

**2010 No. 235**

**ENVIRONMENTAL PROTECTION**

**The Pollution Prevention and Control (Designation of  
Classification of Substances and Mixtures Directive) (Scotland)  
Order 2010**

*Made* - - - - *9th June 2010*

*Coming into force* - - *10th June 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 Classification of Substances and Mixtures Directive) (Scotland) Order 2010 and comes into force on 10th June 2010.

(2) This Order extends to Scotland only.

**Designation**

2. Directive 2008/112/EC of the European Parliament and of the Council amending certain Directives in order to adapt them to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures(b) is designated for the purposes of paragraph 20 of Part 1 of Schedule 1 to the Pollution Prevention and Control Act 1999.

*R CUNNINGHAM*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
9th June 2010

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(a) 1999 c. 24, to which there are amendments not relevant to this Order. 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 1999 Act.

(b) O.J. L 345, 23.12.2008, p. 68.

## EXPLANATORY NOTE

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

This Order designates Directive 2008/112/EC amending certain Directives in order to adapt them to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures (“the Directive”) as a relevant Directive for the purposes of paragraph 20(2)(c) of Part 1 of Schedule 1 to the Pollution Prevention and Control Act 1999 (“the Act”).

The purpose of the designation is to allow the powers in the Act to be used to transpose the Directive.

Schedule 1 to the Act specifies particular purposes for which provision regarding 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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