
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 314

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

PART 3

Amendments to secondary legislation

The Special Waste Regulations 1996

3.—(1) The Special Waste Regulations 1996(1) are amended as follows.

(2) In regulation 1(4) (interpretation), in the definition of “the Waste Directive” for “Council Regulation (EU) 2017/997” substitute “Directive (EU) 2018/851(2)”.

(3) In regulation 17A(1)(a) (duty to separate mixed wastes), omit the words “and economically”.

The Landfill (Scotland) Regulations 2003

4.—(1) The Landfill (Scotland) Regulations 2003(3) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “Batteries Directive”, for “[Directive 2013/56/EU](#)” substitute “Directive (EU) 2018/849(4)”,

(b) in the definition of “Landfill Directive” for “Council [Directive 2011/97/EC](#)” substitute “Directive (EU) 2018/850 of the European Parliament and of the Council(5)”,

(c) for the definition of “municipal waste” substitute—

““municipal waste” means—

(a) mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture,

(b) mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households,

but does not include waste from production, agriculture, forestry, fishing, septic tanks and sewage network and treatment, including sewage sludge, end-of-life vehicles or waste generated by construction and demolition activities,,”,

(1) [S.I. 1996/972](#); relevant amending instruments are [S.S.I. 2004/112](#), [S.S.I. 2011/226](#), [S.S.I. 2015/438](#) and [S.S.I. 2018/391](#).

(2) OJ L 150, 14.6.2018, p.109.

(3) [S.S.I. 2003/235](#); relevant amending instruments are [S.S.I. 2009/247](#), [S.S.I. 2012/148](#), [S.S.I. 2012/360](#), [S.S.I. 2013/222](#), and [S.S.I. 2018/391](#).

(4) OJ L 150, 14.6.2018, p.93.

(5) OJ L 150, 14.6.2018, p.100.

(d) in the definition of “Waste Directive”, for “Council Regulation (EU) 2017/997” substitute “Directive (EU) 2018/851 of the European Parliament and of the Council(6)”.

(3) In regulation 11(1)(fc) (prohibition of acceptance of certain wastes at landfills), for “1st January 2021” substitute “31 December 2025”.

The National Waste Management Plan for Scotland Regulations 2007

5.—(1) The National Waste Management Plan for Scotland Regulations 2007(7) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “the Packaging Waste Directive”, for “Directive (EU) 2015/720” substitute “Directive (EU) 2018/852(8)”.

(3) In regulation 2A(a) (interpretation: the Waste Directive) for “Council Regulation (EU) 2017/997” substitute “Directive (EU) 2018/851 of the European Parliament and of the Council(9)”.

(4) In regulation 3 (national waste management plan for Scotland)—

(a) in paragraph (3)—

(i) in sub-paragraph (a) for “the Schedule” substitute “schedule 1”,

(ii) after sub-paragraph (a), insert—

“(zaa) a statement of the Scottish Ministers’ policies for attaining, as a minimum, the waste prevention measures set out in schedule 2 of these Regulations,”,

(iii) after paragraph (b) insert—

“(d) targets for—

(i) achieving an increase in the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and other similar waste streams,

(ii) achieving an increase in the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste (excluding naturally occurring material defined in category 17 05 04 in the list of wastes established by Commission Decision 2000/532/EC(10), and

(iii) achieving an increase in preparing for re-use and recycling of municipal waste,

(e) a statement of the Scottish Ministers’ policies for achieving the targets specified in paragraph (d).”,

(b) after paragraph (3) insert—

“(3A) The Scottish Ministers must have regard to the following when preparing the national waste management plan or any modification of it relating to litter prevention—

(a) any plan made in accordance with section 5 of the Marine Scotland Act 2010(11),

(6) OJ L 150, 14.6.2018, p.109.

(7) S.S.I. 2007/251; relevant amending instruments are S.S.I. 2011/226, 2015/438 and S.S.I. 2018/391.

