SCOTTISH STATUTORY INSTRUMENTS

2009 No. 266

ENVIRONMENTAL PROTECTION

The Environmental Liability (Scotland) Regulations 2009

Made - - - - 23rd June 2009
Coming into force 24th June 2009

THE ENVIRONMENTAL LIABILITY (SCOTLAND) REGULATIONS 2009

- 1. Citation, commencement and extent
- 2. Interpretation
- 3. References to EU legislation
- 4. Application
- 5. Exemptions
- 6. Other legislation
- 7. Competent authority
- 7A Reporting requirements
- 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
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- 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
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- 20. Offences by bodies corporate
- 21. Offences by Scottish partnerships
- 22. Offences by limited liability partnerships Signature

SCHEDULE 1 ACTIVITIES FOR THE PURPOSES OF REGULATION 4(1)

- A1 Interpretation
- 1. The operation of installations subject to permit in pursuance of—...
- 2. (1) Waste management operations, including the collection, transport, recovery and...
- 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 as...
- 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...
- 13. The operation of storage sites pursuant to Directive 2009/31/ EC...

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-assessment...
- 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**

Changes to legislation:
There are currently no known outstanding effects for the The Environmental Liability (Scotland)
Regulations 2009.