

**2008 No. 86**

**ENVIRONMENTAL PROTECTION**

**The Pollution Prevention and Control (Designation of Batteries Directive) (Scotland) Order 2008**

*Made* - - - - - *28th February 2008*

*Coming into force* - - - *17th March 2008*

The Scottish Ministers make the following Order in exercise of the powers conferred by paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999<sup>(a)</sup> and all other powers enabling them to do so.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Pollution Prevention and Control (Designation of Batteries Directive) (Scotland) Order 2008 and comes into force on 17th March 2008.

(2) This Order extends to Scotland only.

**Designation**

2. Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC<sup>(b)</sup> is designated for the purposes of paragraph 20 of Part I of Schedule 1 to the Pollution Prevention and Control Act 1999.

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
28th February 2008

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<sup>(a)</sup> 1999 c.24 ("the 1999 Act"). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 5(3) of the 1999 Act and section 53 of the Scotland Act 1998 (c.46).  
<sup>(b)</sup> O.J. L 266, 26.9.2006, p.1.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order designates Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (“the Batteries Directive”) as a relevant directive for the purposes of paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999 (“the Act”).

The purpose of the designation is to enable the powers in the Act to be used to transpose the Batteries Directive.

Schedule 1 to the Act specifies particular purposes for which provision regulating polluting activities may be made by way of regulations under section 2 of the Act. Paragraph 20(1)(b) allows for making provision which corresponds to or is similar to any provision made, or capable of being made, under section 2(2) of the European Communities Act 1972 (c.68) in connection with one of the relevant directives. The relevant directives are Council Directive 96/61/EC concerning integrated pollution prevention and control, Council Directive 75/442/EEC on waste, as amended, and any other directive of the Council of the European Communities designated by the Scottish Ministers for the purposes of that paragraph by order made by statutory instrument.

The following Orders under these powers have been made:–

- (a) an Order was made on 3rd November 2002 and entered into force on 4th November 2002 (S.S.I. 2002/488) designating:
  - (i) Council Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from large combustion plants; and
  - (ii) Council Directive 2001/81/EC on national emission ceilings for certain atmospheric pollutants;
- (b) an Order was made on 10th March 2003 and entered into force on 1st April 2003 (S.S.I. 2003/185) designating Council Directive 99/31/EC on the landfill of waste;
- (c) an Order was made on 17th March 2003 and entered into force on 1st April 2003 (S.S.I. 2003/204) designating Council Directive 2000/76/EC on the incineration of waste;
- (d) an Order was made on 9th December 2003 and entered into force on 15th January 2004 (S.S.I. 2003/600) designating Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations; and
- (e) an Order was made on 27th September 2005 and entered into force on 5th October 2005 (S.S.I. 2005/461) designating Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC.

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