

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 ^{M1} (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.”.

Marginal Citations

M1 [2003 c. 33](#).

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 ^{M2}—

- (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](#)”.

Changes to legislation: There are currently no known outstanding effects for the *The Waste (Scotland) Regulations 2011*. (See end of Document for details)

Marginal Citations

M2 S.S.I. 2000/95.

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 ”.

The Pollution Prevention and Control (Scotland) Regulations 2000

^{F1}5.

F1 Sch. paras. 5-9 revoked (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012](#) (S.S.I. 2012/360), reg. 1(2), **sch. 12** (with reg. 71)

^{F1}6.

F1 Sch. paras. 5-9 revoked (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012](#) (S.S.I. 2012/360), reg. 1(2), **sch. 12** (with reg. 71)

^{F1}7.

F1 Sch. paras. 5-9 revoked (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012](#) (S.S.I. 2012/360), reg. 1(2), **sch. 12** (with reg. 71)

^{F1}8.

F1 Sch. paras. 5-9 revoked (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012](#) (S.S.I. 2012/360), reg. 1(2), **sch. 12** (with reg. 71)

^{F1}9.

F1 Sch. paras. 5-9 revoked (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012](#) (S.S.I. 2012/360), reg. 1(2), **sch. 12** (with reg. 71)

The Landfill (Scotland) Regulations 2003

10. In regulation 2(1) of the Landfill (Scotland) Regulations 2003 ^{M3}—

- (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;” and
- (d) for the definition of “Waste Framework Directive” substitute—

Changes to legislation: There are currently no known outstanding effects for the *The Waste (Scotland) Regulations 2011*. (See end of Document for details)

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

Marginal Citations

M3 [S.S.I. 2003/235](#), as relevantly amended by [S.S.I. 2003/343](#) regulation 3.

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

F²12.

F2 [Sch. para. 12](#) revoked (1.10.2015) by [The Packaging \(Essential Requirements\) Regulations 2015 \(S.I. 2015/1640\)](#), [reg. 1](#), [Sch. 6](#) (with [reg. 3\(5\)](#))

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 ^{M4}—

- (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;”.

Marginal Citations

M4 [S.S.I. 2003/593](#).

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

The End-of-Life Vehicles Regulations 2003

15. In regulation 2 of the End-of-Life Vehicles Regulations 2003 ^{M5}—

- (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.”.

Marginal Citations

M5 [S.I. 2003/2635](#), to which there are amendments not relevant to these Regulations.

Changes to legislation: There are currently no known outstanding effects for the The Waste (Scotland) Regulations 2011. (See end of Document for details)

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

- 16.** In regulation 2 of the End-of-Life Vehicles (Producer Responsibility) Regulations 2005 ^{M6}—
- (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.”.

Marginal Citations

M6 [S.I. 2005/263](#).

The Landfill Allowances Scheme (Scotland) Regulations 2005

- 17.** In regulation 2(1) of the Landfill Allowances Scheme (Scotland) Regulations 2005 ^{M7}—
- (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;”.

Marginal Citations

M7 [S.S.I. 2005/157](#).

The Waste Electrical and Electronic Equipment Regulations 2006

- 18.** In regulation 2(1) of the Waste Electrical and Electronic Equipment Regulations 2006 ^{M8}—
- (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—
““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](#) ”.

Marginal Citations

M8 [S.I. 2006/3289](#), to which there are amendments not relevant to these Regulations.

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

19. In regulation 2(1) of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 ^{M9}, 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;”.

Marginal Citations

M9 [S.I. 2007/871](#).

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 ^{M10} 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.”.

Marginal Citations

M10 [S.I. 2008/2164](#).

The Renewables Obligation (Scotland) Order 2009

22. In Article 2(1) of the Renewables Obligation (Scotland) Order 2009 ^{M11}—

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

Changes to legislation: There are currently no known outstanding effects for the *The Waste (Scotland) Regulations 2011*. (See end of Document for details)

Marginal Citations

M11 [S.S.I. 2009/140](#).

The Waste Batteries (Scotland) Regulations 2009

23. In regulation 2 of the Waste Batteries (Scotland) Regulations 2009 ^{M12}, for the definition of “waste battery” substitute—

““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.”.

Marginal Citations

M12 [S.S.I. 2009/247](#).

The Waste Batteries and Accumulators Regulations 2009

24. In regulation 2(1) of the Waste Batteries and Accumulators Regulations 2009 ^{M13}, 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](#);”.

Marginal Citations

M13 [S.I. 2009/890](#).

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 ^{M14}—

(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](#);”;

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

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

Changes to legislation: There are currently no known outstanding effects for the The Waste (Scotland) Regulations 2011. (See end of Document for details)

Marginal Citations

M14 [S.S.I. 2010/60](#).

Changes to legislation:

There are currently no known outstanding effects for the The Waste (Scotland) Regulations 2011.