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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**The Waste (Scotland) Regulations 2011**

**Amendment of the Pollution Prevention and Control (Scotland) Regulations 2000**

7.—(1) The Pollution Prevention and Control (Scotland) Regulations 2000(1) are amended as follows.

(2) In regulation 2(1)—

(a) for the definition of “mobile plant” substitute—

““mobile plant” means plant which is—

- (a) designed and intended to move or be moved regularly from place to place with a view to being used at each place, or if not so designed is readily capable of so moving or being so moved and is intended for that purpose; and
- (b) used to carry out one or more activities listed in any section of Chapters 1 to 6 of Part 1 of Schedule 1;”;

(b) for the definitions of “the Waste Directive” and “waste” substitute—

““the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste;”;

““waste” means, unless the context otherwise requires, anything that is waste within the meaning of section 75(2) of the Environmental Protection Act 1990;”.

(3) In regulation 8(3)(a), for “Council Directive [75/442/EEC](#) on waste” substitute “the Waste Directive”.

(4) After regulation 9D insert—

**“Conditions of permits: waste oils**

**9E.**—(1) SEPA shall ensure that any permit granted or varied on or after 27<sup>th</sup> March 2011 authorising any activity relating to waste oils contains conditions ensuring that, so far as technically feasible and economically viable—

- (a) waste oils having different characteristics are not mixed; and
- (b) waste oils are not mixed with other kinds of waste or substances, if such mixing would impede their treatment.

(2) In this regulation, “waste oils” and “treatment” have the same meanings as in the Waste Directive.

**Conditions of permits: incineration or co-incineration with energy recovery**

**9F.**—(1) SEPA shall ensure that any permit granted or varied on or after 27<sup>th</sup> March 2011 authorising the incineration or co-incineration of waste with energy recovery contains

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(1) [S.S.I. 2000/323](#), as relevantly amended by [S.S.I. 2002/493](#) regulation 3; [2003/146](#) regulation 3(a)(ii) and (b) and 19(a) and (d); [2003/170](#) regulations 6 and 9; [2003/235](#) Schedule 6 paragraph 3(2); [2004/26](#) regulation 10; [2004/112](#) regulation 3(2); [2005/340](#) regulations 3 and 11(b); [2005/510](#) regulation 6(a) and [2009/247](#) regulation 6 and [2009/336](#) regulation 2(2).

conditions ensuring that the recovery of energy takes place with a high level of energy efficiency.

(2) In this regulation—

“co-incineration” has the same meaning as in Schedule 1 Part 1 Section 5.1;

“incineration” means the thermal treatment of wastes.”.