

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2012 No. 148**

**The Waste (Scotland) Regulations 2012**

**Amendment of the Pollution Prevention and Control (Scotland) Regulations 2000**

**3.—**(1) The Pollution Prevention and Control (Scotland) Regulations 2000<sup>(1)</sup> are amended as follows.

(2) In regulation 2 (general interpretation)—

(a) insert as the first definition—

““the 1990 Act” means the Environmental Protection Act 1990;”;

(b) in the definition of “hybrid permit” for “9, 9C, 9D, 9E, 9F” substitute “9 to 9G”.

(3) In regulation 7(2)(a) (permits: general provisions), for “9, 9C, 9D, 9E, 9F or” substitute “9 to 9G,”.

(4) After regulation 9 (conditions of permits: specific requirements) insert—

**“Conditions of permits: separately collected waste**

**9A.—**(1) Subject to regulation 10, SEPA shall ensure that any permit granted or varied on or after 1st January 2014—

(a) in respect of any activity falling within Schedule 1 Part 1 Chapter 5, or within Section 6.8 of Chapter 6, contains such conditions as it considers necessary to ensure that no separately collected waste is mixed with any other waste or any material, to the extent that mixing would hamper further recycling;

(b) authorising the incineration or co-incineration of waste contains such conditions as it considers necessary to ensure that no separately collected waste capable of being recycled is incinerated or co-incinerated (as the case may be).

(2) In this regulation, and in regulations 9B and 9F where used—

“co-incineration” and “incineration” have the same meanings as in Schedule 1 Part 1 Section 5.1;

“dry recyclable waste” has the same meaning as in section 75 of the 1990 Act; and

“separately collected waste” means waste which has been collected and transported in accordance with section 34(2I) of the 1990 Act.

**Conditions of permits: incineration and co-incineration of metals and hard plastics**

**9B.** Subject to regulation 10, SEPA shall ensure that any permit granted or varied on or after 1st July 2012 authorising the incineration or co-incineration of municipal waste contains such conditions as it considers necessary to ensure where practicable that no waste including non-ferrous metals or hard plastics is incinerated or co-incinerated (as the case may be).”.

---

<sup>(1)</sup> [S.S.I. 2000/323](#); as amended by paragraph 7 of Part 2 of schedule 1 to the Antisocial Behaviour etc. (Scotland) Act 2004 ([asp 8](#)), by [S.I. 2007/2325](#), and by [S.S.I. 2002/493](#), [2003/146](#), [170](#), [221](#) and [235](#), [2004/26](#), [110](#), [112](#) and [512](#), [2005/101](#), [340](#) and [510](#), [2006/127](#), [2008/410](#), [2009/247](#) and [336](#), [2010/236](#) and [2011/171](#), [226](#), [285](#) and [418](#).

(5) In regulation 9F (conditions of permits: incineration or co-incineration with energy recovery), omit paragraph (2).

(6) In regulation 10(2) (standard rules), for “9, 9C, 9D, 9E, or 9F” substitute “9 to 9G”.

(7) In regulation 10A(1) (standard rules; conditions of permit), for “9, 9C, 9D, 9E, or 9F” substitute “9 to 9G”.

(8) In regulation 13(1) and (4) (variation of permits), for “9, 9C, 9D, 9E, 9F,” substitute “9 to 9G”.

(9) In regulation 22(11) (appeals), for “9C, 9D, 9E, 9F,” substitute “9A to 9G”.

(10) In Schedule 3 (prescribed dates and transitional arrangements), in paragraph 25 omit from “; and” to the end.

(11) In Schedule 4 (grant of permits), Part 1 (applications for permits)—

(a) in paragraph 1B—

(i) in sub-paragraph (1)—

(aa) at the end of head (d), omit “and”; and

(bb) after head (e) insert—

“(f) the plant will be equipped and operated in such a manner that no separately collected waste capable of being recycled is incinerated or co-incinerated (as the case may be); and

(g) the plant will be equipped and operated in such a manner as is practicable to ensure that no waste that includes non-ferrous metals or hard plastics is incinerated or co-incinerated (as the case may be).”; and

(ii) for sub-paragraph (2) substitute—

“(2) Sub-paragraph (1)—

(a) shall not apply to an existing installation in respect of which an application for a permit was duly made before 28th December 2004;

(b) head (f), shall not apply to an application for an installation intended to be operated before 1st January 2014;

(c) head (g), shall not apply to an application for an installation intended to be operated before 1st July 2012.

(3) In this paragraph “separately collected waste” means waste which has been collected and transported separately in accordance with section 34(2I) of the 1990 Act.”; and

(b) in paragraph 8, for head (b) substitute—

“(b) the carrying out of an activity falling within paragraphs (c)(ii), (d), (e) or (f) of Part B of Section 1.2 of Part 1 of Schedule 1 (unloading of petrol and motor vehicle refuelling activities at a service station);”.