

SCHEDULE 11

Regulation 73

CONSEQUENTIAL MODIFICATIONS

**PART 1**

**PUBLIC GENERAL ACTS**

**The Environmental Protection Act 1990**

- 1.—(1) The 1990 Act is amended in accordance with sub-paragraphs (2) to (5).
- (2) In section 6 (authorisations: general provisions), for subsections (6A) and (6B) substitute—
- “(6A) Subsection (6) does not require a review of the conditions of an authorisation to be carried out if the prescribed process covered by the authorisation is—
- (a) a Part A activity,
  - (b) a Part B activity,
  - (c) a solvent emission activity, or
  - (d) carried out using mobile plant.
- (6B) In subsection (6A), “Part A activity”, “Part B activity”, “solvent emission activity” and “mobile plant” have the meanings given in the Pollution Prevention and Control (Scotland) Regulations 2012.”.
- (3) In section 34(1) (duty of care etc. as respects waste), for paragraph (aa) substitute—
- “(aa) to prevent a contravention by any other person of regulation 11 of the Pollution Prevention and Control (Scotland) Regulations 2012, or of a condition of a permit granted under those Regulations;”.
- (4) In section 35(11A)(waste management licences: general), for “license” substitute “licence”.
- (5) In section 78YB (2C) (interaction of this Part with other enactments), for the definition of “enforcement action” substitute—
- ““enforcement action” means action under regulation 55 (SEPA: enforcement notices) or regulation 57(2) (SEPA: power to prevent or remedy pollution) of the Pollution Prevention and Control (Scotland) Regulations 2012.”.

**The Environment Act 1995**

- 2.—(1) The 1995 Act is amended in accordance with sub-paragraph (2).
- (2) In Schedule 20 (delegation of appellate functions of the Secretary of State), for paragraph 4(3) (d) substitute—
- “(d) regulation 66 of the Pollution Prevention and Control (Scotland) Regulations 2012, or”.

**The Antisocial Behaviour etc. (Scotland) Act 2004**

- 3.—(1) The Antisocial Behaviour etc. (Scotland) Act 2004 <sup>M1</sup> is amended in accordance with sub-paragraph (2).
- (2) In Schedule 2, omit paragraph 7 (the Pollution Prevention and Control (Scotland) Regulations 2000 (S.S.I. 2000323)).

**Status:** Point in time view as at 07/01/2013.

**Changes to legislation:** There are currently no known outstanding effects for the The Pollution Prevention and Control (Scotland) Regulations 2012, SCHEDULE 11. (See end of Document for details)

**Marginal Citations**

**M1** [2004 asp 8](#).

## PART 2

### SUBORDINATE LEGISLATION

#### The Environmental Protection (Prescribed Processes and Substances) Regulations 1991

4.—(1) The Environmental Protection (Prescribed Processes and Substances) Regulations 1991<sup>M2</sup> are amended in accordance with sub-paragraph (2).

(2) For regulation 3A (exclusion of prescribed processes under control of the Pollution Prevention and Control (Scotland) Regulations 2000) substitute—

“**3A.** Exclusion of prescribed processes under control of the Pollution Prevention and Control (Scotland) Regulations 2012

(1) Where a process which is being carried on under an authorisation requires a permit under the Pollution Prevention and Control (Scotland) Regulations 2012, that process will no longer be taken to fall within a description in Schedule 1 from the date the permit is granted.

(2) Where a process which is not being carried on under an authorisation requires a permit under those Regulations, that process will not be taken to fall within a description in Schedule 1 from the date on which the permit is required.”.

**Marginal Citations**

**M2** S.I. 1991/472, as relevantly amended by S.I. 1993/1749 and 2405, 1995/2678 and 3247, and 1998/767, and by S.S.I. 2000/323, 2004/26 and 512, 2005/410 and 2011/418.

#### The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

5.—(1) The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991<sup>M3</sup> are amended in accordance with sub-paragraph (2).

(2) In Schedule 1 (prescribed offences: relevant enactments), for “The Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ The Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M3** [S.I. 1991/1624](#).

#### The Environmental Protection (Duty of Care) Regulations 1991

6.—(1) The Environmental Protection (Duty of Care) Regulations 1991<sup>M4</sup> are amended in accordance with sub-paragraph (2).

(2) In the Table in regulation 2 (transfer notes), in the third entry in column 1, for “the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M4** [S.I. 1991/2839](#).

**The Conservation (Natural Habitats, &c.) Regulations 1994**

7.—(1) The Conservation (Natural Habitats, &c.) Regulations 1994<sup>M5</sup> are amended in accordance with sub-paragraph (2).

