SCOTTISH STATUTORY INSTRUMENTS

2005 No. 101

ENVIRONMENTAL PROTECTION

The Pollution Prevention and Control (Scotland) Amendment Regulations 2005

Made - - - -	*1st March 2005*
Laid before the Scottish Parliament - - - -	*2nd March 2005*
Coming into force - -	*1st April 2005*

The Scottish Ministers in exercise of the powers conferred by section 2 of the Pollution Prevention and Control Act 1999(**1**), having, in accordance with section 2(4) of that Act, 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, and such other bodies and persons as they consider appropriate, hereby make the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Pollution Prevention and Control (Scotland) Amendment Regulations 2005 and shall come into force on 1st April 2005.

(2) These Regulations extend to Scotland only.

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

2. The Pollution Prevention and Control (Scotland) Regulations 2000(**2**) shall be amended as follows.

3. In regulation 6(2), (requirement for permit to operate installation and mobile plant)–

(a) between sub-paragraphs (c) and (d) delete "and"; and

(b) after sub-paragraph (d) insert–

";and

(e) referred to in Part 5 of Schedule 3, the date set out or determined in accordance with that Part.".

4. In Schedule 1, Part 1, Chapter 4, section 4.2 (inorganic chemicals), in paragraph (d)–

(**1**) 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.

(**2**) S.S.I. 2000/323, as amended by S.S.I. 2002/493; S.S.I. 2003/146, 170 and 235, S.S.I. 2004/26, 110 and 112.

(a) delete sub paragraphs (xii), (xiii), (xiv) and (xv); and

(b) for the words from "where the activity may" to the end of that paragraph, substitute–

"where the activity may result in the release into the air of any of those elements or their compounds or the release into water of any substance listed in column 1 of the Table in paragraph 13(1) of Part 2 of this Schedule in a quantity which, in any 12 month period, exceeds the background quantity by more than the amount specified in relation to that substance in column 2 of that Table.".

5. In Schedule 1, Part 1, Chapter 5, section 5.1 (incineration and co-incineration of waste)–

(a) at the end of Part A, insert–

"(h) Unless carried out as part of any other Part A activity, the incineration of animal carcasses in an excluded plant with a capacity of more than 10 tonnes per day."; and

(b) for Part B, substitute–

"The following activities if operated at installations not falling under Part A of this section:–

(a) The incineration of non-hazardous waste, other than animal carcasses, in an excluded plant with a capacity of 50 kilogrammes or more per hour but less than 1 tonne per hour.

(b) The incineration of animal carcasses in an excluded plant with a capacity of 50 kilogrammes or more per hour but equal to or less than 10 tonnes per day

(c) The cremation of human remains.".

6. In Schedule 1, Part 1, Chapter 6, section 6.8 (the treatment of animal and vegetable matter and food industries) in Part B–

(a) in paragraph (a) after the word "Schedule" where it first appears insert ", or mentioned in paragraph (d) of this Part"; and

(b) after paragraph (c) insert–

"(d) Treating and processing through drying by the application of heat and milling of dry vegetable or dry vegetable and animal matter intended for the production of animal food products, unless an exempt activity, or excluded from control by the provisions of paragraph 2 of Part 2 of this Schedule, and which may release into air a substance referred to in paragraph 12 of Part 2 of this Schedule or give rise to an offensive smell noticeable outside the premises in which the activity is carried on.".

7. In Schedule 3, Part 1, paragraph 2–

(a) in sub-paragraph (1) for "Subject to paragraph 4", substitute "Subject to paragraph 4 and Part 5 of this Schedule"; and

(b) in sub-paragraph (2), in Table 1, for the entry relating to section 5.1 substitute–

"Section 5.1	
Part A	
Paragraphs (a), (b), (c), (d) and (e)	January 1st to March 31st 2005
Paragraphs (f), (g) and (h)	June 1st to August 31st 2005"

8. In Schedule 3, after Part 4(**3**), insert a new Part 5, as set out in the Schedule to these Regulations.

St Andrew's House, Edinburgh
1st March 2005

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

(**3**) Parts 3 and 4 of Schedule 3 were inserted by S.S.I. 2004/26, Regulation 19(c) and Schedule 2.