Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Pollution Prevention and Control (Designation) (England and Wales) Order 2016. 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

2016 No. 150

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Pollution Prevention and Control (Designation) (England and Wales) Order 2016

Made - - - - 3rd February 2016

Coming into force in accordance with article 1(1)

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, 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(**1**).

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Pollution Prevention and Control (Designation) (England and Wales) Order 2016 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(**2**).

(4) In 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.

(**1**) 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).

(**2**) 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.

(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(**3**).

Designation of Stage II Petrol Vapour Recovery Directive

2. Directive 2009/126/EC of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations(**4**) is designated for the purposes of paragraph 20(1)(b) of Schedule 1 to the Pollution Prevention and Control Act 1999.

Revocation of existing designation

3. In article 2 of the Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2013(**5**) omit paragraph (u) (designation of Directive 2009/126/EC of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations(**6**)).

Rory Stewart
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs
3rd February 2016

Carl Sargeant
Minister for Natural Resources
One of the Welsh Ministers
2nd February 2016

(**3**) 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.
(**4**) OJ No L 285, 31.10.2009, p. 36, as last amended by Commission Directive 2014/99/EU (OJ No L 304, 23.10.2014, p. 89).
(**5**) S.I. 2013/123, to which there are amendments not relevant to this Order.
(**6**) Article 2 re-designates Directive 2009/126/EC as amended by Commission Directive 2014/99/EU for the purposes of paragraph 20(1)(b) of Schedule 1 to the Pollution Prevention and Control Act 1999. Accordingly, the existing designation of Directive 2009/126/EC is revoked.