
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Special Waste Regulations 1996 (S.I.1996/972) (“the principal Regulations”), which make provision for handling special waste and for implementing Council Directive 91/689/EEC on hazardous waste (O.J. No. L 377, 31.12.1991, p.20) (“the Hazardous Waste Directive”).

Regulation 1(2) and (3) provides that the provisions of regulation 1 and regulation 3(3) come into force on 1st April 2004, with the remaining provisions of the Regulations coming into force on 1st July 2004.

Regulation 2 of the principal Regulations defines special waste. Regulation 2(3) amends that definition to ensure compliance with the Hazardous Waste Directive by defining special waste with reference to Article 1(4) of the Hazardous Waste Directive.

Regulation 2(4) and (5), by inserting a new regulation 2A and regulation 2B into the principal Regulations, extends, in certain circumstances, the application of the principal Regulations to domestic asbestos waste.

Regulation 2(7), which inserts a new regulation 4A into the principal Regulations, makes specific provision for the labelling and packaging requirements for special waste.

Regulation 2(8), which amends regulation 5 of the principal Regulations, among other things, provides that any waste consignment note must identify the waste by reference to the European Waste Catalogue – a definition of the term is inserted into regulation 1(4) of the principal Regulations (regulation 2(1)).

Regulation 2(9), which inserts a new paragraph at regulation 15 of the principal Regulations, requires the Scottish Environment Protection Agency to carry out periodic inspections of the registers referred to within the principal Regulations.

Regulation 2(10), which inserts a new regulation 15A into the principal Regulations, requires the producers of special waste to keep a register which details the documents required to be kept in implementation of Article 4(2) and (3) of the Hazardous Waste Directive. Registers are required to be kept for at least 3 years and a producer is required to provide to SEPA, upon request, the information contained within the register.

Regulation 2(11), which inserts a new regulation 17A into the principal Regulations, imposes an obligation to separate special waste from other waste, as soon as reasonably practicable, where technically and economically feasible and necessary in order to comply with Article 4 of the Waste Directive before recovery or disposal of the waste.

Regulation 2(12), which inserts a new regulation 19A into the principal Regulations, provides for cross-border recognition of consignment notes which contain or purport to contain the information required by the Annex to Commission Decision 97/774/EC (O.J. No. L 310, 3.12.1994, p.70) concerning the format of the standard consignment note referred to in Council Regulation EEC (No.) 259/93 (O.J. No. L 30, 6.2.1993, p.1).

Regulation 2(13) amends the form of consignment note in Part I of Schedule I to the principal Regulations to require the six digit code relevant to special waste as referred to in the European Waste Catalogue, to be assigned to a consignment of special waste, together with the postcode of the producer of the special waste. The new form of consignment note is set out in the Schedule to the Regulations.

Status: This is the original version (as it was originally made).

Regulation 3 amends the Pollution Prevention and Control (Scotland) Regulations 2000 ([S.S.I. 2000/323](#) (“the 2000 Regulations”)) to amend the definition of hazardous waste for consistency with the definition of special waste in the principal Regulations, as amended by the present Regulations, to ensure it is compliant with the Hazardous Waste Directive.

Regulation 3(3) extends the prescribed date (the date by which an existing installation requires a permit for the purposes of the 2000 Regulations) to existing Part A installations, or existing Part A mobile plant, mentioned in section 5.3 of Part 1 of Schedule 1 to those Regulations, by a period of 27 months.