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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2009 No.**

**ENVIRONMENTAL PROTECTION**

**The Environmental Liability (Scotland) Regulations 2009**

*Made* - - - - 2009

*Coming into force* 2009

**THE ENVIRONMENTAL LIABILITY  
(SCOTLAND) REGULATIONS 2009**

1. Citation, commencement and extent
  2. Interpretation
  3. References to community legislation
  4. Application
  5. Exemptions
  6. Other legislation
  7. Competent authority
  8. Assistance by public bodies
  9. Powers of entry and inspection
  10. Preventive measures
  11. Identification and determination of remedial measures
  12. Operator to take remedial action
  13. Appeals and interim measures
  14. Request for action and review
  15. Co-operation between competent authorities
  16. Grant of, and compensation for, rights of entry
  17. Costs
  18. Allocation of costs
  19. Penalties
  20. Offences by bodies corporate
  21. Offences by Scottish partnerships
  22. Offences by limited liability partnerships
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SCHEDULE 1 — ACTIVITIES FOR THE PURPOSES OF REGULATION 4(1)

1. The operation of installations subject to permit in pursuance of...

2. Waste management operations, including the collection, transport, recovery and disposal...
3. All discharges into inland surface water, which require prior authorisation...
4. All discharges of substances into groundwater which require prior authorisation...
5. The discharge or injection of pollutants into surface water or...
6. Water abstraction and impoundment of water subject to prior authorisation...
7. Manufacture, use, storage, processing, filling, release into the environment and...
8. Transport by road, rail, inland waterways, sea or air of...
9. Any contained use, including transport, involving genetically modified micro organisms...
10. Any deliberate release into the environment, transport and placing on...
11. Transboundary shipment of waste within, into or out of the...
12. The management of extractive waste pursuant to Directive 2006/21/EC of...

#### SCHEDULE 2 — SUPPLEMENTARY PROVISIONS IN RESPECT OF POWERS OF ENTRY AND INSPECTION

1. Interpretation
2. Warrants
3. Evidence of authority
4. Admissibility of information
5. Securing of premises
6. Compensation

#### SCHEDULE 3 — REMEDIATION OF ENVIRONMENTAL DAMAGE

##### PART I

1. Application of Part I
2. Definitions
3. Objectives
4. Risk to human health
5. Identification of remedial measures
6. Choice of remediation

##### PART II

1. This Part applies to damage to land.
2. The necessary measures shall be taken to ensure, as a...
3. The presence of such risks shall be assessed through risk...
4. Use shall be ascertained on the basis of any enactment...
5. If the use of the land is changed, all necessary...
6. If there are no enactments which are relevant for the...
7. A natural recovery option, that is to say an option...

#### SCHEDULE 4 — COMPENSATION

1. Interpretation
2. Period for making an application
3. Manner of making an application
4. Loss and damage for which compensation payable
5. Basis on which compensation assessed
6. Determination of disputes

Explanatory Note