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STATUTORY INSTRUMENTS

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**1996 No. 916 (S.100)**

**ENVIRONMENTAL PROTECTION**

**The Waste Management Licensing (Scotland) Regulations 1996**

*Made* - - - - 22nd March 1996  
*Laid before Parliament* 10th April 1996  
*Coming into force* - - 1st May 1996

The Secretary of State, in exercise of the powers conferred on him by section 74(6) of the Environmental Protection Act 1990(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the Waste Management Licensing (Scotland) Regulations 1996, shall extend to Scotland only and shall come into force on 1st May 1996.

(2) In these Regulations—

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

“the principal Regulations” means the Waste Management Licensing Regulations 1994(2); and

“Table 1” means Table 1 in regulation 4(1) of the principal Regulations.

**Technical competence-transitional provisions**

2.—(1) Where before 1st October 1996 a person has applied to the Waste Management Industry Training and Advisory Board for a certificate of technical competence and at any time in the 15 months ending on that date he acted as the manager of a facility of a type listed in Table 1 for which the certificate is a relevant certificate, then, until 1st October 2001, regulation 4 of the principal Regulations shall not apply to him in relation to either—

(a) any facility of that type; or

(b) a facility of any other type if—

(i) the certificate is a relevant certificate for that other type of facility; and

(ii) the entry for that other type of facility appears, in Table 1, after the entry in that Table for the type of facility in respect of which he acted as the manager,

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(1) 1990 c. 43.

(2) S.I.1994/1056, amended by S.I. 1995/288 and 1950.

and he shall be treated as technically competent for the purposes of section 74(3)(b) of the 1990 Act in relation to any such facility.

(2) Where a person is aged 55 or over on 1st October 1996 and in the 10 years ending on that date he has had at least 5 years experience as the manager of a facility of a type listed in Table 1, then, until 1st October 2006, regulation 4 of the principal Regulations shall not apply to him in relation to either—

- (a) any facility of that type; or
- (b) a facility of any other type if each certificate which is a relevant certificate for the type of facility in relation to which he has had such experience as manager is also a relevant certificate for that other type of facility,

and he shall be treated as technically competent for the purposes of section 74(3)(b) of the 1990 Act in relation to any such facility.

(3) Where at any time in the 12 months ending on 1st October 1996 a person has acted as the manager of a facility, regulation 4 of the principal Regulations shall not apply to him in relation to that facility and he shall be treated as technically competent for the purposes of section 74(3)(b) of the 1990 Act in relation to that facility.

(4) A person shall be treated as the manager of a facility for the purposes of paragraph (1), (2) or (3) above if and only if at the relevant time he was the manager of activities which were carried on at that facility and which were authorised by a resolution under section 54 of the 1990 Act<sup>(3)</sup>.

St Andrew's House,  
Edinburgh  
22nd March 1996

*Lindsay*  
Parliamentary Under Secretary of State,  
Scottish Office

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(3) Section 54 was amended by the Environment Act 1995 (c. 25), Schedule 23, paragraph 18.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations disapply regulation 4 of the Waste Management Licensing Regulations 1994 (qualifications required for a person to be technically competent) to managers of specified waste facilities operated by local authorities, who meet certain criteria as to age and experience. Such managers will be treated as technically competent for the purposes of section 74(3)(b) of the Environmental Protection Act 1990.