

SCHEDULE 10

CONSEQUENTIAL AMENDMENTS

PART 1

PUBLIC GENERAL ACTS

Clean Air Act 1993

- 4.—(1) The Clean Air Act 1993⁽¹⁾ has effect subject to the following amendments.
- (2) In section 31(4) (regulations about sulphur content of oil fuel for furnaces or engines)—
- (a) in paragraph (a), after which is, insert “(i)” and after “1990” insert “or (ii) part of an installation subject to regulation by the Scottish Environment Protection Agency under regulations made under the Pollution Prevention and Control Act 1999”; and
 - (b) in paragraph (b), for “such furnaces” substitute “furnaces within sub-paragraph (i) of paragraph (a) above and of the Scottish Environment Protection Agency to enforce those provisions in relation to furnaces within sub-paragraph (ii) of that paragraph”.
- (3) In section 36 (notices requiring information about air pollution), after subsection (2) insert—
- “(2A) If the notice relates to an installation subject to regulations made under section 2 of the Pollution Prevention and Control Act 1999, the person on whom the notice is served shall not be obliged to supply any information which, as certified by the Scottish Environment Protection Agency, is not of a kind which is being supplied to it for the purposes of those regulations.”
- (4) After section 41 (relation to the Environmental Protection Act 1990) insert—

“Relation to Pollution Prevention and Control Act 1999

41A.—(1) Where an activity is subject to regulations under section 2 of the Pollution Prevention and Control Act 1999 (regulation of polluting activities) Parts I to III of this Act shall not apply as from the determination date for the activity in question.

- (2) The “determination date”, for an activity, is—
- (a) in the case of an activity for which a permit is granted, the date on which it is granted, whether in pursuance of the application, or on an appeal, of a direction to grant it;
 - (b) in the case of an activity for which a permit is refused, the date of refusal or, on appeal, of the affirmation of the refusal.

(3) In subsection (2) “permit” means a permit under regulations under section 2 of the Pollution Prevention and Control Act 1999 and the reference to an appeal is a reference to an appeal under those regulations.”.

(1) 1993 c. 11.