

Draft Regulations laid before the Scottish Parliament under section 2(8) and (9)(d) of the Pollution Prevention and Control Act 1999 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

ENVIRONMENTAL PROTECTION

**The Pollution Prevention and Control
(Scotland) Amendment Regulations 2017**

Made - - - - 2017
Coming into force - - 19th December 2017

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 and schedule 1 of the Pollution Prevention and Control Act 1999⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 2(4) of that Act, they have consulted the Scottish Environment Protection Agency, such bodies and persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate and such other bodies or persons as they consider appropriate.

In accordance with section 2(8) and (9)(d) of that Act a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

(1) 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), as read with section 5(3) of the Pollution Prevention and Control Act 1999 (“the 1999 Act”) and by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2008 (S.I. 2008/1776). The 1999 Act is to be read subject to the gloss in section 45(3) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), so that the maximum period of imprisonment that can be imposed on summary conviction of an offence triable either way under these Regulations is 12 months. Directive 2008/98/EC (OJ L 312, 22.11.2008, p.3), Directive 2008/1/EC (OJ L 24, 29.01.2008, p.8; as amended by Directive 2009/31/EC) and Directive 2000/60/EC (OJ L 327, 22.12.2000, p.1; as amended by Directives 2008/105/EC and 2009/31/EC, and by Decision 2455/2001/EC) were designated for the purposes of paragraph 20 of Part 1 of schedule 1 of the 1999 Act by S.S.I. 2010/131. Directive 2008/112/EC (OJ L 345, 23.12.2008, p.68) was designated for those purposes by S.S.I. 2010/235. Directive 2010/75/EU (OJ L 334, 17.12.2010, p.17) was designated for those purposes by S.S.I. 2011/423. Directive 2012/27/EU (OJ L 315, 14.11.2012, p.1) was designated for those purposes by S.S.I. 2013/321. Directive (EU) 2015/2193 (OJ L 313, 28.11.2015, p.1) was designated for those purposes by S.S.I. 2017/322.