I. 2023/1156 reg. 2(8)(e)(ii)
- Sch. 9 Pt. 2 para. 6(1)(g) word omitted by S.I. 2023/1156 reg. 2(9)(g)(iii)
- Sch. 9 Pt. 2 para. 2(1) word substituted by S.I. 2023/1156 reg. 2(4)(a)
- Sch. 9 Pt. 2 para. 2(2) word substituted by S.I. 2023/1156 reg. 2(5)(a)
- Sch. 9 Pt. 2 para. 4(3) word substituted by S.I. 2023/1156 reg. 2(7)(b)
- Sch. 9 Pt. 2 para. 4(6) word substituted by S.I. 2023/1156 reg. 2(7)(d)(i)(aa)
- Sch. 9 Pt. 2 para. 1(2) words inserted by S.I. 2023/1156 reg. 2(3)
- Sch. 9 Pt. 2 para. 2(1) words inserted by S.I. 2023/1156 reg. 2(4)(b)
- Sch. 9 Pt. 2 para. 2(1) words inserted by S.I. 2023/1156 reg. 2(4)(g)
- Sch. 9 Pt. 2 para. 2(1) words inserted by S.I. 2023/1156 reg. 2(4)(h)(ii)
- Sch. 9 Pt. 2 para. 2(1) words inserted by S.I. 2023/1156 reg. 2(4)(h)(iii)
- Sch. 9 Pt. 2 para. 2(1) words inserted by S.I. 2023/1156 reg. 2(4)(i)
- Sch. 9 Pt. 2 para. 4(5)(b) words inserted by S.I. 2023/1156 reg. 2(7)(c)(ii)
- Sch. 9 Pt. 2 para. 5(6)(b) words inserted by S.I. 2023/1156 reg. 2(8)(c)(ii)
- Sch. 9 Pt. 2 para. 5(7) words inserted by S.I. 2023/1156 reg. 2(8)(e)(i)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by S.I. 2023/1156 reg. 2(8)(e)(iii)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by S.I. 2023/1156 reg. 2(8)(e)(iv)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by S.I. 2023/1156 reg. 2(8)(e)(v)
- Sch. 9 Pt. 2 para. 6(1) words inserted by S.I. 2023/1156 reg. 2(9)(a)
- Sch. 9 Pt. 2 para. 6(1)(a) words inserted by S.I. 2023/1156 reg. 2(9)(b)
- Sch. 9 Pt. 2 para. 6(1)(c) words inserted by S.I. 2023/1156 reg. 2(9)(e)
- Sch. 9 Pt. 2 para. 6(1)(d) words inserted by S.I. 2023/1156 reg. 2(9)(e)
- Sch. 9 Pt. 2 para. 6(1)(e) words inserted by S.I. 2023/1156 reg. 2(9)(e)
- Sch. 9 Pt. 2 para. 6(2)(a) words inserted by S.I. 2023/1156 reg. 2(10)(a)
- Sch. 9 Pt. 2 para. 7(2)(a) words inserted by S.I. 2023/1156 reg. 2(11)(a)
- Sch. 9 Pt. 2 para. 7(3)(a) words inserted by S.I. 2023/1156 reg. 2(11)(b)(i)
- Sch. 9 Pt. 2 para. 7(3)(c) words inserted by S.I. 2023/1156 reg. 2(11)(b)(ii)
- Sch. 9 Pt. 2 para. 7(4)(c) words inserted by S.I. 2023/1156 reg. 2(11)(c)(iv)
- Sch. 9 Pt. 2 para. 7(4)(e) words inserted by S.I. 2023/1156 reg. 2(11)(c)(v)
- Sch. 9 Pt. 2 para. 2(1) words omitted by S.I. 2023/1156 reg. 2(4)(d)
- Sch. 9 Pt. 2 para. 7(4) words omitted by S.I. 2023/1156 reg. 2(11)(c)(i)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(c)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(e)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(f)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(h)(i)
- Sch. 9 Pt. 2 para. 4(7) words substituted by S.I. 2023/1156 reg. 2(7)(f)
- Sch. 9 Pt. 2 para. 5(5) words substituted by S.I. 2023/1156 reg. 2(8)(b)
- Sch. 9 Pt. 2 para. 5(10) words substituted by S.I. 2023/1156 reg. 2(8)(h)
- Sch. 9 Pt. 2 para. 6(1)(g) words substituted by S.I. 2023/1156 reg. 2(9)(g)(i)
- Sch. 9 Pt. 2 para. 6(2)(b) words substituted by S.I. 2023/1156 reg. 2(10)(b)
- Sch. 9 Pt. 2 para. 7(4)(a) words substituted by S.I. 2023/1156 reg. 2(11)(c)(ii)
- Sch. 9 Pt. 2 para. 7(4)(b) words substituted by S.I. 2023/1156 reg. 2(11)(c)(iii)