
STATUTORY INSTRUMENTS

1992 No. 1368 (S.134)

PUBLIC HEALTH, SCOTLAND

The Control of Pollution (Licensing of Waste Disposal) (Scotland) Amendment Regulations 1992

<i>Made</i>	- - - -	<i>4th June 1992</i>
<i>Laid before Parliament</i>		<i>18th June 1992</i>
<i>Coming into force</i>	- -	<i>9th July 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 3(1), 30(4), 104(1) (a) and 105(1) of the Control of Pollution Act 1974((1)) and of all other powers enabling him in that behalf, and having regard to the matters referred to in section 4(3) of that Act, hereby makes the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Control of Pollution (Licensing of Waste Disposal) (Scotland) Amendment Regulations 1992, shall come into force on 9th July 1992 and shall extend to Scotland only.

(2) In these Regulations “the principal Regulations” means the Control of Pollution (Licensing of Waste Disposal) (Scotland) Regulations 1977((2)).

Amendment of the principal Regulations

2. In regulation 2(4) of the principal Regulations the following definitions shall be inserted in the appropriate places in alphabetical sequence:—

““agricultural purposes” means the growing of commercial food crops including the growing of such crops for stock-rearing purposes;”;

““sludge” has the same meaning as in the Sludge (Use in Agriculture) Regulations 1989((3));”.

3. Regulation 3(c) of the principal Regulations shall be amended as follows:—

(1) 1974 c. 40; section 105(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.
(2) S.I.1977/2006.
(3) S.I. 1989/1263, amended by S.I. 1990/880.

- (a) after the word “sewage” where it first and second appears there shall be inserted the words “or sludge”; and
- (b) for sub-paragraph (ii) there shall be substituted—
 - “(ii) sludge used in accordance with the Sludge (Use in Agriculture) Regulations 1989;”.

4.—(1) Regulation 4 of the principal Regulations (excepted cases under section 3(1)) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1)—

- (a) for the words “the provisions of paragraph (2)” there shall be substituted the words “paragraphs (2) and (4)”;
- (b) at the end of the sub-paragraph (k) the word “or” shall be omitted; and
- (c) there shall be added the following sub-paragraphs:—
 - “(m) sludge is deposited on land for the purpose of fertilising or otherwise beneficially conditioning that land; or
 - (n) waste is deposited on land, which is or is about to be used for agricultural purposes, for the purpose of fertilising or otherwise beneficially conditioning that land.”.

(3) In paragraph (2) after the words “(a) to (k)” there shall be added the words “and (m) and (n)”.

(4) After paragraph (3) there shall be added the following paragraph:—

“(4) Sub-paragraphs (m) and (n) of paragraph (1) above shall apply only if the following conditions are met:—

- (a) the waste shall be deposited directly on to the land and not in a lagoon or container;
- (b) the person depositing the waste shall, in so doing, have regard to any code of practice for the time being approved by the Secretary of State under section 51 of the Act⁽⁴⁾;
- (c) the person depositing the waste shall furnish to the disposal authority and to the river purification authority in whose respective areas the deposit is to be made particulars as follows:—
 - (i) where there is to be a single deposit of waste, he shall furnish, in advance of making the deposit, his name, telephone number and address, a description of the waste including the process from which it arises, an estimate of the quantity of the waste, and the location and intended date of deposit;
 - (ii) where there are to be regular or frequent deposits of wastes of a similar composition, he shall furnish, every six months, his name, telephone number and address, a description of the waste, including the process from which it arises, an estimate of the total quantity of waste he intends to deposit during the next six months, and the locations and frequency of the deposits; and he may deposit wastes of a different description from that notified provided that he furnishes amended particulars in advance of making the deposit.”.

(4) Section 51 was substituted by the Water Act 1989 (c. 15), Schedule 23, paragraph 5.

St Andrew's House,
Edinburgh
4th June 1992

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Control of Pollution (Licensing of Waste Disposal) (Scotland) Regulations 1977 which provide for a number of matters concerning the licensing of sites for the disposal of controlled waste under Part I of the Control of Pollution Act 1974.

They clarify the descriptions of waste prescribed in regulation 3(c) of the 1977 Regulations to be treated as industrial waste for the purposes of specified provisions of the 1974 Act. They also add to regulation 4(1) a further two prescribed types of controlled waste which, subject to certain conditions, are excepted from the requirement that the occupier of the site on which disposal operations are carried out should be the holder of a licence from the disposal authority.