

Statutory Instrument 1998 No. 1649

The Control of Pollution (Channel Tunnel Rail Link) Regulations 1998

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STATUTORY INSTRUMENTS

1998 No. 1649

WATER RESOURCES, ENGLAND AND WALES

The Control of Pollution (Channel Tunnel Rail Link) Regulations 1998

<i>Made</i>	<i>7th July 1998</i>
<i>Laid before Parliament</i>	<i>9th July 1998</i>
<i>Coming into force</i>	<i>30th July 1998</i>

The Secretary of State, in exercise of his powers under sections 91(2K), 190(1), 191B(6) and 219(2) of, and paragraphs 1(1)(b), 2(7), 3(5) and 10(2) of Schedule 10 to, the Water Resources Act 1991[1] and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1. - (1) These Regulations may be cited as the Control of Pollution (Channel Tunnel Rail Link) Regulations 1998 and shall come into force on 30th July 1998.

(2) In these Regulations -

"the Act" means the Water Resources Act 1991;

"the 1996 Regulations" means the Control of Pollution (Applications, Appeals

and Registers) Regulations 1996[2];

"discharge consent" means a consent under Chapter II of Part III of the Act given for the purposes of section 88(1)(a) of that Act on an application for a consent;

"nominated undertaker" means a person specified in an order made under section 34 of the Channel Tunnel Rail Link Act 1996[3];

"the relevant date" has the same meaning as in regulation 3 of the 1996 Regulations;

"the starting date", in relation to an undertaker's appeal, means the third working day after the date of receipt by the Secretary of State of the undertaker's appeal, and "working day" means any day which is not a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971[4];

"undertaker's application" means an application by a nominated undertaker for a discharge consent, or the variation of a discharge consent in connection with works authorised by Part I of the Channel Tunnel Rail Link Act 1996; and

"undertaker's appeal" means an appeal by a nominated undertaker against the determination of any such application by the Agency, or against a decision by the Agency that information relating to any such application is not commercially confidential.

Undertaker's applications

2. - (1) The 1996 Regulations and Schedule 10[5] to the Act (discharge consents) shall have effect in relation to an undertaker's application with the modifications specified in paragraphs (2) to (6) below.

(2) In regulation 3(1) (timing of advertisements) for "28 days" there shall be substituted "21 days".

(3) In regulation 5(4) (period allowed for making representations) for "six weeks" there shall be substituted "five weeks".

(4) In regulation 16(1)(a) (entry of particulars on register) for "28 days" there shall be substituted "21 days".

(5) In regulation 16(1)(c) (entry of particulars on register), in the case of particulars of an undertaker's application which is not required to be advertised, for "28 days after those particulars become available to the Agency" there shall be substituted "14 days after the relevant date under regulation 3 in relation to the application in question".

(6) For the period of four months beginning at the time specified in paragraph 3(2) (deemed refusal of consent) of Schedule 10 to the Act there shall be substituted -

(a) where the Agency has determined in accordance with regulation 4 of the 1996 Regulations that the application is not required to be advertised, the period of four weeks beginning with the relevant date;

(b) in any other case, the period of fourteen weeks beginning with the relevant date,

and consequently regulation 3(6) of the 1996 Regulations shall not apply.

Undertaker's appeals

3. - (1) The Secretary of State shall upon receipt of notice of an undertaker's appeal forthwith serve notice on the appellant and the Agency stating the starting date for the appeal; and the 1996 Regulations shall have effect in relation to such an appeal with the modifications specified in paragraphs (2) to (8) below.

(2) At the end of regulation 1(2) (interpretation) there shall be inserted "'the starting date", in relation to an appeal, has the same meaning as in regulation 1(2) of the Control of Pollution (Channel Tunnel Rail Link) Regulations 1998."

(3) In regulation 10(1) (notice of appeal to be given by the Agency) for "within 14 days of receipt of the copy of the notice of appeal in accordance with regulation 8(4)" there shall be substituted "not later than 7 days after the starting date for the appeal".

(4) In regulation 10(2)(b)(i) (period for making representations to the Secretary of State) for "21 days" there shall be substituted "14 days".

(5) In regulation 10(3) (notification of Secretary of State) -

(a) for "within 14 days of sending a notice under paragraph (1) above" there shall be substituted "not later than 7 days after the starting date for the appeal"; and

(b) for "such a notice" there shall be substituted "a notice under paragraph (1) above".

(6) In regulation 11(1)(b) (period for the Agency to submit written representations) for "not later than 28 days after receiving a copy of the notice of appeal in accordance with regulation 8(4)" there shall be substituted "not later than 21 days after the starting date for the appeal".

(7) In regulation 11(2) (period for the appellant to submit further representations by way of reply) for "14 days" there shall be substituted "7 days".

(8) In regulation 11(3) (period for the appellant and the Agency to submit further representations) for "14 days" there shall be substituted "7 days".

Signed by authority of the Secretary of State

Angela Eagle

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

7th July 1998

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe accelerated times for procedures to be followed in relation to applications by a nominated undertaker under the Channel Tunnel Rail Link Act 1996 for, or for the variation of, discharge consents under Chapter II of Part III of the Water Resources Act 1991 (control of pollution of water resources), and for appeals by the nominated undertaker to the Secretary of State under sections 91 and 191B of the Water Resources Act 1991 (appeals in relation to consents under Chapter II of Part III and appeals relating to commercial confidentiality) where those appeals relate to applications for, or for the variation of, discharge consents.

A compliance cost assessment of the effect that these Regulations would have on the costs of business may be obtained from the Water Quality Division, Department of the Environment, Transport and the Regions, Ashdown House, 123 Victoria Street, London, SW1E 6DE.

Notes:

- [1] 1991 c.57; relevant amendments were made by paragraphs 143(3), 169, 170 and 183 of Schedule 22 to the Environment Act 1995 (c.25). See also the definition of "prescribed" in section 221(1) of the Water Resources Act 1991.[back](#)**
- [2] S.I. 1996/2971.[back](#)**
- [3] 1996 c.61.[back](#)**
- [4] 1971 c.80.[back](#)**
- [5] Schedule 10 was substituted by paragraph 183 of Schedule 22 to the Environment Act 1995.[back](#)**

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