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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 171**

**The Town and Country Planning (Hazardous Substances) (Scotland) Amendment Regulations 2010**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Town and Country Planning (Hazardous Substances) (Scotland) Amendment Regulations 2010 and come into force on 1st June 2010.

(2) In these Regulations, “the 1993 Regulations” means the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993(1).

**Amendment to the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993**

2.—(1) The 1993 Regulations are amended as follows.

(2) In the table in Part A (named substances) of Schedule 1 omit the entry in column 3 for the item “1. Ammonium nitrate to which Note 1 of notes to Part A applies”.

**Transitional exemptions**

3.—(1) No offence is committed under section 21 of the Planning (Hazardous Substances) (Scotland) Act 1997 before 1st December 2010 and no hazardous substances contravention notice may be issued before that date in relation to a hazardous substance which is on, over or under any land where—

- (a) the presence of the substance on, over or under that land during the period beginning on 1st June 2010 and ending on 30th November 2010 would not have required hazardous substances consent in terms of the 1993 Regulations as they were in effect immediately before the date on which these Regulations come into force; and
- (b) the substance is not present during the period beginning on 1st June 2010 and ending on 30th November 2010 in a quantity greater in aggregate than the established quantity; and
- (c) ammonium nitrate was present on, over or under that land at any time during the period beginning on 23rd November 2009 and ending on 31st May 2010 without hazardous substances consent being required.

(2) In paragraph (1) “the established quantity”, in relation to any land, means the maximum quantity which was present on, over or under the land at any one time within the period beginning on 23rd November 2009 and ending on 31st May 2010.

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(1) S.I. 1993/323, amended by S.I. 1994/2567, S.I. 1996/252, S.S.I. 2003/1, S.S.I. 2005/344, S.I. 2005/1082, S.S.I. 2006/270 and S.S.I. 2009/378.

St Andrew's House,  
Edinburgh  
29th April 2010

*STEWART STEVENSON*  
Authorised to sign by the Scottish Ministers