(8) OJ L 150, 14.6.2018, p.141.

(9) OJ L 150, 14.6.2018, p.109.

(10) OJ L 226, 6.9.2000, p.3.

(11) 2010 asp 5.

- (b) any plan made in accordance with section 10 of the Water Environment and Water Services (Scotland) Act 2003(12).”.
- (5) The schedule (objectives for the purposes of the national waste management plan) becomes schedule 1 (and, accordingly, for the heading “SCHEDULE”, substitute “SCHEDULE 1”).
- (6) In schedule 1 (objectives for the purposes of the national waste management plan)—
 - (a) after paragraph 1A insert—

“1B. Making use of economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as those listed in Annex IVa of the Waste Directive or other appropriate instruments and measures.”,
 - (b) in paragraph 4A—
 - (i) omit “re-use of products and the”,
 - (ii) after “re-use” in the second place where it occurs insert “activities”,
 - (iii) in sub-paragraph (a), after “supporting” insert “preparation for”,
 - (iv) after sub-paragraph (a), insert—

“(aa) encouraging and facilitating, where compatible with proper waste management, the access of preparing for re-use and repair networks to waste held by collection schemes or facilities that can be prepared for re-use but is not destined for preparing for re-use by those schemes or facilities.”.
- (7) After schedule 1 insert—

“SCHEDULE 2

Regulation 3(3)(zaa)

Waste prevention measures

1. The waste prevention measures referred to in regulation 3(3)(zaa) are measures to—
 - (a) promote and support sustainable production and consumption models,
 - (b) encourage the design, manufacturing and use of products that are resource-efficient, durable (including in terms of life span and absence of planned obsolescence), repairable, re-usable and upgradable,
 - (c) target products containing critical raw materials to prevent those materials from becoming waste,
 - (d) encourage the re-use of products and the setting up of systems promoting repair and re-use activities, including in particular for—
 - (i) electrical and electronic equipment,
 - (ii) textiles,
 - (iii) furniture,
 - (iv) packaging, and
 - (v) construction materials and products,
 - (e) encourage, as appropriate and without prejudice to intellectual property rights, the availability of spare parts, instruction manuals, technical information, or other instruments, equipment or software enabling the repair and re-use of products without compromising their quality and safety,

- (f) reduce waste generation in processes related to industrial production, extraction of minerals, manufacturing, construction and demolition, taking into account best available techniques,
- (g) reduce the generation of food waste in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food services as well as in households,
- (h) encourage food donation and other redistribution for human consumption, prioritising human use over animal feed and the reprocessing into non-food products,
- (i) promote the reduction of the content of hazardous substances in materials and products,
- (j) reduce the generation of waste, in particular waste that is not suitable for preparing for re-use or recycling,
- (k) identify products that are the main sources of littering and take appropriate measures to prevent and reduce litter from such products,
- (l) aim to halt the generation of marine litter,
- (m) develop and support information campaigns to raise awareness about waste prevention and littering,
- (n) promote selective demolition in order to enable removal and safe handling of hazardous substances and facilitate re-use and high-quality recycling by selective removal of materials, and to ensure the establishment of sorting systems for construction and demolition waste at least for wood, mineral fractions (concrete, bricks, tiles and ceramics, stones), metal, glass, plastic and plaster.”.

The Waste Batteries (Scotland) Regulations 2009

6.—(1) The Waste Batteries (Scotland) Regulations 2009(13) are amended as follows.

(2) In regulation 2 (interpretation) in the definition of “Batteries Directive” for “[Directive 2013/56/EU](#)” substitute “Directive (EU) 2018/849(14)”.

