
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 247

The Waste Batteries (Scotland) Regulations 2009

Amendment of the 1994 Regulations

4.—(1) The 1994 Regulations are amended as follows.

(2) In regulation 1(3) insert after the definition of “agricultural waste”—

““battery” means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or one or more secondary battery cells (rechargeable; an accumulator), but does not include any battery excluded from the scope of the Batteries Directive by Article 2(2) of that Directive;

“Batteries Directive” means Directive [2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators;”.

(3) After regulation 1(3) insert—

“(3A) In these Regulations, in relation to batteries—

(a) “industrial battery” means any battery or battery pack which is—

- (i) designed exclusively for industrial or professional uses;
- (ii) used as a source of power for propulsion in an electric vehicle;
- (iii) unsealed but is not an automotive battery; or
- (iv) sealed but is not a portable battery;

(b) “portable battery” means any battery or battery pack which—

- (i) is sealed;
- (ii) can be hand-carried by an average natural person without difficulty; and
- (iii) is neither an automotive nor an industrial battery;

(c) “the treatment conditions” means the provisions of Article 12(2) and Annex III, Part A of the Batteries Directive; and

(d) other expressions defined in Article 3 of the Batteries Directive have the same meanings as in that Directive.”.

(4) After regulation 12B insert—

“Conditions of site licences: treatment and storage of batteries

12C. SEPA shall ensure that any site licence granted or varied on or after 6th July 2009 authorising the storage or treatment (or both) of batteries contains such conditions as it considers necessary to give effect to the treatment conditions.

Conditions of site licences: incineration of waste industrial and automotive batteries

12D.—(1) SEPA shall ensure that any site licence granted or varied on or after 1st January 2010 authorising the incineration of waste contains conditions prohibiting the incineration of waste industrial and automotive batteries.

- (2) Such conditions shall not prohibit the incineration of residues of any batteries that have undergone both treatment and recycling, provided that the treatment and recycling—
- (a) used best available techniques, in terms of the protection of health and the environment; and
 - (b) complied, as a minimum, with Community legislation, in particular as regards health and safety and waste management.”.
- (5) After regulation 17(4) insert—
- “(4A) Any exempt activity set out in Schedule 3 containing no specific reference to batteries does not apply to the storage or treatment of batteries collected in accordance with Article 8 of the Batteries Directive.”.
- (6) In Schedule 3 paragraph 17, insert after sub-paragraph (1)(b)—
- “(ba) in the case of any waste batteries, storage takes place in accordance with the treatment conditions;”.
- (7) In Schedule 3 paragraph 18, insert after sub-paragraph (1)(d)—
- “(da) in the case of any waste batteries, storage takes place in accordance with the treatment conditions;”.
- (8) In Schedule 3 paragraph 36(2)—
- (a) in paragraph (a), omit “and”; and
 - (b) insert after paragraph (a)—
- “(aa) in the case of any waste batteries, storage takes place in accordance with the treatment conditions; and”.
- (9) In Schedule 3 paragraph 39, insert after sub-paragraph (2)—
- “(2A) In the case of any waste batteries, secure storage under sub-paragraph (1) or (2) must take place in accordance with the treatment conditions.”.
- (10) In Schedule 3 paragraph 45, insert after sub-paragraph (4)—
- “(4A) In the case of any waste batteries, sub-paragraphs (1) and (2) apply only if any treatment or storage of such batteries takes place in accordance with the treatment conditions.”.