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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 22**

**The Waste (Scotland) Regulations 2005**

**Amendment of the Controlled Waste Regulations 1992**

5.—(1) The Controlled Waste Regulations 1992(1) are amended as follows.

(2) Regulation 1(4)(a) is revoked.

(3) In regulation 7, for paragraphs (3) and (4), there is substituted—

“(3) Waste which comprises animal by-products collected and transported in accordance with Article 7(1) or 7(2) of the Community Regulation shall not be treated as industrial waste or commercial waste for the purposes of section 34 (duty of care as respects waste).

(4) In this regulation, “Community Regulation” has the same meaning as in regulation 2(1) of the Animal By-Products (Scotland) Regulations 2003 and “animal by-products” has the same meaning as in the Community Regulation.”.

(4) In Schedule 3 (waste to be treated as industrial waste)—

(a) paragraph 14 is omitted;

(b) at the end the following shall be added—

“**19.** Any other waste which is Directive Waste, with the exception of any waste which is expressed by any other provision of these Regulations or section 75(5) or (7) of the Environmental Protection Act 1990 to be household waste or commercial waste.”.

(5) In Schedule 4 (waste to be treated as commercial waste) at the end the following shall be added—

“**10.** Waste from premises used for the purposes of breeding, boarding, stabling or exhibiting animals.”.