Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Environmental Permitting (England and Wales) (Amendment) (No. 3) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 1756

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Environmental Permitting (England and Wales) (Amendment) (No. 3) Regulations 2015

Made - - - -	*6th October 2015*
Laid before Parliament	*9th October 2015*
Laid before the National Assembly for Wales - -	*9th October 2015*
Coming into force - -	*30th October 2015*

The Secretary of State and the Welsh Ministers make these Regulations in exercise of the powers conferred by sections 2 and 7(9)(a) of, and Schedule 1 to, the Pollution Prevention and Control Act 1999(**1**).

The Secretary of State and the Welsh Ministers have, in accordance with section 2(4) of the Pollution Prevention and Control Act 1999, consulted—

(a) the Environment Agency;

(b) the Natural Resources Body for Wales;

(c) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses as they consider appropriate; and

(d) such other bodies or persons as they consider appropriate.

Citation and commencement

1. These Regulations may be cited as the Environmental Permitting (England and Wales) (Amendment) (No. 3) Regulations 2015 and come into force on 30th October 2015.

(**1**) 1999 c. 24. Section 2 was amended by the Water Act 2014 (c. 21), section 62(13) and by S.I. 2013/755. Functions of the Secretary of State under or in relation to section 2, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales, except in relation to offshore oil and gas exploration and exploitation, by the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958), article 3(1). Functions of the National Assembly for Wales were transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11, paragraph 30. Schedule 1 was amended by the Waste and Emissions Trading Act 2003 (c. 33), section 38, the Clean Neighbourhoods and Environment Act 2005 (c. 16), section 105(1) and S.I. 2005/925, 2011/1043, 2012/2788 and 2015/664.

Amendment of the Environmental Permitting (England and Wales) Regulations 2010

2. The Environmental Permitting (England and Wales) Regulations 2010(**2**) are amended in accordance with regulations 3 to 5.

Amendment of regulation 37

3. In regulation 37 (suspension notices)—

(a) after paragraph (3) insert—

"(3A) If the regulator considers that the manner of operating a regulated facility contravenes an environmental permit condition, and that such contravention involves a risk of pollution, it may serve a suspension notice on the operator.";

(b) in paragraph (4)—

(i) after "paragraph (2)" insert "or (3A)";

(ii) for sub-paragraph (a)(i) to (iii) substitute—

"(i) the risk mentioned in paragraph (2) or (3A);

(ii) the steps that must be taken to remove that risk;

(iii) in a case where paragraph (3A) applies, the matters constituting the contravention mentioned in that paragraph;

(iv) in a case where paragraph (3A) applies, the steps that must be taken to remedy that contravention; and

(v) the period within which the steps mentioned in paragraph (ii) or (iv) must be taken;"; and

(c) after paragraph (7) insert—

"(7A) Where a suspension notice has the effect of preventing waste of a specified description being accepted at a regulated facility, the notice may require the operator of that facility to display appropriate signs at such places as may be specified in the notice, informing the public that no further waste of a specified description may be accepted at that facility.".

Amendment of regulation 42

4. For regulation 42 (enforcement by the High Court), substitute—

"**42.** The regulator may take proceedings in the High Court for the purpose of securing compliance with an enforcement notice, suspension notice, prohibition notice, landfill closure notice or mining waste facility closure notice (whether or not it has taken other steps for that purpose).".

Amendment of regulation 57

5. In regulation 57 (power of the regulator to prevent or remedy pollution)—

(a) for paragraph (1) substitute—

"(1) If the regulator considers that a risk of serious pollution exists as a result of the operation of a regulated facility or an exempt facility, it may arrange for steps to be taken to remove that risk.";

(b) in paragraphs (4), (5)(a) and (5)(b), for "the operator" substitute "the relevant person"; and

(**2**) S.I. 2010/675, to which there are amendments not relevant to these Regulations.