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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 323**

**ENVIRONMENTAL PROTECTION**

**The Environmental Regulation (Liability where Activity Carried Out by Arrangement with Another) (Scotland) Order 2014**

*Made - - - - 19th November 2014*  
*Laid before the Scottish*  
*Parliament - - - - 21st November 2014*  
*Coming into force - - 31st December 2014*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 39(6) (b) of the Regulatory Reform (Scotland) Act 2014<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Environmental Regulation (Liability where Activity Carried Out by Arrangement with Another) (Scotland) Order 2014 and comes into force on 31st December 2014.

**Specified activities**

2. The activities listed in the Schedule are specified for the purposes of section 39 of the Regulatory Reform (Scotland) Act 2014.

St Andrew's House,  
Edinburgh  
19th November 2014

*PAUL WHEELHOUSE*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Article 2

### Specified Activities

#### **Waste activities**

1.—(1) The production, collection, keeping, treatment, management, transport, delivery, acceptance, storage, deposit, disposal or recovery of waste.

(2) Acting as a broker of or dealer in waste.

(3) In this paragraph, “waste” means any substance or object which the holder discards or intends or is required to discard.

#### **Water activities**

2. Any activity described in regulation 3(1)(a) to (g) of the Water Environment (Controlled Activities) (Scotland) Regulations 2011(2).

#### **Pollution activities**

3.—(1) Operating a Part A installation, Part B installation, mobile plant or solvents installation.

(2) In this paragraph, “Part A installation”, “Part B installation”, “mobile plant” and “solvents installation” have the same meanings as in regulation 12 of the Pollution Prevention and Control (Scotland) Regulations 2012(3).

#### **Sludge activities**

4.—(1) The use of sludge on agricultural land or the supply of sludge for such use.

(2) Grazing animals, or harvesting crops, on agricultural land on which sludge or septic tank sludge has been used.

(3) In this paragraph, “septic tank sludge”, “sludge”, and “use” have the same meanings as in regulation 2(1) of the Sludge (Use in Agriculture) Regulations 1989(4).

#### **Slurry and silage activities**

5.—(1) The custody, control or storage of silage or any crop which is being made into silage.

(2) The custody or control of slurry.

(3) In this paragraph, “silage” and “slurry” have the same meanings as in regulation 1(2) of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003(5).

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(2) [S.S.I. 2011/209](#), to which there are amendments not relevant to this Order. The activities described in regulation 3(1)(a) to (g) include activities liable to cause pollution of the water environment; abstraction of water from the water environment; the construction, alteration or operation of impounding works in surface water or wetlands; carrying out certain building or engineering works in, or in the vicinity of, inland water or wetlands; artificial recharge or augmentation of groundwater; the direct or indirect discharge (and any activity likely to cause such a discharge) of pollutants into groundwater; and any other activity which directly or indirectly has or is likely to have a significant adverse impact on the water environment.

(3) [S.S.I. 2012/360](#), to which there are amendments not relevant to this Order.

(4) [S.I. 1989/1263](#), to which there are amendments not relevant to this Order.

(5) [S.S.I. 2003/531](#), to which there are amendments not relevant to this Order.

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## EXPLANATORY NOTE

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

This Order specifies activities for the purposes of section 39 of the Regulatory Reform (Scotland) Act 2014 (“the 2014 Act”).

Section 39 of the 2014 Act provides that where (in the course of carrying on a regulated activity) a person (“A”) commits a relevant offence while carrying on that activity for another person (“B”), and B manages or controls the carrying on of the regulated activity, B also commits the relevant offence and is liable to be proceeded against. The Schedule to this Order specifies the regulated activities to which that section applies.

The relevant offences for the purposes of section 39 of the 2014 Act are specified in the Environmental Regulation (Relevant Offences) Scotland Order 2014, [S.S.I. 2014/319](#).