

## SCHEDULE 6

### Transitional provisions and savings

## PART 3

### The 1992 Act and the 2006 Rules

#### **Requests for a screening decision made before the commencement date**

7.—(1) The amendments made by Schedule 3 to section 6 of the 1992 Act do not apply in relation to a qualifying screening decision request.

(2) The amendments made by Schedule 4 to rules 4 and 7 of the 2006 Rules do not apply in relation to a qualifying screening decision request.

(3) In this paragraph “qualifying screening decision request” means a request made under rule 7(4) of the 2006 Rules before the commencement date.

#### **Requests for a scoping opinion made before the commencement date**

8.—(1) The amendments made by Schedule 3 to section 6 of the 1992 Act do not apply in relation to a qualifying scoping opinion request.

(2) The amendments made by Schedule 4 to rules 4 and 8 of the 2006 Rules do not apply in relation to a qualifying scoping opinion request.

(3) In this paragraph and paragraph 9, “qualifying scoping opinion request” means a request made under rule 8(1) of the 2006 Rules before the commencement date.

#### **Applications for orders under sections 1 and 3 of the 1992 Act**

9.—(1) The amendments specified in sub-paragraph (2) do not apply in relation to—

(a) an application in respect of which an environmental statement is submitted before the commencement date, or

(b) an application which is made following an opinion given on or after the commencement date in response to a qualifying scoping opinion request.

(2) The specified amendments are—

(a) the amendments made by Schedule 3 to the 1992 Act, and

(b) the amendments made by Schedule 4 to the 2006 Rules.

(3) In this paragraph—

“application” means an application under section 6 of the 1992 Act for an order under section 1 or 3 of that Act;

“environmental statement” has the meaning given by section 14(3D) of the 1992 Act as it is in force immediately before the commencement date.

#### **Existing proposals: screening decision**

10.—(1) The amendments made by Schedule 4 to rule 4 of and paragraphs 4, 5 and 7 of Schedule 7 to the 2006 Rules do not apply in relation to a proposal which is made by an appropriate national authority before the commencement date.

(2) In this Part of this Schedule—

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“appropriate national authority”—

- (a) in relation to a proposal to which rule 28 of the 2006 Rules applies, means the National Assembly for Wales;
- (b) otherwise, means the Secretary of State;

“proposal” means a proposal to make an order by virtue of section 7 of the 1992 Act.

**Existing proposals: scoping opinion**

**11.**—(1) The amendments made by Schedule 4 to rules 4 and 8 of the 2006 Rules do not apply in relation to a proposal in respect of which the relevant appropriate national authority consults as required by paragraph 9 of Schedule 7 to the 2006 Rules before the commencement date.

(2) In this paragraph and paragraph 12 “relevant appropriate national authority”, in relation to a proposal, means the appropriate national authority which makes the proposal.

**Existing proposals: other procedural requirements**

**12.**—(1) The amendments specified in sub-paragraph (2) do not apply in relation to a proposal in respect of which the relevant appropriate national authority—

- (a) consults as required by paragraph 9 of Schedule 7 to the 2006 Rules before the commencement date, or
- (b) deposits a copy of the environmental statement in the library of the House of Commons (as required by paragraph 13 of Schedule 7 to the 2006 Rules) before that date.

(2) The specified amendments are—

- (a) the amendments made by Schedule 3 to the 1992 Act, and
- (b) the amendments made by Schedule 4 to rule 4 the 2006 Rules.