
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 95

**The Environmental Protection (Disposal of
Polychlorinated Biphenyls and other Dangerous
Substances) (Scotland) Regulations 2000**

**PART I
GENERAL**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000 and shall come into force on 8th May 2000.

(2) These Regulations extend to Scotland only.

Interpretation and notices

2.—(1) In these Regulations—

“the 1995 Act” means the Environment Act 1995(1);

“applicant” means a person who applies for registration under regulation 6;

“contaminated equipment” means any equipment (including any transformer, capacitor or receptacle containing residual stocks) which—

(a) contains PCBs; or

(b) having contained PCBs, has not been decontaminated,

other than one which contains a total volume of PCBs, not exceeding 5 dm³, and for the purposes of this definition—

(i) the PCB volume of a power capacitor shall be measured by reference to all of the separate elements of a combined set; and

(ii) any thing of a type which may contain PCBs shall be treated as containing PCBs unless it is reasonable to assume the contrary;

“decontamination” means all operations which enable equipment, objects, materials or fluids contaminated by PCBs to be reused, recycled or disposed of under safe conditions, and which may include replacement, meaning all operations in which PCBs are replaced by suitable fluids not containing PCBs;

“the Directive” means Council Directive [96/59/EC](#) on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)(2);

(1) [1995 c. 25](#).

(2) O.J. No. L 243, 24.9.96, p.31

“disposal” means any of the operations D8, D9, D10, D12 (only in safe, deep, underground storage in dry rock formations and only for equipment containing PCBs or used PCBs which cannot be decontaminated) and D15 provided for in Annex IIA of Directive [75/442/EEC](#), as amended⁽³⁾ and set out in Schedule 1 to these Regulations;

“holder” means the person who is in possession of PCBs, including any used PCBs or of any equipment;

“PCBs” means any of the following substances:–

- polychlorinated biphenyls;
- polychlorinated terphenyls;
- monomethyl-dibromo-diphenyl methane;
- monomethyl-dichloro-diphenyl methane;
- monomethyl-tetrachlorodiphenyl methane,

and, except in regulations 4(3) and (4), 5(3), 6(2) and 9(3), includes any mixture containing any of those substances in a total of more than 0.005% by weight;

“registered holder” means a person registered with SEPA in accordance with regulation 6, and a registered holder is a registered holder in relation to particular equipment if a description of that equipment, including its location, has been furnished to SEPA;

“SEPA” means the Scottish Environment Protection Agency, established under section 20 of the 1995 Act;

“transformer” includes ancillary equipment, that is to say, equipment that is an integral part of the site of which the transformer is part, including radiators, bushings, through-wall bushings, and capacitors on air blast circuit breakers;

“used PCBs” mean any PCBs which are waste within the meaning of Directive [75/442/EEC](#)⁽⁴⁾.

(2) Other expressions used in these Regulations and in the Directive shall have the same meaning in these Regulations as they have in the Directive.

(3) Any reference in these Regulations to a numbered regulation is a reference to the regulation so numbered in these Regulations and any reference to a numbered paragraph is a reference to the paragraph so numbered in the regulation of which that paragraph forms part.

(4) Section 123 (service of documents) of the 1995 Act shall apply to any notice required or authorised by these Regulations to be served as it applies to notices required or authorised to be served by that Act.

(3) Council Directive [75/442/EEC](#) on waste (O.J. No. L 194, 25.7.75, p.39), amended by Council Directive [91/156/EEC](#) (O.J. No. L 78, 26.3.1991, p.32), Council Directive [91/692/EEC](#) (O.J. No. L 377, 31.12.1991, p.48) and Commission Decision [94/3/EC](#) (O.J. No. L 5, 7.1.94, p.15) and Council Decision [96/350/EC](#) (O.J. No. L 135, 6.6.96, p.32).

(4) See the definition of “waste” in Article 1 of Directive [75/442/EEC](#).