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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 99**

**ENVIRONMENTAL PROTECTION**

The Environmental Protection Act 1990  
(Amendment) (Scotland) Regulations 2001

<i>Made</i>	- - - -	<i>13th March 2001</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>14th March 2001</i>
<i>Coming into force</i>	- -	<i>5th April 2001</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Environmental Protection Act 1990 (Amendment) (Scotland) Regulations 2001 and shall come into force on 5th April 2001.

(2) These Regulations extend to Scotland only.

**Amendment of section 113 of the Environmental Protection Act 1990**

2. After subsection (4) of section 113 (fees and charges) of the Environmental Protection Act 1990<sup>(2)</sup> there is inserted—

“(5) The Scottish Ministers may, with the consent of the Secretary of State, provide in a scheme under this section for any functions under the scheme to be performed by a Minister of the Crown or government department where they consider it expedient to do so in relation to the implementation of Council Directive [90/220/EEC](#)<sup>(3)</sup>.”.

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(1) [1972 c. 68](#); section 2(2) was amended by the Scotland Act 1998 ([c. 46](#)), Schedule 8 paragraph 15(3). The function conferred upon a Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) [1990 c. 43](#).

(3) O.J. No. L 117, 8.5.90, p.15

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**Status:** This is the original version (as it was originally made).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

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St Andrew's House, Edinburgh  
13th March 2001

*SAM GALBRAITH*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

Section 113 of the Environmental Protection Act 1990 (“the 1990 Act”) confers power to make and from time to time revise a scheme of fees payable in respect of applications for consents under Part VI (genetically modified organisms) of the 1990 Act and charges in respect of the subsistence of such consents.

These Regulations amend section 113 of the 1990 Act so as to provide that in making a scheme under that section Scottish Ministers may, with the consent of the Secretary of State, provide for any functions under the scheme to be performed by a Minister of the Crown or government department where Scottish Ministers consider it expedient to do so in relation to the implementation of Council Directive [90/220/EEC](#) on the deliberate release into the environment of genetically modified organisms.