
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under sections 20 and 36(2) and (3) of, and Schedule 2 to, the [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) (“the Act”), make provision for or in connection with regulating oil storage activities for the purposes of protection of the water environment.

The Regulations—

- (a) define terms (regulation 2),
- (b) treat all activities specified in regulations 4 to 6 as “controlled activities” within the meaning of regulation 4 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (regulation 3(1)); and deem them to be authorised under regulation 7 of these Regulations if carried on in accordance with these Regulations (regulation 3(2)),
- (c) impose requirements as to the construction of portable containers (regulation 4),
- (d) impose requirements as to the installation and alteration of certain containers for storage of oil used in private dwellings (regulation 5),
- (e) impose detailed requirements for the storage of oil on premises other than in accordance with regulation 4 and 5, underground containers, oil storage authorised under Part I of the Environmental Protection Act 1990 or subject to a permit under the Pollution Prevention and Control (Scotland) Regulations 2000 and oil distribution depots (regulation 6),
- (f) make transitional provisions for activities carried on immediately before their coming into force, for activities commenced on or after that date and before 1st October 2006 and for activities undertaken less than 10 metres from any surface water or wetlands and less than 50 metres from any well or borehole (regulation 7),
- (g) make certain consequential amendments to the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (regulation 8).

These Regulations were notified in draft to the European Commission in accordance with Directive [98/34/EC](#), as amended by Directive [98/48/EC](#).

A Regulatory Impact Assessment has been prepared in connection with these Regulations. A copy may be obtained from the Water Pollution Control Team, Scottish Executive Environment and Rural Affairs Department, Victoria Quay, Leith, EH6 6QQ.