

---

## EXPLANATORY NOTE

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

These Regulations are made principally under the Town and Country Planning (Scotland) Act 1972 (“the Act”), as amended by the Housing and Planning Act 1986, the Environmental Protection Act 1990 and the Planning and Compensation Act 1991, and come into force on 1st May 1993. The Act provides that the presence at or above the controlled quantity of a hazardous substance on, over or under land requires hazardous substances consent.

These Regulations set out—

- (1) the list of substances which are hazardous substances for the purposes of the Act and the controlled quantities of those substances (regulation 3 and Schedule 1);
- (2) prescribed forms, notices and certificates (Schedule 2);
- (3) exemptions from the need for hazardous substances consent (regulation 4);
- (4) the procedure for an application for hazardous substances consent (regulations 5 to 14);
- (5) the procedure for a claim for deemed hazardous substances consent and the conditions which will apply to such consent in addition to those set out in the Act (regulations 15 to 17 and Schedule 3);
- (6) the procedure for enforcement of hazardous substances control (regulations 18 to 23);
- (7) the enforcement provisions of the Act, as modified by these Regulations (Schedule 4);
- (8) the form of the Consents Register required under the Act (regulation 24);
- (9) the fee payable with an application for hazardous substances consent (regulations 25 and 26);
- (10) the procedure for applications by a planning authority (regulation 27).