
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 22

The Waste (Scotland) Regulations 2005

Amendment of the Waste Management Licensing Regulations 1994

- 6.—(1) The 1994 Regulations are amended as follows.
- (2) In regulation 1(3) (interpretation), the following definition is inserted at the appropriate place—
““mines or quarries waste” means waste from a mine or quarry;”.
- (3) Subject to regulation 8(4) of these Regulations regulation 15 (groundwater) is revoked.
- (4) In regulation 16 (exclusion of activities under other control regimes from waste management licensing)—
- (a) in paragraph (1)(c) “and” is omitted;
 - (b) at the end of paragraph (1)(d) there is inserted—
“; and
 - (e) the disposal of agricultural waste under an authorisation granted under regulation 18 of the Groundwater Regulations 1998(1).”.
- (5) In regulation 18 (registration in connection with exempt activities)—
- (a) in paragraph (1) the words “, after 31st December 1994,” are omitted; and
 - (b) for paragraph (1A), there is substituted—
“(1A) Paragraph (1) above shall not apply in the case of an exempt activity falling within regulation 8 of the Waste (Scotland) Regulations 200[4].”.
 - (c) for paragraph (10)(c), there is substituted—
“in the case of an exempt activity falling within paragraph 23 of Schedule 3, the authority responsible for granting an authorisation under regulation 27 of the Animal By Products (Scotland) Regulations 2003(2) under which the exempt activity is carried on.”.
- (6) In regulation 20 (registration of brokers)—
- (a) in paragraph (1) the words “after 31st December 1994” are omitted; and
 - (b) in paragraph (4)—
 - (i) in sub paragraph (c) the word “or” where it secondly occurs, is deleted; and
 - (ii) at the end there is inserted—
“;
 - (e) arranges on behalf of another person (as dealer or broker) for the disposal or recovery of agricultural waste or mines or quarries waste only; or
 - (f) arranges on behalf of another person (as dealer or broker) for the disposal or recovery of waste comprising animal by-products only.”.

- (7)
 (1) In Schedule 3 (activities exempt from waste management licensing)–
 (a) in paragraph 12(3), for Table 3C, substitute–

TABLE 3C

<i>Code and type of waste (as referred to in Table 3B)*</i>	<i>Composting activity</i>	<i>Maximum total quantity (including storage and treatment)</i>
<i>Plant tissue waste 02 01 03</i>	Open air windrow composting without containment** and without any impermeable pavement or sealed drainage	400 Tonnes
<i>Wastes from forestry 02 01 07</i>		
<i>Waste bark and cork 03 01 01</i>		
<i>Biodegradable waste from gardens and park wastes (including cemetery waste 20 02 01)</i>		
<i>All above wastes namely 02 01 03, 02 01 07, 03 01 01, 20 02 01 plus 15 01 01, 02 01 06, 15 01 09, 20 01 10 and 20 01 11</i>	Open air windrow composting without containment** on an impermeable pavement with sealed drainage	400 Tonnes
<i>Any type of waste referred to in Table 3B</i>	Composting with containment** of waste	400 Tonnes

* Codes referred to in the European Waste Catalogue.
 ** Containment in this context means composting in a vessel, in a sealed building or by some other process equally effective to produce a wholly contained and controlled environment.

- (b) paragraph 16 is omitted;
 (c) for paragraph 23, there is substituted–

“**23.**—(1) The recovery of waste consisting of animal by-products at a collection centre in accordance with an authorisation under regulation 27 of the Animal By Products (Scotland) Regulations 2003 if the total quantity of waste being recovered at that collection centre at any time does not exceed 10 tonnes.

(2) The storage of the waste intended to be submitted to such treatment if–

- (a) storage takes place in a secure place; and
 (b) no waste is stored for more than twelve months.

(3) In this paragraph, “animal by-products” and “collection centre” have the same meaning as in the Community Regulation as defined in regulation 2(1) of the Animal By Products (Scotland) Regulations 2003(4).”.

