

**2001 No. 1623**

**ENVIRONMENTAL PROTECTION, ENGLAND AND WALES**

**The Pollution Prevention and Control (Foot-and-Mouth Disease) (Air Curtain Incinerators) (England and Wales) Regulations 2001**

*Made* - - - - - *30th April 2001*

*Laid before Parliament* *30th April 2001*

*Coming into force* - - *1st May 2001*

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Pollution Prevention and Control Act 1999(a), having, in accordance with subsection (4) of that section, consulted the Environment Agency, such bodies or persons appearing to him to be representative of the interests of local government, industry, agriculture and small businesses respectively as he considers appropriate and such other bodies and persons as he considers appropriate, hereby makes the following Regulations:

**Citation, commencement, cessation, interpretation and extent**

1.—(1) These Regulations may be cited as the Pollution Prevention and Control (Foot-and-Mouth Disease) (Air Curtain Incinerators) (England and Wales) Regulations 2001 and shall come into force on 1st May 2001 and shall cease to have effect on 31st October 2001.

(2) In these Regulations, unless the context otherwise requires—

- (a) “the 2000 Regulations” means the Pollution Prevention and Control (England and Wales) Regulations 2000(b);
- (b) “carcase” includes parts of a carcase;
- (c) expressions used which are also used in the 2000 Regulations shall have the same meaning as in those Regulations.

(3) These Regulations extend to England and Wales only.

**Permits for air curtain incinerators**

2.—(1) Notwithstanding any provision of the 2000 Regulations, the Environment Agency may by notice in writing served on the operator grant a permit under those Regulations in respect of any mobile plant which is an air curtain incinerator authorising the use of that plant for incinerating carcases of animals specified in paragraph (2) if conditions are imposed—

- (a) to regulate the way in which, and the places at which, the plant may be operated in order to minimise pollution from the plant; and
- (b) for ensuring that the requirements of paragraph (3) are satisfied.

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(a) 1999 c. 24; the Secretary of State can exercise these powers only in relation to England and Wales—see section 53 of the Scotland Act 1998 (c. 46) and section 5(3) of the Pollution Prevention and Control Act 1999.

(b) S.I. 2000/1973, to which there are amendments not relevant to these Regulations.

- (2) The animals referred to in paragraph (1) are animals which—
  - (a) are cattle, sheep, goats, any other ruminating animals or swine; and
  - (b) are slaughtered as a direct or indirect result of measures taken to deal with foot-and-mouth disease.
- (3) The requirements mentioned in paragraph (1)(b) are that the plant is operated only if—
  - (a) there is insufficient alternative suitable capacity for disposal; or
  - (b) transport of the animals (or their carcasses) must be avoided because of risks to the health of humans or animals.
- (4) There is insufficient alternative suitable capacity for disposal for the purposes of paragraph (3)(a) if—
  - (a) in the case of cattle born before 1st August 1996, there is insufficient suitable capacity for disposal at rendering premises or incineration installations within a reasonable distance of the place of slaughter; or
  - (b) in the case of all other animals, there is insufficient suitable capacity for disposal at rendering premises, incineration installations or landfills within a reasonable distance of the place of slaughter.
- (5) Notwithstanding any provision of the 2000 Regulations, the Environment Agency may at any time by notice in writing served on the operator vary or revoke a permit granted pursuant to these Regulations if it considers that it is appropriate to do so and in exercising its functions under this paragraph the Agency shall take into account any representations or objections made to it.

**Air curtain incinerators to be treated as Part A(1) mobile plant**

3. Air curtain incinerators used, or intended to be used, for the purposes specified in regulation 2(1)(a) shall be treated as Part A(1) mobile plant for the purposes of the 2000 Regulations and the prescribed date for existing plant for the purposes of regulation 9 of those Regulations shall be the date on which the permit is granted pursuant to these Regulations.

Signed by authority of the Secretary of State  
for the Environment, Transport and the Regions

*Michael Meacher*  
Minister of State,

30th April 2001

Department of the Environment, Transport and the Regions

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations provide an expedited procedure for the grant by the Environment Agency of permits authorising the use of mobile air curtain incinerators for the incineration of carcasses of animals slaughtered as a result of measures taken to deal with foot-and-mouth disease. The usual technical requirements set out in the Pollution Prevention and Control (England and Wales) Regulations 2000 are relaxed, but any permit must impose conditions minimising pollution from the relevant plant. Permit conditions must confine the use of the plant to cases where—

- (a) there is insufficient alternative suitable capacity for disposal within a reasonable distance of the place of slaughter; or
- (b) transport of animals or their carcasses must be avoided because of risks to the health of humans or animals.

The Environment Agency can at any time vary or revoke a permit granted in respect of a mobile air curtain incinerator. When determining whether it is appropriate to do so the Agency must take into account any representations or objections made to it.

These Regulations, which apply to England and Wales, will cease to have effect on 31st October 2001.

**2001 No. 1623**

**ENVIRONMENTAL PROTECTION, ENGLAND AND  
WALES**

**The Pollution Prevention and Control (Foot-and-Mouth  
Disease) (Air Curtain Incinerators) (England and Wales)  
Regulations 2001**

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