The Waste Management Licensing (Scotland) Regulations 2011

7.—(1) The Waste Management Licensing (Scotland) Regulations 2011(15) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “agricultural waste”, insert—

““back-filling” means any recovery operation where suitable non-hazardous waste is used for purposes of reclamation in excavated areas or for engineering purposes in landscaping. Waste used for backfilling must substitute non-waste materials, be suitable for the aforementioned purposes, and be limited to the amount strictly necessary to achieve those purposes,”

(b) in the definition of “Batteries Directive”, for “[Directive 2013/56/EU](#)” substitute “Directive (EU) 2018/849(16)”.

(c) in the definition of “the Directive”, for “Council Regulation (EU) 2017/997” substitute “Directive (EU) 2018/851 of the European Parliament and of the Council(17)”.

(13) [S.S.I. 2009/247](#); the relevant amending instrument is [S.S.I. 2018/391](#).

(14) OJ L 150, 14.6.2018, p.93.

(15) [S.S.I. 2011/228](#); relevant amending instruments are [S.S.I. 2015/438](#) and [S.S.I. 2018/391](#).

(16) OJ L 150, 14.6.2018, p.93.

(17) OJ L 150, 14.6.2018, p.109.

- (3) In regulation 15 (waste oils)—
 - (a) omit paragraphs (1), (2) and (4),
 - (b) in paragraph (3)—
 - (i) at the beginning, for “A” substitute “Unless paragraph (3A) applies, a”,
 - (ii) omit “so far as technically feasible and economically viable”,
 - (c) after paragraph (3) insert—
 - “(3A) This paragraph applies where—
 - (a) compliance with paragraph (3) is not technically feasible, or
 - (b) mixing would not impede regeneration or another recycling operation delivering an equivalent or a better overall outcome than regeneration.”.
- (4) In schedule 4 (Waste Framework Directive)—
 - (a) in paragraph 1 (interpretation of Schedule 4)—
 - (i) in the definition of “waste management”, after “recovery” insert “(including sorting)”,
 - (ii) in the definition of “waste prevention”, in head (c), for “harmful” substitute “hazardous”,
 - (b) in paragraph 6(1)(b) (relevant objectives), for “recovery and where technically, environmentally and economically practicable” substitute “preparing for re-use, recycling or other recovery operations”.

The Pollution Prevention and Control (Scotland) Regulations 2012

8.—(1) The Pollution Prevention and Control (Scotland) Regulations 2012⁽¹⁸⁾ are amended as follows.

(2) In regulation 2(1) (interpretation: general), in the definition of “landfill”, after “landfill of waste” insert “, as last amended by Directive (EU) 2018/850 of the European Parliament and of the Council⁽¹⁹⁾”.

- (3) In regulation 3(1) (interpretation: enactments etc.)—
 - (a) in the definition of “Batteries Directive”, at the end insert “, as last amended by Directive (EU) 2018/849 of the European Parliament and of the Council⁽²⁰⁾”,
 - (b) in the definition of “Waste Framework Directive”, for “Commission Directive (EU) 2015/1127 amending Annex II to [Directive 2008/98/EC](#)” substitute “Directive (EU) 2018/851 of the European Parliament and of the Council⁽²¹⁾”.
- (4) In regulation 31 (schedule 1 conditions: waste oils)—
 - (a) in paragraph (1)—
 - (i) at the beginning insert “Unless paragraph (1A) applies,”, and
 - (ii) omit “, so far as technically feasible and economically viable”,
 - (b) after paragraph (1) insert—
 - “(1A) This paragraph applies where—
 - (a) compliance with paragraph (1) is not technically feasible, or

⁽¹⁸⁾ S.S.I. 2012/360; relevant amending instruments are S.S.I. 2015/438 and S.S.I. 2017/446.

⁽¹⁹⁾ OJ L 150, 14.6.2018, p.100.

⁽²⁰⁾ OJ L 150, 14.6.2018, p.93.

⁽²¹⁾ OJ L 150, 14.6.2018, p.109.

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- (b) mixing would not impede regeneration or another recycling operation delivering an equivalent or a better overall outcome than regeneration.”.