

SCHEDULE 7

TRANSITIONAL PROVISIONS AND SAVINGS

PART 3

Provisions relating to amendments of specific enactments

Environmental Protection Act 1990

8. Notwithstanding the repeal by this Order of Schedules 8 and 9 to the 1990 Act, the amendments made by those Schedules to other Acts continue to have effect to the extent that they had effect immediately before the coming into force of this Order, subject to any amendments to those other Acts made by this Order.

Control of Major Accident Hazards Regulations 1999

9.—(1) This paragraph applies for the purposes of regulation 7(11) of the Control of Major Accident Hazards Regulations 1999(1).

(2) Where—

- (a) a safety report is sent to the competent authority in relation to an establishment in Wales;
- (b) that safety report includes information by reference to information contained in another report or notification sent to the Environment Agency pursuant to a requirement imposed by or under any enactment; and
- (c) the other report or notification was sent to the Environment Agency before the transfer date;

then the report or notification sent to the Environment Agency is deemed to have been sent to the appropriate agency.

(3) In this paragraph, “appropriate agency” (“*asiantaeth briodol*”), “establishment” (“*sefydliad*”), “notification” (“*hysbysiad*”) and “safety report” (“*adroddiad diogelwch*”) have the meanings given by regulation 2(1) of the Control of Major Accident Hazards Regulations 1999 as amended by this Order.

Forest Reproductive Material (Great Britain) Regulations 2002

10.—(1) A person who is an authorised officer for the purposes of the Forest Reproductive Material (Great Britain) Regulations 2002(2) immediately before the transfer date is thereafter deemed to be an authorised officer by virtue of being authorised by both the Commissioners and by the Welsh Ministers.

(2) Sub-paragraph (1) does not affect the powers of the Commissioners and the Welsh Ministers to revoke, on or after the transfer date, any authorisation of a person or to subsequently renew that authorisation.

(1) S.I.1999/743 as amended by S.I. 2002/2469, S.I. 2005/1088, S.I. 2008/960, S.I. 2008/1087, S.I. 2009/1595.

(2) S.I. 2002/3026 as amended by S.I. 2006/2530.

Plant Health (Forestry) Order 2005

11.—(1) A person who is an inspector for the purposes of the Plant Health (Forestry) Order 2005⁽³⁾ immediately before the transfer date is thereafter deemed to be an inspector by virtue of being authorised by both the Commissioners and by the Welsh Ministers.

(2) Sub-paragraph (1) does not affect the powers of the Commissioners and the Welsh Ministers to revoke, on or after the transfer date, any authorisation of a person or to subsequently renew that authorisation.

Environmental Civil Sanctions (Wales) Order 2010

12.—(1) In this paragraph—

“the 2008 Act” (“*Deddf 2008*”) means the Regulatory Enforcement and Sanctions Act 2008;

“the 2010 Order” (“*Gorchymyn 2010*”) means the Environmental Civil Sanctions (Wales) Order 2010⁽⁴⁾ as amended by this Order.

(2) Section 67 of the 2008 Act applies to the 2010 Order as if—

- (a) in subsection (2) there were substituted, for the period of three years, a period of one year; and
- (b) any provision of the 2010 Order conferring power on a regulator to impose a civil sanction in relation to an offence—
 - (i) had been made under or by virtue of Part 3 of the 2008 Act; and
 - (ii) had come into force on the transfer date.

⁽³⁾ S.I. 2005/2517 as amended by S.I. 2006/2696, S.I. 2008/644, S.I. 2009/594, S.I. 2009/3020.

⁽⁴⁾ S.I. 2010/1821 (W. 178).