
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 391

The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018

PART 6

Amendments to legislation concerning waste

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

8.—(1) The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991⁽¹⁾ are amended as follows.

(2) In regulation 2 (exemption from registration)⁽²⁾—

- (a) in paragraph (1)(i) at the end insert “and article 17 of [Commission Regulation \(EU\) No 142/2011](#) implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council [Directive 97/78/EC](#) as regards certain samples and items exempt from veterinary checks at the border under that Directive⁽³⁾, as last amended by Commission Regulation (EU) 2017/1262⁽⁴⁾”, and
- (b) in paragraph (2)—
 - (i) in the definition of “animal by-products” for the words “article 3(1)” to the end substitute “Article 3(1) of the Council Regulation,”, and
 - (ii) in the definition of “the Council Regulation” at end insert “, as last amended by Council Regulation (EU) 1385/2013⁽⁵⁾”.

The Controlled Waste Regulations 1992

9.—(1) The Controlled Waste Regulations 1992⁽⁶⁾ are amended as follows.

(2) In regulation 7 (waste not to be treated as industrial or commercial waste)⁽⁷⁾—

- (a) in paragraph (3) for “Article 7(1) or 7(2) of the Community Regulation” substitute “Article 21(1) to (3) of the Council Regulation, and Article 17 of [Commission Regulation \(EU\) No 142/2011](#) implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council [Directive 97/78/EC](#) as regards certain samples and items exempt from veterinary checks at the border under that Directive, as last amended by Commission Regulation (EU) 2017/1262”, and

⁽¹⁾ [S.I. 1991/1624](#).

⁽²⁾ Regulation 2 was relevantly amended by [S.S.I. 2005/22](#) and [S.S.I. 2013/307](#).

⁽³⁾ OJ L 54, 26.2.2011, p.1.

⁽⁴⁾ OJ L 182, 13.7.2017, p.34.

⁽⁵⁾ OJ L 354, 28.12.2013, p.86.

⁽⁶⁾ [S.I. 1992/588](#).

⁽⁷⁾ Regulation 7 was amended by [S.S.I. 2005/22](#).

(b) for paragraph (4) substitute—

“(4) in this regulation—

“Animal by-products” has the same meaning as in Article 3(1) of the Council Regulation, and

“Council Regulation” means Regulation (EC) 1069/2009 of the European Parliament of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)(8), as last amended by Council Regulation (EU) No 1385/2013.”.

The Special Waste Regulations 1996

10.—(1) The Special Waste Regulations 1996(9) are amended as follows.

(2) In regulation 1(4) (interpretation)(10)—

(a) after the definition of “the 1990 Act” insert—

““the 2011 Regulations” means the Waste Management Licensing (Scotland) Regulations 2011(11),”, and

(b) in the definition of “the Waste Directive”, for “as last amended by” to the end substitute “, as last amended by Council Regulation (EU) 2017/997(12),”.

(3) For regulation 6(2)(c) (consignment notes: cases in which pre-notification is not required) substitute—

“(c) in the case mentioned in paragraph (1)(c), the removal is for the purposes of an operation that falls within either entry D15 in the table in Part II of schedule 4, or entry R13 in the table in Part III of schedule 4 and the consignee either—

(i) is the holder of a waste management licence which authorises the relevant operation, or

(ii) carries on any activity to which section 33(1)(a) and (b) of the 1990 Act does not apply by virtue of regulation 16 or 17 of the 2011 regulations.”.

(4) In regulation 13(4) (consignment notes: importers and exporters), for the words “Council Regulation (EEC)” to the end substitute “Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste(13), as last amended by Commission Regulation 2015/2002(14), apply.”.

(5) In regulation 15 (registers)—

(a) in paragraph (6) for “of the 1994 Regulations” substitute “of the 2011 Regulations”, and

(b) in paragraph (6A)(15) for “regulation 16(1)(ba) or (bb) of the 1994 Regulations” substitute “regulation 16(1)(c) or (d) of the 2011 Regulations”.

(6) In regulation 19A (mutual recognition of consignment notes)(16), for the words “form set out in the Annex” to “European Community” substitute “notification document for transboundary movements/shipments of waste set out in Annex 1A, and the movement document for transboundary movements/shipments of waste set out in Annex 1B, to Regulation (EC) No 1013/2006 of the

(8) OJ L 300, 14.11.2009, p.1.

(9) S.I. 1996/972.

(10) Regulation 1(4) was relevantly amended by S.S.I. 2015/438.

