

POLICY NOTE

THE ENVIRONMENTAL PROTECTION (DUTY OF CARE) (SCOTLAND) REGULATIONS 2014

SSI 2014/4

Purpose of the Regulations

These Regulations are made under section 34 of the Environmental Protection Act 1990, which imposes a range of duties on persons who import, produce, carry, keep, treat or dispose of controlled waste for the purposes of that Act.

These Regulations provide for persons subject to those duties of care to make, retain and produce documents. In particular, they provide for the waste being transferred to be accompanied by a transfer note.

They modernise the existing paper only transfer note requirements in the 1991 Duty of Care Regulations, and revoke those Regulations.

These Regulations allow the use of electronic duty of care transfer notes and electronic signatures. This change will facilitate and support the use of the electronic Duty of Care (eDoC) system being launched for use on a voluntary basis by UK authorities (including SEPA) early in 2014.

The Regulations also introduce a requirement for SIC codes to be recorded on transfer notes. This is consistent with transfer note requirements in other parts of the UK and has been a requirement in England and Wales since 2011.

The United Kingdom Standard Industrial Classification of Economic Activities (SIC) is used to classify business establishments and other standard units by the type of economic activity in which they are engaged. It provides a framework for the collection, tabulation, presentation and analysis of data and its use promotes uniformity. In addition, it can be used for administrative purposes and by non-government bodies as a convenient way of classifying industrial activities into a common structure.

SIC information is therefore valuable to help make strategic planning decisions, for example on the need for waste infrastructure. It is also required for providing data to the European Commission.

The eDoC system will be available for use (free of charge and on a voluntary basis) from the end of January 2014 and will include and make use of SIC codes.

Consultation

There has been no direct consultation on the detail of this Instrument. However, the changes being introduced by it were set out in new Duty of Care guidance published by the Scottish Government in October 2012. The new Duty of Care guidance was itself introduced to coincide with the introduction of the Waste (Scotland) Regulations 2012 which were approved by the Scottish Parliament in May 2012.

Impact Assessments

No impact assessments have been prepared as the impact of the changes being introduced by this instrument are considered negligible. Many Scottish waste management companies and operators operate across the UK and therefore already use SIC codes for customers in other parts of the UK. Clearly, for those businesses or operators not presently using SIC codes and choosing not to adopt eDoC, minor modification to current transfers notes will be required.

No financial implications are anticipated although with businesses now being permitted to store transfer notes electronically instead of hard copies there is some scope for businesses to reduce associated administrative costs.

Environmental Quality Division
The Scottish Government
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