
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 171

**The Waste Management Licensing
Amendment (Scotland) Regulations 2003**

Amendment of the Waste Management Licensing Regulations 1994

7. In regulation 18 (registration in connection with exempt activities)—
- (a) in paragraph (4), for “(4A) and (4B)” substitute “(4A) to (4D)”;
 - (b) after paragraph (4B) insert—
 - (a) “(4C) Paragraph (4) above does not apply in the case of an exempt activity falling within paragraphs 7, 9 or 19 of Schedule 3 and the provisions of this paragraph shall instead apply to such an activity.
 - (b) An establishment or undertaking which intends to carry out an exempt activity to which this paragraph applies shall provide to SEPA a written notice given on a form provided for the purpose by SEPA (“the notice”) together with,
 - (i) a plan and the documents specified in Part 1 of Schedule 3A and such other information as SEPA reasonably requires, and
 - (ii) payment of the charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995.
 - (c) Subject to sub-paragraph (d), unless SEPA has within the period of 21 days from the date on which it received the notice, either—
 - (i) entered the relevant particulars in the register in relation to the establishment or undertaking which submitted the notice, or
 - (ii) served on it a notice of refusal stating that registration is refused and giving reasons for that decision,those particulars shall be deemed to be entered in the register at the end of that 21 day period.
 - (d) Particulars entered or deemed to be entered into the register under this paragraph shall be deemed to be removed from the register on the expiry of 12 months from the date on which they were entered or deemed to be entered (“the removal date”), unless the establishment or undertaking has no later than 21 days before the removal date provided to SEPA—
 - (i) a notice containing a request that registration of an exempt activity registered under this paragraph be renewed (“the renewal notice”) and either confirmation that the particulars submitted in the notice and the plan and documentation which accompanied it remain accurate or a revision of such of the particulars of the notice and plan and documentation as are no longer accurate, and
 - (ii) the renewal notice is accompanied by payment of the charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995.

- (a) (4D) Subject to sub-paragraphs (b) and (c), SEPA may in the case of an exempt activity falling within paragraphs 7, 9 and 19 of Schedule 3, remove from the register the relevant entry for that activity where—
 - (i) the establishment or undertaking to which the relevant entry relates is no longer carrying out that activity;
 - (ii) the activity is being carried out in breach of any of the conditions or limitations in those paragraphs of Schedule 3 or of any of the registration obligations in regulation 18A which apply in relation to it;
 - (iii) the activity is being carried out in breach of regulation 17(2) of these Regulations; or
 - (iv) the activity is being carried out in breach of regulation 17(4) of these Regulations.
- (b) Before removing the relevant entry from the register, SEPA shall serve on the establishment or undertaking to which the relevant entry relates a notice (“notice of removal”) stating that the registration is cancelled on a date specified in the notice and giving reasons for the cancellation.
- (c) A notice of removal served in accordance with sub-paragraph (b) can be withdrawn by SEPA at any time and the relevant entry reinstated in the register with or without amendment of the particulars relating to that entry.”;
- (c) in paragraph (6)(a) for “paragraph 45(1) or (2)” substitute “paragraph 7, 9, 19, 45(1) or 45(2)”; and
- (d) delete paragraph (7).