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## EXPLANATORY NOTE

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

These Regulations make miscellaneous changes to waste management legislation by amending the Environment Act 1995 (c. 25) (“the 1995 Act”) and the Waste Management Licensing Regulations 1994 (“the 1994 Regulations”).

Regulation 2 amends the definition of “environmental licence” in section 56(1) of the 1995 Act, to extend the powers of SEPA, as the waste regulation authority under the 1994 Regulations, to charge by virtue of a scheme under section 41 of the 1995 Act, for the registration of certain activities which are exempt from the requirement for a waste management licence under regulations 17, 18 and Schedule 3 of the 1994 Regulations.

Regulations 4 to 12 amend the 1994 Regulations, with regulation 4 making some consequential amendments to the interpretation provisions in regulation 1(3) of the 1994 Regulations.

Regulation 5 replaces regulation 4 of the 1994 Regulations, which makes provision for the qualifications to be required before a person will be regarded as a fit and proper person to manage activities authorised by a waste management licence, as required by Section 74 of the Environmental Protection Act 1990, which also applies to permits granted under the Pollution Prevention and Control (Scotland) Regulations 2000 (S.S.I. 2000/323) ((including permits granted for the purpose of Council Directive 1999/31/EC on the landfill of waste (O.J. L No. 182, 16.7.1999, p.1.)). Qualifications are granted by the Waste Management Industry Training and Advisory Board (WAMITAB). This amendment together with that in regulation 9 gives recognition to changes in the system of WAMITAB certificates with effect from 1st April 2003. A new Schedule 1A to those Regulations is introduced, setting out the facilities for the management of which WAMITAB certificates are required and the appropriate range of certificates for each type of facility.

Regulations 6 to 8 and 10 to 12 amend regulations 17 and 18 of, and Schedule 3 to the 1994 Regulations, which relate to the requirement for registration of activities exempt from waste management licensing, as provided for in Article 11(2) of Directive 75/442/EEC on waste (O.J. No. L 194, 25.7.1975, p39) as amended by Directive 91/156/EEC (O.J. No. L 377, 31.12.1991, p.48).

Regulation 6 amends regulation 17 of the 1994 Regulations, to enable the Scottish Ministers to issue guidance to SEPA in relation to the registration of exempt activities and for SEPA to have regard to this.

Regulation 7 amends regulation 18 of the 1994 Regulations to (a) specify the information required before SEPA can register an exempt activity falling within paragraphs 7, 9 and 19 of Schedule 3, as supplemented by Schedule 3A; (b) make provision for the annual renewal of notifications of those exempt activities; and (c) make provision in certain circumstances for the refusal and/or removal of registration for those activities.

Regulation 8 inserts a new regulation 18A into the 1994 Regulations, to specify the registration obligations incumbent on an establishment or undertaking which carries out those activities, in reliance of a registered exemption, such as the prior notification of when an activity is to be carried out, and the keeping of appropriate records for a period of at least 2 years.

Regulation 10 replaces paragraphs 7, 9 and 19 of Schedule 3 to the 1994 Regulations, which respectively exempt from waste management licensing certain land treatment activities (paragraph 7), land reclamation or improvement activities (paragraph 9) and building waste storage activities (paragraph 19). For each activity, detailed provision is made specifying the types of waste which can be used or stored or the conditions which must be satisfied in reliance of an exemption. Further

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provision is also contained in Schedule 3A to the 1994 Regulations, as inserted by Regulation 11 of these Regulations.

Regulation 12 amends paragraph 13 of Schedule 4 to the 1994 Regulations, to make provision for SEPA inspections of activities exempt under paragraphs 7, 9 and 19 of Schedule 3.

Regulation 13 is a transitional provision, to allow continued reliance on an existing exemption under those paragraphs of Schedule 3, for a period of 6 months from the coming into force of these Regulations.

A Regulatory Impact Assessment in relation to these Regulations has been placed in the library of the Scottish Parliament and copies can be obtained from the SEPA Sponsorship and Waste Unit, Scottish Executive Environment and Rural Affairs Department (SEERAD), Victoria Quay, Leith, EH6 6QQ.