

2004 No. 512

ENVIRONMENTAL PROTECTION

The Control of Volatile Organic Compounds (Petrol Vapour Recovery) (Scotland) Regulations 2004

<i>Made</i> - - - -	<i>29th November 2004</i>
<i>Laid before the Scottish Parliament</i>	<i>30th November 2004</i>
<i>Coming into force</i> - -	<i>24th December 2004</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Control of Volatile Organic Compounds (Petrol Vapour Recovery) (Scotland) Regulations 2004 and shall come into force on 24th December 2004.

(2) These Regulations extend to Scotland only.

Amendment of the Environmental Protection (Prescribed Processes and Substances) Regulations 1991

2.—(1) Part B of section 1.4 of Chapter 1 of Schedule 1 to the Environmental Protection (Prescribed Processes and Substances) Regulations 1991(b) is amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (b)–

(a) omit “other than an exempt service station,”; and

(b) for “100m³” substitute “500m³”.

(3) The definition of “exempt service station” is omitted.

Amendment of the Environmental Protection (Prescribed Processes and Substances etc.) (Amendment) (Petrol Vapour Recovery) Regulations 1996

3. In paragraph 4(1)(c)(iii) of the Schedule to the Environmental Protection (Prescribed Processes and Substances etc.) (Amendment) (Petrol Vapour Recovery) Regulations 1996(c) for “in any other case” substitute “where the largest total annual quantity of petrol loaded into stationary storage tanks at the service station during the three preceding years is 500m³”.

(a) 1972 c.68, section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as with devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 1991/472. Part B of Section 1.4 of Chapter 1 of Schedule 1 was inserted by the Environmental Protection (Prescribed Processes and Substances etc.) (Amendment) (Petrol Vapour Recovery) Regulations 1996 S.I. No. 2678.

(c) S.I. 1996/2678.

Amendment of the Pollution Prevention and Control (Scotland) Regulations 2000

4.—(1) Part B of section 1.2 of Chapter 1 of Part I of Schedule 1 to the Pollution Prevention and Control (Scotland) Regulations 2000^(a) is amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (c)(ii)–

- (a) omit “other than an exempt service station”; and
- (b) for “100m³”, substitute “500m³”.

(3) In paragraph 1 of the section headed “Interpretation of Part B”, omit the definition of “exempt service station”.

LEWIS MACDONALD

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
29th November 2004

^(a) S.S.I.2000/ 323.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the derogation allowed by Article 6(4) of Council Directive 94/63/EC of 20th December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (O.J. L 365, 31.12.1994, p.24) (“the Directive”). Article 6(4) of the Directive enables Member States to exempt from the requirements of Article 6(1) of the Directive those service stations with an annual throughput of less than 500m³.

The Directive requires loading and storage equipment at petrol stations to be designed and operated in accordance with the technical provisions of Annex III of the Directive. The requirements of the Directive have been implemented by, and are enforced under either the Environmental Protection (Prescribed Processes and Substances) Regulations 1991 (S.I. No. 472) (“the 1991 Regulations) and the Environmental Protection (Prescribed Processes and Substances etc.) (Amendment) (Petrol Vapour Recovery) Regulations 1996 (S.I. No. 2678) (“the 1996 Regulations”), or the Pollution Prevention and Control (Scotland) Regulations 2000 (S.S.I 2000/323) (“the 2000 Regulations”).

Regulation 2 amends the 1991 Regulations so as to exempt from the requirements of these Regulations relating to Part B processes, those service stations with an annual throughput of less than 500m³. It also removes the definition of “exempt service station”. This definition had the effect of exempting from the requirements of these Regulations those service stations with an annual throughput of less than 500m³, which were situated in certain geographical areas, and which were not in operation, or for the construction of which planning permission was not granted before 31st December 1995.

Regulation 3 amends the definition of “prescribed date” in paragraph 4(1)(c)(iii) of the Schedule to the 1996 Regulations to reflect the fact that petrol stations with a throughput less than 500m³ will no longer constitute a Part B process under the 1991 Regulations and therefore will no longer require to be authorised.

Regulation 4 amends the 2000 Regulations so as to exempt from the requirements of these Regulations relating to Part B processes, those service stations with an annual throughput of less than 500m³. It also removes the reference to the definition of “exempt service station” in the 1991 Regulations (see Regulation 2 above on the definition of “exempt service station”).

These Regulations apply to Scotland only.

A Regulatory Impact Assessment covering these regulations is available from Air, Climate and Engineering Division, Scottish Executive Environment and Rural affairs Department (SEERAD), Victoria Quay, Edinburgh EH6 6QQ. Copies have been placed in the Scottish Parliament Information Centre.

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