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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2012 No.**

**The Pollution Prevention and  
Control (Scotland) Regulations 2012**

**PART IV  
STANDARD RULES**

**Standard rules**

**36.**—(1) A rule-making authority may make, revise or revoke rules (“standard rules”) which apply to an installation or any mobile plant described in the rules.

(2) A rule-making authority must, when making or revising standard rules, ensure that the rules—

- (a) give effect to the best available techniques for preventing, or where that is not practicable reducing, emissions from an installation or any mobile plant, and
- (b) so far as relating to an activity set out in Annex I to the Industrial Emissions Directive, do not prescribe the use of any technique or specific technology in order to ensure compliance with Articles 14 and 15 of that Directive.

(3) A rule-making authority may only make or revise standard rules if it is satisfied that the operation of an installation or any mobile plant will, to the extent that it is covered by a standard rules condition, result in—

- (a) the same level of environmental protection, and
- (b) in the case of Part A installations, the same high level of integrated pollution prevention and control,

as would result were there no standard rules condition and the installation or mobile plant were operated under the conditions that would be included under Part II of these Regulations.

(4) A rule-making authority must—

- (a) keep standard rules made by the authority under review, and
- (b) revise any such rules whenever it considers necessary to do so in order to—
  - (i) follow developments in best available techniques, or
  - (ii) ensure compliance with the Industrial Emissions Directive.

(5) A rule-making authority must ensure that standard rules made by them contain a reference to the Industrial Emissions Directive.

(6) A reference to revising standard rules includes a partial revocation of the rules.

**Standard rules: conditions**

**37.**—(1) SEPA may specify in a permit for a standard installation or standard mobile plant that standard rules are to be conditions of the permit (“a standard rules condition”).

(2) A reference in a permit to standard rules is to the rules as revised from time to time.

(3) A standard rules condition may be combined with any other condition under Part III of these Regulations.

(4) If a standard rules condition is inconsistent with any other condition of a permit, the standard rules condition shall prevail to the extent of that inconsistency.

(5) If an installation or mobile plant becomes a standard installation or standard mobile plant, SEPA may vary the permit for the installation or plant so as to include a standard rules condition.

#### **Standard rules: consultation**

**38.**—(1) A rule-making authority must before making, revising or revoking standard rules consult—

- (a) those persons appearing to the authority to be representative of the interests of those communities likely to be affected by the proposed rules, revision or revocation,
- (b) those operators appearing to the authority to be likely to be so affected, and
- (c) such other persons as appear to the authority to be likely to be affected by or otherwise have an interest in the proposed rules, revision or revocation.

(2) Paragraph (1) does not apply where the authority considers that a revision effects only minor administrative changes to standard rules.

#### **Standard rules: rules by the Scottish Ministers**

**39.** The Scottish Ministers must on making, revising or revoking standard rules—

- (a) give notice to SEPA of that fact, and
- (b) provide SEPA with a copy of the rules, the revision or the revocation.

#### **Standard rules: publication**

**40.**—(1) SEPA must publish any standard rules made by or notified to SEPA.

(2) A standard rules condition may be included in a permit from the day following the date of publication.

#### **Standard rules: revision**

**41.**—(1) SEPA must on standard rules being revised give notice to an operator with a standard rules permit of the—

- (a) revision,
- (b) date on which the revision is expected to be published, and
- (c) date on which the revision is expected to take effect.

(2) SEPA must after giving such notice publish the—

- (a) revision,
- (b) standard rules as amended by the revision, and
- (c) date on which the revision will take effect.

(3) A revision will take effect—

- (a) if it makes only minor administrative changes, on the day following the date of publication, or
- (b) in any other case, twelve weeks after that date.

**Standard rules: revocation**

42.—(1) SEPA must publish any revocation of standard rules made by or notified to it.

(2) SEPA must not include a standard rules condition relating to revoked rules in a permit after such publication.

(3) A standard rules condition included in a permit before any revocation will apply until the permit is varied, and the revoked rules continue to have effect in relation to the permit until the variation.

(4) SEPA must vary a permit affected by a revocation as soon as reasonably practicable after publication of the revocation.

**Part IV: interpretation**

43. In this Part of these Regulations, “publish” and cognate terms means publish on the SEPA web site.