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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under sections 20 and 36(2) and (3) of, and Schedule 2 to, the [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) (“the 2003 Act”).

Regulations 3 to 16 of these regulations amend the Waste Management Licensing Regulations 1994 (“the 1994 Regulations”) to make provision for the interaction between the waste management licensing regime under those Regulations and the regime under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 ([S.S.I. 2005/348](#)) (“the 2005 Regulations”). The 2005 Regulations were made under the 2003 Act and provide the mechanism by which activities which impact on the water environment are authorised and regulated in Scotland.

In particular—

- (a) Regulation 4 amends regulation 3 of the 1994 Regulations to add regulation 40(1) of the 2005 Regulations to the list of offences which may render a person unfit to hold a waste management licence;
- (b) Regulation 6 amends regulation 16 of the 1994 Regulations to provide that where a person is authorised under the 2005 Regulations in respect of certain waste management activities, the offence under section 33 of the Environmental Protection Act 1990 for failing to have a waste management licence will not apply;
- (c) Regulations 7 to 10 make provision to ensure that an exempt activity under the 1994 Regulations, which is a controlled activity within the meaning of the 2005 Regulations, is carried out in compliance with requirements similar to those which apply under the 2005 Regulations. Where that is the case, the person will be deemed to have been authorised under the 2005 Regulations; and
- (d) Regulations 3 and 11 to 16 make further amendments to the 1994 regulations in consequence of the 2003 Act and the 2005 Regulations.