
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

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

PART VIII

THE SCOTTISH MINISTERS

Scottish Ministers: directions to SEPA

60.—(1) The Scottish Ministers may give a direction to SEPA of a general or specific character with respect to the carrying out of its functions under these Regulations or the Landfill Regulations.

(2) Without prejudice to paragraph (1), the Scottish Ministers may direct SEPA—

- (a) to exercise (or refrain from exercising) any functions under these Regulations or the Landfill Regulations,
- (b) to exercise (or refrain from exercising) any function in such circumstances, or in such manner, as may be specified,
- (c) as to the objectives which are to be achieved by any condition of a permit.

(3) Where the Scottish Ministers receive information under Article 26(1) of the Industrial Emissions Directive in relation to the operation of an installation outside of the United Kingdom, they must direct SEPA to take such steps as SEPA consider appropriate for the purposes of—

- (a) bringing the information to the attention of the persons in Scotland likely to be affected by the operation of the installation, and
- (b) providing such persons with an opportunity to comment on that information.

(4) Any direction given under these Regulations must be in writing and may be varied or revoked by a further direction.

(5) It is the duty of SEPA to comply with any direction which is given to it under these Regulations.

Scottish Ministers: guidance to SEPA

61.—(1) The Scottish Ministers may issue guidance to SEPA with respect to the carrying out of any of its functions under these Regulations or the Landfill Regulations.

(2) In carrying out any of its functions under these Regulations or the Landfill Regulations, SEPA must have regard to any guidance issued by the Scottish Ministers under this regulation.

Scottish Ministers: emission plans

62.—(1) Subject to paragraph (3), the Scottish Ministers may make plans for—

- (a) the setting of limits on the total amount, or the total amount in any period, of emissions from all or any description of source within Scotland,

- (b) the allocation of quotas relating to such emissions.
- (2) Where the Scottish Ministers allocate a quota in a plan made under paragraph (1), they may also make a scheme for the trading or other transfer of the quota so allocated.
- (3) This regulation does not apply to an emission plan.
- (4) In this regulation—
 - (a) “emission” means the direct or indirect release of any substance from individual or diffuse sources into the air, water or land, and
 - (b) “emission plan” has the meaning given in the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007⁽¹⁾.

⁽¹⁾ S.I. 2007/2325; as amended by S.I. 2007/3476 and 3538 and 2010/675.