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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 226**

**ENVIRONMENTAL PROTECTION**

**The Waste (Scotland) Regulations 2011**

*Made* - - - - *16th March 2011*

*Coming into force* - - *27th March 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Pollution Prevention and Control Act 1999 (“the 1999 Act”)(1) and paragraph 1A of Schedule 2 to the European Communities Act 1972 (“the 1972 Act”)(2) and all other powers enabling them to do so.

In accordance with section 2(4) of the 1999 Act, they have consulted with the Scottish Environment Protection Agency, such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate, and such other bodies or persons as they consider appropriate.

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act, and it appears to the Scottish Ministers that it is expedient for the reference in regulation 6 to Commission Decision [2000/532/EC](#)(3) to be a reference to that instrument as amended from time to time.

In accordance with section 2(8) of the 1999 Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

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- (1) [1999 c.24](#), to which there are amendments not relevant to these Regulations. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act [1998 \(c.46\)](#), as read with section 5(3) of the 1999 Act, and by [S.I. 2008/1776](#). Directive [2008/98/EC](#) of the European Parliament and of the Council on waste and repealing certain Directives (O.J. L 312, 22.11.2008, p. 3) was designated for the purposes of paragraph 20(2)(c) of Schedule 1 to the 1999 Act by [S.S.I. 2010/131](#).
- (2) [1972 c.68](#), as relevantly amended by the Scotland Act [1998 \(c.46\)](#) Schedule 8 paragraph 15(3); the Legislative and Regulatory Reform Act [2006 \(c.51\)](#) sections 27(1) and (2) and 28 and the European Union Amendment Act [2008 \(c.7\)](#) Schedule 1 Part 1. The functions of the Minister of the Crown under section 2(2) of the 1972 Act, so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act.
- (3) Commission Decision replacing Decision [94/3/EC](#) establishing a list of wastes (O.J. L 226, 6.9.2000, p.3), as amended by Commission Decisions [2001/118/EC](#) (O.J. L 47, 16.2.2001, p.1) and [2001/119/EC](#) (O.J. L 47, 16.2.2001, p.32) and by Council Decision [2001/573/EC](#) (O.J. L 203, 28.7.2001, p.18).