
WELSH STATUTORY INSTRUMENTS

2006 No. 2802 (W.241)

ENVIRONMENTAL PROTECTIONS, WALES

The Pollution Prevention and Control (England and Wales) (Amendment) (Wales) Regulations 2006

Made - - - - 17 October 2006
Coming into force - - 25 October 2006

The National Assembly for Wales (“the National Assembly”), having consulted the Environment Agency, such bodies or persons appearing to it to be representative of the interests of local government, industry, agriculture and small businesses respectively as it considers appropriate and such other bodies and persons as it considers appropriate in accordance with section 2(4) of the Pollution Prevention and Control Act 1999 (“the Act”)(¹), makes the following Regulations in exercise of the powers conferred on the Secretary of State by section 2 of the Act and which are now exercisable by the National Assembly(²):

Title, commencement and application

1.—(1) The title of these Regulations is the Pollution Prevention and Control (England and Wales) (Amendment) (Wales) Regulations 2006.

(2) These Regulations come into force on 25 October 2006.

(3) These Regulations apply to Wales.

Amendment of the Pollution Prevention and Control (England and Wales) Regulations 2000

2.—(1) The Pollution Prevention and Control (England and Wales) Regulations 2000(³) are amended as follows.

(2) In paragraph (2)(a) of regulation 32 (offences)(⁴)—

(a) for “£20,000” substitute “£50,000”; and

(b) for “six months” substitute “12 months”.

(1) 1999 c. 24. Paragraph 25 of Part II of Schedule 1 was amended by section 105 of the Clean Neighbourhoods and Environment Act 2005 (c. 16). Other amending legislation is of no relevance to these Regulations.

(2) See the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958), article 3.

(3) S.I. 2000/1973; relevant amending instruments are S.I. 2004/107 and S.I. 2004/3276. Other amending legislation is not relevant to these Regulations.

(4) These increased penalties will apply only in relation to offences committed after section 154(1) of the Criminal Justice Act 2003 (c. 44) is brought into force. See section 105(2) of the Clean Neighbourhoods and Environment Act 2005.

- (3) Part 1 of Schedule 1 (Activities, Installations and Mobile Plant) is amended as follows—
- (a) in Part B of Section 1.2 (Gasification, Liquefaction and Refining Activities)—
- (i) replace the full stop at the end of paragraph (d) with a semi-colon and add the following paragraphs—
- “**(e)** motor vehicle refuelling activities at existing service stations, if the petrol refuelling throughput at the service station in any period of twelve months commencing on or after 1st January 2007 is, or it is likely to be, 3500mΔ or more;
- (f)** motor vehicle refuelling activities at new service stations, if the petrol refuelling throughput at the service station in any period of twelve months is likely to be 500mΔ or more.”
- (ii) under the heading “Interpretation of Part B”, in paragraph 1 after the words “In this Part”, insert—
- ““existing service station” means a service station—
- (a) which is put into operation; or
- (b) for which planning permission under the Town and Country Planning Act 1990⁽⁵⁾ was granted,
- before 31st December 2009”; and
- (iii) under the heading “Interpretation of Part B”, in paragraph 1 before the definition of “petrol”, insert—
- ““new service station” means a service station which is put into operation on or after 31st December 2009 other than an existing service station;”;
- (b) in paragraph (f) of Part A(1) of Section 5.1 (Incineration and Co-incineration of Waste), after “burning” insert “landfill gas or”;
- (c) in paragraph 4 of Part B of Section 7 (SED Activities)—
- (i) for the words “coming into force of these Regulations”, on the first occasion when they appear, substitute the words “20th January 2004”;
- (ii) in sub-paragraphs (a) and (b), for the words “date of coming into force of these Regulations”, substitute the words “20th January 2004”.
- (4) Schedule 3 (Prescribed Date and Transitional Arrangements) is amended as follows—
- (a) in Part 3 (SED Installations)—
- (i) in paragraph 13(1), after “paragraphs” insert “13A.”,
- (ii) after paragraph 13, insert—
- “13A.—(1)** An operator of an existing SED installation—
- (a) involving only dry cleaning as defined in paragraph (2) of Part B of Section 7 of Part 1 of Schedule 1 (SED Activities), by means of coin-operated dry cleaners; and
- (b) in respect of which no application for a permit to operate the existing SED installation is duly made by 31st October 2006,
- shall be deemed to have made a notification to the regulator of the operator’s undertaking to cease to operate that existing SED installation by 31st October 2007.

