

SCHEDULE 10

CONSEQUENTIAL AMENDMENTS

PART 2

SUBORDINATE LEGISLATION

The Waste Management Licensing Regulations 1994

11.—(1) The Waste Management Licensing Regulations 1994⁽¹⁾ have effect subject to the following amendments.

(2) In regulation 1(3) after the definition of “the 1991 Regulations” insert—

““the 2000 Regulations” means the Pollution Prevention and Control (Scotland) Regulations 2000;”.

(3) In regulation 3 (relevant offences) after paragraph (n) insert—

“(o) regulation 30(1) of the 2000 Regulations.”.

(4) In regulation 10 (public registers)—

(a) after paragraph (1)(n) insert—

“(o) in Scotland, the following information contained in any register maintained by the Scottish Environment Protection Agency under regulation 27 of the 2000 Regulations to the extent that it relates to a specified waste management activity carried out in the area of the authority:—

- (i) current or recently current permits granted under the 2000 Regulations;
- (ii) variation notices under regulation 13 of the 2000 Regulations varying such permits;
- (iii) revocation notices under regulation 17 of those Regulations and suspension notices under regulation 20 of those Regulations issued in relation to such permits;
- (iv) notices of determination issued under regulation 16 of those Regulations in relation to applications made to surrender such permits.”;

(b) in paragraph (4), after “waste management licence” where those words first occur insert “and permits granted under the 2000 Regulations”;

(c) after paragraph (4) insert—

“(5) The Scottish Environment Protection Agency shall furnish waste regulation authorities with the particulars necessary to enable them to discharge their duty under paragraph (1)(o).”.

(5) In regulation 11 (information to be excluded or removed from register), after paragraph (2) insert—

“(3) Regulation 10(1)(o) shall not require a register maintained by a waste regulation authority under that sub-paragraph to contain any information which has been superseded by later information after 4 years have elapsed from that later information being entered in the register.”.

(6) In regulation 16 (exclusion from waste management licensing)—

(1) S.I. [1994/1056](#); relevantly amended by S.I. [1995/288](#) and [1996/972](#).

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- (a) after paragraph (1)(b) insert—
 - “(ba) the deposit in or on land, recovery or disposal of waste under a permit granted under the 2000 Regulations to operate a Part A installation;
 - (bb) the disposal of waste under a permit granted under the 2000 Regulations where the activity is or forms part of an activity within paragraph (a) or (b) of Part A of Section 5.1 (incineration) of Part 1 of Schedule 1 to those Regulations;
 - (bc) the disposal of waste under a permit granted under the 2000 Regulations where the activity is or forms part of an activity within paragraph (a) or (b) of Part B of Section 5.1 (incineration) of Part 1 of Schedule 1 to those Regulations in so far as the activity results in the release of substances into the air;”;
- (b) for “and (b)” in paragraph (2) substitute “, (b) and (bc)”;
- (c) after paragraph (2) insert—
 - “(3) In paragraph (1)(ba) “Part A installation” has the meaning given by regulation 2(1) of the 2000 Regulations.”.
- (7) In paragraph (10) of regulation 18 (registration in connection with exempt activities)—
 - (a) in sub-paragraph (a), after “Schedule 3” in sub-paragraph (i) insert “and carried out under an authorisation granted under Part I of the 1990 Act”;
 - (b) after sub-paragraph (a) insert—
 - “(aa) in the case of an exempt activity falling within—
 - (i) paragraph 1A, 2A, 3 or 24 of Schedule 3 and carried out under a permit under the 2000 Regulations;
 - (ii) paragraph 4 of Schedule 3 if it involves the coating or spraying of metal containers as or as part of an activity within Part B of Section 6.4 (coating activities and printing) of Part 1 of Schedule 1 to the 2000 Regulations and the activity is for the time being the subject of a permit granted under those Regulations, or if it involves storage related to that activity; or
 - (iii) paragraph 12 of Schedule 3 if it involves the composting of biodegradable waste as or as part of an activity within paragraph (a) of Part B of Section 6.8 (treatment of animal and vegetable matter) of Part 1 of Schedule 1 to the 2000 Regulations, the compost is to be used for the purpose of cultivating mushrooms and the activity is for the time being the subject of a permit granted under those Regulations, or if it involves storage related to that activity,
- the Scottish Environment Protection Agency granting the permit under the 2000 Regulations authorising the exempt activity;”.
- (8) In regulation 20(2)(a), after “1990 Act” insert “a permit under the 2000 Regulations,”.
- (9) In Schedule 3—
 - (a) after paragraph 1 insert—
 - “**1A.**—(1) The use, under a permit under the 2000 Regulations, of waste glass as part of an activity within Part B of Section 3.3 (the manufacture of glass and glass fibre) of Part 1 of Schedule 1 to the 2000 Regulations if the total quantity of waste glass so used in that activity does not exceed 600,000 tonnes in any period of twelve months.
 - (2) The storage, at the place where the activity is carried out, of any such waste which is intended to be so used.”;
 - (b) after paragraph 2 insert—

