

**2005 No. 461**

**ENVIRONMENTAL PROTECTION**

**The Pollution Prevention and Control (Designation of Public Participation Directive) (Scotland) Order 2005**

*Made* - - - - - *27th September 2005*

*Coming into force* - - - - - *5th October 2005*

The Scottish Ministers, in exercise of the powers conferred by paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999(a), and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Pollution Prevention and Control (Designation of Public Participation Directive) (Scotland) Order 2005 and shall come into force on 5th October 2005.

(2) This Order extends to Scotland only.

**Designation**

2. Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC(b) is designated for the purposes of paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999.

*RHONA BRANKIN*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
27th September 2005

---

(a) 1999 c.24; the functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 5(3) of the 1999 Act and section 53 of the Scotland Act 1998 (c.46).  
(b) O.J. No. L 156, 25.6.2003, p.17.

## EXPLANATORY NOTE

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

This Order designates Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (“the Public Participation Directive”) as a relevant directive for the purposes of paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999 (“the Act”).

The purpose of the designation is to enable the powers in the Act to be used to transpose the Public Participation Directive.

Schedule 1 to the Act specifies particular purposes for which provision regulating polluting activities may be made under section 2 of the Act. Paragraph 20(1)(b) allows for making provision which corresponds to or is similar to any provision made, or capable of being made, under section 2(2) of the European Communities Act 1972 (c.68) in connection with one of the relevant directives. The relevant directives are Council Directive 96/61/EC concerning integrated pollution prevention and control, Council Directive 75/442/EEC on waste, as amended, and any other directive of the Council of the European Communities designated by the Scottish Ministers for the purposes of that paragraph by order made by statutory instrument.

The following Orders under these powers have been made:—

- (a) an Order was made on 3rd November 2002 and entered into force on 4th November 2002 (S.S.I. 2002/488) designating:
  - (i) Council Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from large combustion plants; and
  - (ii) Council Directive 2001/81/EC on national emission ceilings for certain atmospheric pollutants entered into force on 4th November 2002;
- (b) an Order was made on 10th March 2003 and entered into force on 1st April 2003 (S.S.I. 2003/185) designating Council Directive 99/31/EC on the landfill of waste;
- (c) an Order was made on 17th March 2003 and entered into force on 1st April 2003 (S.S.I. 2003/204) designating Council Directive 2000/76/EC on the incineration of waste; and
- (d) an Order was made on 9th December 2003 and entered into force on 15th January 2004 (S.S.I. 2003/600) designating 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.

£3.00

© Crown Copyright 2005

Printed in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, the Queen’s Printer for Scotland  
100 10/05 19593

