This S.S.I. has been made in consequence of defects in S.S.I. 2000/95 and S.S.I. 2020/434 and is being issued free of charge to all known recipients of those instruments.

SCOTTISH STATUTORY INSTRUMENTS

2025 No. 42

ENVIRONMENTAL PROTECTION

The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Amendment Regulations 2025

Made - - - -	*18th February 2025*
Laid before the Scottish Parliament	*20th February 2025*
Coming into force - -	*31st March 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 18(1) and schedule 2 of the Regulatory Reform (Scotland) Act 2014(**a**) and all other powers enabling them to do so.

In accordance with section 19(1) of that Act they have consulted with (a) the Scottish Environment Protection Agency and (b) such other persons as they thought fit, including such persons appearing to them to be representative of the interests of local government, industry, agriculture, fisheries or small businesses as they considered appropriate.

Citation and commencement

1. These Regulations may be cited as the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Amendment Regulations 2025 and come into force on 31 March 2025.

Amendment of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000

2.—(1) The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000(**b**) are amended as follows.

(2) In regulation 2(1) (interpretation and notices), in the definition of "contaminated equipment"—

(a) in the full-out words following sub-paragraph (b), after "contains a total volume of", insert "fluids containing",

(**a**) 2014 asp 3. Section 16 makes provision relevant to the exercise of these powers; section 16 and schedule 2 were amended by S.S.I. 2019/436.

(**b**) S.S.I. 2000/95; relevant amending instrument is S.S.I. 2020/434.

(b) in head (i), for "the PCB volume", substitute "the total volume of fluids containing PCBs".

(3) In regulation 4 (prohibition on holding irrespective of registration)—

(a) in paragraph (3A)—

(i) for "the fluids contain", substitute "it contains",

(ii) in sub-paragraph (a), after "PCBs", insert "within the fluids containing PCBs",

(iii) in sub-paragraph (b), before "PCBs", insert "fluids containing",

(b) in paragraph (3C)—

(i) for "the fluids contain", substitute "it contains",

(ii) in sub-paragraph (a), after "PCBs", insert "within the fluids containing PCBs",

(iii) in sub-paragraph (b), before "PCBs", insert "fluids containing",

(c) in paragraph (4)(a), for "a total volume of", substitute "to reduce the total volume of fluids containing PCBs to",

(d) in paragraph (13), in the full-out words following sub-paragraph (b), after the words "contains a total volume of", insert "fluids containing",

(e) in paragraph (14), in sub-paragraph (a), for "the PCB volume", substitute "the total volume of fluids containing PCBs".

(4) In regulation 5 (labelling of contaminated equipment)—

(a) in paragraph (3)—

(i) omit "the fluids contain",

(ii) in sub-paragraph (a), before "between", insert "within the equipment the fluids contain",

(iii) in sub-paragraph (b)—

(aa) before "between", insert "the equipment contains",

(bb) before "PCBs", insert "fluids containing",

(b) in paragraph (4)—

(i) omit "the fluids contain",

(ii) in sub-paragraph (a), before "0.005%", insert "within the equipment the fluids contain",

(iii) in sub-paragraph (b)—

(aa) before "a total volume", insert "the equipment contains",

(bb) before "PCBs", insert "fluids containing".

ALASDAIR ALLAN
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
18th February 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000 (S.S.I. 2000/95) ("the 2000 Regulations") to correct errors in the 2000 Regulations and in certain amendments made to those the 2000 Regulations by the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Amendment Regulations 2020 ("the 2020 Regulations").

Regulation 2(2) amends the definition of "contaminated equipment" in regulation 2(1) of the 2000 Regulations so that the reference to total volume of PCBs and the reference to PCB volume both become a reference to the total volume of fluids containing PCBs.

Regulation 2(3) similarly amends the references to PCBs in regulation 4 of the 2000 Regulations so that references in that regulation are to volumes of fluids containing PCBs and not to the volume of PCBs.

Regulation 2(4) makes similar amendments to regulation 5 of the 2000 Regulations.

No Business and Regulatory Impact Assessment has been prepared for these Regulations as no impact on business, charities or voluntary bodies is foreseen. A Child Rights and Wellbeing Impact Assessment has been prepared and is available online at www.legislation.gov.uk.

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