

## SCHEDULE 11

### CONSEQUENTIAL MODIFICATIONS

#### PART 1

##### PUBLIC GENERAL ACTS

###### ***The Environmental Protection Act 1990***

- 1.—(1) The 1990 Act is amended in accordance with sub-paragraphs (2) to (5).
- (2) In section 6 (authorisations: general provisions), for subsections (6A) and (6B) substitute—
- “(6A) Subsection (6) does not require a review of the conditions of an authorisation to be carried out if the prescribed process covered by the authorisation is—
- (a) a Part A activity,
  - (b) a Part B activity,
  - (c) a solvent emission activity, or
  - (d) carried out using mobile plant.
- (6B) In subsection (6A), “Part A activity”, “Part B activity”, “solvent emission activity” and “mobile plant” have the meanings given in the Pollution Prevention and Control (Scotland) Regulations 2012.”.
- (3) In section 34(1) (duty of care etc. as respects waste), for paragraph (aa) substitute—
- “(aa) to prevent a contravention by any other person of regulation 11 of the Pollution Prevention and Control (Scotland) Regulations 2012, or of a condition of a permit granted under those Regulations;”.
- (4) In section 35(11A)(waste management licences: general), for “license” substitute “licence”.
- (5) In section 78YB (2C) (interaction of this Part with other enactments), for the definition of “enforcement action” substitute—
- ““enforcement action” means action under regulation 55 (SEPA: enforcement notices) or regulation 57(2) (SEPA: power to prevent or remedy pollution) of the Pollution Prevention and Control (Scotland) Regulations 2012.”.

###### ***The Environment Act 1995***

- 2.—(1) The 1995 Act is amended in accordance with sub-paragraph (2).
- (2) In Schedule 20 (delegation of appellate functions of the Secretary of State), for paragraph 4(3) (d) substitute—
- “(d) regulation 66 of the Pollution Prevention and Control (Scotland) Regulations 2012, or”.

###### ***The Antisocial Behaviour etc. (Scotland) Act 2004***

- 3.—(1) The Antisocial Behaviour etc. (Scotland) Act 2004(1) is amended in accordance with sub-paragraph (2).

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(1) 2004 asp 8.

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Pollution Prevention and Control (Scotland) Regulations 2012 ISBN 978-0-11-101840-8

(2) In Schedule 2, omit paragraph 7 (the [Pollution Prevention and Control \(Scotland\) Regulations 2000 \(S.S.I. 2000323\)](#)).