



Pollution Prevention and Control Act 1999

1999 CHAPTER 24

2 Regulation of polluting activities

- (1) The Secretary of State may by regulations make provision for any of the purposes listed in Part I of Schedule 1; and Part II of that Schedule has effect for supplementing Part I.
- (2) In accordance with subsection (1) of section 1, the provision which may be made by regulations under this section is provision for or in connection with any of the matters mentioned in paragraphs (a) to (c) of that subsection.
- (3) Regulations under this section may—
 - (a) contain such consequential, incidental, supplementary, transitional or saving provisions (including provisions amending, repealing or revoking enactments) as the Secretary of State considers appropriate; and
 - (b) make different provision for different cases, including different provision in relation to different persons, circumstances, areas or localities.
- (4) Before making any regulations under this section, the Secretary of State shall consult—
 - (a) the Environment Agency if the regulations are to apply in relation to England or Wales;
 - (b) the Scottish Environment Protection Agency if the regulations are to apply in relation to Scotland;
 - (c) such bodies or persons appearing to him to be representative of the interests of local government, industry, agriculture and small businesses respectively as he may consider appropriate; and
 - (d) such other bodies or persons as he may consider appropriate.
- (5) Consultation undertaken before the passing of this Act shall constitute as effective compliance with subsection (4) as if undertaken after that passing.
- (6) The power to make regulations under this section shall be exercised by statutory instrument.

- (7) A statutory instrument containing regulations under this section, if made without a draft having been laid before, and approved by a resolution of, each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House.
- (8) No regulations to which this subsection applies shall be made (whether alone or with other regulations) unless a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (9) Subsection (8) applies to—
- (a) the first regulations to be made under this section which apply in relation to England;
 - (b) the first regulations to be made under this section which apply in relation to Wales;
 - (c) the first regulations to be made under this section which apply in relation to Scotland;
 - (d) regulations under this section which create an offence or increase a penalty for an existing offence;
 - (e) regulations under this section which amend or repeal any provision of an Act.