

**2008 No. 410**

**ENVIRONMENTAL PROTECTION**

**The Pollution Prevention and Control (Scotland) Amendment  
Regulations 2008**

*Made* - - - - - *10th December 2008*

*Laid before the Scottish Parliament* *11th December 2008*

*Coming into force* - - - *19th January 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Pollution Prevention and Control Act 1999(a) and all other powers enabling them to do so.

In accordance with section 2(4) of that Act, they have consulted the Scottish Environment Protection Agency, such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate, and such other bodies or persons as they consider appropriate.

**Citation and commencement**

1. These Regulations may be cited as the Pollution Prevention and Control (Scotland) Amendment Regulations 2008 and come into force on 19th January 2009.

**Amendment of the Pollution Prevention and Control (Scotland) Regulations 2000**

2.—(1) The Pollution Prevention and Control (Scotland) Regulations 2000(b) are amended as follows.

(2) In regulation 6(2) (requirement for permit to operate installation and mobile plant)—

(a) between sub-paragraphs (d) and (e) omit “and”; and

(b) after sub-paragraph (e) insert—

“; and

(f) referred to in Part 6 of Schedule 3, the date set out or determined in accordance with that Part”.

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(a) 1999 c.24. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46), as read with section 5(3) of the said Act of 1999.

(b) S.S.I. 2000/323, relevantly amended by S.S.I. 2004/512.

(3) In Part 1 of Schedule 1 (Activities and Installations and Mobile Plant), in Part B of Section 1.2 (Refining Mineral Oil and Gas, Operating Coke Ovens and Coal Gasification and Liquefaction Activities)–

(a) after paragraph (c) insert–

“(d) Motor vehicle refuelling activities at existing service stations, if the petrol refuelling throughput at the service station in any period of twelve months commencing on or after 1st January 2009 is, or is likely to be, 3500m<sup>3</sup> or more.

(e) Motor vehicle refuelling activities at new service stations, if the petrol refuelling throughput at the service station in any period of twelve months is likely to be 500m<sup>3</sup> or more.”;

(b) under the heading “Interpretation of Part B”, in paragraph 1 after “In Part B-” insert–

““existing service station” means a service station–

(a) which is put into operation; or

(b) for which planning permission under the Town and Country Planning (Scotland) Act 1997<sup>(a)</sup> is granted,

before 31st December 2011;”;

(c) under the heading “Interpretation of Part B”, in paragraph 1 before the definition of “petrol” insert–

““new service station” means a service station which is put into operation on or after 31st December 2011 other than an existing service station;”.

(4) After Part 5 of Schedule 3 (Prescribed Dates and Transitional Arrangements), insert a new Part 6 as set out in the Schedule.

*MICHAEL RUSSELL*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
10th December 2008

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(a) 1997 c.8, to which there are amendments not relevant to these Regulations.

## SCHEDULE

Regulation 2(4)

### NEW PART 6 OF SCHEDULE 3 TO THE POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2000

#### “PART 6: REFUELLING INSTALLATIONS

**26.**—(1) The prescribed date for a new refuelling installation is 1st January 2012.

(2) The prescribed date for an existing refuelling installation is—

- (a) where an application for a permit to operate the existing refuelling installation is made by 1st January 2012, the determination date for that existing refuelling installation; or
- (b) where no such application is made, 1st January 2012.

(3) Where an installation which is subject to a permit under these Regulations contains an existing refuelling installation, the operator shall not operate that installation after the relevant prescribed date specified in sub-paragraph (2) except under and to the extent authorised by a variation of the conditions of that permit granted by SEPA under regulation 13.

(4) In this Part—

“determination date” has the same meaning as in paragraph 6 of Part 1 of Schedule 3; and

“existing refuelling installation” means an installation where an activity falling within paragraph (d) of Part B of Section 1.2 of Schedule 1 is carried out;

“new refuelling installation” means an installation where an activity falling within paragraph (e) of Part B of Section 1.2 of Schedule 1 is carried out.”

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Pollution Prevention and Control (Scotland) Regulations 2000 (S.S.I. 2000/323) (the “PPC Regulations”).

They amend Part B of Section 1.2 (Refining Mineral Oil and Gas, Operating Coke Ovens and Coal Gasification and Liquefaction Activities) of Part 1 of Schedule 1 to the PPC Regulations by adding motor vehicle refuelling activities to the list of activities that require a permit under the PPC Regulations. They also amend regulation 6(2) and add a new Part to Schedule 3 in order to provide for the prescribed date by which the permit is required.

This assists the UK in meeting an obligation arising from the UN Economic Committee for Europe Geneva Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution Concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes. This Protocol entered into force on 29th September 1997 following its adoption in November 1991. The Protocol can be seen on the UNECE website at <http://www.unece.org>.

A regulatory impact assessment was prepared in 2005 and a copy has been placed in the Scottish Parliament Information Centre. Copies can be obtained from the Air, Noise and Nuisance Team, Area 1-G(N), Victoria Quay, Edinburgh EH6 6QQ.

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