
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive 2004/35/CE of the European Parliament and Council on environmental liability with regard to the prevention and remedying of environmental damage.

They apply to environmental damage to protected species, natural habitats, water and land (regulation 4).

They provide that, for certain economic activities, where there is an imminent risk of environmental damage, the responsible operator must take steps to prevent it. If environmental damage has occurred the responsible operator must prevent further damage (regulations 10 to 12).

Competent authorities are designated and these bodies have certain duties and powers (regulations 7 to 12, 14, 15, 17 and 18).

The Regulations provide for interested parties being able to request a competent authority to take action in certain circumstances (regulation 14).

The Regulations make provision as to who bears the costs of carrying out any preventive or remedial measures (regulation 17).

Breach of certain provisions of the Regulations is an offence punishable either on summary conviction or indictment (regulation 19).

The Schedules to the Regulations set out the occupational activities covered (Schedule 1), supplementary provisions in respect of powers of entry (Schedule 2), remediation measures (Schedule 3), and compensation provisions in relation to grants of entry (Schedule 4).

A Transposition Note and Partial Regulatory Impact Assessment (RIA) have been prepared in connection with these Regulations and placed in the Scottish Parliament Information Centre. Copies of the RIA can be obtained from the Scottish Government, Enterprise and Industry Division, Meridian Court, Cadogan Street, Glasgow, G2 6AT. Copies of the Transposition Note can be obtained from the Scottish Government, Environmental Quality Directorate, Victoria Quay, Edinburgh, EH6 6QQ.