(2) In the cross heading to regulation 84A (permits under the Pollution Prevention and Control (Scotland) Regulations 2000) and in paragraph (1) of that regulation, for “the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M5** [S.I. 1994/2716](#), as relevantly amended by paragraph 15 of schedule 2 to the [Land Reform \(Scotland\) Act 2003 \(asp 2\)](#) (“the 2003 Act”), by S.I. 1997/3055, 2007/1843 and 2010/490, and by S.S.I. 2004/475, 2007/80, 2011/155 and 2012/228.

**The Special Waste Regulations 1996**

8.—(1) The Special Waste Regulations 1996<sup>M6</sup> are amended in accordance with sub-paragraph (2).

(2) In regulations 15(6A) (registers) and 17(2) (restrictions on mixing special waste), for “the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M6** [S.I. 1996/972](#), as relevantly amended by [S.I. 1997/2019](#) and [S.S.I. 2000/323](#), 2004/112, 2011/226 and 228.

**The Landfill Tax Regulations 1996**

9.—(1) The Landfill Tax Regulations 1996<sup>M7</sup> are amended in accordance with sub-paragraph (2).

(2) In regulation 33 (bodies eligible for approval), for paragraph (4)(h) to (j), substitute—

- “(h) an enforcement notice served under regulation 55 of the Pollution Prevention and Control (Scotland) Regulations 2012;
- (i) a suspension notice given under regulation 56 of those Regulations;
- (j) an order under regulation 70 of those Regulations.”.

**Status:** Point in time view as at 07/01/2013.

**Changes to legislation:** There are currently no known outstanding effects for the The Pollution Prevention and Control (Scotland) Regulations 2012, SCHEDULE 11. (See end of Document for details)

#### Marginal Citations

**M7** [S.I. 1996/1527](#), as last amended by [S.I. 2012/885](#).

### The Contaminated Land (Scotland) Regulations 2000

**10.**—(1) The Contaminated Land (Scotland) Regulations 2000 <sup>M8</sup> are amended in accordance with sub-paragraph (2).

(2) In regulation 2 (land required to be designated as a special site)—

- (a) in paragraph (1)(da) omit “or by means of Part A mobile plant”, and
- (b) for paragraph (3A) substitute—

“(3A) In paragraph (1)(da) above, “Part A installation” and “permit” have the same meanings as in the Pollution Prevention and Control (Scotland) Regulations 2012.”.

#### Marginal Citations

**M8** [S.S.I. 2000/178](#), as amended by [S.S.I. 2000/323](#), 2005/658 and 2007/178.

### The Landfill (Scotland) Regulations 2003

**11.**—(1) The Landfill (Scotland) Regulations 2003 <sup>M9</sup> are amended in accordance with sub-paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation)—

- (a) for the definition of “the 2000 Regulations” substitute “ “the 2012 Regulations” means the Pollution Prevention and Control (Scotland) Regulations 2012; ”, and
- (b) in the definitions of “landfill permit” and “operator”, for “the 2000 Regulations” substitute “ the 2012 Regulations ”.

(3) In regulation 10(2)(b) (conditions to be included in landfill permits) and in regulation 13(b) (costs of disposal of waste in landfill), for “regulation 4(3)(b) of the 2000 Regulations” substitute “ regulation 18(4)(b) of the 2012 Regulations ”.

(4) In regulation 10(3)(b)(ii), for “the 2000 Regulations” substitute “ the 2012 Regulations ”.

(5) In regulation 17(6) (closure and after care procedures for landfills), for “regulations 15 to 17 of the 2000 Regulations” substitute “ regulations 48 and 50 of the 2012 Regulations ”.

#### Marginal Citations

**M9** [S.S.I. 2003/235](#), as amended by paragraph 8 of schedule 2 to the [Antisocial Behaviour etc. \(Scotland\) Act 2004](#) (asp 8), and by [S.S.I. 2003/343](#), 2009/247, 2010/60, 2011/226 and 2012/148.

### The Greenhouse Gas Emissions Trading Scheme Regulations 2005

**12.**—(1) The Greenhouse Gas Emissions Trading Scheme Regulations 2005 <sup>M10</sup> are amended in accordance with sub-paragraph (2).

(2) In regulation 8(3)(b)(ii) (applications for greenhouse gas emissions permits), for “the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M10** [S.I. 2005/925](#), as relevantly amended by [S.I. 2005/2903](#), 2006/737, 2007/465, 3433 and 3538, 2010/675, 1513 and 1996 and 2011/1506 and 2911.

**The Water Environment (Oil Storage) (Scotland) Regulations 2006**

**13.**—(1) The Water Environment (Oil Storage) (Scotland) Regulations 2006 <sup>M11</sup> are amended in accordance with sub-paragraph (2).