- “2A.—(1) The operation, under a permit under the 2000 Regulations, of a scrap metal furnace with a design holding capacity of less than 25 tonnes to the extent that it is or forms part of an activity within paragraph (a) or (d) of Part B of Section 2.1 (ferrous metals) or paragraph (a) or (b) of Part B of Section 2.2 (non-ferrous metals) of Part 1 of Schedule 1 to the 2000 Regulations.
- (2) The loading or unloading of such a furnace in connection with its operation in a manner covered by the exemption conferred by sub-paragraph (1).
- (3) The storage, at the place where such a furnace is located (but not in cases where that place is used for carrying on business as a scrap metal dealer) of scrap metal intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (1).”;
- (c) in paragraph 3(a), after “the 1990 Act” insert “or a permit under the 2000 Regulations” and after “1991 Regulations” insert “or an activity within Part B of any Section of Part 1 of Schedule 1 to the 2000 Regulations”;
- (d) in paragraph 3(d), after “1990 Act” insert “or a permit under the 2000 Regulations” and after “1991 Regulations” insert “or an activity within Part B of Section 1.1 of Part 1 of Schedule 1 to the 2000 Regulations”;
- (e) in paragraph 24(1), after “1991 Regulations” insert “or under a permit under the 2000 Regulations, to the extent that it is or forms part of an activity within paragraph (a) of Part B of Section 3.5 (other mineral activities) of Part 1 of Schedule 1 to the 2000 Regulations”;
- (f) in paragraph 29(1), after “1991 Regulations” insert “or an exempt incineration plant for the purposes of Section 5.1 of Part 1 of Schedule 1 to the 2000 Regulations”;
- (g) in paragraph 44(3), after “1991 Regulations” insert—
“or an activity described in Section 2.1 (other than in paragraph (d) of Part B) of Part 1 of Schedule 1 to the 2000 Regulations”;
- (h) in paragraph 44(4), after “1991 Regulations” insert—
“or an activity described in Part A of Section 2.2 of Part 1 of Schedule 1 to the 2000 Regulations”;
- (i) in paragraph 45(2)(a) after “1990 Act” insert “or a permit under the 2000 Regulations”.
- (10) In Schedule 4—
- (a) in paragraph 1, after “under Part I of the 1990 Act,” in the definition of “permit” insert “a permit under the 2000 Regulations.”;
- (b) after paragraph 2(4) insert—
“(5) In a case where the recovery or disposal of waste is or forms part of an activity carried out at a Part B installation and requires a waste management licence, nothing in sub-paragraph (1) shall require a competent authority to discharge its functions under—
(a) the 2000 Regulations for any purpose other than preventing or, where that is not practicable, reducing emissions into the air;
(b) Part II of the 1990 Act for the purpose of preventing or reducing emissions into the air.
- (6) In sub-paragraph (5), “Part B installation” has the meaning given by regulation 2(1) of the 2000 Regulations.”;
- (c) in paragraph 3(1), at the end of Table 5 in sub-paragraph (1) insert—

“The Scottish Environment Protection Agency, Their respective functions in relation to the Scottish Ministers or a person appointed permits under the 2000 Regulations except

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*under section 114(1)(a) of the Environment Act in relation to the carrying out of an exempt
1995. activity under such permits.”.*
