
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 157

The Landfill Allowances Scheme (Scotland) Regulations 2005

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Landfill Allowances Scheme (Scotland) Regulations 2005.

(2) Except as specified in paragraph (3) below, these Regulations shall come into force on 1st April 2005.

(3) Regulation 8 shall come into force on 1st April 2008.

(4) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Waste and Emissions Trading Act 2003;

“collected municipal waste” means municipal waste which is recovered or disposed of in pursuance of arrangements made by a waste disposal authority or a waste collection authority;

“disposal” has the same meaning as in Article 1(e) of Council Directive [75/442/EEC](#) on waste(1);

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000(2);

“European Waste Catalogue” means the list of wastes which, pursuant to Article 1(a) of Council Directive [75/442/EEC](#) on waste and Article 1(4) of Council Directive [91/689/EEC](#)(3) on hazardous waste, is set out in Commission Decision [2000/532/EC](#)(4);

“landfill allowance account” means the landfill allowance account contained in the landfill allowances register under regulation 16(2);

“Landfill Directive” means Council Directive [99/31/EC](#) on the landfill of waste(5);

“operator of a landfill” means the person who has control over the operation of the landfill;

“reconciliation period” means the period of 6 months following the end of a scheme year;

(1) O.J. No. L 194, 25.7.1975, p.39, as 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 [96/350/EC](#) (O.J. No. L 135, 6.6.1996, p.32).

(2) [2000 c. 7](#).

(3) O.J. No. L 377, 31.12.1991, p.20; as amended by Council Directive [94/31/EC](#) (O.J. No. L 168, 2.7.1994, p.28) and Corrigendum to Directive [91/689/EEC](#) (O.J. L 23, 30.1.1998, p.39).

(4) O.J. No. L 226, 6.9.2000, p.3; as amended by Commission Decisions [2001/118/EC](#) (O.J. No. L 47, 16.2.2001, p.1), [2001/119/EC](#) (O.J. No. L 47, 16.2.2001, p. 32) and Council Decision [2001/573/EC](#) (O.J. No. L 203, 28.7.2001, p.18).

(5) O.J. No. L 182, 16.7.1999, p.1.

“recovery” has the same meaning as in Article 1(f) of Council Directive [75/442/EEC](#) on waste;

“relevant authority” means—

- (a) the monitoring authority;
- (b) the Scottish Ministers;

“scheme year” means a year beginning with 1st April in any of 2005 to 2019⁽⁶⁾;

“treatment” has the same meaning as in section 22(4) of the Act;

“vintage” means in respect of landfill allowances allocated for—

- (a) different scheme years, the chronological order in which those allowances were allocated;
- (b) for the same scheme year, the order in which those landfill allowances were allocated for that year; and

“waste facility” means a facility for the disposal or recovery of waste other than a landfill;.

(2) In these Regulations references to waste being sent by a waste disposal authority to a landfill or a waste facility are references to waste being sent to such a landfill or facility in pursuance of arrangements made by the authority.

(3) In these Regulations a landfill allowance is available to a waste disposal authority for a scheme year if—

- (a) for the purposes of regulation 7 it has—
 - (i) been allocated to the authority for that scheme year, and
 - (ii) not subsequently been transferred or withdrawn;
- (b) for all other purposes it has been—
 - (i) allocated to the authority for that scheme year, or
 - (ii) banked, borrowed or transferred to that scheme year, and not subsequently been banked, borrowed, transferred or withdrawn.

Giving notices and notifications, and the submission of forms and returns

3.—(1) Subject to paragraph (2), where under these Regulations a person is required or authorised to—

- (a) submit a form, notice or return to another person; or
- (b) notify another person of any matter;

the form, notice, return or notification must be in writing.

(2) Where—

- (a) that other person has an address for the purposes of electronic communications—
 - (i) any return may be submitted, or
 - (ii) any notice or notification may be given,
 by way of such communications;
- (b) regulation 4(3)(a) applies, the form may be submitted to the monitoring authority by way of electronic communications to the address specified in the form;
- (c) regulation 4(3)(b) applies, the form may be submitted to the monitoring authority via the website;

⁽⁶⁾ The definition of “scheme year” in section 23(1) of the Act was amended by S.I.2004/1936, regulation 2(2).

- (d) a relevant authority maintains a website for the purpose of enabling returns to be submitted to the monitoring authority, any return which is enabled to be so submitted may be submitted to the monitoring authority via the website.

Electronic registers and forms

- 4.—(1) The register established or maintained under regulation 16 may be in electronic form.
- (2) Where that register is in electronic form, that authority may make it available for inspection by the public on a website maintained by the authority for that purpose.
- (3) Any form provided by the monitoring authority under these Regulations may be provided—
 - (a) in an electronic form, or
 - (b) for completion and submission to the monitoring authority on a website maintained by a relevant authority for that purpose.