
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 157

The Landfill Allowances Scheme (Scotland) Regulations 2005

PART 3

Monitoring

Determining the amount of biodegradable municipal waste in amounts of waste

- 13.**—(1) The provisions in this regulation apply for the purposes of—
- (a) determining whether a waste disposal authority is liable to a penalty under section 9 of the Act;
 - (b) the provisions in—
 - (i) section 10(2)(a), (b) and (d) of the Act,
 - (ii) regulation 14.
- (2) For the purposes mentioned in paragraph (1) it must be assumed that—
- (a) the amount of biodegradable municipal waste in an amount of collected municipal waste is 63% by weight (rounded up to the nearest tonne);
 - (b) an amount of separated municipal waste is comprised only of those types of waste which it is the purpose of the process of separation to separate;
 - (c) where an amount of separated municipal waste is comprised of a type of waste which is listed in the first column of the table in the Schedule to these Regulations, the amount of biodegradable municipal waste by weight in that type of waste is the corresponding amount in the second column of that table (rounded up to the nearest relevant amount).
- (3) In paragraph (2)—
- “amount of collected municipal waste” means the amount of collected municipal waste for any period of time, but such period must not be less than three months;
- “nearest relevant amount means”
- (a) the nearest tonne, or
 - (b) where the amount of biodegradable municipal waste referred to in paragraph (2)(c) is—
 - (i) less than 10 tonnes, the nearest 100 kilograms,
 - (ii) less than 1 tonne, the nearest 10 kilograms; and
- “separated municipal waste” means waste which has been separated from other municipal waste, whether the separation occurs before or after the waste comes into the possession or under the control of a waste disposal authority or a waste collection authority.