

**2024 No. 191**

**ENVIRONMENTAL PROTECTION**

**The Waste (Materials Facilities) (Scotland) Regulations 2024**

<i>Made</i> - - - -	<i>25th June 2024</i>
<i>Laid before the Scottish Parliament</i>	<i>27th June 2024</i>
<i>Coming into force</i> - -	<i>1st April 2025</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 18 and 58, and paragraphs 6 and 22 of schedule 2, of the Regulatory Reform (Scotland) Act 2014(a) and all other powers enabling them to do so.

In accordance with section 19(1) of that Act, the Scottish Ministers have consulted the Scottish Environment Protection Agency and such other persons as they thought fit, including such persons appearing to them to be representative of the interests of local government, industry, agriculture, fisheries or small businesses as they considered appropriate.

**Citation and commencement**

1. These Regulations may be cited as the Waste (Materials Facilities) (Scotland) Regulations 2024 and come into force on 1 April 2025.

**Amendment of the Pollution Prevention and Control (Scotland) Regulations 2012**

2. For regulation 32A (schedule 1 conditions: materials recovery facilities) of the Pollution Prevention and Control (Scotland) Regulations 2012(b), substitute—

**“Schedule 1 conditions: materials facilities**

**32A.**—(1) SEPA must ensure that a permit granted or varied on or after 1 April 2025 which authorises the operation of a materials facility contains a condition requiring the operator of the installation of which the facility forms part to comply with the Materials Facilities Code.

(2) In this regulation—

“Materials Facilities Code” means the Code of Practice on Sampling and Reporting at Materials Facilities issued by the Scottish Ministers on 24 June 2024,

“materials facility” means—

(a) a materials recovery facility, being a facility where dry recyclable waste is treated in order to separate that waste into a dry waste stream or streams,

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(a) 2014 asp 3. Paragraph 22 of schedule 2 was amended by S.S.I. 2019/436.

(b) S.S.I. 2012/360, the relevant amending instrument is S.S.I. 2015/101.

(b) a facility where dry recyclable waste from more than one supplier is consolidated into bulk quantities—

(i) as a first point of consolidation, or

(ii) following the first consolidation of bulk quantities, transferred from other suppliers,

for the purpose of selling or transferring the dry recyclable waste to other facilities or persons to enable that waste to be prepared for re-use or recycling,

“dry recyclable waste” means separately collected waste, that is—

(a) glass,

(b) metals,

(c) plastics,

(d) paper,

(e) card (including cardboard),

(f) fibre-based composite material,

“dry waste stream” means a quantity of dry recyclable waste of the same type (such as glass),

“fibre-based composite material” means packaging material which is made of paperboard or paper fibres, with a layer of plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand,

“supplier” means—

(a) where dry recyclable waste is collected pursuant to arrangements made under section 45(1)(a) or (b) of the 1990 Act<sup>(a)</sup> by a waste collection authority within the meaning of section 30(3)(c) of that Act<sup>(b)</sup>, the waste collection authority, except in a case falling within sub-paragraph (b),

(b) where dry recyclable waste has been transferred from another materials facility, the operator of the materials facility from which that waste was transferred,

(c) in a case not falling within sub-paragraph (a) or (b), the person who collected the dry recyclable waste, or if that person is not known, the person responsible for delivering it to the materials facility.

(3) In this regulation, a materials facility does not include a bring site as defined in section 45C(7) of the 1990 Act<sup>(c)</sup>.”.

### **Amendment of the Waste Management Licensing (Scotland) Regulations 2011**

3. The Waste Management Licensing (Scotland) Regulations 2011<sup>(d)</sup> are amended in accordance with regulations 4 to 6.

#### **Amendment of regulation 2 (interpretation)**

4. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition for “disposal licence”, insert—

““dry recyclable waste” means separately collected waste, that is—

(a) glass,

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(a) Section 45(1) was amended by S.S.I. 2012/148.

(b) Section 30(3)(c) was amended by paragraph 167(3) of schedule 13 of the Local Government etc. (Scotland) Act 1994 (c. 39).

(c) Section 45C was inserted by S.S.I. 2012/148.

(d) S.S.I. 2011/228, the relevant amending instrument is S.S.I. 2015/101.

