
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 178

The Contaminated Land (Scotland) Regulations 2000

Land required to be designated as a special site

2.—(1) Land which has been identified as contaminated within the meaning of Part IIA of the Environmental Protection Act 1990 and which is of the following descriptions is prescribed for the purposes of section 78C(8) as land required to be designated as a special site:—

- (a) land to which regulation 3 applies;
- (b) land which is contaminated land by reason of waste acid tars in, on or under the land;
- (c) land on which any of the following activities have been carried on at any time:—
 - (i) the purification (including refining) of crude petroleum or of oil extracted from petroleum, shale or any other bituminous substance except coal; or
 - (ii) the manufacture or processing of explosives;
- (d) land on which a prescribed process designated for central control has been or is being carried on, other than land which is contaminated land solely as a result of things being done which are required by way of remediation;
- (e) land within a nuclear site;
- (f) land owned or occupied by or on behalf of—
 - (i) the Secretary of State for Defence;
 - (ii) the Defence Council;
 - (iii) an international headquarters or defence organisation; or
 - (iv) the service authority of a visiting force,being land used for naval, military or air force purposes;
- (g) land on which the manufacture, production or disposal of—
 - (i) chemical weapons;
 - (ii) any biological agent or toxin which falls within section 1(1)(a) of the Biological Weapons Act 1974(1); or
 - (iii) any weapon, equipment or means of delivery which falls within section 1(1)(b) of that Act,has been carried on at any time; and
- (h) land which—
 - (i) is adjoining or adjacent to land of a description specified in sub paragraphs (b) to (g) above; and
 - (ii) is contaminated land by virtue of substances which appear to have escaped from land of such a description.

(2) For the purposes of paragraph (1)(b) above, “waste acid tars” are tars which—

- (a) contain sulphuric acid;
- (b) were produced as a result of the refining of benzole, used lubricants or petroleum; and
- (c) are or were stored on land used as a retention basin for the disposal of such tars.

(3) In paragraph (1)(d) above, “prescribed process” has the same meaning as in Part I of the Environmental Protection Act 1990 and the reference to designation for central control is a reference to designation under section 2(4) (which provides for the processes to be designated for central or local control).

(4) In paragraph (1)(e) above, “nuclear site” means—

- (a) any site in respect of which or part of which a nuclear site licence is for the time being in force; or
- (b) any site in respect of which, or part of which, after the revocation or surrender of a nuclear site licence, the period of responsibility of the licensee has not come to an end,

and “nuclear site licence”, “licensee” and “period of responsibility” have the meaning given by the Nuclear Installations Act 1965(2).

(5) For the purposes of paragraph (1)(f) above, land used for residential purposes or by the Navy, Army and Air Force Institutes shall be treated as land used for naval, military or air force purposes only if the land forms part of a base occupied for naval, military or air force purposes.

(6) In paragraph (1)(f) above—

“international headquarters” and “defence organisation” mean any international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(3);

“service authority” and “visiting force” have the same meaning as in Part I of the Visiting Forces Act 1952(4).

(7) In paragraph (1)(g) above, “chemical weapon” has the same meaning as in sub-section (1) of section 1 of the Chemical Weapons Act 1996(5) disregarding sub-section (2) of that section.

(2) 1965 c. 57. See section 26(1).

(3) 1964 c. 5.

(4) 1952 c. 67.

(5) 1996 c. 6.