
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2009 No.

The Waste Batteries (Scotland) Regulations 2009

Amendment of the 2003 Regulations

- 7.—(1) The 2003 Regulations are amended as follows.
- (2) In regulation 2(1)—
- (a) after the definition of “the 2000 Regulations” insert—
- ““Batteries Directive” means Directive [2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators;
- “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;”;
- (b) after the definition of “holder” insert—
- ““industrial battery” means any battery or battery pack which is—
- (a) designed exclusively for industrial or professional uses;
- (b) used as a source of power for propulsion in an electric vehicle;
- (c) unsealed but is not an automotive battery; or
- (d) sealed but is not a portable battery;”;
- (c) after the definition of “operator” insert—
- ““portable battery” means any battery or battery pack which—
- (a) is sealed;
- (b) can be hand-carried by an average natural person without difficulty; and
- (c) is neither an automotive battery nor an industrial battery;”;
- (d) after “treatment” insert “, except in relation to waste batteries,”.
- (3) After regulation 2(1) insert—
- “(1A) In relation to batteries and subject to regulation 2(1), expressions defined in Article 3 of the Batteries Directive have the same meanings in these Regulations as in that Directive.”.
- (4) In regulation 11—
- (a) insert after sub-paragraph (1)(f)—
- “(fa) as from 1st January 2010, waste industrial or automotive batteries;”;
- (b) insert after paragraph (2)—
- “(2A) Sub-paragraph (1)(fa) does not prohibit the acceptance 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.”.