

*Draft Regulations laid before the Scottish Parliament under section 2 of the Pollution Prevention and Control Act 1999, for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**ENVIRONMENTAL PROTECTION**

**The Waste Management Licensing (Scotland) Regulations 2011**

*Made* - - - - - *2011*  
*Coming into force* - - - - - *27th March 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Pollution Prevention and Control Act 1999 (“the 1999 Act”)(1) and paragraph 1A of Schedule 2 to the European Communities Act 1972 (“the 1972 Act”)(2) and all other powers enabling them to do so.

In accordance with section 2(4) of the 1999 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.

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act, and it appears to the Scottish Ministers that it is expedient for the reference to Regulation 73/2009/EC(3) in paragraph 7 of Schedule 1 and for the references to Regulation 1069/2009/EC(4) in paragraphs 7 and 19 of Schedule 1 to be references to those instruments as amended from time to time.

In accordance with section 2(8) of the 1999 Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

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- (1) 1999 c.24, as relevantly amended by the Antisocial Behaviour etc. (Scotland) Act 2004 asp 8, schedule 2 Part 1 paragraph 5. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46), as read with section 5(3) of the 1999 Act. 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.
- (2) 1972 c.68, as relevantly amended by the Scotland Act 1998 (c.46) Schedule 8 paragraph 15(3); the Legislative and Regulatory Reform Act 2006 (c.51) Part 3 sections 27(1) and (2) and 28 and the European Union Amendment Act 2008 (c.7) Schedule 1 Part 1. The functions conferred on the Minister of the Crown under section 2(2) of the 1972 Act, so far as exercisable within devolved competence, were transferred to the Scottish Ministers by section 53 of the Scotland Act.
- (3) O.J. L 30, 31.1.2009, p.16, as amended by Commission Regulations 992/2009/EC (O.J. L 278, 23.10.2009, p.7) and 360/2010/EU (O.J. L 106, 28.4.2010, p.1) and by Council Regulation 1250/2009/EC (O.J. L 338, 19.12.2009, p.1).
- (4) O.J. L 300, 14.11.2009, p. 1.