

2010 No. 131

ENVIRONMENTAL PROTECTION

The Pollution Prevention and Control (Designation of Directives) (Scotland) Order 2010

Made - - - - *24th March 2010*

Coming into force - - *12th April 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by paragraph 20(2)(c) of Part 1 of Schedule 1 to the Pollution Prevention and Control Act 1999(a) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) This Order may be cited as the Pollution Prevention and Control (Designation of Directives) (Scotland) Order 2010 and comes into force on 12th April 2010.

(2) This Order extends to Scotland only.

Designation of Directives

2. The following Directives are designated for the purposes of paragraph 20 of Part 1 of Schedule 1 to the Pollution Prevention and Control Act 1999—

- (a) Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives(b);
- (b) Directive 2008/1/EC of the European Parliament and of the Council concerning integrated pollution prevention and control(c); and
- (c) Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy(d).

RICHARD LOCHHEAD

A member of the Scottish Executive

St Andrew's House,
Edinburgh
24th March 2010

(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 1999 Act.
(b) O.J. L. 312, 22.11.2008, p.3.
(c) O.J. L. 24, 29.01.2008, p.8, as amended by Directive 2009/31/EC (O.J. L. 140, 5.6.2009, p.114).
(d) O.J. L. 327, 22.12.2000, p.1, as amended by Directives 2008/105/EC (O.J. L. 348, 24.12.2008 p.84) and 2009/31/EC and by Decision 2455/2001/EC (O.J. L. 331, 15.12.2001, p.1).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the following Directives as relevant Directives for the purposes of paragraph 20 of Part 1 of Schedule 1 to the Pollution Prevention and Control Act 1999 (“the Act”)—

- Directive 2008/98/EC on waste (“the Waste Framework Directive”);
- Directive 2008/1/EC concerning integrated pollution prevention and control (“the IPPC Directive”); and
- Directive 2000/60/EC establishing a framework for Community action in the field of water policy (“the Water Framework Directive”).

The purpose of the designation of the Waste Framework Directive is to enable the powers in the Act to be used to transpose that Directive. The purpose of the designation of the IPPC Directive, which is a consolidating instrument, is to enable the powers in the Act to be used to update references to predecessor Directives in domestic legislation to refer to the consolidated version. The designation of the Water Framework Directive will enable the powers in the Act to be used if necessary to make provision about the overlap between the Water Framework Directive and Waste Framework Directive regimes when transposing the latter Directive.

Schedule 1 to the Act specifies particular purposes for which provision regulating polluting activities may be made by way of regulations under section 2 of the Act. Paragraph 20(1)(b) enables the making of provision which corresponds or is similar to any provision made, or capable of being made, under section 2(2) of the European Communities Act 1972 (c.68) in connection with one of the “relevant Directives”. The relevant Directives are Council Directive 96/61/EC concerning integrated pollution prevention and control, Council Directive 75/442/EEC on waste, as amended, and any other Directive of the Council of the European Communities designated by the Scottish Ministers for the purposes of paragraph 20 by order made by statutory instrument.

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