

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2016 No. 39**

**ENVIRONMENTAL PROTECTION**

**The Pollution Prevention and Control  
(Scotland) Amendment Regulations 2016**

*Made* - - - - 21st January 2016  
*Laid before the Scottish  
Parliament* - - - - 25th January 2016  
*Coming into force* - - 12th May 2016

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Pollution Prevention and Control (Scotland) Amendment Regulations 2016 and come into force on 12th May 2016.

**Amendment of the Pollution Prevention and Control (Scotland) Regulations 2012**

2. For regulation 32(1)(b) of the Pollution Prevention and Control (Scotland) Regulations 2012<sup>(2)</sup> substitute—

“(b) [Directive 2009/126/EC](#) of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations<sup>(3)</sup>, as last amended by Commission Directive 2014/99/EU<sup>(4)</sup>.”.

---

(1) [1972 c.68](#). Section 2(2) was amended by the Scotland Act [1998 \(c.46\)](#) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act [2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act [2008 \(c.7\)](#), Schedule, Part I. The functions conferred upon Ministers of the Crown under section 2(2), so far as they are exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) [S.S.I. 2012/360](#), to which there are amendments not relevant to these Regulations.

(3) OJ L 285, 31.10.2009, p.36.

(4) OJ L 304, 23.10.2014, p.89.

---

**Status:** *This is the original version (as it was originally made).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

---

St Andrew's House,  
Edinburgh  
21st January 2016

*AILEEN McLEOD*  
Authorised to sign by the Scottish Ministers

---

## EXPLANATORY NOTE

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

These Regulations amend the Pollution Prevention and Control (Scotland) Regulations 2012 (“the 2012 Regulations”) to effect a change as a consequence of the amendment of [Directive 2009/126/EC](#) of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations (“the Petrol Vapour Recovery Directive”) by Commission Directive (EU) 2014/99 (“the 2014 Directive”).

Regulation 32(1)(b) of the 2012 Regulations requires the Scottish Environment Protection Agency to ensure that permits for vehicle refuelling activities contain the conditions necessary to ensure compliance with the Petrol Vapour Recovery Directive. The 2014 Directive amends the Petrol Vapour Recovery Directive to require the efficiency to capture systems to be determined in accordance with a new European Standard (EN 16321-1:2013).

No business and regulatory impact assessment has been prepared for these Regulations as no significant change is foreseen to the existing impacts upon business, charities or voluntary bodies.