

SCHEDULE 2

Regulation 9

SUPPLEMENTARY PROVISIONS IN RESPECT OF POWERS OF ENTRY AND INSPECTION

[^{F1}Interpretation

1. The operation of installations subject to permit in pursuance of—
 - (a) Council [Directive 96/61/EC](#) of 24 September 1996 concerning the integrated pollution prevention and control in respect of all activities listed in Annex I to that Directive with the exception of installations or parts of installations used for research, development and testing of new products and processes,
 - (b) [Directive 2008/1/EC](#) of the European Parliament and of Council of 15 January 2008 concerning integrated pollution prevention and control in respect of all activities listed in Annex I to that Directive with the exception of installations or parts of installations used for research, development and testing of new products and processes, or
 - (c) [Directive 2010/75/EU](#) of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control).]

Textual Amendments

- F1** Sch. 1 paras. 1, 2 substituted (31.10.2019) by [The Environmental Liability etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/276\)](#), regs. 1(1)(a), **2(5)(a)**

[^{F1}Warrants

- 2.—(1) Waste management operations, including the collection, transport, recovery and disposal of waste and hazardous waste, including the supervision of such operations and after-care of disposal sites, subject to permit or registration in pursuance of—
 - (a) Council [Directive 91/689/EEC](#) of 12 December 1991 on hazardous waste,
 - (b) [Directive 2006/12/EC](#) of the European Parliament and of Council of 5 April 2006 on waste,
 - (c) [Directive 2008/98/EC](#) of the European Parliament and of the Council of 19 November 2008 on waste.
- (2) The operation of—
 - (a) landfill sites under Council [Directive 1999/31/EC](#) of 26 April 1999 on the landfill of waste, or
 - (b) incineration plants under—
 - (i) [Directive 2000/76/EC](#) of the European Parliament and of the Council of 4 December 2000 on the incineration of waste, or
 - (ii) [Directive 2010/75/EU](#) of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control).
- (3) Sub-paragraphs (1) and (2) do not apply to operations to the extent to which they include the spreading of sewage sludge from urban waste water treatment plants, treated to an approved standard, for the purposes of agriculture (within the meaning of regulation 2 of the Sludge (Use in Agriculture) Regulations 1989).]

Textual Amendments

F1 Sch. 1 paras. 1, 2 substituted (31.10.2019) by [The Environmental Liability etc. \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/276\)](#), regs. 1(1)(a), **2(5)(a)**

Evidence of authority

3. A person designated as the person who may exercise a relevant power shall produce evidence of that designation and other authority before exercising the power.

Admissibility of information

4.—(1) Subject to regulation 9(7), information obtained in consequence of the exercise of a relevant power, with or without the consent of any person, shall be admissible in evidence against that or any other person.

(2) Without prejudice to the generality of sub-paragraph (1), information obtained by means of monitoring or other apparatus installed on any premises in the exercise of a relevant power, with or without the consent of any person in occupation of the premises, shall be admissible in evidence in any proceedings against that or any other person.

Securing of premises

5. A person who, in the exercise of a relevant power, enters on any premises which are unoccupied or whose occupier is temporarily absent shall leave the premises as effectually secured against trespassers as they were on entry.

Compensation

6.—(1) Where any person exercises any power conferred by regulation 9(2)(a) or (b), it shall be the duty of the competent authority under whose authorisation that person acts to make full compensation to any person who has sustained loss or damage by reason of—

- (a) the exercise by that person of that power; or
- (b) the performance of, or failure of that person to perform, the duty imposed by paragraph 5.

(2) Compensation shall not be payable by virtue of sub-paragraph (1) in respect of any loss or damage if compensation is payable in respect of that loss or damage by virtue of any other enactment.

(3) A person exercising any power conferred by regulation 9(2)(a) or (b) shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of any relevant power if the court is satisfied that the person acted in good faith.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Liability (Scotland) Regulations 2009, SCHEDULE 2.