

2011 No. 116

ENVIRONMENTAL PROTECTION

**The Environmental Liability (Scotland) Amendment
Regulations 2011**

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|--|---------|---------------------------|
| <i>Made</i> | - - - - | <i>17th February 2011</i> |
| <i>Laid before the Scottish Parliament</i> | | <i>21st February 2011</i> |
| <i>Coming into force</i> | - - | <i>25th June 2011</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(a) and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for the reference to the EU instrument in regulation 2(2) to be construed as a reference to that instrument as amended from time to time.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environmental Liability (Scotland) Amendment Regulations 2011 and come into force on 25th June 2011.

(2) The reference in regulation 2(2) to Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006(b) is to that Directive as amended from time to time.

Amendment of the Environmental Liability (Scotland) Regulations 2009

2.—(1) The Environmental Liability (Scotland) Regulations 2009(c) are amended in accordance with paragraph (2).

(a) 1972 c. 68 (“the 1972 Act”). Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c.46) (“the 1998 Act”), section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act. The functions conferred on the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) O.J. No. L 140, 5.6.2009, p.114.

(c) S.S.I. 2009/266.

(2) After paragraph 12 of Schedule 1 (activities for the purposes of regulation 4(1)) insert—

“**13.** The operation of storage sites pursuant to Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006.”.

JIM MATHER

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
17th February 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Article 34 of Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide.

Regulation 2 amends the Environmental Liability (Scotland) Regulations 2009, which implement Directive 2004/35/EC of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage (O.J. No. L 143, 30.4.2004), to add the operation of carbon storage sites to the list of activities to which those Regulations apply.

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