(2) In regulation 6(1)(c)(ii) (storage of oil – general), for “the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M11** [S.S.I. 2006/133](#).

**The Waste Electrical and Electronic Equipment Regulations 2006**

**14.**—(1) The Waste Electrical and Electronic Equipment Regulations 2006 <sup>M12</sup> are amended in accordance with sub-paragraph (2).

(2) In regulation 2(1) (interpretation), in the definition of “relevant authorisation”, for “regulation 7 of the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ regulation 11 of the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M12** [S.I. 2006/3289](#), as last amended in respect of Scotland alone by [S.S.I. 2011/226](#).

**The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007**

**15.**—(1) The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007 <sup>M13</sup> are amended in accordance with sub-paragraph (2).

(2) In regulation 3(1)(b) (meaning of “participating plant”) and in Schedule 1, Part 1, paragraph 1(b) (the register: interpretation), for “Part II of the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ Part III of the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M13** [S.I. 2007/2325](#).

**The Persistent Organic Pollutants Regulations 2007**

**16.**—(1) The Persistent Organic Pollutants Regulations 2007 <sup>M14</sup> are amended in accordance with sub-paragraph (2).

**Status:** Point in time view as at 07/01/2013.

**Changes to legislation:** There are currently no known outstanding effects for the The Pollution Prevention and Control (Scotland) Regulations 2012, SCHEDULE 11. (See end of Document for details)

(2) In regulation 4(1)(b) (duties on the Member State), for “the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

M14 [S.I. 2007/3106](#).

**The Producer Responsibility Obligations (Packaging Waste) Regulations 2007**

17.—(1) The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 <sup>M15</sup> are amended in accordance with sub-paragraph (2).

(2) In regulation 2(2) (interpretation and notices), in paragraph (a) of the definition of “relevant authorisation”, for “regulation 7 of the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ under the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

M15 [S.I. 2007/871](#).

**The Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008**

18.—(1) The Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008 <sup>M16</sup> are amended in accordance with sub-paragraph (2).

(2) In Schedule 4, Part 2 (secondary legislation), for “The Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ The Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

M16 [S.S.I. 2008/100](#).

**The Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008**

19.—(1) The Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008 <sup>M17</sup> are amended in accordance with sub-paragraph (2).

(2) In Schedule 3, Part 2 (secondary legislation), for “The Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ The Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

M17 [S.S.I. 2008/159](#).

**The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008**

20.—(1) The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008 <sup>M18</sup> are amended in accordance with sub-paragraph (2).

(2) In regulation 8(d) (exclusions from storage capacity), for “the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M18** [S.S.I. 2008/298](#), as relevantly amended by [S.S.I. 2009/447](#) and 2011/228.

**The Waste Batteries and Accumulators Regulations 2009**

**21.**—(1) The Waste Batteries and Accumulators Regulations 2009<sup>M19</sup> are amended in accordance with sub-paragraph (2).

(2) In Schedule 4, paragraph 12(2)(c) (approval of battery treatment operators and exporters: general conditions of approval), for “regulation 7 of the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ regulation 11 of the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M19** [S.I. 2009/890](#).

**The Corporation Tax (Land Remediation Relief) Order 2009**

**22.**—(1) The Corporation Tax (Land Remediation Relief) Order 2009<sup>M20</sup> is amended in accordance with sub-paragraph (2).

(2) For article 4(2)(b)(ii) (relevant contaminated land remediation: specified activity) substitute—  
“(ii) the Pollution Prevention and Control (Scotland) Regulations 2012.”.

**Marginal Citations**

**M20** [S.I. 2009/2037](#).

**The Mercury Export and Data (Enforcement) Regulations 2010**

**23.**—(1) The Mercury Export and Data (Enforcement) Regulations 2010<sup>M21</sup> are amended in accordance with sub-paragraph (2).

(2) In regulation 5(4)(b)(ii) (offences in respect of the EU Regulation), for “regulation 30 of the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ regulation 67 of the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M21** [S.I. 2010/265](#).

**The Waste Management Licensing (Scotland) Regulations 2011**

**24.**—(1) The Waste Management Licensing (Scotland) Regulations 2011<sup>M22</sup> are amended in accordance with sub-paragraphs (2) to (9).

**Status:** Point in time view as at 07/01/2013.

**Changes to legislation:** There are currently no known outstanding effects for the The Pollution Prevention and Control (Scotland) Regulations 2012, SCHEDULE 11. (See end of Document for details)

(2) In regulation 2(1) (interpretation), omit the definition of “the 2000 Regulations” and insert after the definition of “ the 2011 Regulations ”

““the 2012 Regulations” means the Pollution Prevention and Control (Scotland) Regulations 2012;”.

