
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

**The Pollution Prevention and Control
(Scotland) Amendment Regulations 2014**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Pollution Prevention and Control (Scotland) Amendment Regulations 2014, and come into force on 30th October 2014.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations, “the principal Regulations” means the Pollution Prevention and Control (Scotland) Regulations 2012(1).

Amendment of the principal Regulations

3. The principal Regulations are amended in accordance with regulations 4 to 14.

Interpretation: enactments etc.

4. In regulation 3 (interpretation: enactments etc.), after the definition of “EIA Directive” insert—
““Energy Efficiency Directive” means Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency, amending Directives [2009/125/EC](#) and [2010/30/EU](#) and repealing Directives [2004/8/EC](#) and [2006/32/EC](#)(2),”.

Designation as competent authority

5. In regulation 10 (SEPA: designation as competent authority), after “Directive” insert “and Article 14(5) to (8) of the Energy Efficiency Directive”.

Schedule 1 activities

6. After regulation 20 (schedule 1 activities) insert—

“Schedule 1A: Energy Efficiency Directive

20A. Schedule 1A has effect.”.

Solvents: conditions

7. For regulation 34 (solvents: conditions), substitute—

(1) [S.S.I. 2012/360](#), as amended by [S.I. 2014/469](#).

(2) [OJ L 315, 14.11.2012, p.1](#), as amended by Council Directive 2013/12/EU ([OJ L 141, 28.5.2013, p.28](#)).

“Solvents: conditions

34. SEPA must include in a permit to operate a solvents installation—

- (a) such conditions as SEPA considers necessary to give effect to the provisions of Chapter V of and Annex VII to the Industrial Emissions Directive, and
- (b) a condition requiring the operator to inform SEPA, without delay, of any incident or accident significantly affecting the environment.”.

Permits: surrender of a Part A permit

8. In regulation 48(8)(c) (permits: surrender of a Part A permit), after “its” omit “the”.

Offences

9. In regulation 67 (offences)—

- (a) after paragraph (1)(f) insert—
 - “(fa) to contravene paragraph 7 of Schedule 1A,”; and
- (b) in paragraph (2), after “(f)” insert “, (fa)”.

Activities and installations and mobile plant

10. In Schedule 1 (activities and installations and mobile plant)—

- (a) in Part 1 (activities)—
 - (i) in Part B of Section 1.1 (combustion), after paragraph (b) insert—
 - “(c) Burning any fuel in a combination of appliances with a total rated thermal input of more than 20 megawatts and less than 50 megawatts in an installation to which Schedule 1A applies.”;
 - (ii) at the end of Part B of Section 1.1 insert—

“Interpretation of Part B

For the purposes of paragraph (c) of Part B—

- (a) “appliance” means a boiler, furnace, gas turbine or compression ignition engine, and
- (b) fuel is burned in a combination of appliances where two or more appliances are operated on the same site.”;
- (iii) in Section 5.3 (disposal or recovery of hazardous waste), in paragraph (a) of Part A, after “Chapter” insert “or in Part 1 of Schedule 2”;
- (iv) in Section 5.4 (disposal, recovery or a mix of disposal or recovery of non-hazardous waste), in paragraph (a)(iii) of Part A after “pre-treatment” insert “of”;
- (v) in Section 6.6 (timber activities)—
 - (aa) in Part A, after “products” omit “wood”;
 - (bb) in the definition of “relevant activity” for “planning” substitute “planing”;
- (b) in Part 2 (interpretation of Schedule), in paragraph 2(2) for “Paragraph” substitute “Sub-paragraph”.

Schedule 1A

11. After Schedule 1 insert Schedule 1A as specified in the Schedule.

Grant of permits

12. In Schedule 4 (grant of permits), in paragraph 20(2)(c) for “period of 28” substitute “day period”.

Variation of permits

13. In Schedule 7 (variation of permits)—

- (a) in paragraph 2(2), for “(1)” substitute “(3)”; and
- (b) in paragraph 4—

(i) for sub-paragraph (1) substitute—

“(1) Subject to sub-paragraphs (2) and (3), this paragraph applies where—

- (a) an application for variation is made under regulation 46 that will, if granted, authorise a substantial change in operation of an installation or mobile plant,
- (b) SEPA proposes to serve a variation notice for a variation that will authorise—
 - (i) a substantial change in operation of an installation or mobile plant, or
 - (ii) a variation of a permit for a Part A installation as a result of a review under regulation 44(1)(a), or
- (c) SEPA makes a determination that this paragraph applies to a proposed variation.”; and

(ii) in sub-paragraph (8)(b) for “landfall” substitute “landfill”.

Savings and transitional provisions

14. In Schedule 10 (savings and transitional provisions)—

- (a) in paragraph 3(2)(b), for “in” where it second occurs substitute “before”;
- (b) in paragraph 5, in row 1 of Table 1, for “(c)(ii)” substitute “(d)”;
- (c) in paragraph 7(1), for “2011” substitute “2001”;
- (d) in paragraph 11—
 - (i) in sub-paragraph (1), after “installation” insert “or a solvents installation”; and
 - (ii) in sub-paragraph (2)(a)(i), after “incident” insert “or accident”;
- (e) in paragraph 13(2), for “(2) and (3)” substitute “(3) and (4)”.

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Date

Name
Authorised to sign by the Scottish Ministers