
STATUTORY INSTRUMENTS

1997 No. 1626 (C. 68)

ENVIRONMENTAL PROTECTION

**The Environment Act 1995 (Commencement
No. 9 and Transitional Provisions) Order 1997**

Made - - - - *27th June 1997*

The Secretary of State, in exercise of the powers conferred on him by section 125(3) and (4) of the Environment Act 1995⁽¹⁾, hereby makes the following Order:

Citation

1. This Order may be cited as the Environment Act 1995 (Commencement No. 9 and Transitional Provisions) Order 1997.

Provisions coming into force on 1st July 1997

2. The following provisions of the Environment Act 1995 shall come into force on 1st July 1997—

- (a) section 60(3), (4), (5)(a) and (7); and
- (b) section 116 in so far as it relates to paragraph 2(4) of Schedule 21 except for the purposes of the application of the substituted section 222 of the Water Resources Act 1991⁽²⁾ to Part II of that Act.

Transitional provisions

3.—(1) Any application by the Crown for a consent for the purposes of section 88(1)(a) of the Water Resources Act 1991 made before 1st July 1997, and anything done before that date in relation to that application, shall be treated on and after that date as if it had been made or done under the relevant provisions of Schedule 10⁽³⁾ to that Act or the Control of Pollution (Applications, Appeals and Registers) Regulations 1996⁽⁴⁾.

(2) Where—

- (a) any application to which paragraph (1) above applies has not been finally disposed of before 1st July 1997; and

(1) 1995 c. 25.
(2) 1991 c. 57.
(3) Substituted by paragraph 183 of Schedule 22 to the Environment Act 1995.
(4) S.I. 1996/2971.

(b) the application relates to discharges which are substantially the same as discharges lawfully made by the Crown before that date without a consent,
the Environment Agency shall be deemed to have given unconditionally the consent applied for and the deemed consent shall continue in force until the application is finally disposed of.

(3) An application shall be treated as finally disposed of for the purposes of paragraph (2) above—

- (a) on the date on which the Agency gives the consent applied for unconditionally or the application is withdrawn;
- (b) if the Agency gives its consent subject to conditions or refuses its consent, on the expiration of the time limit for appealing against that decision; or
- (c) if an appeal is duly made against the Agency's decision, on the date on which that appeal is determined or withdrawn.

Signed by authority of the Secretary of State

Angela Eagle
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

27th June 1997

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 brings into force on 1st July 1997—

- (a) section 60(3), (4), (5)(a) and (7) of the Environment Act 1995, which amends section 161 of the Water Resources Act 1991 (anti-pollution works and operations); and
- (b) section 116 of the Environment Act 1995 in so far as it relates to paragraph 2(4) of Schedule 21 (Crown application of the Water Resources Act 1991) except in relation to Part II of the Water Resources Act 1991 (water resources management).

Article 3 makes transitional provisions in cases where an application for a discharge consent has been made by the Crown before 1st July 1997.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Environment Act 1995 have been brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 1	28.7.1995	1995/1983
Section 2	1.4.1996	1996/186
Section 3(1)	1.4.1996	1996/186
Section 3(2) to (8)	28.7.1995	1995/1983
Section 4	28.7.1995	1995/1983
Section 5	1.2.1996	1996/186
	1.4.1996	
Section 6	1.4.1996	1996/186
Section 7	28.7.1995	1995/1983
Section 8	1.4.1996	1996/186
Section 9	28.7.1995	1995/1983
Sections 10 and 11	1.4.1996	1996/186
Section 12	28.7.1995	1995/1983
Sections 13 to 19	1.4.1996	1996/186
Sections 20 to 23	12.10.1995	1995/2649
Sections 25 to 29	1.4.1996	1996/186

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 30 to 32	12.10.1995	1995/2649
Sections 33 to 35	1.4.1996	1996/186
Section 36	12.10.1995	1995/2649
Section 37	28.7.1995 and 1.4.1996	1995/1983 and 1996/186
Sections 38 to 40	28.7.1995	1995/1983
Section 41	21.9.1995	1995/1983 and 1996/186
	1.2.1996 and 1.4.1996	
Section 42	21.9.1995	1995/1983
Sections 43 to 52	28.7.1995	1995/1983
Sections 53 and 54	1.4.1996	1996/186
Section 55	1.2.1996 and 1.4.1996	1996/186
Section 56	28.7.1995	1995/1983
Section 57 (partially)	21.9.1995	1995/1983
Section 58 (partially)	21.9.1995	1995/1983
Section 59 (partially)	12.10.1995	1995/2649
Section 78 and Schedule 10 (partially), with savings	23.11.1995	1995/2950 and 1996/2560
	1.4.1996 and 1.4.1997	
Section 80	1.2.1996	1996/186
Section 81	1.4.1996	1996/186
Sections 87 to 89	1.2.1996	1996/186
Section 90 and Schedule 11 (partially)	1.2.1996	1996/186
Section 91	1.2.1996	1996/186
Section 92	1.4.1996	1996/186
Sections 93 to 95	21.9.1995	1995/1983
Section 96(1), (5) and (6) and Schedules 13 and 14	1.11.1995 (England and Wales)	1995/2765
	1.1.1997 (Scotland)	1996/2857
Section 96(2)	1.11.1995	1995/2765
Section 96(3)	1.1.1997	1996/2857
Section 96(4) (partially) (England and Wales)	1.11.1995	1995/2765
Section 96(4) (partially) (Scotland)	1.1.1997	1996/2857
Sections 97 to 103	21.9.1995	1995/1983

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 104	1.4.1996	1996/186
Section 105 and Schedule 15	21.9.1995	1995/1983 and 1996/186
	1.2.1996	
	1.4.1996 and 1.1.1999	
Sections 106 to 114	1.4.1996	1996/186
Section 115	1.4.1996	1995/2950 and 1996/186
Section 116 and Schedule 21 (partially)	21.9.1995	1995/1983
Section 117	1.4.1996	1996/186
Section 118(1) to (3), (4) and (5) (partially) and (6)	1.4.1996	1996/186
Section 119	1.4.1996	1996/186
Section 120(1) and Schedule 22 (partially)	12.10.1995	1995/1983
	21.9.1995	1995/2649
	1.2.1996	1996/186 and 1996/2909
	1.4.1996	
	21.11.1996 and 31.12.1996	
Section 120(2) and Schedule 23 (partially)	1.4.1996 and 1.1.1999	1995/1983 and 1996/186
Section 120(3) and Schedule 24 (partially)	1.2.1995	1995/1983
	21.9.1995	1995/2765
	1.11.1995	1996/186
	1.2.1996	1996/2560
	1.4.1996	1996/2857 and 1996/2909
	31.12.1996	
	1.1.1997	
	1.4.1997 and 1.1.1999	
Section 120(4) to (6)	28.7.1995	1995/1983
Sections 121 to 124	28.7.1995	1995/1983
Paragraph 7(2) of Schedule 7	1.4.1997	1996/2560