

GUERNSEY STATUTORY INSTRUMENT

2022 No. 85

**The Environmental Pollution (Prescribed Operations)
(Fees) (Amendment) Regulations, 2022**

<i>Made</i>	<i>28th November, 2022</i>
<i>Coming into operation</i>	<i>28th November, 2022</i>
<i>Laid before the States</i>	

THE DIRECTOR OF ENVIRONMENTAL HEALTH AND POLLUTION REGULATION, in exercise of the powers conferred on him by section 4(2)(c) and 4(3) of the Environmental Pollution (Waste Control and Disposal) Ordinance, 2010^a, as applied by section 2 of the Environmental Pollution (Water Pollution) Ordinance, 2022,^b and section 72 of the Environmental Pollution (Guernsey) Law, 2004^c and all other powers enabling him in that behalf, hereby makes the following Regulations:-

Amendment of the 2019 Regulations.

1. The Environmental Pollution (Prescribed Operations) (Fees) Regulations, 2019^d are amended as follows.

^a Ordinance No. XVIII of 2010; this enactment has been amended.

^b Approved by the States in October, 2022.

^c Order in Council No. XIII of 2004. This enactment has been amended.

^d G.S.I. No. 118 of 2019.

2. After Part II (fees for operations prescribed under the Air Pollution Ordinance) insert –

"PART IIA
FEES FOR OPERATIONS PRESCRIBED UNDER THE WATER
POLLUTION ORDINANCE

Fee to accompany application in relation to a licence for a prescribed water pollution operation.

5A. (1) This regulation prescribes the fee payable for an application in relation to a licence for a prescribed water pollution operation for the purpose of section 4(2)(c) of the Waste Ordinance as applied by section 2 of the Water Pollution Ordinance.

(2) The prescribed fee, in relation to a prescribed water pollution operation, to accompany an application for –

- (a) a licence (including a renewal of a licence) is £405,
- (b) a variation of a condition of a licence is £222,
- (c) the transfer of a licence is £142,
- (d) the surrender of a licence is £142,

and is payable to the States of Guernsey.

(3) Paragraph (2) is subject to regulation 7.

Annual licence fee for a prescribed water pollution operation.

5B. (1) This regulation prescribes the annual fee payable by a licensee for the purpose of section 4(3) of the Waste Ordinance as applied by section 2 of the Water Pollution Ordinance.

(2) The prescribed annual licence fee, in relation to a prescribed water pollution operation is £355 and is payable to the States of Guernsey.

(3) Paragraph (2) is subject to regulation 8."

3. In regulation 6 (application fee payable where a person carries on a waste transport operation and another prescribed operation), for "or 4" substitute ", 4 or 5A".

4. In regulation 7 (application fee payable where a person carries on more than one prescribed operation other than a waste transport operation) –

(a) for subparagraph (c) substitute –

"(c) prescribed operations falling within subparagraphs (a) and (b) or a prescribed operation falling within either of those subparagraphs and a prescribed water pollution operation," and

(b) for "and in regulation 4(2) or (3)" substitute ", in regulations 4(2) or (3) and 5A(2)".

5. In regulation 8 (annual licence fee payable where a person carries on more than one prescribed operation other than a waste transport operation) –

(a) for subparagraph (c) substitute –

"(c) prescribed operations falling within subparagraphs (a) and (b) or a prescribed operation falling within either of those subparagraphs and a prescribed water pollution operation," and

(b) for "and in regulation 5(2)" substitute ", regulations 5(2) and 5B(2)".

6. In regulation 11 (interpretation) –

(a) in the definition of "**annual licence fee**" for "or 5(2)"

substitute ", 5(2) or 5B(2)",

(b) in the definition of "**a prescribed operation**" for "and section 2 of the Air Pollution Ordinance" substitute ", section 2 of the Air Pollution Ordinance and section 1 of the Water Pollution Ordinance",

(c) after the definition of "**a prescribed waste operation**" insert –

""**a prescribed water pollution operation**" means an operation prescribed under section 1 of the Water Pollution Ordinance but excluding one which is treated as only being prescribed under the Air Pollution Ordinance or the Waste Ordinance in accordance with section 1(4) or (5) of the Water Pollution Ordinance,"

(d) at the end of the definition of "**waste transport licence**" omit "and", and

(e) at the end of the definition of "**waste transport operation**", insert "and" and after that definition insert-

""**the Water Pollution Ordinance**" means the Environmental Pollution (Water Pollution) Ordinance, 2022.".

Citation and commencement.

7. These Regulations may be cited as the Environmental Pollution (Prescribed Operations) (Fees) (Amendment) Regulations, 2022 and shall come into

force on the 28th November, 2022.

Dated this 28th day of November, 2022



TOBIN COOK

Director of Environmental Health and Pollution Regulation

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Environmental Pollution (Prescribed Operations) (Fees) Regulations, 2019 ("**the 2019 Regulations**") in consequence of the coming into force of the Environmental Pollution (Water Pollution) Ordinance, 2022 ("**the Water Pollution Ordinance**").

The amendments add a new Part IIA to provide for the fees payable for specified applications in relation to licences for discharges into water for the carrying on of which a licence is required under the Environmental Pollution (Guernsey) Law, 2004 ("**the Law**") and the Water Pollution Ordinance ("**prescribed water pollution operations**").

The new inserted regulation 5A sets out the fees to accompany specified applications in relation to a licence for a prescribed water pollution operation and regulation 5B sets out the annual licence fee for such an operation.

Consequential amendments are made to regulations 6 to 8 of the 2019 Regulations which adjust the application and annual licence fees payable where a person carries on more than one type of prescribed operation. Consequential amendments are also made to regulation 11 (interpretation) of the 2019 Regulations to amend certain definitions and add new definitions relating to prescribed water pollution operations.

The Regulations come into force on the 28th November, 2022.

