
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 247

The Waste Batteries (Scotland) Regulations 2009

Amendment of the 2000 Regulations

- 6.—(1) The 2000 Regulations are amended as follows.
- (2) In regulation 2(1)—
- (a) after the definition of “the 2003 Regulations” insert—
- ““battery” means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or one or more secondary battery cells (rechargeable; an accumulator), but does not include any battery excluded from the scope of the Batteries Directive by Article 2(2) of that Directive;
- “Batteries Directive” means Directive [2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators;”;
- (b) after the definition of “hazardous waste” insert—
- ““industrial battery” means any battery or battery pack which is—
- (a) designed exclusively for industrial or professional uses;
- (b) used as a source of power for propulsion in an electric vehicle;
- (c) unsealed but is not an automotive battery; or
- (d) sealed but is not a portable battery;”;
- (c) after the definition of “pollutant” insert—
- ““portable battery” means any battery or battery pack which—
- (a) is sealed;
- (b) can be hand-carried by an average natural person without difficulty; and
- (c) is neither an automotive battery nor an industrial battery;”.
- (3) In regulation 2(3), after “Directive” where first occurring insert “(other than the Batteries Directive)”.
- (4) After regulation 2(3) insert—
- “(3A) In relation to batteries and subject to regulation 2(1), expressions defined in Article 3 of the Batteries Directive have the same meanings in these Regulations as in that Directive.”.
- (5) After regulation 9C insert—

“Conditions of permits: batteries

- 9D.**—(1) SEPA shall ensure that any permit granted or varied on or after 1st January 2010 authorising the incineration of waste contains conditions prohibiting the incineration of waste industrial and automotive batteries.

- (2) Such conditions shall not prohibit the incineration of residues of any batteries that have undergone both treatment and recycling, provided that the treatment and recycling—
- (a) used best available techniques, in terms of the protection of health and the environment; and
 - (b) complied, as a minimum, with Community legislation, in particular as regards health and safety and waste management.”.