- (b) metals,
- (c) plastics,
- (d) paper,
- (e) card (including cardboard),
- (f) fibre based composite material,

“dry waste stream” means a quantity of dry recyclable waste of the same type (such as glass),”

- (ii) after the definition for “exempt activity”, insert—

““fibre-based composite material” means packaging material which is made of paperboard or paper fibres, with a layer of plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand,”

- (iii) after the definition for “local authority”, insert—

““Materials Facilities Code” means the Code of Practice on Sampling and Reporting at Materials Facilities issued by the Scottish Ministers on 24 June 2024,”

- (iv) after the definition of “special waste”, insert—

““supplier” means—

- (a) where dry recyclable waste is collected pursuant to arrangements made under section 45(1)(a) or (b) of the 1990 Act<sup>(a)</sup> by a waste collection authority within the meaning of section 30(3)(c) of that Act<sup>(b)</sup>, the waste collection authority, except in a case falling within sub-paragraph (b),
- (b) where dry recyclable waste has been transferred from another materials facility, the operator of the materials facility from which that waste was transferred,
- (c) in a case not falling within sub-paragraph (a) or (b), the person who collected the dry recyclable waste, or if that person is not known, the person responsible for delivering it to the materials facility,”

- (b) after paragraph (2), insert—

“(2A) In these Regulations—

- (a) “materials facility” means—

- (i) a materials recovery facility, being a facility where dry recyclable waste is treated in order to separate that waste into a dry waste stream or streams, or
- (ii) a facility where dry recyclable waste from more than one supplier is consolidated into bulk quantities—
  - (aa) as a first point of consolidation, or
  - (bb) following the first consolidation of bulk quantities, transferred from other suppliers,

for the purpose of selling or transferring the dry recyclable waste to other facilities or persons to enable that waste to be prepared for re-use or recycling,

- (b) a reference to a materials facility does not include a bring site as defined by section 45C(7) of the 1990 Act<sup>(c)</sup>.”

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(a) Section 45(1) was amended by S.S.I. 2012/148.

(b) Section 30(3)(c) was amended by paragraph 167(3) of schedule 13 of the Local Government etc. (Scotland) Act 1994 (c. 39).

(c) Section 45C was inserted by S.S.I. 2012/148.

**Amendment of regulation 13B (conditions of waste management licences: materials recovery facilities)**

5. For regulation 13B (conditions of waste management licences: materials recovery facilities), substitute—

**“Conditions of waste management licences: materials facilities**

**13B.** A waste management licence that is granted or varied on or after 1 April 2025 by the waste regulation authority which authorises the treatment of dry recyclable waste at a materials facility must contain a condition requiring the holder of a licence to comply with the Materials Facilities Code.”.

**New regulation 17A**

6. After regulation 17 (exemptions from waste management licensing), insert—

**“Exemptions from waste management licensing: additional requirement for materials facilities**

**17A.** A materials facility which carries on an exempt activity set out in paragraph 11 or 17 of schedule 1 must, as a condition of that exemption, comply with the Materials Facilities Code.”.

*GILLIAN MARTIN*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
25th June 2024

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Pollution Prevention and Control (Scotland) Regulations 2012 (“the 2012 Regulations”) and the Waste Management Licensing (Scotland) Regulations 2011 (“the 2011 Regulations”). The amendments are required following the introduction of the Code of Practice on Sampling and Reporting at Materials Facilities issued by the Scottish Ministers on 24 June 2024 (the “Materials Facilities Code”), replacing the previous Code issued on 2 March 2015, and in order to expand the scope of facilities required to comply with the terms of the Materials Facilities Code.

Regulation 2 substitutes regulation 32A of the 2012 Regulations to require that permits granted or varied for materials facilities on or after 1 April 2025 must include a condition requiring the operator to comply with the Materials Facilities Code.

Regulation 5 substitutes regulation 13B of the 2011 Regulations to require that waste management licences which authorise the treatment of dry recyclable waste at a materials facility granted or varied on or after 1 April 2025 must contain a condition requiring the licence holder to comply with the Materials Facilities Code.

Regulation 6 inserts new regulation 17A into the 2011 Regulations to require that materials facilities carrying on an exempt activity set out paragraph 11 or 17 of schedule 1 of the 2011 Regulations must, as a condition of that exemption, comply with the Materials Facilities Code.

This instrument supports the introduction of Extended Producer Responsibility for packaging. A Business Regulatory Impact Assessment of the effect that Extended Producer Responsibility for packaging will have on the costs of business has been placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government, Producer Responsibility Division, Area 3H South Victoria Quay, Edinburgh EH6 6QQ, and online at [legislation.gov.uk](http://legislation.gov.uk).

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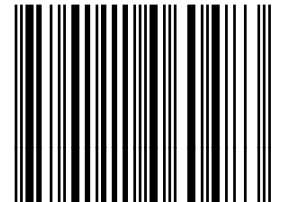




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