WELSH STATUTORY INSTRUMENTS

2006 No. 2802 (W.241)

ENVIRONMENTAL PROTECTIONS, WALES

The Pollution Prevention and Control (England and Wales) (Amendment) (Wales) Regulations 2006

Made - - - -	*17 October 2006*
Coming into force - -	*25 October 2006*

The National Assembly for Wales ("the National Assembly"), having consulted the Environment Agency, such bodies or persons appearing to it to be representative of the interests of local government, industry, agriculture and small businesses respectively as it considers appropriate and such other bodies and persons as it considers appropriate in accordance with section 2(4) of the Pollution Prevention and Control Act 1999 ("the Act")(**1**), makes the following Regulations in exercise of the powers conferred on the Secretary of State by section 2 of the Act and which are now exercisable by the National Assembly(**2**):

Title, commencement and application

1.—(1) The title of these Regulations is the Pollution Prevention and Control (England and Wales) (Amendment) (Wales) Regulations 2006.

(2) These Regulations come into force on 25 October 2006.

(3) These Regulations apply to Wales.

Amendment of the Pollution Prevention and Control (England and Wales) Regulations 2000

2.—(1) The Pollution Prevention and Control (England and Wales) Regulations 2000(**3**) are amended as follows.

(2) In paragraph (2)(a) of regulation 32 (offences)(**4**)—

(a) for "£20,000" substitute "£50,000"; and

(b) for "six months" substitute "12 months".

(**1**) 1999 c. 24. Paragraph 25 of Part II of Schedule 1 was amended by section 105 of the Clean Neighbourhoods and Environment Act 2005 (c. 16). Other amending legislation is of no relevance to these Regulations.

(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958), article 3.

(**3**) S.I. 2000/1973; relevant amending instruments are S.I. 2004/107 and S.I. 2004/3276. Other amending legislation is not relevant to these Regulations.

(**4**) These increased penalties will apply only in relation to offences committed after section 154(1) of the Criminal Justice Act 2003 (c. 44) is brought into force. *See* section 105(2) of the Clean Neighbourhoods and Environment Act 2005.

(3) Part 1 of Schedule 1 (Activities, Installations and Mobile Plant) is amended as follows—

(a) in Part B of Section 1.2 (Gasification, Liquefaction and Refining Activities)—

(i) replace the full stop at the end of paragraph (d) with a semi-colon and add the following paragraphs—

"(e) motor vehicle refuelling activities at existing service stations, if the petrol refuelling throughput at the service station in any period of twelve months commencing on or after 1st January 2007 is, or it is likely to be, 3500mΔ or more;

(f) motor vehicle refuelling activities at new service stations, if the petrol refuelling throughput at the service station in any period of twelve months is likely to be 500mΔ or more.",

(ii) under the heading "Interpretation of Part B", in paragraph 1 after the words "In this Part", insert—

""existing service station" means a service station—

(a) which is put into operation; or

(b) for which planning permission under the Town and Country Planning Act 1990(**5**) was granted,

before 31st December 2009"; and

(iii) under the heading "Interpretation of Part B", in paragraph 1 before the definition of "petrol", insert—

""new service station" means a service station which is put into operation on or after 31st December 2009 other than an existing service station;";

(b) in paragraph (f) of Part A(1) of Section 5.1 (Incineration and Co-incineration of Waste), after "burning" insert "landfill gas or";

(c) in paragraph 4 of Part B of Section 7 (SED Activities)—

(i) for the words "coming into force of these Regulations", on the first occasion when they appear, substitute the words "20th January 2004",

(ii) in sub-paragraphs (a) and (b), for the words "date of coming into force of these Regulations", substitute the words "20th January 2004".

(4) Schedule 3 (Prescribed Date and Transitional Arrangements) is amended as follows—

(a) in Part 3 (SED Installations)—

(i) in paragraph 13(1), after "paragraphs" insert "13A,",

(ii) after paragraph 13, insert—

"**13A.**—(1) An operator of an existing SED installation—

(a) involving only dry cleaning as defined in paragraph (2) of Part B of Section 7 of Part 1 of Schedule 1 (SED Activities), by means of coin-operated dry cleaners; and

(b) in respect of which no application for a permit to operate the existing SED installation is duly made by 31st October 2006,

shall be deemed to have made a notification to the regulator of the operator's undertaking to cease to operate that existing SED installation by 31st October 2007.

(**5**) 1990 c. 8, to which there are amendments not relevant to these Regulations.