
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 323

**The Pollution Prevention and
Control (Scotland) Regulations 2000**

PART V

POWERS OF THE SCOTTISH MINISTERS

Directions to SEPA

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

(2) Without prejudice to the generality of the power conferred by paragraph (1), a direction under that paragraph may direct SEPA—

- (a) to exercise any of their powers under these Regulations or to do so in such circumstances as may be specified in the direction or in such manner as may be so specified; or
- (b) not to exercise those powers, or not to do so in such circumstances nor such manner as may be specified in the direction.

(3) Where the Scottish Ministers receive information pursuant to Article 17(1) of the Directive in relation to the operation of an installation outside of the United Kingdom which is likely to have a significant negative effect on the environment of Scotland, they shall, for the purpose of complying with Article 17(2) of the Directive, direct SEPA to take such steps as they consider appropriate for the purpose of bringing the information to the attention of the persons in Scotland likely to be affected by the operation of the installation and providing them with an opportunity to comment on that information.

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

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

Guidance to SEPA

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

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

Plans relating to emissions

25.—(1) 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;

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(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) In this regulation, “emissions” mean the direct or indirect release of any substance from individual or diffuse sources into the air, water or land.