

SCHEDULE 1

ACTIVITIES AND INSTALLATIONS AND MOBILE PLANT

PART 2

INTERPRETATION OF SCHEDULE

1. This Part applies for the interpretation of this Schedule.
- 2.—(1) An activity is not a Part B activity if—
 - (a) it cannot result in the release into the air of a substance listed in paragraph 9, or
 - (b) there is no likelihood that it will result in the release into the air of any such substance except in a quantity such that—
 - (i) it is incapable of causing harm, or
 - (ii) its capacity to cause harm is insignificant.

(2) Paragraph (1) does not apply to an activity which may give rise to an offensive smell noticeable outside the site where the activity is carried out.
3. An activity is not an activity described in Part 1 if it is—
 - (a) carried out in a working museum to demonstrate an industrial activity of historic interest,
 - (b) carried out for educational purposes in a school within the meaning of section 135(1) of the Education (Scotland) Act 1980 ^{M1},
 - (c) carried out as a domestic activity in connection with a private dwelling,
 - (d) subject to paragraph 4, carried out at an installation or mobile plant (or part of such an installation or plant) used solely for—
 - (i) research activities,
 - (ii) development activities, or
 - (iii) the testing of new products and processes,
 - (e) the running on or within a vehicle of an engine which propels any such vehicle, locomotive or vessel, or provides electricity for propulsion,
 - (f) the running of an engine—
 - (i) in order to test it before it is installed, or
 - (ii) for the purposes of developing the engine.

Marginal Citations

M1 1980 c.44. Section 135 was relevantly amended by section 2 of the [Registered Establishments \(Scotland\) Act 1987 \(c.4\)](#).

4. Paragraph 3(2)(d) only applies to a waste incineration installation—
 - (a) where the activity is carried out in order to improve the incineration process, and
 - (b) that treats less than 50 tonnes of waste per year.
- 5.—(1) The use of a fume cupboard is not an activity described in Part 1 if the fume cupboard is used in a laboratory for research or testing and it is not—

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- (a) a fume cupboard which is an industrial and continuous production activity enclosure, or
- (b) a fume cupboard in which substances or materials are manufactured.

6. References in Part 1 to related activities are references to separate activities being carried out by the same person on the same site.

7.—(1) This paragraph applies for the purpose of determining whether an activity carried out in a stationary technical unit falls within a description in Part A or Part B which refers to capacity (other than design holding capacity).

(2) Where a person carries out more than one activity falling within the same description in Part A or Part B in different parts of the same stationary technical unit, or in different stationary technical units on the same site, the capacities of each part or unit are added together and the total capacity is attributed to each part or unit for the purpose of determining whether the activity carried out in the part or unit falls within a description in Part A or Part B.

(3) For the purpose of sub-paragraph (2), no account may be taken of capacity when determining whether activities fall within the same description.

(4) Where an activity falls within a description in Part A by virtue of this paragraph it is not to be treated as an activity falling within a description in Part B.

8. Unless the context otherwise requires, where an activity falls within a description in Part A and a description in Part B the activity is to be treated as falling only within the description in Part A.

9. A reference in this Part or in Part 1 to, or to the release into the air of, a substance listed in this paragraph is a reference to any of the following substances:—

- (a) oxides of sulphur and other sulphur compounds,
- (b) oxides of nitrogen and other nitrogen compounds,
- (c) oxides of carbon,
- (d) organic compounds and partial oxidation products,
- (e) metals, metalloids and their compounds,
- (f) asbestos (suspended particulate matter and fibres), glass fibres and mineral fibres,
- (g) halogens and their compounds,
- (h) phosphorus and its compounds, or
- (i) particulate matter.

10.—(1) A reference in Part 1 to the table in this paragraph is a reference to table 1.

Table 1

<i>Substance</i>	<i>Amount in excess of background quantity (in grams) in any 12 month period</i>
Mercury and its compounds	200 (expressed as metal)
Cadmium and its compounds	1000 (expressed as metal)
All isomers of hexachlorocyclohexane	20
All isomers of DDT	5
Pentachlorophenol (PCP) and its compounds	350 (expressed as PCP)
Hexachlorobenzene	5

Hexachlorobutadiene	20
Aldrin	2
Dieldrin	2
Endrin	1
Polychlorinated biphenyls	1
Dichlorvos	0.2
1,2-dichloroethane	2000
All isomers of trichlorobenzene	75
Atrazine	350
Simazine	350
Tributyltin (TBT) compounds	4 (expressed as TBT)
Triphenyltin (TPT) compounds	4 (expressed as TPT)
Trifluralin	20
Fenitrothion	2
Azinphos-methyl	2
Malathion	2
Endosulfan	0.5

(2) In the Table, where both Atrazine and Simazine are released, the figure for both substances in aggregate is 350 grammes.

11. In Part 1 of this Schedule—

“background quantity” means, in relation to the release of a substance resulting from an activity, such quantity of that substance as is present in—

- (a) water supplied to the site where the activity is carried out,
- (b) water abstracted for use in the activity, and
- (c) precipitation onto the site on which the activity is carried out,

“Part A activity” means an activity falling within Part A of any Section in Part 1 of this Schedule;

“Part B activity” means an activity falling within Part B of any Section in Part 1 of this Schedule.

12. In this Part—

“fume cupboard” has the meaning given by British Standard BS EN 14175 on Fume Cupboards ^{M2},

“vehicle” means an aircraft, hovercraft, mechanically propelled road vehicle, railway locomotive, or ship or other vessel.

Marginal Citations

M2 British Standards Institution (2003), see [Part 1](#), “Fume cupboards: vocabulary”, ISBN 0 580 42947 4.

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