

2016 No. 40

ENVIRONMENTAL PROTECTION

**The Waste Management Licensing (Scotland) Amendment
Regulations 2016**

<i>Made</i>	- - - -	<i>21st January 2016</i>
<i>Laid before the Scottish Parliament</i>		<i>25th January 2016</i>
<i>Coming into force</i>	- -	<i>30th March 2016</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Pollution Prevention and Control Act 1999(a) and all other powers enabling them to do.

In accordance with section 2(4) of that Act, they have consulted with the Scottish Environment Protection Agency, such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate, and such other bodies or persons as they consider appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Waste Management Licensing (Scotland) Amendment Regulations 2016 and come into force on 30th March 2016.

(2) In these Regulations, “the 2011 Regulations” means the Waste Management Licensing (Scotland) Regulations 2011(b).

Amendment of the Waste Management Licensing (Scotland) Regulations 2011

2.—(1) Subject to regulation 3, the 2011 Regulations are amended as follows.

(2) In Table 5 in paragraph 11 of Schedule 1 (exempt activities; activities carried on with a view to recovery or reuse), omit the entry for “Waste tyres”.

(3) In Table 9 in paragraph 17 of Schedule 1 (exempt activities; secure storage of certain waste types), omit the entry for “Tyres”.

(a) 1999 c.24 (“the 1999 Act”). There are amendments to section 2 which are not relevant to these Regulations. Under section 5(3) of the 1999 Act, that Act is to be taken to be a pre-commencement enactment within the meaning of the Scotland Act 1998 (c.46). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (O.J. L 312, 22.11.2008, p.3) was designated for the purposes of paragraph 20(2)(c) of Schedule 1 to the 1999 Act by S.S.I. 2010/131.

(b) S.S.I. 2011/228, to which there are amendments not relevant to these Regulations.

Transitional provisions

3.—(1) Paragraph (3) applies to an establishment or undertaking (“A”) which was carrying on an activity described in paragraph (2) (“the continuing activity”) before 30th March 2016 and which continues to carry on the activity on or after that date.

(2) The continuing activity referred to in paragraph (1) is—

- (a) the baling, sorting or shredding of waste tyres at any place, where that activity was an exempt activity by virtue of paragraph 11 of Schedule 1 to the 2011 Regulations immediately before 30th March 2016; or
- (b) the storage of tyres in a secure place, where that activity was an exempt activity by virtue of paragraph 17 of Schedule 1 to the 2011 Regulations immediately before 30th March 2016.

(3) Where this paragraph applies, the continuing activity carried on by A continues to be an exempt activity within the meaning of the 2011 Regulations until the date set out in paragraph (4).

(4) The date referred to in paragraph (3) is—

- (a) where A applies to the waste regulation authority for a waste management licence in relation to the activity before 30th September 2016—
 - (i) the date on which the licence applied for is granted; or
 - (ii) if the application is (or is deemed to be) rejected, the date on which—
 - (aa) the period for appealing expires without an appeal having been made; or
 - (bb) any appeal is withdrawn or finally determined; or
- (b) in any other case, 30th September 2016.

(5) In this regulation, “exempt activity”, “waste management licence” and “waste regulation authority” have the same meanings as in regulation 2 of the 2011 Regulations.

RICHARD LOCHHEAD
A member of the Scottish Government

St Andrew’s House,
Edinburgh
21st January 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Waste Management Licensing (Scotland) Regulations 2011 (“the 2011 Regulations”). Regulation 2 amends Schedule 1 to the 2011 Regulations which provides for activities which are exempt from the requirement to have a waste management licence.

Regulation 2(2) removes an exemption relating to the baling, sorting or shredding of a limited quantity of waste tyres with a view to their recovery or reuse. Regulation 2(3) removes an exemption relating to the storage of a limited number of waste tyres in a secure place.

Regulation 3 makes transitional provisions for persons carrying out activities under one of the exemptions being removed by regulation 2 when these Regulations come into force.

A Business Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Environmental Quality Division, Area 1-D North, Victoria Quay, Edinburgh, EH6 6QQ, and online at www.legislation.gov.uk.

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