(3) For regulation 3(h) (relevant offences) substitute—

“(h) regulation 67(1) of the 2012 Regulations;”.

(4) In regulation 16 (exclusion of activities under other control regimes from waste management licensing)—

(a) in paragraph (1)(c) to (e), for the “2000 Regulations” substitute “ the 2012 Regulations ”, and

(b) for paragraph (3) substitute—

“(3) In paragraph (1)(c), “Part A installation” has the meaning given by regulation 12 of the 2012 Regulations.”.

(5) In regulation 21(3)(b) (register of exempt activities: registration of information), for “the 2000 Regulations” substitute “ the 2012 Regulations ”.

(6) In regulation 30(2)(c) (registration of brokers and dealers), for “the 2000 Regulations” substitute “ the 2012 Regulations ”.

(7) In Schedule 1 (activities exempt from waste management licensing)—

(a) for paragraph 5(1), substitute—

“(1) Burning of biomass waste or animal carcasses to the extent that doing so is, or forms part of, an activity falling within paragraphs (a) or (b) of Part B of Section 5.1 of Part 1 of Schedule 1 to the 2012 Regulations.”,

(b) in paragraph 9(2), for “regulation 7 of the 2000 Regulations” substitute “ regulation 11 of the 2012 Regulations ”, and

(c) for paragraph 29(1) substitute—

“(1) The disposal of waste as specified in sub-paragraph (1A) at the place where it is produced, by the person producing it, by burning it in an incinerator.

(1A) The specified disposal is the burning of biomass waste or animal carcasses to the extent that doing so is, or forms part of, an activity falling within paragraphs (a) or (b) of Part B of Section 5.1 of Part 1 of Schedule 1 to the 2012 Regulations.

(1B) A disposal under sub-paragraph (1) must, where the activity is authorised under the 1991 Regulations, be in an exempt incinerator for the purposes of Section 5.1 (incineration) of Schedule 1 to those Regulations.”.

(8) In Schedule 1, paragraphs 1(1), 2(1), 3(a) and (d), 24(1), 44(3) and (4) and 45(2)(a) (activities exempt from waste management licensing), for “the 2000 Regulations” substitute “ the 2012 Regulations ”.

(9) In Schedule 4 (Waste Framework Directive)—

(a) in paragraph (1), in paragraph (d) of the definition of “permit” for “the 2000 Regulations” substitute “ the 2012 Regulations ”,

(b) in paragraph 5(1), in the eighth entry in right hand column (specified functions) of Table 23 for “the 2000 Regulations” substitute “ the 2012 Regulations ”,

(c) in paragraph 7(3)(a), for “the 2000 Regulations” substitute “ the 2012 Regulations ”, and

(d) for paragraph 7(4) substitute—

“(4) In sub-paragraph (3), “Part B installation” has the meaning given by regulation 12 (permits: interpretation) of the 2012 Regulations”.



**Marginal Citations**

**M22** [S.S.I. 2011/228](#), as amended by [S.S.I. 2012/148](#).

**The Water Environment (Controlled Activities) (Scotland) Regulations 2011**

**25.**—(1) The Water Environment (Controlled Activities) (Scotland) Regulations 2011 <sup>M23</sup> are amended in accordance with sub-paragraph (2).

(2) In Schedule 10, Part 2, paragraph 18(c)(iii), for “the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M23** [S.S.I. 2011/209](#).

**The Renewable Heat Incentive Scheme Regulations 2011**

**26.**—(1) The Renewable Heat Incentive Scheme Regulations 2011 <sup>M24</sup> are amended in accordance with sub-paragraph (2).

(2) In Schedule 1, paragraph 1(2)(m) (information required for accreditation and registration), for “the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M24** [S.I. 2011/2860](#).

**The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012**

**27.**—(1) The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012 <sup>M25</sup> are amended in accordance with sub-paragraphs (2) and (3).

(2) For regulation 3(4)(b) (scope) substitute—

“(b) Part 1 of Schedule 2 (solvent emission activities) to the Pollution Prevention and Control (Scotland) Regulations 2012 if it is operated above the solvent consumption threshold specified for that activity as set out in that Part; and”.

(3) In regulation 6(1)(b)(ii) (enforcement) for “the Pollution Prevention and Control (Scotland) Regulations 2000” substitute “ the Pollution Prevention and Control (Scotland) Regulations 2012 ”.

**Marginal Citations**

**M25** [S.I. 2012/1715](#).

**Status:**

Point in time view as at 07/01/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the The Pollution Prevention and Control (Scotland) Regulations 2012, SCHEDULE 11.