STATUTORY INSTRUMENTS

1982 No. 603 (S.83)

PUBLIC HEALTH, SCOTLAND

The Control of Atmospheric Pollution (Research and Publicity) (Scotland) Regulations 1982

Made - - - -	21*st April* 1982
Laid before Parliament	12*th May* 1982
Coming into Operation	1*st August* 1982

In exercise of the powers conferred upon me by sections 82 and 104(1) of the Control of Pollution Act 1974 (**a**) and of all other powers enabling me in that behalf, and after consultation with such persons appearing to me to represent local authority and industrial interests respectively, and such persons appearing to me to be conversant with problems of air pollution as I consider appropriate, all in accordance with the provision of subsection (2) of the said section 82, hereby make the following regulations:—

Citation, commencement and extent

1. These regulations may be cited as the Control of Atmospheric Pollution (Research and Publicity) (Scotland) Regulations 1982, shall come into operation on 1st August 1982 and shall extend to Scotland only.

Interpretation

2.—(1) Any reference in these regulations to a section by number only is a reference to the section so numbered in the Control of Pollution Act 1974.

(2) In these regulations—

"the Act" means the Control of Pollution Act 1974;

"notice" means a notice under section 80 of the Act.

Emissions to which notices may relate

3.—(1) A notice may relate to the emission of pollutants and other substances or any emission of any of the following kinds from any chimney, flue or other outlet used for the discharge from any premises to the atmosphere:—

(a) Sulphur dioxide or particulate matter derived from any combustion process where the material being heated does not contribute to the emission;

(b) any gas or particulate matter derived from any combustion process where the material being heated contributes to the emission;

(c) any gas or particulate matter derived from any non-combustion process or other similar industrial activity.

(**a**) 1974 c.40.

Information which may be required

4.—(1) Subject to (2) below, a notice shall specify the premises to which it relates and may require the furnishing of estimates, or other information, in respect of those premises, of any of the following kinds:—

(a) in relation to emissions of sulphur dioxide during any specified period—

(i) the aggregate duration of all discharges from the specified premises during that period;

(ii) the temperature in degrees Celsius, the efflux velocity in metres per second, and the volume flow rates in cubic metres per hour, of the gases discharged from any specified chimney or flue or other specified outlet during that period, and the height in metres above ground level at which each such discharge takes place;

(iii) the aggregate quantity of sulphur dioxide discharged during that period, to be ascertained, in the case of sulphur dioxide derived from a combustion process, either by calculation from the quantity of fuel or other matter burnt and its sulphur content or, if the occupier of the premises and the local authority so agree, by direct measurement;

(b) in relation to total emissions of particulate matter of all kinds during any specified period—

(i) the aggregate duration of all discharges from the specified premises during that period;

(ii) the temperature in degrees Celsius, the efflux velocity in metres per second, and the volume flow rates in cubic metres per hour, of the gases discharged from any specified chimney or flue or other specified outlet during that period, and the height in metres above ground level at which each such discharge takes place;

(iii) the average concentration of particulates in the gases discharged during that period in grams per cubic metre at standard temperature and pressure (that is to say, a temperature of 15 degrees Celsius and a barometric pressure of one bar);

(iv) the aggregate quantity of particulates discharged during that period;

(c) in relation to emissions of gas other than sulphur dioxide or emissions of any specified particulate matter during any specified period—

(i) the aggregate duration of all discharges from the specified premises during the period;

(ii) the temperature in degrees Celsius, the efflux velocity in metres per second, and the volume flow rates in cubic metres per hour, of the gases discharged from any specified chimney or flue or other specified outlet during that period, and the height in metres above ground level at which each such discharge takes place;

(iii) the average concentration of specified pollutants in the discharges made during the period;

(iv) the aggregate quantity of specified pollutants discharged during the period.

(2) Where a notice relates to an emission which has taken place before the giving of the notice, it may not require information of a prescribed kind concerning that emission, except and in so far as that information is in the possession of the occupier of the specified premises or immediately available to him.

(3) In these regulations, "specified", in respect of any matter to which a notice relates, means specified in the relevant notice, and "prescribed" means prescribed by paragraph (1) of this Regulation.

Provisions relating to notices

5.—(1) A notice served by post, pursuant to section 192 of the Local Government (Scotland) Act 1973 (**a**), shall be sent in a prepaid letter by the recorded delivery service.

(2) A document purporting to be a copy of a notice signed by the proper officer of a local authority, and bearing a certificate purporting to be signed by the proper officer as to the date when, and the person upon whom, the notice was served, shall be evidence that a notice in the terms of the copy was duly authorised to be given by the local authority and was served in accordance with the facts stated in the certificate.

(3) In this regulation "proper officer" means an officer appointed by a local authority for the purposes of Part IV of the Control of Pollution Act 1974 and includes any person authorised to act in that behalf by an officer so appointed.

Registers of information

6. A local authority shall maintain a register of information in pursuance of these regulations, and any such register shall be adequately indexed so as to enable information relating to any particular premises to be located and shall contain the information obtained by the authority by virtue of section 79(2).

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
21st April 1982.

(**a**) 1973 c.65.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 79 (research and publicity) of the Control of Pollution Act 1974 empowers local authorities to undertake investigation and research relevant to the problem of air pollution and to arrange for the publication of information on that problem. Under section 80 of the Act, a local authority may, by notice, require the occupier of any premises (except in so far as they consist of a private dwelling) to furnish information concerning the emission of pollutants and other substances into the air from the premises.

These Regulations prescribe the kinds of emissions to which notices under section 80 may relate (regulation 3), the kinds of information which may be required by those notices (regulation 4), and the manner in which such notices are to be sent by post and the evidence which is to be sufficient evidence that such a notice has been given (regulation 5).

Regulation 6 requires each local authority to maintain a register containing information concerning emissions from premises which has been obtained by the authority under section 79(2) of the Act (other than information which, by direction of the Secretary of State, is not to be disclosed).

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