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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under section 2 of the Pollution Prevention and Control Act 1999. They set out, for Scotland, a pollution control regime for the purpose of implementing the Integrated Pollution Prevention and Control Directive (Council Directive 96/61/EC) and for regulating other environmentally polluting activities not covered by the Directive.

### **The list of controlled activities and the type of pollution control**

The Regulations control the operation of any installation or mobile plant carrying out any of the activities listed in Part 1 of Schedule 1 to the Regulations. Installations or mobile plant used to carry out activities listed in Schedule 1 (Part A installations and mobile plant) are subject to integrated pollution control by SEPA.

### **Procedural and substantive requirements**

Part I of the Regulations (regulations 1 to 5) sets out general provisions. There are definitions in regulations 2 and 3. The other regulations in Part I deal with such general matters as the meaning of fit and proper person for the purposes of the Regulations and setting out the obligation to use best available techniques.

Part II (regulations 6 to 17) deals with the need for a permit to operate an installation or mobile plant covered by the Regulations (regulation 6), the procedure for granting permits and the contents of permits (regulations 7 to 11 and Schedules 4 and 5), and the treatment of permits once granted (regulations 12 to 17 and Schedule 7). The basic requirement for the content of permits (regulation 9) is to impose emission limit values based on the best available techniques. Schedule 6 sets out the compensation provisions applicable where a person is required under regulation 9 to allow an operator of an installation or Part A mobile plant to carry out work on that person's land. Regulation 10 enables the Scottish Ministers to make general binding rules containing requirements which may apply instead of conditions included in permits. Regulations 11 and 13 to 17 and Schedule 7 deal with the review, variation, transfer, surrender and revocation of permits. Regulation 12 requires an operator of a permitted installation to give SEPA notice of any proposed change in the operation of that installation.

Part III (regulations 18 to 21) contains the enforcement powers under the Regulations. Part IV (regulation 22) and Schedule 8 provide for appeals. Part V (regulations 23 to 25) enables the Scottish Ministers to give directions and guidance to SEPA and to make plans relating to emissions. Part VI (regulations 26 to 29) deals with information and publicity. Part VII (regulations 30 to 33) sets out offences for contraventions of the Regulations and provides for enforcement by the Court of Session and the admissibility of evidence. Part VIII and Schedule 10 deal with the consequential amendments required by the introduction of the pollution control regimes in the Regulations.

### **Transitional provisions**

Schedule 3 sets out the transitional provisions for bringing installations and mobile plant under the control of the Regulations. Installations and mobile plant will be phased into the Regulations over an eight year period. These Regulations will supersede the controls in Part I of the Environmental Protection Act 1990 Act and, consequently, that Part of that Act will in due course be repealed. A regulatory impact assessment has been prepared and copies can be obtained from the Environmental

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

Protection Unit, Scottish Executive, Victoria Quay, Edinburgh, EH6 6QQ. A copy has been placed in the library of the Parliament.

Copies of the British Standard 'Laboratory fume cupboards' (BS72548 : Part I : 1990), referred to in paragraph 6 of Part 2 of Schedule 1 to the Regulations and BS4256 1972 referred to in paragraph 3(1) of Part 1 of Schedule 4 to the Regulations, can be obtained from any of the sales outlets operated by the British Standards Institution or by post from the British Standards Institution at Standards House, 389 Chiswick High Road, London W4 4AL.