

SCHEDULE

Regulation 8

MINOR REPEALS AND AMENDMENTS

PART 1

Public General Acts

The Environment Act 1995

1. In section 114(2)(a) of the Environment Act 1995 (power to delegate appeals functions), for sub-paragraph (vii) substitute—

“(vii) paragraph 6 of Schedule 5 to the Waste Management Licensing (Scotland) Regulations 2011.”.

The Waste and Emissions Trading Act 2003

2. For section 37 of the Waste and Emissions Trading Act 2003(1) (meaning of “waste” in Part 1) substitute—

“37. Meaning of waste in Part 1

(1) In this Part, “waste” means anything that—

(a) is waste within the meaning of Article 3(1) of the Waste Directive, as read with Articles 5 and 6, and

(b) is not excluded from the scope of the Waste Directive by Article 2(1), (2) or (3).

(2) For the purposes of this section, “the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste.”.

PART 2

Subordinate Legislation

The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000

3. In regulation 2(1) of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000(2)—

(a) in the definition of “disposal”, for “Annex IIA of Directive [75/442/EEC](#), as amended” substitute “Annex I of Directive [2008/98/EC](#)”; and

(b) in the definition of “used PCBs”, for “Directive [75/442/EC](#)” substitute “Directive [2008/98/EC](#)”.

4. In the title of Schedule 1 to those Regulations, for “Annex IIA of Directive [75/442/EEC](#) on waste, as amended” substitute “Annex I of Directive [2008/98/EC](#) on waste”.

(1) [2003 c. 33](#).
(2) [S.S.I. 2000/95](#).

The Pollution Prevention and Control (Scotland) Regulations 2000

5. In Schedule 1 Part 1 Section 1.1 to the Pollution Prevention and Control (Scotland) Regulations 2000, in the paragraph on interpretation of Section 1.1, in the definition of “waste oil” after “mineral based” insert “or synthetic”.

6. In Schedule 1 Part 1 to those Regulations, for the paragraph on interpretation of Chapter 5 substitute—

“This chapter should be interpreted in accordance with Articles 3 and 7 of the Waste Directive.”.

7. In Schedule 1 Part 1 Section 5.1 to those Regulations, in the paragraph on interpretation of Section 5.1—

(a) for the definition of “hazardous waste” substitute—

““hazardous waste” means any solid or liquid waste as defined in Articles 3(2) and 7 of the Waste Directive except for—

(a) combustible liquid wastes including waste oils as defined in Article 3(3) of the Waste Directive provided that they meet the following criteria:-

(i) the mass content of polychlorinated aromatic hydrocarbons, e.g. polychlorinated biphenyls (PCB) or pentachlorinated phenol (PCP) amounts to concentrations not higher than those set out in the relevant Community legislation;

(ii) these wastes are not rendered hazardous by virtue of displaying properties set out in Annex III to the Waste Directive;

(iii) the net calorific value amounts to at least 30 MJ per kilogramme; and

(b) any combustible liquid wastes which cannot cause, in the flue gas directly resulting from their combustion, emissions other than those from gas oil as defined in Article 2(2) of Council Directive [1999/32/EC](#) relating to a reduction in the sulphur content of certain liquid fuels, as amended by Directive [2005/33/EC](#) or a higher concentration of emissions than those resulting from the combustion of gas oil as so defined;”;

(b) for the definition of “waste” substitute—

““waste” means any solid or liquid waste as defined in Article 3(1) of the Waste Directive.”.

8. In Schedule 1 Part 1 Section 5.3 Part A to those Regulations—

(a) in paragraph (b), after “disposal” insert “or recycling”;

(b) in paragraph (c)(i), for “Annex IIA to Council Directive [75/442/EEC](#)” substitute “Annex I to the Waste Directive”;

(c) in paragraph (c)(ii), for “Annex IIA to Council Directive [75/442](#)” substitute “Annex I to the Waste Directive”;

(d) in the provisions on interpretation of Part A, in paragraph 1, for “Annex IIA to Council Directive [75/442/EEC](#) on waste” substitute “Annex I to the Waste Directive”; and

(e) in paragraph 2 of those provisions, for “Article 1 of Council Directive [75/439/EEC](#)” substitute “Article 3 of the Waste Directive”.

9. In Schedule 1 Part 1 Section 5.4 Part A to those Regulations—

(a) in paragraph (c), for “Council Directive [91/689/EEC](#)” substitute “the Waste Directive”;

(b) in sub-paragraph (c)(ii), omit “other than metals and metal compounds”; and

- (c) in the provisions on interpretation of Part A, in paragraph 3, for “Annex IIB” substitute “Annex II”.

