

2011 No. 423

ENVIRONMENTAL PROTECTION

The Pollution Prevention and Control (Designation of Industrial Emissions Directive) (Scotland) Order 2011

Made - - - - - *24th November 2011*

Laid before the Scottish Parliament *28th November 2011*

Coming into force - - - *1st January 2012*

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

Citation, commencement and extent

1.—(1) This Order may be cited as the Pollution Prevention and Control (Designation of Industrial Emissions Directive) (Scotland) Order 2011 and comes into force on 1st January 2012.

(2) This Order extends to Scotland only.

Designation

2. Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast)(b) is designated for the purposes of paragraph 20 of Schedule 1 to the Pollution Prevention and Control Act 1999.

STEWART STEVENSON

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
24th November 2011

(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 1999 Act.

(b) OJ L 334, 17.12.2010, p.17.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast) (“the Industrial Emissions Directive”) as a relevant directive for the purposes of paragraph 20 of Schedule 1 to the Pollution Prevention and Control Act 1999 (“the Act”).

Schedule 1 to the Act specifies particular purposes for which provision regulating polluting activities may be made by way of regulations under section 2 of the Act. Paragraph 20(1)(b) of Schedule 1 to the Act enables the making of provision which corresponds 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 effect of the designation is to enable the powers in the Act to be used to transpose the Industrial Emissions Directive.

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