

2009 No. 333

ENVIRONMENTAL PROTECTION

**The Environmental Impact Assessment and Natural Habitats
(Extraction of Minerals by Marine Dredging) (Scotland)
Amendment Regulations 2009**

Made - - - - *29th September 2009*

Laid before the Scottish Parliament *30th September 2009*

Coming into force - - *5th November 2009*

The Scottish Ministers make the following Regulations, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Scotland) Amendment Regulations 2009 and come into force on 5th November 2009.

Amendment of the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Scotland) Regulations 2007

2.—(1) The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Scotland) Regulations 2007(b) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “dredging”—

(i) in sub-paragraph (a), omit “(including any enactment contained in a local Act or subordinate legislation)”; and

(ii) omit sub-paragraph (b); and

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3) and section 27 of the Legislative and Regulatory Reform Act 2006 (c.51). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2007/485.

(b) after the definition of “the EIA Directive” insert—

““enactment” includes an Act of the Scottish Parliament, an enactment in any local Act of Parliament and an Order in Council, order, rule, regulation, byelaw, warrant or scheme or other instrument made under an Act of Parliament or of the Scottish Parliament, including an order or scheme confirmed by Parliament or by the Scottish Parliament;”.

St Andrew’s House,
Edinburgh
29th September 2009

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Scotland) Regulations 2007 (“the principal Regulations”) to the effect that dredging involving the extraction of minerals in harbour areas is caught by the principal regulations (regulation 2(2)).

The Regulations also amend the definition of “enactment” in relation to dredging exemptions falling outwith the scope of the Regulations.

A Regulatory Impact Assessment was prepared in respect of the principal Regulations, copies of which can be obtained from the Scottish Government Planning Directorate, Area 2H, Victoria Quay, Edinburgh, EH6 6QQ.

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