The Landfill (Scotland) Regulations 2003

10. In regulation 2(1) of the Landfill (Scotland) Regulations 2003⁽³⁾—

- (a) for the definition of “European Waste Catalogue” substitute—
““European Waste Catalogue” means the list of wastes set out in Commission Decision [2000/532/EC](#) establishing a list of wastes;”;
- (b) for the definition of “hazardous waste” substitute—
““hazardous waste” means any waste which is to be considered as hazardous waste under Articles 3(2) and 7 of the Waste Directive;”;
- (c) for the definition of “waste” substitute—
““waste” means anything that is waste within the meaning of Article 3(1) of the Waste Directive;”;
- (d) for the definition of “Waste Framework Directive” substitute—
““Waste Framework Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste;”.

11. In regulation 4(c)(i) of those Regulations, for “Schedule 3 to the Waste Management Licensing Regulations 1994” substitute “Schedule 1 to the Waste Management Licensing (Scotland) Regulations 2011”.

The Packaging (Essential Requirements) Regulations 2003

12. In regulation 2(2) of the Packaging (Essential Requirements) Regulations 2003⁽⁴⁾—

- (a) in the definition of “packaging waste”, for “Article 1” substitute “Article 3”;
- (b) in the definition of “recovery”, for “Annex IIB” substitute “Annex II”; and
- (c) for the definition of “Waste Directive”, substitute—
““the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste.”.

The End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003

13. In regulation 2 of the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003⁽⁵⁾—

- (a) in the definition of “end-of-life vehicle”, for “Article 1(a)” substitute “Article 3(1)”;
- (b) in the definition of “recovery”, for “Annex IIB” substitute “Annex II”; and
- (c) for the definition of “Waste Directive” substitute—
““Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste;”.

14. In Schedule 1 paragraphs 1(a) and 2(a) to those Regulations, for “Article 4” substitute “Article 13”.

(3) [S.S.I. 2003/235](#), as relevantly amended by [S.S.I. 2003/343](#) regulation 3.

(4) [S.I. 2003/1941](#), to which there are amendments not relevant to these Regulations.

(5) [S.S.I. 2003/593](#).

*Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument.
This draft has been replaced by a new draft, The Waste (Scotland) Regulations 2012 ISBN 978-0-11-101665-7*

The End-of-Life Vehicles Regulations 2003

15. In regulation 2 of the End-of-Life Vehicles Regulations 2003⁽⁶⁾—
- (a) in the definition of “end-of-life vehicle”, for “Article 1(a)” substitute “Article 3(1)”;
 - (b) in the definition of “recovery”, for “Annex IIB” substitute “Annex II”; and
 - (c) for the definition of “the Waste Directive” substitute—
““the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste.”.

The End-of-Life Vehicles (Producer Responsibility) Regulations 2005

16. In regulation 2 of the End-of-Life Vehicles (Producer Responsibility) Regulations 2005⁽⁷⁾—
- (a) for the definition of “end-of-life vehicle” substitute—
““end-of-life vehicle” means a vehicle which is waste within the meaning of Article 3(1) of the Waste Directive;”;
 - (b) in the definition of “recovery”, for “Annex IIB” substitute “Annex II”; and
 - (c) for the definition of “the Waste Directive” substitute—
““the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste.”.

The Landfill Allowances Scheme (Scotland) Regulations 2005

17. In regulation 2(1) of the Landfill Allowances Scheme (Scotland) Regulations 2005⁽⁸⁾—
- (a) for the definition of “disposal” substitute—
““disposal” has the meaning given by regulation 2(1) of the Waste Management Licensing (Scotland) Regulations 2011;”;
 - (b) for the definition of “European Waste Catalogue” substitute—
““European Waste Catalogue” means the list of wastes set out in Commission Decision [2000/532/EC](#) establishing a list of wastes;”;
 - (c) for the definition of “recovery” substitute—
““recovery” has the same meaning as in Article 3 of, and Annex II to, Directive [2008/98/EC](#) of the European Parliament and of the Council on waste;”.

The Waste Electrical and Electronic Equipment Regulations 2006

18. In regulation 2(1) of the Waste Electrical and Electronic Equipment Regulations 2006⁽⁹⁾—
- (a) for the definition of “disposal” substitute—
““disposal” has the meaning given by Article 3 of, and Annex I to, Directive [2008/98/EC](#) of the European Parliament and of the Council on waste (“the Waste Directive”);”;
 - (b) for the definition of “recovery” substitute—

(6) [S.I. 2003/2635](#), to which there are amendments not relevant to these Regulations.

