

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2000 No. 185**

**ENVIRONMENTAL PROTECTION**

**The Environmental Protection (Waste Recycling Payments) (Scotland) Regulations 2000**

<i>Made</i>	- - - -	<i>12th June 2000</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>15th June 2000</i>
<i>Coming into force</i>	- -	<i>7th July 2000</i>

The Scottish Ministers, in exercise of the powers conferred upon them by section 52(8) of the Environmental Protection Act 1990(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Environmental Protection (Waste Recycling Payments) (Scotland) Regulations 2000 and shall come into force on 7th July 2000.

(2) These Regulations extend to Scotland only.

**Determination of a waste disposal authority's net saving of expenditure**

2.—(1) A waste disposal authority's net saving of expenditure for the purposes of section 52(1) or (3) of the Environmental Protection Act 1990 in relation to waste which is retained or collected for recycling shall be determined in accordance with the following provisions of this regulation.

(2) The authority's net saving of expenditure at a particular time shall be an amount equal to the expenditure which it would have incurred in disposing of the waste at a cost per tonne equal to its average cost per tonne at that time of disposing of similar waste using its most expensive disposal method for waste collected in the relevant area.

(3) In paragraph (2) above, "the relevant area" means the area of the authority in which the waste in question is collected or, where the waste in question is collected by a person other than a waste collection authority in the area of more than one authority and it is not reasonably practicable for that person to determine how much of that waste was collected in each such area, the area consisting of the areas of all those authorities.

---

(1) 1990 c. 43. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(4) In determining its average cost per tonne of disposing of similar waste, the authority shall take into account—

- (a) the market value at that particular time of any of its assets (including land) used in connection with disposal of that waste;
- (b) any expenditure incurred by the authority in operating any site or transfer station used in connection with the disposal of that waste;
- (c) any transport costs incurred by the authority in relation to that waste;
- (d) any expenditure which will be incurred in closing, restoring and subsequently maintaining any site belonging to the authority which is used for the disposal of that waste; and
- (e) any other expenditure incurred by the authority in relation to that waste.

(5) No account shall be taken of expenditure incurred by the authority in determining the amount of, or in making, any payment under section 52(1) or (3) of the Environmental Protection Act 1990.

(6) If a determination cannot be made under paragraph (2) above because sufficient accurate information is not available or could only be obtained at a disproportionate cost, the authority's net saving of expenditure shall be £31.53 per tonne where the authority incurs any transport costs in disposing of similar waste and £22.75 per tonne in other cases.

### **Revocations**

**3.** Insofar as they extend to Scotland—

- (a) the Environmental Protection (Waste Recycling Payments) Regulations 1992<sup>(2)</sup>;
- (b) the Environmental Protection (Waste Recycling Payments) (Amendment) Regulations 1994<sup>(3)</sup>; and
- (c) the Environmental Protection (Waste Recycling Payments) (Amendment) Regulations 1999<sup>(4)</sup>,

are revoked.

St Andrew's House,  
Edinburgh  
12th June 2000

*SARAH BOYACK*  
A member of the Scottish Executive

---

<sup>(2)</sup> S.I.1992/462, amended by S.I. 1993/445, 1994/522, 1995/476, 1996/634, 1997/351, 1998/607 and 1999/546.

<sup>(3)</sup> S.I. 1994/522.

<sup>(4)</sup> S.I. 1999/546.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 52 of the Environmental Protection Act 1990 encourages the recycling of waste by making provision for payments to be made by waste disposal authorities in connection with the recycling and disposal of waste.

These Regulations make provision in Scotland for the determination of the net saving of expenditure by a waste disposal authority on the disposal of waste for the purpose of section 52(1) or (3) of that Act in relation to such waste.