

2016 No. 149

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

**The Environmental Permitting (England and Wales)
(Amendment) Regulations 2016**

Made - - - - *4th February 2016*
Laid before Parliament *10th February 2016*
Laid before the National Assembly for Wales *10th February 2016*
Coming into force - - *13th May 2016*

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, 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(a).

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, have in accordance with section 2(4) of that Act 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) Regulations 2016 and come into force on 13th May 2016.

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

2. The Environmental Permitting (England and Wales) Regulations 2010(b) are amended in accordance with regulations 3 and 4.

(a) 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.

(b) S.I. 2010/675, amended by S.I. 2011/2933; there are other amending instruments but none is relevant.

Amendment of Part 2 of Schedule 1

3.—(1) In Schedule 1, Part 2 (activities)(a) is amended as follows.

(2) In Section 1.2, in *Interpretation of Part B*, in paragraph 2, for “Directive 2009/126/EC on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations” substitute “Directive 2009/126/EC on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations”(b).

Amendment of Part 2 of Schedule 18

4. In Schedule 18, in Part 2 (PVR II)(c), for paragraph 2 substitute—

“Interpretation

2. In this Part, “PVR II” means Directive 2009/126/EC of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations.”(d).

4th February 2016

Rory Stewart
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

2nd February 2016

Carl Sargeant
Minister for Natural Resources
One of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Commission Directive 2014/99/EU (OJ No L 304, 23.10.2014, p. 89), which amends Directive 2009/126/EC (OJ No L 285, 31.10.2009, p. 36) as regards the test methods to certify petrol vapour recovery systems for use in service stations and the test methods to verify the operation of such systems.

Regulation 3 amends the Environmental Permitting Regulations (England and Wales) 2010 (S.I. 2010/675) to substitute the reference to Directive 2009/126/EC in Section 1.2 of Part 2 of Schedule 1, so as to take account of the amendment of that Directive by Commission Directive 2014/99/EU. Regulation 4 amends those Regulations to substitute the definition of “PVR II” in paragraph 2 of Part 2 of Schedule 18 so that the updated definition refers to that Directive as amended by Commission Directive 2014/99/EU.

An Impact Assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Better Regulation Programme, Department for Environment, Food and Rural Affairs, 17 Smith Square, London SW1P 3JR and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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- (a) As amended by S.I. 2011/2933; there are other amending instruments but none is relevant.
(b) OJ No L 285, 31.10.2009, p. 36, as last amended by Commission Directive 2014/99/EU (OJ No L 304, 23.10.2014, p. 89). The effect of section 20A of the Interpretation Act 1978 (c. 30) is that the updated reference to Directive 2009/126/EC is to that Directive as amended by Commission Directive 2014/99/EU.
(c) Schedule 18 was substituted by S.I. 2011/2933.
(d) OJ No L 285, 31.10.2009, p. 36, as last amended by Commission Directive 2014/99/EU (OJ No L 304, 23.10.2014, p. 89). The effect of section 20A of the Interpretation Act 1978 (c. 30) is that the updated definition of PVR II refers to that Directive as amended by Commission Directive 2014/99/EU.