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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 336**

**ENVIRONMENTAL PROTECTION**

**The Pollution Prevention and Control  
(Scotland) Amendment Regulations 2009**

*Made* - - - - *1st October 2009*  
*Laid before the Scottish*  
*Parliament* - - - - *2nd October 2009*  
*Coming into force* - - *9th November 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Pollution Prevention and Control Act 1999(1) and all other powers enabling them to do so.

In accordance with section 2(4) of that Act, they have consulted with the Scottish Environment Protection Agency, such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate, and such other bodies or persons as they consider appropriate.

**Citation and commencement**

1. These Regulations may be cited as the Pollution Prevention and Control (Scotland) Amendment Regulations 2009 and come into force on 9th November 2009.

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

2.—(1) The Pollution Prevention and Control (Scotland) Regulations 2000(2) are amended as follows.

(2) After regulation 1 insert—

**“Interpretation: transferred functions**

**1A.** In relation to any thing done or omitted or event occurring on or after 9th November 2009, these Regulations are to be read as if the Scotland Act 1998 (Transfer of Functions to the

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(1) 1999 c. 24. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46), as read with section 5(3) of the 1999 Act, and by S.I. 2008/1776.  
(2) S.S.I. 2000/323. The 2000 Regulations were amended by: the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) schedule 2 Part 2 paragraph 7; by S.S.I. 2002/493; 2003/146; 2003/170; 2003/221; 2003/235; 2004/26; 2004/110; 2004/512; 2005/101; 2005/340; 2005/510; 2006/127 and 2009/247 and by S.I. 2007/2325 Schedule 2 paragraph 2.

Scottish Ministers etc.) Order 2008(3) had been in force on the date when these Regulations were made.”.

St Andrew’s House,  
Edinburgh  
1st October 2009

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

These Regulations amend the Pollution Prevention and Control (Scotland) Regulations 2000 (“the principal Regulations”).

They do so by providing that, in relation to any thing done or omitted or event occurring after they come into force, the principal Regulations are to be interpreted as extending to certain matters relating to energy efficiency. Those are the matters in relation to which functions were transferred to the Scottish Ministers under the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2008.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Environmental Quality Directorate, Victoria Quay, Edinburgh EH6 6QQ.