(11) S.S.I. 2011/228; relevant amending instruments are S.S.I. 2012/360 and S.S.I. 2012/148.

(12) OJ L 150, 14.6.2017, p.1.

(13) OJ L 190, 12.7.2006, p.1.

(14) OJ L 294, 11.11.2015, p.1.

(15) Paragraph (6A) was inserted by S.S.I. 2000/323 and amended by S.S.I. 2012/360.

(16) Regulation 19A was inserted by S.S.I. 2004/112.

European Parliament and of the Council on shipments of waste, as last amended by Commission Regulation 2015/2002”.

The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000

11.—(1) The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000(**17**) are amended as follows.

(2) In regulation 2(1) (interpretation)(**18**)—

- (a) in the definition of “disposal” for “as amended” substitute “as last amended by Council Regulation (EU) 2017/997”, and
- (b) in the definition of “used PCBs” at the end insert “, as last amended by Council Regulation (EU) 2017/997”.

The Landfill (Scotland) Regulations 2003

12.—(1) The Landfill (Scotland) Regulations 2003(**19**) are amended as follows.

(2) In regulation 2(1) (interpretation)(**20**)—

- (a) in the definition of “Batteries Directive” after “accumulators” insert “, as last amended by [Directive 2013/56/EU](#) of the European Parliament and of the Council(**21**)”,
- (b) in the definition of “European Waste Catalogue” for “as that instrument may be amended from time to time;” substitute “as last amended by Commission [Decision 2014/995/EU](#)(**22**)”,
- (c) in the definition of “Landfill Directive” after “landfill of waste” insert “, as last amended by Council [Directive 2011/97/EC](#)(**23**)”,
- (d) omit the definition of “Mercury Regulation”, and
- (e) for the definition of “Waste Framework Directive” substitute—
““Waste Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste and repealing certain Directives, as last amended by Council Regulation (EU) 2017/997,”.

(3) Omit regulation 10A (permits relating to storage of metallic mercury)(**24**).

(4) In regulation 11(2B) (prohibition of acceptance of certain wastes at landfills)(**25**), omit the words “in accordance with” to the end.

(5) In paragraph 3(8) of schedule 3 (protection of soil and water and leachate collection and sealing systems) omit “, having regard in particular to [Directive 80/68/EEC](#)”.

The End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003

13.—(1) The End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003(**26**) are amended as follows.

(17) [S.S.I. 2000/95](#).

(18) Regulation 2(1) was amended by [S.S.I. 2011/226](#).

(19) [S.S.I. 2003/235](#).

(20) Regulation 2(1) was relevantly amended by [S.S.I. 2009/247](#), [S.S.I. 2013/222](#) and [S.S.I. 2015/188](#)

(21) OJ L 329, 10.12.2013, p.5.

(22) OJ L 370, 30.12.2014, p.44.

(23) OJ L 328, 10.12.2011, p.49.

(24) Regulation 10A was inserted by [S.S.I. 2013/222](#).

(25) Paragraph (2B) was inserted by [S.S.I. 2013/222](#).

(26) [S.S.I. 2003/593](#).

(2) In regulation 2 (interpretation)(27)—

(a) for the definition of “vehicle” substitute —

““vehicle” means—

- (a) any vehicle designated as category M1 or N1 as defined in paragraph 1.1.1 or 1.2.1 of Part A of Annex II to [Directive 2007/46/EC](#) of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)(28), as last amended by Commission Regulation (EU) 2017/2400(29), and
- (b) three-wheel motor vehicles within the meaning of Article 4 and Annex 1 of Regulation (EU) No 168/2013 of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles(30), as last amended by Commission Delegated Regulation (EU) No 134/2014(31), but excluding any vehicle of category L5e,” and

(b) in the definition of “Waste Directive” for the words “as last amended” to the end substitute “as last amended by Council Regulation (EU) 2017/997,”.

The National Waste Management Plan for Scotland Regulations 2007

14.—(1) The National Waste Management Plan for Scotland Regulations 2007(32) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “the Packaging Waste Directive” at the end insert “, as last amended by Directive (EU) 2015/720 of the European Parliament and of the Council(33),”.

(3) In regulation 2A(a) (interpretation: the Waste Directive)(34), for the words “as last amended” to the end substitute “as last amended by Council Regulation (EU) 2017/997, and”.

The Waste Batteries (Scotland) Regulations 2009

15.—(1) The Waste Batteries (Scotland) Regulations 2009(35) are amended as follows.