(7) [S.I. 2005/263](#).

(8) [S.S.I. 2005/157](#).

(9) [S.I. 2006/3289](#), to which there are amendments not relevant to these Regulations.

““recovery” has the meaning given by Article 3 of, and Annex II to, the Waste Directive, and “recover”, “recovered” and “recovery operation” shall be construed accordingly;”;

- (c) in paragraph (d) of the definition of “relevant authorisation” for “regulation 18 of the Waste Management Licensing Regulations 1994” substitute “regulations 17 and 19 of the Waste Management Licensing (Scotland) Regulations 2011”; and
- (d) in the definition of “waste electrical and electronic equipment”, for “Article 1(a) of Directive 2006/12/EC” substitute “Article 3(1) of Directive 2008/98/EC”.

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

19. In regulation 2(1) of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007(**10**), for the definition of “the Waste Directive” substitute—

““the Waste Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste;”.

20.—(1) In regulation 2(2) of those Regulations—

- (a) in the definition of “recovery”, for “Annex IIB” substitute “Annex II”; and
- (b) in paragraph (d) of the definition of “relevant authorisation”, for “regulation 18 of the Waste Management Licensing Regulations 1994” substitute “regulation 19 of the Waste Management Licensing (Scotland) Regulations 2011”.

(2) In paragraph 2 of Schedule 7 to those Regulations—

- (a) in sub-paragraph (b), for “Annex IIB” substitute “Annex II”; and
- (b) in sub-paragraph (c), for “Annex IIA or Annex IIB” substitute “Annex I or II”.

The Batteries and Accumulators (Placing on the Market) Regulations 2008

21. For regulation 7(3) of the Batteries and Accumulators (Placing on the Market) Regulations 2008(**11**) substitute—

“(3) In this regulation “waste battery” means any battery which is waste within the meaning of Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste.”.

The Renewables Obligation (Scotland) Order 2009

22. In Article 2(1) of the Renewables Obligation (Scotland) Order 2009(**12**)—

- (a) for the definition of “hazardous waste” substitute—

““hazardous waste” is as defined in Articles 3(2) and 7 of Directive 2008/98/EC of the European Parliament and of the Council on waste;”;

- (b) omit the definition of “Hazardous Waste Directive”.

The Waste Batteries (Scotland) Regulations 2009

23. In regulation 2 of the Waste Batteries (Scotland) Regulations 2009(**13**), for the definition of “waste battery” substitute—

(10) S.I. 2007/871.

(11) S.I. 2008/2164.

(12) S.S.I. 2009/140.

(13) S.S.I. 2009/247.

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument.
This draft has been replaced by a new draft, *The Waste (Scotland) Regulations 2012* ISBN 978-0-11-101665-7

““waste battery” means any battery which is waste within the meaning of Article 3(1) of Directive [2008/98/EC](#) of the European Parliament and of the Council on waste.”.

The Waste Batteries and Accumulators Regulations 2009

24. In regulation 2(1) of the Waste Batteries and Accumulators Regulations 2009(**14**), for the definitions of “disposal” and “waste battery” substitute—

““disposal” has the meaning given by Article 3 of, and Annex I to, Directive [2008/98/EC](#) of the European Parliament and of the Council on waste;”;

““waste battery” means any battery which is waste within the meaning of Article 3(1) of Directive [2008/98/EC](#);”.

25. In Schedule 4 Part 2 paragraph 12(2)(f) of those Regulations, for “regulation 18 of the Waste Management Licensing Regulations 1994” substitute “regulations 17 and 19 of the Waste Management Licensing (Scotland) Regulations 2011”.

The Management of Extractive Waste (Scotland) Regulations 2010

26. In regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010(**15**)—

(a) in paragraph (b) of the definition of “Category A waste facility”, for “Directive [91/689/EEC](#)” substitute “Articles 3(2) and 7 of Directive [2008/98/EC](#)”;

(b) omit the definition of “Directive [91/689/EEC](#)”;

(c) after the definition of “Directive [2000/60/EC](#)” insert—

““Directive [2008/98/EC](#)” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste;”;

(d) for the definition of “hazardous waste” substitute—

““hazardous waste” is as defined in Articles 3(2) and 7 of Directive [2008/98/EC](#);”;
and

(e) for the definition of “waste” substitute—

““waste” is as defined in Article 3(1) of Directive [2008/98/EC](#);”.

(14) S.I. 2009/890.

(15) S.S.I. 2010/60.