



Regulatory Reform (Scotland) Act 2014

2014 asp 3

PART 3

ENVIRONMENTAL REGULATION

CHAPTER 1

REGULATIONS FOR PROTECTING AND IMPROVING THE ENVIRONMENT

16 General purpose: protecting and improving the environment

- (1) The purpose of this Chapter is to enable provision to be made for or in connection with protecting and improving the environment, including (without prejudice to that generality)—
- (a) regulating environmental activities,
 - (b) implementing EU obligations, and international obligations, relating to protecting and improving the environment.
- (2) In subsection (1), “international obligations” means any international obligations of the United Kingdom other than obligations to observe and implement EU obligations.

17 Meaning of expressions used in section 16 and schedule 2

- (1) Expressions used in section 16 have the following meanings for the purposes of this Chapter—
- “environmental activities” means—
- (a) activities that are capable of causing, or liable to cause, environmental harm, and
 - (b) activities connected with such activities,
- “protecting and improving the environment” includes, in particular—
- (a) preventing deterioration (or further deterioration) of, and protecting and enhancing, the status of ecosystems, and
 - (b) promoting the sustainable use of natural resources based on the long-term protection of available natural resources.

(2) In subsection (1)—

“activities” means activities of any nature whether industrial, commercial or otherwise and whether carried on in particular premises or otherwise; and includes (with or without other activities) the production, treatment, keeping, depositing or disposal of any substance,

“environmental harm” means—

- (a) harm to the health of human beings or other living organisms,
- (b) harm to the quality of the environment, including—
 - (i) harm to the quality of the environment taken as a whole,
 - (ii) harm to the quality of air, water or land, and
 - (iii) other impairment of, or interference with, ecosystems,
- (c) offence to the senses of human beings,
- (d) damage to property, or
- (e) impairment of, or interference with, amenities or other legitimate uses of the environment.

(3) In schedule 2 (introduced by section 18), “regulated activities” means any environmental activities in respect of which regulations under that section make provision.

18 Regulations relating to protecting and improving the environment

- (1) The Scottish Ministers may by regulations make provision for any of the purposes specified in Part 1 of schedule 2.
- (2) Part 2 of that schedule has effect for supplementing Part 1 of the schedule.
- (3) In accordance with section 16, the provision that may be made by regulations under this section is provision for or in connection with protecting and improving the environment, including any of the matters mentioned in paragraph (a) or (b) of subsection (1) of that section.

19 Regulations relating to protecting and improving the environment: consultation

- (1) Before making any regulations under section 18, the Scottish Ministers must consult—
 - (a) any regulator on whom the proposed regulations would confer functions, and
 - (b) such other persons as they think fit, including such persons appearing to them to be representative of the interests of local government, industry, agriculture, fisheries or small businesses as they consider appropriate.
- (2) Consultation undertaken before the coming into force of this section is as effective compliance with subsection (1) as if undertaken after its coming into force.
- (3) In subsection (1), “regulator” is to be construed in accordance with paragraph 3(1) of schedule 2.