
STATUTORY INSTRUMENTS

2008 No. 2549

**ENVIRONMENTAL PROTECTION,
ENGLAND AND WALES**

**The Pollution Prevention and Control (Designation
of Directives) (England and Wales) Order 2008**

Made - - - - - *28th September 2008*

Coming into force - - - - - *6th October 2008*

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972⁽¹⁾ and it appears to the Secretary of State and the Welsh Ministers that it is expedient for the references to the Community instruments in article 2(1) to be construed as references to those provisions as amended from time to time.

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make this Order in exercise of the powers conferred by paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999⁽²⁾ and paragraph 1A of Schedule 2 to the European Communities Act 1972⁽³⁾.

Citation, commencement and extent

1.—(1) This Order—

- (a) may be cited as the Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2008;
- (b) comes into force on 6th October 2008; and
- (c) extends to England and Wales.

(2) For the purposes of this article—

- (a) England and Wales includes the sea adjacent to England and Wales out as far as the seaward boundary of the territorial sea; and

(1) 1972 c. 68.

(2) 1999 c. 24. Functions of the Secretary of State under or in relation to section 2 of that Act (except in relation to offshore and gas exploration) so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 3 of the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958). Those functions were then transferred to the Welsh Ministers by virtue of section 162 of and paragraphs 26 and 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(3) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

- (b) the sea adjacent to Wales has the same meaning as in section 158 of the Government of Wales Act 2006⁽⁴⁾.

Designation

2.—(1) The following Directives are designated as relevant directives for the purposes of paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999—

- (a) Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries and amending Directive 2004/35/EC⁽⁵⁾; and
- (b) Directive 2008/1/EC of the European Parliament and of the Council concerning integrated pollution prevention and control⁽⁶⁾.

(2) For the purposes of this Order, the references to the Directives in paragraph (1) are references to those Directives as amended from time to time.

28th September 2008

Jane Davidson
Minister for Environment,
Sustainability and Housing, one of the Welsh
Ministers
Joan Ruddock
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

24th September 2008

(4) 2006 c.32 (“the Act”); the boundary between the sea adjacent to Wales and that adjacent to England is described by article 6 of and Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of and paragraph 26 of Schedule 11 to the Act, S.I. 1999/672 continues to have effect.

(5) OJNo. L 102, 11.4.2006, p15.

(6) OJ No. L 24, 29.1.2008, p8.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates Directive [2006/21/EC](#) (on the management of waste from extractive industries and amending Directive [2004/35/EC](#)) and Directive [2008/1/EC](#) (concerning integrated pollution prevention and control), as amended from time to time, as relevant directives for the purposes of paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999. This Order extends to England and Wales only.

A full impact assessment has not been produced for this instrument as no impact on the public, private or voluntary sectors is foreseen.