
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 228

The Waste Management Licensing (Scotland) Regulations 2011

Exemptions from waste management licensing

17.—(1) Subject to the following provisions of this regulation and to any conditions or limitations in Schedule 1, section 33(1)(a) and (b) does not apply in relation to the carrying on of any exempt activity set out in that Schedule.

(2) Paragraph (1) does not apply to the carrying on of an exempt activity on any land where that land is covered by a site licence.

(3) Paragraph (1) applies to the carrying on of an exempt activity insofar as it involves special waste—

- (a) only to the extent indicated in Schedule 1; and
- (b) provided that the activity does not involve the carrying out, by an establishment or undertaking, of its own disposal of such waste at the place of production.

(4) In the case of an exempt activity carried on by an establishment or undertaking on any land not within its ownership or control the establishment or undertaking shall obtain all consents necessary to enable the activity to be carried out.

[^{F1}(4A) In the case of an exempt activity involving the storage, treatment, recovery or disposal of waste by a person at a site other than the place at which the waste was produced, paragraph (1) applies only if that person ensures that no waste collected and transported in accordance with section 34(2I) of the Environmental Protection Act 1990 is mixed with any other waste or any material to the extent that mixing would hamper further recycling.]

(5) Unless otherwise indicated in Schedule 1, paragraph (1) does not apply to the carrying on of an activity in so far as it involves the storage or treatment of WEEE.

(6) Any exempt activity set out in Schedule 1 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.

(7) In the case of an exempt activity involving the carrying out by an establishment or undertaking of the disposal or recovery of waste, paragraph (1) applies only if—

- (a) the type and quantity of waste; and
- (b) the method of disposal or recovery,

are consistent with ensuring the attainment of the objectives mentioned in paragraph 6(1)(a) of Part I of Schedule 4.

[^{F2}(8) In the case of a person carrying on an exempt activity which is a controlled activity, paragraph (1) applies only if that person—

- (a) takes all reasonable steps to secure efficient and sustainable water use, and
- (b) complies with the requirements of the [^{F3}assimilated] law which implemented —

- (i) Directive [2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration as last amended by Commission Directive 2014/80/EU (“the Groundwater Directive”), and

(ii) Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy as last amended by Commission Directive 2014/101/EU (“the Water Framework Directive”).]

(9) For the purposes of Schedule 1, a container, lagoon or place is secure in relation to waste kept in it if all reasonable precautions are taken to ensure that the waste cannot escape from it and members of the public are unable to gain access to the waste, and any reference to secure storage means storage in a secure container, lagoon or place.

(10) For the purposes of Schedule 1, “benefit to agriculture or ecological improvement” is construed in accordance with Schedule 2 and any guidance issued under paragraph (11) of this regulation.

(11) The waste regulation authority must have regard to any guidance issued to it by the Scottish Ministers with respect to the discharge of its functions in relation to an exempt activity.

Textual Amendments

- F1** Reg. 17(4A) inserted (17.5.2012) by [The Waste \(Scotland\) Regulations 2012 \(S.S.I. 2012/148\)](#), regs. 1(1), **5(3)**
- F2** Reg. 17(8) substituted (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, **11(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in reg. 17(8)(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 2 para. 21(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Waste Management Licensing (Scotland) Regulations 2011, Section 17.