
STATUTORY INSTRUMENTS

1996 No. 2678

The Environmental Protection (Prescribed Processes and Substances Etc.) (Amendment) (Petrol Vapour Recovery) Regulations 1996

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environmental Protection (Prescribed Processes and Substances Etc.) (Amendment) (Petrol Vapour Recovery) Regulations 1996 and shall come into force on 1st December 1996.

(2) In these Regulations—

“the Act” means the Environmental Protection Act 1990;

“the Directive” means European Parliament and Council Directive [94/63/EC](#) on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations⁽¹⁾;

“the principal Regulations” means the Environmental Protection (Prescribed Processes and Substances) Regulations 1991⁽²⁾, and references to a Section are references to a Section in Schedule 1 to those Regulations.

Amendment of the Environmental Protection (Applications, Appeals and Registers) Regulations 1991

2. In the Environmental Protection (Applications, Appeals and Registers) Regulations 1991⁽³⁾—

(a) in paragraph (1) of regulation 4 (consultation), after the words “Subject to regulations 6 and 7(2) below,” there shall be inserted the words “and except in the case of a prescribed process to which regulation 6A below applies,”;

(b) after paragraph (1) of regulation 4 there shall be inserted the following paragraph—

“(1A) The petroleum licensing authority in whose area the process will be carried on (if it is not the enforcing authority) is hereby prescribed as a person to be consulted under paragraph 2(1), 6(2) or 7(2) of Schedule 1 to the 1990 Act in the case of a prescribed process to which regulation 6A below applies, except where the enforcing authority has, within the period specified in paragraph (2) below, notified that authority that the application has been made or, as the case may be, that notification has been given pursuant to section 10(5) of the 1990 Act.”;

(c) at the end of regulation 4 there shall be added the following paragraph—

“(8) In paragraph (1A) above “petroleum licensing authority” means a local authority empowered to grant petroleum spirit licences under the Petroleum (Consolidation) Act 1928⁽⁴⁾.”;

(1) OJNo. L.365, 31.12.1994, p.24.

(2) S.I.1991/472; relevant amending instruments are S.I. 1993/2405, 1994/1271.

(3) S.I. 1991/507, amended by S.I. 1991/836, 1994/1271, 1996/667, 979.

(4) 1928 c. 32.

- (d) in paragraph (1) of regulation 5 (advertisements), for the words “regulation 6” there shall be substituted the words “regulations 6 and 6A”;
- (e) after regulation 6 there shall be inserted the following regulation—

“Exemption for service stations

6A.—(1) This regulation applies to a prescribed process falling within paragraph (b) of Part B of Section 1.4 of Schedule 1 to the Environmental Protection (Prescribed Processes and Substances) Regulations 1991.

(2) The following requirements shall not apply in relation to a process to which this regulation applies—

- (a) the requirement in paragraph 1(2) of Schedule 1 to the 1990 Act to advertise an application for an authorisation;
- (b) the requirement in paragraph 6(2) of that Schedule to advertise the action to be taken by the holder of an authorisation in consequence of a variation;
- (c) the requirement in paragraph 7(2) of that Schedule to advertise an application for a variation of an authorisation.”.

Amendment of the principal Regulations

3. In Schedule 1 to the principal Regulations (descriptions of processes), for Part B of Section 1.4 (petroleum processes) there shall be substituted the following—

“PART B

The following processes unless falling within a description in Part A of this Section—

- (a) the storage of petrol in stationary storage tanks at a terminal, or the loading or unloading of petrol into or from road tankers, rail tankers or inland waterway vessels at a terminal;
- (b) the unloading of petrol into stationary storage tanks at a service station, other than an exempt service station, if the total quantity of petrol unloaded into such tanks at the service station in any 12 month period is likely to be equal to or greater than 100m³.

Paragraph 2(1) of Schedule 2(5) shall not apply to a process described in paragraph (b) of this Part of this Section.

In this Part of this Section—

“inland waterway vessel” means a vessel, other than a sea-going vessel, having a total dead weight of 15 tonnes or more;

“petrol” means any petroleum derivative, with or without additives, having a Reid vapour pressure of 27.6 kilopascals or more which is intended for use as a fuel for motor vehicles, other than liquefied petroleum gas;

“service station” means any premises where petrol is dispensed to motor vehicle fuel tanks from stationary storage tanks;

“exempt service station” means a service station—

- (a) which was not in operation, and for the construction of which planning permission was not granted, before 31st December 1995;

- (b) at which the total quantity of petrol unloaded into stationary storage tanks does not exceed 500m³ in any 12 month period; and
- (c) which—
 - (i) is situated in one of the following local government areas established by section 1 of the Local Government etc. (Scotland) Act 1994⁽⁶⁾—
 - Argyll and Bute;
 - Moray;
 - Orkney Islands;
 - Shetland Islands;
 - Western Isles; or
 - (ii) is situated in the local government area of Aberdeenshire established by that section and outside the Aberdeen area the boundary of which is shown as “The derogated boundary: Aberdeen area” on the maps contained in the volume of maps entitled “Volume of maps indicating the extent of derogated areas for new small petrol stations under the Environmental Protection (Prescribed Processes and Substances Etc) (Amendment) (Petrol Vapour Recovery) Regulations 1996” (“the Maps”); or
 - (iii) is situated in the local government area of Highland established by that section and outside the Inverness area the boundary of which is shown on the Maps as “The derogated boundary: Inverness area”; or
 - (iv) is situated in the local government area of Angus, Perth and Kinross⁽⁷⁾ or Stirling established by that section and to the north of the line shown on the Maps as “The derogated boundary: Central Scotland”;

“terminal” means any premises which are used for the storage and loading of petrol into road tankers, rail tankers or inland waterway vessels;

and other expressions which are also used in European Parliament and Council Directive [94/63/EC](#) on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations⁽⁸⁾ have the same meaning as in that Directive.”.

Date from which authorisation is required under section 6 of the Act

- 4. The Schedule to these Regulations shall have effect.

16th October 1996

John Gummer
Secretary of State for the Environment

17th October 1996

William Hague
Secretary of State for Wales

⁽⁶⁾ 1994 c. 39.

⁽⁷⁾ The name of Perthshire and Kinross was changed to Perth and Kinross in January 1996 under section 23 of the Local Government (Scotland) Act 1973 (c. 65).

⁽⁸⁾ OJ No. L.365, 31.12.1994, p.24.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Scottish Office
21st October 1996

Lindsay
Parliamentary Under Secretary of State,