

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2003 No. 235**

**The Landfill (Scotland) Regulations 2003**

**PART I**

**PRELIMINARY**

**Interpretation**

**2.—(1) In these Regulations—**

“the 2000 Regulations” means the Pollution Prevention and Control (Scotland) Regulations 2000(1);

“biodegradable waste” means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food, garden waste, paper and cardboard.

“hazardous waste” means any waste as defined by Article 1(4) of Directive 91/689/EEC(2) on hazardous waste;

“holder” means the producer of waste or the person who is in possession of it;

“inert waste” means waste which—

- does not undergo any significant physical, chemical or biological transformations;
- does not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm to human health; and
- has insignificant total leachability and pollutant content and ecotoxicity of its leachate are insignificant and, in particular, does not endanger the quality of any surface water or groundwater;

“isolated settlement” means a settlement –

- (a) with no more than 500 inhabitants per municipality or settlement and no more than 5 inhabitants per square kilometre; and
- (b) where the distance to the nearest urban agglomeration with at least 250 inhabitants per square kilometre is not less than 50km, or with difficult access by road to those nearest agglomerations, due to harsh meteorological conditions during a significant part of the year;

“landfill” means a landfill to which these Regulations apply (see regulations 3 and 4);

“landfill gas” means any gas generated from landfilled waste;

“landfill permit” means the permit which is required by the 2000 Regulations for the carrying out of the disposal of waste in a landfill;

“leachate” means any liquid percolating through deposited waste and emitted from or contained within a landfill;

---

(1) S.S.I. 2000/323.

(2) O.J. No. L 337, 31.12.91, p.20 as amended by Council Directive 94/31/EC (O.J. L 168, 2.7.1994, p.28).

“municipal waste” means waste from households as well as other waste which because of its nature or composition is similar to waste from households;

“non-hazardous waste” means waste which is not hazardous waste;

“operator” has the meaning given by regulation 2(1) of the 2000 Regulations;

“relevant authorisation” means, in relation to a landfill, the landfill permit or waste management licence for the time being in force in relation to the landfill;

“relevant waste acceptance criteria” means, in relation to a landfill, the waste acceptance criteria set out in Schedule 2 which apply to the class of landfill to which that landfill belongs;

“treatment” means physical, thermal, chemical or biological processes (including sorting) that change the characteristics of waste in order to reduce its volume or hazardous nature, facilitate its handling or enhance recovery;

“waste” means controlled waste within the meaning of section 75(4) of the Environmental Protection Act 1990<sup>(3)</sup>;

“waste management licence” means a waste management licence within the meaning of Part II of the Environmental Protection Act 1990; and

other expressions which are also used in Directive 99/31/EC on the landfill of waste<sup>(4)</sup> shall have the same meaning as in that Directive.

- (2) In these Regulations, unless the context otherwise requires, any reference to—
- (a) a numbered regulation or Schedule is a reference to the regulation in, or Schedule to, these Regulations bearing that number; and
  - (b) a numbered paragraph is a reference to the paragraph in that regulation or Schedule bearing that number in the regulation or Schedule of which that paragraph forms part.

(3) 1990 c. 43 and see regulation 7A of S.I. 1992/588 as amended by S.I. 1993/566, regulations 1 and 24(8) of, and paragraph 9 to, Schedule 4 of S.I. 1994/1056 and the amendments made to section 75(2) for the purposes of these Regulations by paragraph 88 of Schedule 22 to the Environment Act 1995 (c. 25) by S.S.I. 2003/206.

(4) O.J. No. L 182, 16.7.1999, p.1; the Directive was designated by S.S.I. 2003/185 as a relevant directive for the purposes of paragraph 20(2)(c) of Schedule 1 to the 1999 Act.