(2) In regulation 2 (interpretation)(36)—

- (a) in the definition of “Batteries Directive” at the end insert “, as last amended by [Directive 2013/56/EU](#) of the European Parliament and of the Council”, and
- (b) in the definition of “waste battery” at the end insert “, as last amended by Council Regulation (EU) 2017/997”.

The Waste Management Licensing (Scotland) Regulations 2011

16.—(1) The Waste Management Licensing (Scotland) Regulations 2011(37) are amended as follows.

(27) Regulation 2 was relevantly amended by [S.S.I. 2015/438](#).

(28) OJ L 263, 9.10.2007, p.1.

(29) OJ L 349, 29.12.2017, p.1.

(30) OJ L 60, 2.3.2013, p.52.

(31) OJ L 53, 21.2.2014, p.1.

(32) [S.S.I. 2007/251](#).

(33) OJ L 115, 6.5.2015, p.11.

(34) Regulation 2A was inserted by [S.S.I. 2011/226](#) and was amended by [S.S.I. 2015/438](#).

(35) [S.S.I. 2009/247](#).

(36) Regulation 2 was relevantly amended by [S.S.I. 2011/226](#).

(37) [S.S.I. 2011/228](#).

- (2) In regulation 2(1) (interpretation)(38)—
- (a) in the definition of “Batteries Directive” at the end insert “, as last amended by [Directive 2013/56/EU](#) of the European Parliament and of the Council”,
 - (b) in the definition of “the Directive” from the words “as last amended by” to the end substitute “as last amended by Council Regulation (EU) 2017/997”,
 - (c) in the first definition of “recycling” omit “, except in relation to WEEE”,
 - (d) omit the second definition of “recycling”,
 - (e) omit the definition of “reuse”,
 - (f) in the first definition of “treatment” omit “WEEE and”,
 - (g) omit the second definition of “treatment”, and
 - (h) in the definition of “the WEEE Directive” for the words “[Directive 2002/96/EC](#)” to the end substitute “[Directive 2012/19/EU](#) of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)(39)”,
- (3) In regulation 11 (conditions of site licences: treatment of WEEE), for “Article 6(1)” to the end substitute “Articles 8(2), (3), (5) and 9(3), and Annexes VII and VIII of the WEEE Directive.”.
- (4) In regulation 19(2)(a) (exempt activities: registration requirement)(40), for “the competent authority for the purposes” to the end substitute “the Scottish Ministers, and”.
- (5) In schedule 1 (activities exempt from waste management licensing)—
- (a) in paragraph 7(4)(e)(41), for “as that regulations is amended from time to time” substitute “as last amended by Council Regulation (EU) 1385/2013”,
 - (b) in paragraph 19(2)(c)(42), for “as that regulation is amended from time to time” substitute “as last amended by Council Regulation (EU) 1385/2013”,
 - (c) in paragraph 23—
 - (i) in sub-paragraph (1)(43), for “regulation 8” substitute “regulation 7”, and
 - (ii) in sub-paragraph (3)(44)—
 - (aa) in the definition of “animal by-products” at the end insert “, as last amended by Council Regulation (EU) 1385/2013”, and
 - (bb) in the definition of “collection centre” at the end insert “, as last amended by Commission Regulation 2017/1262.”,
 - (d) in paragraph 43(3)(e) for “Annex III” substitute “Annex VIII”, and
 - (e) in paragraph 47—
 - (i) in sub-paragraph (1)(d) for “Annex III” substitute “Annex VIII”, and
 - (ii) in sub-paragraph (2)(d) for “Annex III” substitute “Annex VIII”.
- (6) In paragraph 1 of schedule 4 (Waste Framework Directive), in the definition of “best available techniques” for the words from “Article 2(12) of Directive” to the end substitute “regulation 4 of the Pollution Prevention and Control (Scotland) Regulations 2012(45)”.

(38) Regulation 2(1) was relevantly amended by [S.S.I. 2015/438](#).

(39) OJ L 197, 24.7.2012, p.38.

(40) Regulation 19(2)(a) of schedule 1 was amended by [S.S.I. 2012/148](#).

(41) Paragraph 7(4)(e) of schedule 1 was amended by [S.S.I. 2012/148](#).

(42) Paragraph 19(2)(c) of schedule 1 was amended by [S.S.I. 2012/148](#).

(43) Paragraph 23(1) of schedule 1 was amended by [S.S.I. 2012/148](#).

(44) Paragraph 23(3) of schedule 1 was substituted by [S.S.I. 2012/148](#).

(45) [S.S.I. 2012/360](#).

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