
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 285

**The Pollution Prevention and Control
(Scotland) Amendment Regulations 2011**

Amendment of the Pollution Prevention and Control (Scotland) Regulations 2000

8. For regulation 10 (general binding rules) substitute—

“Standard rules

10.—(1) Subject to paragraph (2) and regulations 10A to 10F, a rule-making authority may make, revise or revoke rules (“standard rules”) which apply to installations or mobile plant described in the rules.

(2) A rule-making authority shall only make or revise standard rules if it is satisfied that the operation of installations or mobile plant will, to the extent that it is covered by standard rules, result in the same level of environmental protection, and in the case of Part A installations and Part A mobile plant the same high level of integrated pollution prevention and control, as would result were there no standard rules and such installations or mobile plant operated under the conditions that would be included in permits under regulations 9, 9C, 9D, 9E, or 9F.

(3) A rule-making authority must keep under review all standard rules made by the authority and revise those rules whenever it considers necessary, in order to follow developments in best available techniques or otherwise.

(4) In this regulation and regulations 10A to 10F, references to revising standard rules include partial revocation of a set of standard rules, and references to revoking standard rules mean revoking a set of standard rules in their entirety.

Standard rules: conditions of permit

10A.—(1) SEPA may specify in a permit granted under regulation 7 for a standard installation or standard mobile plant that the contents of any relevant set of standard rules as revised from time to time are conditions of the permit (“a standard rules condition”), without prejudice to any other conditions required or authorised to be imposed under regulations 9, 9C, 9D, 9E, or 9F.

(2) Where an installation or mobile plant in respect of which a permit has previously been granted under regulation 7 becomes a standard installation or standard mobile plant, SEPA may vary the permit under regulation 13 so as to include a standard rules condition.

(3) Where a permit contains a standard rules condition and any other condition of that permit is inconsistent with any of the relevant standard rules, the rules shall prevail to the extent of that inconsistency.

Consultation on standard rules

10B.—(1) Before making, revising or revoking any set of standard rules, a rule-making authority must consult—

- (a) those persons appearing to the authority to be representative of the interests of those communities likely to be affected by the proposed rules, revision or revocation;
- (b) those operators appearing to the authority to be likely to be so affected; and
- (c) such other persons as appear to the authority to be likely to be affected by or otherwise have an interest in the proposed rules, revision or revocation.

(2) Paragraph (1) does not apply in respect of any revision which effects only minor administrative change.

(3) The duty in paragraph (1) may be satisfied in relation to the making of standard rules by a consultation carried out wholly or partially before the coming into force of this regulation.

Rules made, revised or revoked by the Scottish Ministers

10C. After making, revising or revoking any set of standard rules, the Scottish Ministers must notify SEPA and provide it with a copy of the rules or of the revision or revocation.

Publication of standard rules

10D.—(1) Where a rule-making authority has made any standard rules, SEPA must publish them on its website.

(2) Standard rules conditions referring to those standard rules may be inserted under regulation 10A(1) and (2) from the day following the date of publication.

Revision of standard rules

10E.—(1) Where a rule-making authority has revised any set of standard rules, SEPA must notify operators holding standard rules permits of—

- (a) the revision;
- (b) the date on which the revision is expected to be published on the SEPA website under paragraph (2); and
- (c) the date on which the revision is expected to take effect in accordance with paragraph (3).

(2) Once paragraph (1) has been complied with, SEPA must publish on the SEPA website—

- (a) the revision;
 - (b) the relevant set of standard rules as amended by the revision; and
 - (c) the date on which the revision will take effect.
- (3) The date on which the revision will take effect is—
- (a) in the case of a revision effecting only minor administrative change, the day following the date of publication under paragraph (2);
 - (b) in any other case, twelve weeks after the date of publication under paragraph (2).

Revocation of standard rules

10F.—(1) Where a rule-making authority revokes a set of standard rules, SEPA must publish the revocation on its website.

(2) SEPA must not include any standard rules conditions relating to those standard rules in a permit after publication of the revocation.

(3) A standard rules condition relating to those standard rules which was included in a permit prior to publication of the revocation shall continue to apply until such time as that permit is next varied under these Regulations, and the relevant standard rules although revoked shall continue to have effect in relation to such a permit until that time.

(4) SEPA must ensure that such a permit is varied as soon as reasonably practicable following publication of the revocation.”.