SCOTTISH STATUTORY INSTRUMENTS

2000 No. 180 (C. 5)

ENVIRONMENTAL PROTECTION

The Environment Act 1995 (Commencement No. 17 and Savings Provision) (Scotland) Order 2000

Made - - - - 12th June 2000

The Scottish Ministers, in exercise of the powers conferred upon them under section 125(3) and (4) of the Environment Act 1995(**1**), hereby make the following Order:

Citation, extent and interpretation

1.—(1) This Order may be cited as the Environment Act 1995 (Commencement No. 17 and Savings Provision) (Scotland) Order 2000.

(2) This Order extends to Scotland only.

(3) In this Order–

"the 1990 Act" means the Environmental Protection Act 1990(**2**).

"the 1995 Act" means the Environment Act 1995;

Provisions coming into force on 14th July 2000

2.—(1) Subject to paragraph (2) below, the following provisions of the 1995 Act shall (insofar as not already in force) come into force on 14th July 2000:–

(a) section 57;

(b) section 120(1) in so far as it relates to paragraphs 79, 89, 91 and 92 of Schedule 22; and

(c) section 120(3) in so far as it relates to the repeal in Schedule 24 of sections 61 and 143 of the 1990 Act.

(2) Paragraph (1)(a) above does not bring into force section 57 so far as it inserts section 78S into the 1990 Act.

Savings provision

3. Where, before 14th July 2000:–

(**1**) 1995 c. 25. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(**2**) 1990 c. 43.

(a) an abatement notice has been served under section 80(1) of the 1990 Act; or

(b) a complaint has been made to the sheriff under section 82(1) of the 1990 Act or an order made under section 82(2) of that Act,

such notice, complaint or order, and any proceedings consequent thereon shall continue to have effect notwithstanding the amendments made to section 79 of the 1990 Act by paragraph 89 of Schedule 22 to the 1995 Act.

St Andrew's House,Edinburgh
12th June 2000

SARAH BOYACK
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings various provisions of the Environment Act 1995 ("the 1995 Act") into force in respect of Scotland on 14th July 2000.

Article 2(a) brings into force section 57 of the 1995 Act, which inserts a new Part IIA in the Environmental Protection Act 1990 ("the 1990 Act"), with the exception of section 78S which provides for the exclusion from registers of information affecting national security. Part IIA provides for a regime for the identification and remediation of contaminated land.

Article 2(b) brings into force section 120(1) of the 1995 Act in so far as it relates to the following paragraphs in Schedule 22–

(a) paragraph 79, which provides for section 61 of the 1990 Act (duty of waste regulation authorities as respects closed landfills) to cease to have effect;

(b) paragraph 89, which amends section 79 of the 1990 Act (statutory nuisances and inspections therefor);

(c) paragraph 91, which provides for section 143 of the 1990 Act (public registers of land which may be contaminated) to cease to have effect; and

(d) paragraph 92, which amends section 161(4) of the 1990 Act (regulations, orders and directions).

Article 2(c) brings into force 120(3) of the 1995 Act in so far as it relates to the repeal in Schedule 24 of sections 61 and 143 of the 1990 Act.

Article 3 makes saving provision in connection with the commencement of paragraph 89 of Schedule 22 to the 1995 Act.

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.

Provision	*Date of Commencement*	*S.I. No.*
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, 1.4.1996	1996/186
Section 6	1.4.1996	1996/186
Section 7	28.7.1995	1995/1983
Section 8	1.4.1996	1996/186