
Status: Point in time view as at 31/12/2020.

Changes to legislation: The Pollution Prevention and Control (Scotland) Regulations 2012, Introductory Text is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCOTTISH STATUTORY INSTRUMENTS

2012 No. 360

ENVIRONMENTAL PROTECTION

**The Pollution Prevention and
Control (Scotland) Regulations 2012**

Made - - - - 20th December 2012

Coming into force - - 7th January 2013

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of, and Schedule 1 to, the Pollution Prevention and Control Act 1999 ^{M1} (the “1999 Act”) and section 2(2) of the European Communities Act 1972 ^{M2}, and all other powers enabling them to do so.

In accordance with section 2(4) of the 1999 Act, they have consulted with the Scottish Environment Protection Agency, such bodies and persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate, and such other bodies or persons as they consider appropriate.

In accordance with section 2(8) and (9)(d) and (e) of the 1999 Act a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

Marginal Citations

- M1** [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 Pollution Prevention and Control Act 1999 (the “1999 Act”) and [S.I. 2008/1776](#), and by the [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2008 \(S.I. 2008/1776\)](#). The 1999 Act is to be read subject to the gloss in section 45(3) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, so that the maximum period of imprisonment that can be imposed on summary conviction of offence triable either way under these Regulations is 12 months. Directive 2008/98/EC (OJ L 312, 22.11.2008, p.3), Directive 2008/1/EC (OJ L 24, 29.01.2008, p.8; as amended by Directive 2009/31/EC) and Directive 2000/60/EC (OJ L 327, 22.12.2000, p.1; as amended by Directives 2008/105/EC and 2009/31/EC, and by Decision 2455/2001/EC) were designated for the purposes of paragraph 20 of Part 1 of Schedule 1 to the 1999 Act by [S.S.I. 2010/131](#). Directive 2008/112/EC (OJ L 345, 23.12.2008, p.68) was designated for the purposes of paragraph 20 of Part 1 of Schedule 1 to the 1999 Act by [S.S.I. 2010/235](#). Directive 2010/75/EU (OJ L 334, 17.12.2010, p.17) was designated for the purposes of paragraph 20 of Part 1 of Schedule 1 to the 1999 Act by [S.S.I. 2011/423](#).
- M2** [1972 c.68](#). Section 2(2) was amended by the [Scotland Act 1998 \(c.46\)](#) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and

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by the [European Union \(Amendment\) Act 2008 \(c.7\)](#), Schedule, Part 1. The power is exercised in these Regulations for the purpose of designating a competent authority. The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

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