

**2015 No. 74 (C. 16)**

**ENVIRONMENTAL PROTECTION**

**The Pollution Prevention and Control Act 1999  
(Commencement No. 3) (Scotland) Order 2015**

*Made* - - - - - *18th February 2015*

*Laid before the Scottish Parliament* *20th February 2015*

*Coming into force* - - - *1st April 2015*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 7(3) of the Pollution Prevention and Control Act 1999(a) and all other powers enabling them to do so.

**Citation, commencement, interpretation and extent**

**1.**—(1) This Order may be cited as the Pollution Prevention and Control Act 1999 (Commencement No. 3) (Scotland) Order 2015 and comes into force on 1st April 2015.

(2) In this Order “the 1999 Act” means the Pollution Prevention and Control Act 1999.

(3) This Order extends to Scotland only.

**Appointed day**

**2.**—(1) 1st April 2015 is the day appointed for the coming into force of section 6(1) of, and Schedule 2 to, the 1999 Act so far as relating to the amendments specified in paragraphs 13 and 15 of Schedule 2.

(2) 1st April 2015 is the day appointed for the coming into force of section 6(2) of, and Schedule 3 to, the 1999 Act so far as relating to the following repeals—

- (a) in section 11A(1) of the Prevention of Oil Pollution Act 1971(b), the words “an authorisation granted under Part I of the Environmental Protection Act 1990 or”;
- (b) in the Environmental Protection Act 1990(c)—
  - (i) sections 1 to 19 and 22 to 28 insofar as they have not already been repealed(d); and
  - (ii) Schedule 1;
- (c) paragraph 56 of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991(e);

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(a) 1999 c.24. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).  
(b) 1971 c.60.  
(c) 1990 c.43.  
(d) Section 5 and sections 16 to 18 were repealed by paragraphs 47 and 55 of Schedule 22 to the Environment Act 1995 (c.25) (“the 1995 Act”). Sections 23 and 28 were partially repealed by paragraphs 59 and 61 of Schedule 22 to the 1995 Act.  
(e) 1991 c.60.

- (d) in the Clean Air Act 1993(a)—
  - (i) in section 33(1), the words “a process subject to Part I of the Environmental Protection Act 1990 or”;
  - (ii) in section 35(3), the words “process subject to Part I of the Environmental Protection Act 1990 or”;
  - (iii) section 36(3); and
  - (iv) section 41;
- (e) paragraph 6 of Schedule 4 to the Radioactive Substances Act 1993(b);
- (f) in section 136A of the Merchant Shipping Act 1995(c), the words “an authorisation granted under Part I of the Environmental Protection Act 1990 or”;
- (g) in the Environment Act 1995(d)—
  - (i) in section 5(5)(e), “I,”;
  - (ii) in section 56(1)—
    - (aa) paragraph (b) of the definition of “environmental licence” in relation to the Environment Agency; and
    - (bb) paragraph (c) of the definition of “environmental licence” in relation to the Scottish Environment Protection Agency;
  - (iii) in section 108(15)—
    - (aa) paragraph (a) of the definition of “local enforcing authority”;
    - (bb) in paragraph (g) of the definition of “pollution control functions” in relation to the Environment Agency or the Scottish Environmental Protection Agency, “I,”; and
    - (cc) in paragraph (a) of the definition of “pollution control functions” in relation to a local enforcing authority, “I or”;
- (h) section 111(6);
- (i) in section 113(5), in the definition of “local enforcing authority”, paragraph (d) and the “or” preceding it;
- (j) in section 114(2)(a)(iii), “15, 22(5),”;
- (k) in paragraph 4(3)(b) of Schedule 20, “22(5),”;
- (l) paragraphs 45 to 61 of Schedule 22.

*AILEEN McLEOD*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
18th February 2015

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(a) 1993 c.11.  
(b) 1993 c.12.  
(c) 1995 c.21.  
(d) 1995 c.25.

## EXPLANATORY NOTE

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

This Order partially commences section 6(1) and (2) of, and partially commences Schedules 2 and 3 to, the Pollution Prevention and Control Act 1999 (“the 1999 Act”) for Scotland only.

Article 2(1) of the Order brings into force on 1st April 2015, section 6(1) of, and Schedule 2 to, the 1999 Act in so far as it relates to paragraphs 13 and 15 of Schedule 2. Paragraph 13 amends the Merchant Shipping Act 1995 by inserting a new section 136A. An amendment to section 136A by Schedule 3 to the 1999 Act is also commenced by article 2(2)(f) of this Order. Paragraph 15 inserts a new paragraph (i) into section 5(5) of the Environment Act 1995 (“the 1995 Act”).

Article 2(2) of the Order brings into force on 1st April 2015, section 6(2) of, and Schedule 3 to, the 1999 Act insofar as it relates to the repeals set out in that paragraph.

Article 2(2)(a) of the Order commences the repeal of certain words in section 11A(1) of the Prevention of Oil Pollution Act 1971.

Various repeals to the Environmental Protection Act 1990 (“the 1990 Act”) are listed in Schedule 3 to the 1999 Act. Part 1 of the 1990 Act comprises sections 1 to 28 and all of these sections are listed for repeal in Schedule 3 to the 1999 Act. Sections 5, 16, 17 and 18 of the 1990 Act have already been repealed by the 1995 Act, which also partially repealed sections 20, 23 and 28. Article 2(2)(b)(i) of this Order completes the repeal of Part 1 of the 1990 Act, other than sections 20 and 21 which remain in force. The repeal of Schedule 1 to the 1990 Act is also commenced. The repeal relating to section 79(10) of the 1990 Act listed in Schedule 3 to the 1999 Act is not brought into force by this Order as section 79(10) has already been repealed by Schedule 3 to the Regulatory Reform (Scotland) Act 2014 (asp 3) (“the 2014 Act”).

Sub-paragraphs (c), (d), (e) and (f) of article 2(2) of this Order commences the repeals listed in Schedule 3 to the 1999 Act which relate to the Water Consolidation (Consequential Provisions) Act 1991, the Clean Air Act 1993, the Radioactive Substances Act 1993 and the Merchant Shipping Act 1995.

Schedule 3 to the 1990 Act also provides for the repeal of various provisions in the 1995 Act. Article 2(2)(g) of this Order commences all of these repeals except the repeal which relates to section 33(5)(e) of the 1995 Act. The whole of section 33(5) of the 1995 Act has already been repealed by Schedule 3 to the 2014 Act.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Pollution Prevention and Control Act 1999 have been brought into force by commencement orders made before the date of this Order—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 6(1) (so far as it extends to England and Wales only)	21st March 2000	S.I. 2000/800
Schedule 2 (so far as it extends to England and Wales only)	21st March 2000	S.I. 2000/800
Section 6(1) (partially) (so far as it extends to Scotland only)	29th September 2000	S.S.I. 2000/322
Schedule 2 (partially) (so far as it extends to Scotland only)	29th September 2000	S.S.I. 2000/322

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£4.25

S2015021913 02/2015 19585

<http://www.legislation.gov.uk/id/ssi/2015/74>

ISBN 978-0-11-102658-8



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