
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 541

**The Waste Management Licensing
Amendment (Scotland) Regulations 2006**

Amendment of the Waste Management Licensing Regulations 1994

4. For regulation 17 (exemptions from waste management licensing) substitute—

“Exemptions from waste management licensing

17.—(1) Subject to the following provisions of this regulation and to any conditions or limitations in Schedule 3, section 33(1)(a) and (b) of the 1990 Act shall not apply in relation to the carrying on of any exempt activity set out in that Schedule.

(2) Paragraph (1) applies to the carrying on of an exempt activity insofar as it involves special waste—

- (a) only to the extent indicated in Schedule 3; and
- (b) provided that the activity does not involve the carrying out, by an establishment or undertaking, of their own disposal of such waste at the place of production.

(3) In the case of an exempt activity carried out by an establishment or undertaking on any land not within its ownership or control the establishment or undertaking shall obtain all consents necessary to enable the activity to be carried out.

(4) Unless otherwise indicated in Schedule 3, paragraph (1) does not apply to the carrying out of an activity in so far as it involves the storage or treatment of WEEE.

(5) In the case of an exempt activity involving the carrying out by an establishment or undertaking of the disposal or recovery of waste, paragraph (1) applies only if—

- (a) the type and quantity of waste; and
- (b) the method of disposal or recovery,

are consistent with ensuring the attainment of the objectives mentioned in paragraph 4(1) (a) of Part I of Schedule 4.

(6) In the case of a person carrying on an exempt activity which is a controlled activity, paragraph (1) applies only if that person—

- (a) takes all reasonable steps to secure efficient and sustainable water use; and
- (b) complies with the requirements of—
 - (i) Council Directive [80/68/EEC](#) on the protection of groundwater against pollution caused by certain dangerous substances **(1)**; and

(1) O.J. No. L 20, 26.1.1980, p.43; amended by Council Directive [91/692/EEC](#) standardizing and rationalizing reports on the implementation of certain Directives relating to the environment (O.J. No. L 377, 31.12.1991, p.48).

(ii) Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy⁽²⁾.

(7) For the purposes of Schedule 3, a container, lagoon or place is secure in relation to waste kept in it if all reasonable precautions are taken to ensure that the waste cannot escape from it and members of the public are unable to gain access to the waste, and any reference to secure storage means storage in a secure container, lagoon or place.

(8) For the purposes of Schedule 3, “benefit to agriculture or ecological improvement” shall be construed in accordance with Part 2 of Schedule 3A and any guidance issued under paragraph (9) of this regulation.

(9) A waste regulation authority shall have regard to any guidance issued to it by the Scottish Ministers with respect to the discharge of its functions in relation to an exempt activity.”.

(2) O.J. No. L 327, 22.12.2000, p.1; amended by Decision [2455/2001/EC](#) of the European Parliament and of the Council of 20th November 2001 establishing the list of priority substances in the field of water policy and amending Directive [2000/60/EC](#) (O.J. No. L 331, 15.12.2001, p.1).