SCOTTISH STATUTORY INSTRUMENTS

2014 No. 51

The Town and Country Planning (Hazardous Substances) (Scotland) Amendment Regulations 2014

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Hazardous Substances) (Scotland) Amendment Regulations 2014 and come into force on 29th March 2014.

(2) In these Regulations "the 1993 Regulations" means the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993(**1**).

Amendment of the 1993 Regulations

2.—(1) The 1993 Regulations are amended in accordance with this regulation.

(2) In entry 36 of column 1 of Part A of Schedule 1(**2**) (hazardous substances and controlled quantities: named substances: petroleum products), after paragraph (c) insert—

"(d) heavy fuel oils".

Transitional exemptions

3.—(1) No offence is committed under section 21 of the Planning (Hazardous Substances) (Scotland) Act 1997 before 29th September 2014 and no hazardous substances contravention notice may be issued before that date in relation to a substance which is a petroleum product which is on, over or under any land where—

(a) the presence of the substance on, over or under that land during the period beginning on 29th March 2014 and ending on 28th September 2014 would not have required hazardous substances consent in terms of the 1993 Regulations as they were in effect immediately before the date on which these Regulations come into force; and

(b) the substance is not present during the period beginning on 29th March 2014 and ending on 28th September 2014 in a quantity greater in aggregate than the established quantity.

(2) In paragraph (1)—

(a) "the established quantity", in relation to any land, means the maximum quantity which was present on, over or under the land at any one time within the period of 12 months ending on 29th March 2014; and

(b) a substance is a petroleum product if it is identified as a petroleum product in entry 36 of column 1 of Part A of Schedule 1 to the 1993 Regulations as amended by these Regulations.

(**1**) S.I. 1993/323, as amended by S.I. 1994/2567, S.I. 1996/252, S.S.I. 2000/179, S.S.I. 2003/1, S.S.I. 2006/270, S.S.I. 2009/378, S.S.I. 2010/171 and S.S.I. 2013/119.

(**2**) Schedule 1 was substituted by S.S.I. 2009/378 and amended by S.S.I. 2010/171.

St Andrew's House,
Edinburgh
25th February 2014

DEREK MACKAY
Authorised to sign by the Scottish Ministers