Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2017 No. 1248

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2017

Made - - - - 7th December 2017

Coming into force in accordance with article 1(1)

The Secretary of State and the Welsh Ministers make this Order in exercise of the powers conferred by section 7(9)(a) of, and paragraph 20(2)(c) of Schedule 1 to, the Pollution Prevention and Control Act 1999 [F1].

F1 1999 c.24; paragraph 20(2)(c) was amended by S.I. 2011/1043. Functions of the Secretary of State under this paragraph, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales (except in relation to offshore oil and gas exploration and exploitation) by virtue of article 3 of the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958). Those functions were then transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2017 and comes into force on the day after the day on which it is made.

(2) This Order extends to England and Wales.

(3) This Order applies in relation to—

(a) England and the sea adjacent to England out as far as the seaward boundary of the territorial sea; and

(b) Wales, within the meaning given by section 158 of the Government of Wales Act 2006 [F2].

(4) For the purpose of paragraph (3)(a), the sea adjacent to England is so much of the sea adjacent to Great Britain as—

(a) is not the sea adjacent to Scotland; and

(b) does not form part of Wales.

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(5) In paragraph (4)(a), the sea adjacent to Scotland has the same meaning as the internal waters and territorial sea of the United Kingdom adjacent to Scotland has by virtue of section 126(2) of the Scotland Act 1998 [F3].

F2 2006 c.32. Section 158(1) defines "Wales" as including the sea adjacent to Wales out as far as the seaward boundary of the territorial sea. Section 158(3) (as substituted by section 43(3) of the Marine and Coastal Access Act 2009 (c.23)) makes provision for the determination of any boundary between waters which are to be treated as parts of the sea adjacent to Wales and those which are not. The boundary between the sea adjacent to Wales and that adjacent to England is partly determined by article 6 of, and Schedule 3 to, S.I. 1999/672. By virtue of paragraph 26 of Schedule 11 to the Government of Wales Act 2006, S.I. 1999/672 continues to have effect.

F3 1998 c.46. The boundaries between waters which are to be treated as internal waters or territorial sea of the United Kingdom adjacent to Scotland, and those which are not, are set out in S.I. 1999/1126.

Designation of Directives

2. The following Directives are designated as relevant directives for the purposes of paragraph 20(1)(b) of Schedule 1 to the Pollution Prevention and Control Act 1999—

(a) Council Directive 2013/59/EURATOM laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation and repealing Council Directive 89/618/EURATOM, 90/641/EURATOM, 96/29/EURATOM, 97/43/EURATOM and 2003/122/EURATOM [F4];

(b) Directive 2015/2193/EU of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants [F5].

F4 OJ No L 13, 17.01.2014, p 1-73.

F5 OJ No L 313, 28.11.2015, p 1-19.

Department of the Environment, Food and Rural Affairs
4th December 2017

Thérèse Coffey
Parliamentary Under Secretary of State

for Energy, Planning and Rural Affairs, one of the Welsh Ministers
7th December 2017

Hannah Blythyn
Minister for the Environment, under authority of the Cabinet Secretary