
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 418

ENVIRONMENTAL PROTECTION

The Control of Volatile Organic Compounds (Petrol Vapour Recovery) (Scotland) Regulations 2011

Made - - - - 23rd November 2011
Laid before the Scottish Parliament - - - - 25th November 2011
Coming into force - - 31st December 2011

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972^{M1}, and all other powers enabling them to do so.

Marginal Citations

M1 1972 c.68. Section 2(2) was amended by the [Scotland Act 1998 \(c.46\)](#) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the [European Union \(Amendment\) Act 2008 \(c.7\)](#), **Schedule**, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Control of Volatile Organic Compounds (Petrol Vapour Recovery) (Scotland) Regulations 2011 and come into force on 31st December 2011.

(2) These Regulations extend to Scotland only.

Amendment of the Prescribed Processes and Substances Regulations

2.—(1) The Environmental Protection (Prescribed Processes and Substances) Regulations 1991^{M2} are amended as follows.

(2) In schedule 1 (description of processes), Chapter 1 (fuel production processes, etc.), Section 1.4, omit Part B.

Status: Point in time view as at 07/01/2013.

Changes to legislation: There are currently no known outstanding effects for the The Control of Volatile Organic Compounds (Petrol Vapour Recovery) (Scotland) Regulations 2011. (See end of Document for details)

Marginal Citations

M2 [S.I. 1991/472](#), as relevantly amended by [S.I. 1993/1749](#) and [2405](#), [1996/2678](#) and [3247](#), and [1998/767](#), and by [S.S.I. 2000/323](#), [2004/26](#) and [512](#), and [2005/510](#).

Amendment of the Applications, Appeals and Registers Regulations

3.—(1) The Environmental Protection (Applications, Appeals and Registers) Regulations 1991^{M3} are amended as follows.

(2) In regulation 3 (variation of conditions), paragraph (3), sub-paragraph (iv), for “736 of the Companies Act 1985^{M4}” substitute “1159 of the Companies Act 2006^{M5}”.

(3) In regulation 4 (consultation)—

- (a) in paragraph (1) omit “and except in the case of a prescribed process to which regulation 6A below applies,”;
- (b) omit paragraph (1A); and
- (c) omit paragraph (8).

(4) In regulation 5 (advertisements), in paragraph (1) omit “and 6A”.

(5) Omit regulation 6A (exemption for service stations).

Marginal Citations

M3 [S.I. 1991/507](#), as relevantly amended by [S.I. 1996/667](#) and [2678](#).

M4 [1985 c.6](#).

M5 [2006 c.46](#).

Amendment of the Pollution Prevention and Control Regulations

F1 4.

Textual Amendments

F1 [Reg. 4](#) revoked (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012](#) (S.S.I. 2012/360), [reg. 1\(2\)](#), [sch. 12](#) (with [reg. 71](#))

Revocation

5. The Environmental Protection (Prescribed Processes and Substances Etc.) (Amendment) (Petrol Vapour Recovery) Regulations 1996^{M6} are revoked.

Marginal Citations

M6 [S.I. 1996/2678](#); relevantly amended by [S.S.I. 2004/512](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose Directive [2009/126/EC](#) of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations (“the PVR II Directive”) (OJ No L 285, 31.10.2009, p. 36), so far as is required in order for that Directive to be implemented through an authorisation under Part II of the Pollution Prevention and Control (Scotland) Regulations 2000 (S.S.I. 2000/323) (the “PPC Regulations”).

Regulation 2 amends the Environmental Protection (Prescribed Processes and Substances) Regulations 1991 (S.I. 1991/472) (the “PPS Regulations”) so that processes relating to the storage and unloading of petrol are no longer capable of being authorised under those Regulations as well as under the PPC Regulations (see also regulation 5).

Regulation 3 makes consequential amendments to the Environmental Protection (Applications, Appeals and Registers) Regulations 1996 (S.I. 1996/507) needed as a result of the changes to the PPS Regulations.

Regulation 4 amends the PPC Regulations so that activities subject to requirements introduced by the PVR II Directive require to be authorised by the dates specified in regulation 26 of those Regulations.

Regulation 5 revokes the Environmental Protection (Prescribed Processes and Substances Etc.) (Amendment) (Petrol Vapour Recovery) Regulations 1996 (S.I. 1996/2678). Those regulations made provision in the PPS Regulations for implementation of Directive [94/63/EC](#) on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (OJ No L 365, 31.12.1994, p. 24), and that provision is duplicated in the PPC Regulations as amended by these Regulations.

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

Status:

Point in time view as at 07/01/2013.

Changes to legislation:

There are currently no known outstanding effects for the The Control of Volatile Organic Compounds (Petrol Vapour Recovery) (Scotland) Regulations 2011.