
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 275

**The Waste Management Licensing
Amendment (Scotland) Regulations 2004**

Amendment of the Waste Management Licensing Regulations 1994

7. In regulation 18 (registration in connection with exempt activities)(1)–
- (a) in paragraph (4C)(a), for “paragraphs 7, 9 or 19 of Schedule 3” substitute “paragraphs 7, 8, 9, 10, 12, 12A, 19 or 46 of Schedule 3”;
 - (b) in paragraph (4C)(c) for “sub paragraph (d)” substitute “sub paragraphs (ca) and (d)”;
 - (c) after paragraph (4C)(c) insert–
 - “(ca) In the case of a notice in relation to an exempt activity falling within paragraph 46 of Schedule 3, the relevant particulars shall be deemed to be entered in the register on the date which is requested in the notice, provided that–
 - (i) the notice was submitted to SEPA as soon as was practicable before the requested date; and
 - (ii) SEPA has not within the period prior to the requested date either entered the relevant particulars in the register or served a notice of refusal on the establishment or undertaking.”;
 - (d) for paragraph (4D)(a) substitute–
 - (a) “(4D) Subject to sub paragraphs (b) and (c), SEPA may remove from the register the particulars which have been entered in relation to an exempt activity where it is satisfied that–
 - (i) the establishment or undertaking to which the relevant entry relates no longer exists or is no longer carrying out that activity;
 - (ii) the activity is no longer being carried out in compliance with the conditions or limitations of the relevant paragraph of Schedule 3 or with the relevant provisions of regulation 17(2) or (4); or
 - (iii) there has been a breach of any of the registration obligations in regulation 18A which apply in relation to an activity.”;
 - (e) in paragraph (4D)(b), after “a date specified in the notice” insert “which shall be at least 28 days after the date on which the notice is served”; and
 - (f) for paragraph (6), substitute–
 - “(6) A person guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding–
 - (a) in the case of an exempt activity falling within paragraphs 7, 8, 9, 10, 12, 12A, 19 or 46 of Schedule 3, level 3 on the standard scale; and
 - (b) in any other case, level 2 on the standard scale.”.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*
