
STATUTORY INSTRUMENTS

1991 No. 562 (S.47)

HEALTH AND SAFETY

The Large Combustion Plant (Control of Emissions) (Scotland) Regulations 1991

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| <i>Made</i> | - - - - | <i>8th March 1991</i> |
| <i>Laid before Parliament</i> | | <i>12th March 1991</i> |
| <i>Coming into force</i> | - - | <i>1st April 1991</i> |

The Secretary of State, in exercise of the powers conferred on him by sections 1(1)(d), 15(1), (2), (3)(c), (4) and (8) and 82(3) of, and paragraphs 13(1) and (3) and 15(1) and (2) of Schedule 3 to, the Health and Safety at Work etc. Act 1974⁽¹⁾ and of all other powers enabling him in that behalf, and after consulting, in accordance with section 50(1) of that Act⁽²⁾, the Health and Safety Commission and such other bodies as it appeared to him to be appropriate to consult, hereby makes the following Regulations:

Citation, extent and commencement

1. These Regulations may be cited as the Large Combustion Plant (Control of Emissions) (Scotland) Regulations 1991, shall extend to Scotland only, and shall come into force on 1st April 1991.

Interpretation

2. In these Regulations—

“the Act” means the Health and Safety at Work etc. Act 1974;

“chief inspector” means an inspector so appointed for the purposes of these Regulations by the Secretary of State under section 19 of the Act;

“emission” means the discharge of substances into the air;

“operator” means any natural or legal person who operates the plant or who has or has been delegated decisive economic power over it;

“plant” means existing plant within the meaning of Council Directive [88/609/EEC](#)⁽³⁾;

(1) [1974 c. 37](#); section 15(1) was substituted by the Employment Protection Act [1975 \(c. 71\)](#), Schedule 15, paragraph 6; electricity works and other large combustion works are prescribed as classes of premises for the purposes of section 1(1)(d) by S.I. [1983/943](#), as amended by S.I. [1989/319](#).

(2) Section 50(1) was substituted by the Employment Protection Act 1975, Schedule 15, paragraph 16(1).

(3) OJNo. L336, 7.12.88, p.1.

“HMIPI Register” means the register of plant emission limits issued by Her Majesty’s Industrial Pollution Inspectorate with reference to the UK national plan made by the Secretary of State under section 3(5) of the Environmental Protection Act 1990(4) on 20 December 1990 and any reference in these Regulations to the HMIPI Register means that register as revised or re-issued from time to time;

“reporting period” means such period of not less than 28, and not more than 35, days as the operator may, with the approval of the chief inspector, determine.

Maximum emission levels for existing plants

3. It shall be the duty of the operator of each plant to ensure that the emissions of sulphur dioxide and oxides of nitrogen from the plant during the period from 1st April 1991 until 31st December 1991 and during 1992 do not exceed the maximum permitted levels specified for that plant in respect of those periods in the HMIPI Register.

Duty of operator to provide information about emission levels

4. The operator of each plant shall monitor the emissions of sulphur dioxide and oxides of nitrogen from the plant in such manner as may be specified by the chief inspector and shall inform the chief inspector in writing—

- (a) within one month of the end of each reporting period, of the quantity of each of those substances emitted from the plant in that period,
- (b) of the fact that the plant has emitted 95% of its maximum permitted level of emissions in respect of either substance, as soon as that has occurred, and
- (c) as soon as practicable, of any change in circumstances relating to energy demand, the availability of fuel or any technical difficulties likely to affect the plant’s operation which might cause the plant to exceed either of its said maximum permitted levels of emission.

Directions of chief inspector

5. If the chief inspector has reason to believe that a plant is likely to exceed either of its maximum permitted levels of emissions specified in the HMIPI Register, he may require the operator to submit to him written particulars of the measures proposed by the operator to be taken to achieve compliance with regulation 3 above.

Enforcing authority

6. The Secretary of State shall be responsible for the enforcement of these Regulations for the purposes of Part I of the Act.

St Andrew’s House,
Edinburgh
8th March 1991

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Scotland only, provide for the transitional implementation of the UK's national plan for reducing emissions of sulphur dioxide and oxides of nitrogen from existing combustion plants rated at 50 megawatts thermal input or more. They implement Council Directive [88/609/EEC](#) on the limitation of emissions of certain pollutants into the air from large combustion plants insofar as it applies to existing plant. This arrangement will precede the implementation of controls by authorisation under Part I of the Environmental Protection Act 1990 from 1 April 1992.

The Regulations require each plant operator to comply with the emission limits for sulphur dioxide and oxides of nitrogen set for the plant by Her Majesty's Industrial Pollution Inspectorate (regulation 3). The operator is obliged to monitor emissions and to submit regular returns on the level of emissions to the chief inspector. He must also notify the chief inspector when 95% of each emission limit is reached and advise him of any change of circumstances which might cause the limit to be exceeded (regulation 4). Under regulation 5, if the chief inspector has reason to believe that the emission limits may be exceeded, he may require the operator to submit details of the measures which he proposes to take in order to stay within the permitted levels.

A copy of the HMIPI Register referred to in these Regulations is available from Her Majesty's Industrial Pollution Inspectorate, 27 Perth Street, Edinburgh EH3 5RB.