- (2) in paragraph 30–

(3) A new paragraph 12 was inserted by regulation 14 of S.S.I. 2004/275.

(4) S.S.I. 2003/411.

- (i) for sub paragraph (1)(a) there is substituted “the waste consists of plant tissue;”;
(ii) at the beginning of sub paragraph (1)(b) there is inserted “it is agricultural waste or”; and
(iii) after sub paragraph (3), there is inserted–

“(4) The treatment of land for the benefit of agriculture or ecological improvement by incorporation into soil of ash from waste which is burned on that land in reliance on the exemption conferred by sub-paragraph (1) above .”.

(8) In Part I of Schedule 3A(5) (Plans and documents required for registration), for Table 4C, substitute–

TABLE 4C

<i>Codes referred to in European Waste Catalogue</i>	<i>Parameter</i>		<i>Oils & Fats</i>	<i>Potential toxic elements</i>	<i>Prescribed substances*</i>	<i>Carbon/Nitrogen ratio</i>
	<i>Neutralising Value</i>	<i>Micro-biology</i>				
03 03 11,	#			#	#	#
03 03 99						
02 01 99,		#		#	#	
03 01 01,						
03 01 05,						
03 03 01						
17 05 04,						
20 02 02						
02 02 03		#	#			
02 03, 02 04,	#		#			
02 05, 02 06,						
02 07						
03 03 09,	#			#	#	
10 13 04,						
10 01 99						

* ie. Substances prescribed in Schedule 6 to the Environmental (Prescribed Processes and Substances) Regulations 19916.

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<i>Codes referred to in European Waste Catalogue</i>	<i>Parameter</i>					
	<i>Neutralising Value</i>	<i>Micro-biology</i>	<i>Oils & Fats</i>	<i>Potential toxic elements</i>	<i>Prescribed substances*</i>	<i>Carbon/Nitrogen ratio</i>
02 01 03,		#		#	#	#
02 04 01,						
19 05 03,						
20 02 01						
04 02 10,						#
04 02 15,						
04 02 20,						
04 02 21,						
04 02 22						
04 01 07			#	#	#	
17 05 06,				#	#	
19 06 03,						
19 06 04,						
19 06 05,						
19 06 06						

* ie. Substances prescribed in Schedule 6 to the Environmental (Prescribed Processes and Substances) Regulations 19916.

- (9) In Part I of Schedule 4 (general provisions relating to the Waste Framework Directive etc.)—
- (a) in paragraph 9 (modifications of Part II of the Environmental Protection Act 1990) sub paragraph (6) is revoked;
 - (b) in paragraph 10 (modifications of Part I of the Control of Pollution Act 1974) sub paragraph (3) is omitted;
 - (c) in paragraph 11 (references to “waste” in planning and water legislation) for “1972” there is substituted “1997”; and
 - (d) in paragraph 12 (registration by professional collectors and transporters of waste, and by dealers and brokers)—
 - (i) for sub paragraphs (1) and (2) there is substituted—

“(1) Subject to sub paragraph (3) below, it shall be an offence for an establishment or undertaking falling within—

- (a) sub paragraph (a), (c), (f) or (g) of regulation 2(1) of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991; or
 - (b) sub paragraph (j) of that regulation 6 months after the relevant date,
- to collect or transport waste on a professional basis unless it is registered in accordance with the provisions of this paragraph.
- (2) Subject to the sub-paragraph (3) below, it shall be an offence for an establishment or undertaking falling within–
- (a) sub paragraph (a), (b) or (c) of regulation 20(4) of these Regulations; or
 - (b) sub paragraph (e) or (f) of that regulation after the relevant date,
- to arrange for the recovery or disposal of waste on behalf of another person unless it is registered in accordance with the provisions of this paragraph.”;
- (ii) in sub paragraph (11) for “and “controlled waste” have the same meaning as they have” there shall be substituted “has the same meaning as it has”.