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SCHEDULES

SCHEDULE 13

Section 144.

AMENDMENTS OF HAZARDOUS SUBSTANCES LEGISLATION

PART I

ENGLAND AND WALES

- 1 The ^{M1}Planning (Hazardous Substances) Act 1990 shall be amended as provided in this Part of this Schedule.

Marginal Citations

M1 1990 c. 10.

- 2 (1) ^{F1}
- (2) [^{F2}In section 7(3), for the words from “means” to “with” in the third place it occurs there shall be substituted the words “ means consultations with the Health and Safety Executive and with ”.]
- (3) In section 10(2), for the words from the beginning to “3” there shall be substituted the words “ A hazardous substances authority ”.
- (4) In section 28(1)—
- (a) in paragraph (a), for the words following the word “consent” there shall be substituted the words “made to that authority;
- (aa) to applications under section 17(1) made to that authority;”;
- and
- (b) after paragraph (d), there shall be inserted the following words—
- “ ; and every such register shall also contain such information as may be prescribed as to the manner in which applications for hazardous substances consent have been dealt with. ”
- (5) In section 29, in subsection (3) and (4), for the words “appropriate body” there shall be substituted the words “ Health and Safety Executive ”.
- (6) In section 38(5) for the words “1 to 3” there shall be substituted “ 1, 3 ”.
- (7) In section 39(1), in the definition of “hazardous substances authority”, for the word “to”, in the second place it occurs, there shall be inserted the word “ and ”.

Textual Amendments

F1 Sch. 13 para. 2(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), [Sch. 1 Pt. 13](#)

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F2 Sch. 13 para. 2(2) repealed (S.) (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), Sch. 2 para. 13 (with Sch. 4)

3 In section 7(1)(a) (applications for consent), after the word “applications” there shall be inserted the words “ under this Act ”.

4 In section 11 (deemed hazardous substances consent in transitional cases)—
(a) in subsection (2) for the words “immediately before the relevant date” there shall be substituted the words “ while it was so present ”; and
(b) in subsection (7), in paragraph (a), at the beginning there shall be inserted the words “to the condition that” and, for paragraphs (b) and (c), there shall be substituted the words “, and
(b) to such other conditions (if any) as are prescribed for the purposes of this section and are applicable in the case of that consent.”

5 In section 12 (deemed consent: government authorisation), at the end there shall be added the following subsection—

“(6) A government department or the Secretary of State shall, as respects any hazardous substances consent deemed to be granted by virtue of directions under this section, send to the hazardous substances authority concerned any such information as appears to be required by them for the purposes of a register under section 28.”

6 ^{F3}

Textual Amendments
F3 Sch. 13 para. 6 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 13

7 In section 22 (validity of decisions as to applications), in subsection (4), for the words “1971 Act” there shall be substituted the words “ principal Act ”.

8 In section 25(1)(c) (provisions of principal Act capable of application to hazardous substances contravention notices), after “184,” there shall be inserted “ 186, ”.

9 Before section 27 there shall be inserted the following section—

“26A Fees for consent applications.

- (1) Provision may be made by regulations for the payment of a fee of the prescribed amount to a hazardous substances authority in respect of an application for, or for the continuation of, hazardous substances consent.
- (2) Regulations under this section may provide for the payment to the Secretary of State of a fee of the prescribed amount in respect of any application which is, by virtue of regulations under section 25, deemed to have been made for hazardous substances consent.
- (3) Regulations under this section may provide—
 - (a) for the transfer of prescribed fees received by a hazardous substances authority in respect of any application which is referred to the Secretary of State under section 20;

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(b) for the remission or refunding of a prescribed fee (in whole or in part) in prescribed circumstances or in pursuance of a direction given by the Secretary of State;
and the regulations may make different provision for different areas or for different cases or descriptions of cases.”

10

[^{F4}In section 303(6) of the ^{M2}Town and Country Planning Act 1990 (meaning of “Planning Acts” for purposes of fees chargeable under that section), at the end there shall be inserted the words “ or the Planning (Hazardous Substances) Act 1990. ”)]

Textual Amendments

F4 Sch. 13 para. 10 repealed (6.4.2009 for E. and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 238, 241, {Sch. 13} (with s. 226); [S.I. 2009/400](#), [art. 5](#), [Sch. Pt. 2](#)

Marginal Citations

M2 1990 c. 8.

PART II

SCOTLAND

^{F5}11

Textual Amendments

F5 Sch. 13 paras. 11-13 repealed (27.5.1997) by [1997 c. 11](#), ss. 3, 6(2), [Sch. 1 Pt.I](#) (with s. 5, Sch. 3).

^{F6}12

Textual Amendments

F6 Sch. 13 paras. 11-13 repealed (27.5.1997) by [1997 c. 11](#), ss. 3, 6(2), [Sch. 1 Pt.I](#) (with s. 5, Sch. 3).

^{F7}13

Textual Amendments

F7 Sch. 13 paras. 11-13 repealed (27.5.1997) by [1997 c. 11](#), ss. 3, 6(2), [Sch. 1 Pt.I](#) (with s. 5, Sch. 3).

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

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

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)