

2004 No. 110

ENVIRONMENTAL PROTECTION

**The Pollution Prevention and Control (Scotland) Amendment
Regulations 2004**

Made - - - - - *10th March 2004*

Laid before the Scottish Parliament *10th March 2004*

Coming into force - - - *31st March 2004*

The Scottish Ministers, in exercise of the powers conferred by section 2 of and Schedule 1 to the Pollution Prevention and Control Act 1999(a) and of all other powers enabling them in that behalf, having in accordance with section 2(4) of that Act consulted the Scottish Environment Protection Agency, such bodies or persons appearing to them to be representative to 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, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Pollution Prevention and Control (Scotland) Amendment Regulations 2004 and shall come into force on 31st March 2004.

(2) These Regulations extend to Scotland only.

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

2.—(1) The Pollution Prevention and Control (Scotland) Regulations 2000(b) are amended as follows.

(2) In Part I of Schedule 1 (activities and installations and mobile plant)—

- (a) in the preamble to Chapter 4 (the chemical industry), delete “or” where it first occurs;
- (b) in section 4.2 (inorganic chemicals), in paragraphs (b) to (f) of Part A, at the beginning insert “Unless falling within a description in any other section of any chapter of this Schedule,”;
- (c) in section 6.8 (the treatment of animal and vegetable matter and food industries)—
 - (i) in paragraph (c) of Part A, after “slaughtering animals” insert “in slaughterhouses”;and

(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), as read with Section 5(3) of the said Act of 1999.

(b) S.S.I. 2000/323, as amended by S.S.I. 2002/493, S.S.I. 2003/146, S.S.I. 2003/170, S.S.I. 2003/235, S.S.I. 2004/26 and S.S.I. 2004/ .

- (ii) in the interpretation part of that section, for the definition of “ensiling” substitute–
““ensiling” means the treatment of dead fish or fish offal by the application of acid or alkaline solutions for the purpose of rendering the material free from infectious disease and/or preventing the formation of offensive odours.”;
- (d) in Chapter 7(a)–
 - (i) in the definition of “other coating activities”–
 - (aa) delete paragraph (a);
 - (bb) renumber paragraphs (b) and (c) as paragraphs (a) and (b) respectively; and
 - (ii) in the definition of “vehicle coating”, insert at the end–
“(e) trailers, defined in categories 01, 02, 03 and 04 in Directive 70/156/EEC(b)”.
- (3) In Part 2 of Schedule 1, at the beginning of paragraph 10, insert–
“Unless the context otherwise requires,”.

ALLAN WILSON
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
10th March 2004

(a) Chapter 7 was inserted by Regulation 18(a), and Schedule 1 to, the Solvent Emissions (Scotland) Regulations 2004 (S.S.I. 2004/26).
(b) O.J. No. L 42, 23.2.1970, p.1; relevant amending Directives are: Council Directive 92/53/EEC (O.J. No. L 225, 10.8.1992, p.1) and Commission Directive 2001/116/EC (O.J. No. L 18, 21.1.2002, p.1).

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Pollution Prevention and Control (Scotland) Regulations 2000 (S.S.I. 2000/323) (“the principal Regulations”).

Schedule 1 to the principal Regulations lists the various activities, in respect of which a pollution prevention and control permit is required.

Regulation 2(2)(a) amends the preamble to Chapter 4 of Schedule 1 to the principal Regulations, to ensure that small-scale chemical production is excluded from the scope of application of the principal Regulations.

Regulation 2(2)(b) (as read with the amendment in regulation 2(3)) amends paragraphs (b) to (f) of Part A of section 4.2 of Schedule 1 of the principal Regulations to ensure that where certain activities are regulated in accordance with any other section of the Schedule, they will not also fall to be regulated under this section.

Regulation 2(2)(c)(i) amends section 6.8(c) of Part A of Schedule 1 to the principal Regulations to ensure that a pollution prevention and control permit under the principal Regulations is only required in respect of the slaughtering of animals in slaughterhouses.

Regulation 2(2)(c)(ii) amends the definition of ensiling provided at Section 6.8 of Schedule 1 to the principal Regulations.

Regulation 2(2)(d) corrects an error in the definitions in Chapter 7 of Part 1 of Schedule 1 to the principal Regulations. This is to ensure that trailers are subject to the correct solvent consumption threshold for vehicle coating activities as set out in the second column of the table in that Chapter, rather than for other types of coating activity, as required by Annexes I and IIA of Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations (O.J. L 85, 29.3.1999, p.1).

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