

## SCHEDULE 4

### Transitional Provisions

## PART 6

### Low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk materials or carcasses containing them<sup>(1)</sup>

1. By way of derogation from Article 12(3) of the Community Regulation, the Scottish Ministers may approve the use of low capacity incineration or co-incineration plants which do not meet the requirements laid down in Annex IV to the Community Regulation if they are operated in accordance with this Part.

2.—(1) Approval shall be suspended immediately if the conditions under which it was granted are not fulfilled.

(2) Once suspended, the approval shall only be reinstated subject to fulfilment of the requirements of the Community Regulation in their entirety, including Annex IV to that Regulation.

(3) Any material not incinerated in accordance with this Part or the Community Regulation shall be disposed of as instructed by an inspector.

3. The approval shall only be granted to incinerators that were in operation 1st November 2002.

4. The operator shall take all necessary measures to ensure that—

- (a) animal by-products are handled and stored safely and incinerated or co-incinerated without undue delay in such a way that they are reduced to dry ash;
- (b) the dry ash is disposed of properly and records are kept of the quantity and description of the animal by-products incinerated and the date of incineration;
- (c) the dry ash is not removed from the combustion chamber unless combustion is complete; and
- (d) transportation and intermediate storage of the dry ash takes place in a closed container to prevent dispersal in the environment and the dry ash is disposed of safely,

and failure to do so shall be an offence.

5. In the case of a breakdown or malfunction, the operator must reduce or close down operations as soon as practicable until normal operations can be resumed, and failure to do so shall be an offence.

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(1) This Part of the Schedule implements Commission Decision [2003/327/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them, O.J. No. L 117, 13.5.2003, p. 44.