
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 80

The Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019

Amendment of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015

4.—(1) The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of “the 2013 Regulations” insert—

““the 2015 Regulations” means the Control of Major Accident Hazards Regulations 2015;”,

(ii) in the definition of “the Directive” at the end insert “, as [Directive 2012/18/EU](#) had effect immediately before exit day”,

(b) in paragraph (2), for “amended from time to time” substitute “as it had effect immediately before exit day”.

(3) In regulation 6(2)(e) (applications for hazardous substances consent), from “consultations” to the end substitute “a requirement to provide information by virtue of regulation 20 of the 2015 Regulations”.

(4) In regulation 9(3)(h) (neighbour notification by planning authorities), from “consultations” to the end substitute “a requirement to provide information by virtue of regulation 20 of the 2015 Regulations”.

(5) In regulation 14(4)(a)(iv) (consultation before determination of applications), from “consultations” to the end substitute “a requirement to provide information by virtue of regulation 20 of the 2015 Regulations”.

(6) In regulation 21(1)(b) (policies) after “Directive” insert “(with the reference in that Article to Article 5 of the Directive being read as a reference to regulation 5 of the 2015 Regulations)”.

(7) In regulation 22(4) (plans and programmes), in the definition of “relevant plan or programme”, in both sub-paragraphs (a) and (b), after “pursuant to” insert “any provision of retained EU law which implemented”.

(8) In regulation 23(2)(a)(ii) (other planning approvals for projects), from “consultations” to the end substitute “a requirement to provide information by virtue of regulation 20 of the 2015 Regulations”.

(9) In regulation 57 (access to review procedure before a court), after “Directive” insert “as it had effect immediately before exit day.”.

(10) In regulation 60(2) (applications made before the commencement date) for “consultations between Member States in accordance with Article 14(3) of the Directive” substitute “a requirement

(1) [S.S.I. 2015/181](#) to which there are amendments which are not relevant to these Regulations.

to provide information by virtue of Article 14(3) of the Directive as it had effect immediately before exit day”.

(11) In Part 2 of schedule 1 (hazardous substances and controlled quantities), in paragraph 12(1) of the Notes to Parts 1 and 2, after “relating to aerosol dispensers” insert “, as that Directive had effect immediately before exit day”.