
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

The Waste (Scotland) Regulations 2012

Amendment of the Waste Management Licensing (Scotland) Regulations 2011

5.—(1) The Waste Management Licensing (Scotland) Regulations 2011⁽¹⁾ are amended as follows.

(2) After regulation 13 (conditions of site licences: incineration of waste industrial and automotive batteries), insert—

“Conditions of waste management licences: separately collected wastes

13A. A waste management licence that is granted or varied by the waste regulation authority on or after 1st January 2014 which authorises storage or treatment (or both) of waste must contain such conditions as the authority considers necessary to ensure that no waste collected and transported in accordance with section 34(2I) of the Environmental Protection Act 1990 is mixed with any other waste or any material, to the extent that mixing would hamper further recycling.”.

(3) In regulation 17 (exemptions from waste management licensing), after paragraph (4) insert—

“(4A) In the case of an exempt activity involving the storage, treatment, recovery or disposal of waste by a person at a site other than the place at which the waste was produced, paragraph (1) applies only if that person ensures that no waste collected and transported in accordance with section 34(2I) of the Environmental Protection Act 1990 is mixed with any other waste or any material to the extent that mixing would hamper further recycling.”.

(4) In regulation 19(2) (exempt activities: registration requirement), for “the authority responsible for granting an authorisation under regulation 27 of the Animal By-Products (Scotland) Regulations 2003⁽²⁾” substitute—

“the competent authority for the purposes of Article 18 of Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)⁽³⁾”

(5) In Schedule 1 (activities exempt from waste management licensing)—

- (a) in paragraph 7(4), omit “the Animal By-Products (Scotland) Regulations 2003 and”;
- (b) in paragraph 12, in the last entry of table 7, for “regulation 15 of the Animal By-Products (Scotland) Regulations 2003” substitute “Article 10 of and Annex V of Commission Regulation (EU) 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council

(1) [S.S.I. 2011/228](#).

(2) [S.S.I. 2003/411](#), as amended by [S.S.I. 2009/7](#).

(3) OJ L 300, 14.11.2009, p.1; as amended by Directive 2010/63/EU (O.J. L 276, 20.10.2010, page 33). The Scottish Ministers are the competent authority for the purposes of Commission Regulation (EU) 142/2011 by virtue of regulation 3 of the Animal By-Products (Enforcement)(Scotland) Regulations 2011 ([S.S.I. 2011/171](#)).

Directive [97/78/EC](#) as regards certain samples and items exempt from veterinary checks at the border under that Directive⁽⁴⁾;

(c) in paragraph 19(2), omit “the Animal By-Products (Scotland) Regulations 2003 and”; and

(d) in paragraph 23—

(i) in sub-paragraph (1), for “at a collection centre in accordance with an authorisation under regulation 27 of the Animal By-Products (Scotland) Regulations 2003 (in this paragraph, “the 2003 Regulations”)” substitute “authorised under regulation 8 of the Animal By-Products (Enforcement) (Scotland) Regulations 2011⁽⁵⁾”; and

(ii) for sub-paragraph (3), substitute—

“(3) In this paragraph—

“animal by-products” has the same meaning as in Article 3 of Regulation [\(EC\) No 1069/2009](#) of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation [\(EC\) No 1774/2002](#) (Animal by-products Regulation);

“collection centre” has the same meaning as in Annex 1 of Commission Regulation (EU) No 142/2011 implementing Regulation [\(EC\) No 1069/2009](#) of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive [97/78/EC](#) as regards certain samples and items exempt from veterinary checks at the border under that Directive.”.

(6) In Schedule 4 (waste framework directive) in Table 23, ninth row, second column, after “45,” insert “45C,”.

(4) OJ L 54, 26.2.2011, p.1; as amended by Commission Regulation (EU) No. 749/2011 (O.J. L 198, 30.7.2011, page 3).

(5) [S.S.I. 2011/171](#).