(5) 1990 c. 8, to which there are amendments not relevant to these Regulations.

(2) Where sub-paragraph (1) applies, the operator of an existing SED installation shall be relieved of the requirement to apply for a permit under regulation 10 (Permits: general provisions), and the operation of that existing SED installation until 31st October 2007 without a permit shall not constitute an offence under regulation 32(1)(a) (Offences).

(3) For the purposes of sub-paragraph (1), “coin-operated dry cleaners” include dry cleaning machines functioning by means of coins, tokens, cards or other similar triggering mechanisms.”;

(b) after Part 4, insert a new Part 5 as set out in the Schedule to these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁶⁾

17 October 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

⁽⁶⁾ 1998 c. 38.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 2(4)(b)

NEW PART 5 OF SCHEDULE 3 TO THE POLLUTION PREVENTION AND CONTROL (ENGLAND AND WALES) REGULATIONS 2000

“PART 5:

REFUELLING INSTALLATIONS

20.—(1) Parts 1 and 2 of this Schedule apply to existing refuelling installations and new refuelling installations subject to the provisions of this Part.

(2) The prescribed date for a new refuelling installation is the relevant date.

(3) The prescribed date for an existing refuelling installation is—

(a) where an application for a permit to operate the existing refuelling installation is made by the relevant date, the determination date for that existing refuelling installation; or

(b) where no such application is made, the relevant date.

(4) Where an installation which is subject to a permit under these Regulations contains an existing or new refuelling installation, the operator shall not operate the existing or new refuelling installation after the prescribed dates specified in subparagraph (3) except under and to the extent authorised by a variation of the conditions of that permit granted by the regulator under regulation 17.

(5) Paragraph 9 of Part 2 of this Schedule (deemed applications) shall not apply to an existing Part B installation or mobile plant which consists only of an existing refuelling installation.

(6) In this Part—

“existing refuelling installation” means an installation where an activity falling within paragraph (e) of Part B of Section 1.2 of Schedule 1 is carried out;

“determination date” has the same meaning as in paragraph 6 of Part 1 of Schedule 3;

“new refuelling installation” means an installation where an activity falling within paragraph (f) of Part B of Section 1.2 of Schedule 1 is carried out; and

“the relevant date” is 1st January 2010.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pollution Prevention and Control (England and Wales) Regulations 2000 (S.I.2000/1973) (“the PPC Regulations”) in relation to Wales.

Regulation 2(2) increases the maximum penalty a Magistrates' court may impose under regulation 32(2)(a) of the PPC Regulations in respect of offences committed after section 154(1) of

the Criminal Justice Act 2003 (which limits a Magistrates' court's power to impose imprisonment) is brought into force.

Regulation 2(3)(a) amends part B of section 1.2 (Gasification, Liquefaction and Refining Activities) of Schedule 1 to the PPC Regulations by adding motor vehicle refuelling activities to the list of activities that require a permit under the PPC Regulations. This meets a UK obligation arising from the UN Economic Committee for Europe Geneva Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution Concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes. This Protocol entered into force on 29 September 1997 following its adoption in November 1991. The Protocol can be seen on the UNECE website at www.unece.org.

Regulation 2(3)(b) amends Section 5.1 (Incineration and Co-incineration of waste) of Schedule 1 to the PPC Regulations by clarifying that incineration incidentally in the course of burning of landfill gas is not subject to permission under the PPC Regulations.

Regulation 2(3)(c) corrects a drafting error in Part B of section 7 (SED Activities) of Schedule 1 to the PPC Regulations.

Regulation 2(4) amends Schedule 3 (Prescribed Date and Transitional Arrangements) to the PPC Regulations to exempt certain operators of coin-operated dry cleaning machines who choose not to make an application for a permit before 31 October 2006 from the permit requirements of the Solvent Emissions Directive [1999/13/EC](#) on the basis that the operators agree to cease carrying-out operations that fall within the scope of that Directive at the installation before the 31 October 2007.