
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 314

**The Waste (Miscellaneous Amendments)
(Scotland) Regulations 2020**

PART 2

Amendments to primary legislation

The Environmental Protection Act 1990

2.—(1) The Environmental Protection Act 1990⁽¹⁾ is amended as follows.

(2) In section 33(2B) (prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste) after “and accumulators” insert “as last amended by Directive (EU) 2018/849 of the European Parliament and of the Council⁽²⁾”.

(3) In section 34 (duty of care etc. as respects waste)—

- (a) in subsection (1)(ba) for “where technically feasible” substitute “unless doing so is not technically feasible, taking into account good practices”,
- (b) in subsection (2J), for paragraph (a) substitute—

“(a) the output is of comparable quantity and quality to that achieved through separate collection, and”,

(4) In section 45C (separate collection of dry recyclable waste and food waste), for subsection (4) substitute—

“(4) An authority need not comply with subsection (2) to the extent that—

- (a) it considers that—
 - (i) such non-compliance will not affect the potential of the waste to undergo preparing for re-use, recycling or other recovery operations, and
 - (ii) the resulting output will be of comparable quantity and quality to that achieved if subsection (2) were complied with, and
- (b) it is satisfied that dry recyclable waste will not be mixed with other waste that cannot be recycled.”.

⁽¹⁾ 1990 c.43; relevant amending instruments are S.S.I. 2009/247, S.S.I. 2011/226 and S.S.I. 2012/148.

⁽²⁾ OJ L 150, 14.6.2018, p.93.