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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 356**

**WASTE**

**The Waste (Miscellaneous Amendments)  
(Scotland) Regulations 2019**

*Made* - - - - 29th October 2019  
*Laid before the Scottish  
Parliament* - - - - 30th October 2019  
*Coming into force* - - 10th December 2019

The Scottish Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Waste (Miscellaneous Amendments) (Scotland) Regulations 2019 and come into force on 10 December 2019.

**Amendment of the Landfill Allowances Scheme (Scotland) Regulations 2005**

2. In regulation 2(1) (interpretation) of the Landfill Allowances Scheme (Scotland) Regulations 2005(2) for the definition of “Landfill Directive” substitute—

““Landfill Directive” means Council Directive 99/31/EC on the landfill of waste(3) as last amended by Directive (EU) 2018/850 of the European Parliament and of the Council(4),”.

**Amendment of the Waste Batteries (Scotland) Regulations 2009**

3.—(1) The Waste Batteries (Scotland) Regulations 2009(5) are amended as follows.

(2) In regulation 2 (interpretation) omit the definition of “the 1994 Regulations”.

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(1) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Section 2(2) is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) from exit day (see section 20 of that Act).

(2) S.S.I. 2005/157, amended by S.S.I. 2011/226 and S.S.I. 2015/188.

(3) OJ L 182, 16.7.1999, p.1.

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

(5) S.S.I. 2009/247, amended by S.S.I. 2011/226, S.I. 2011/1043, S.S.I. 2012/360 and S.S.I. 2018/391.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(3) Regulation 4 (amendment of the 1994 Regulations) is revoked.

St Andrew's House, Edinburgh  
29th October 2019

*ROSEANNA CUNNINGHAM*  
A member of the Scottish Government

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to legislation relating to waste.

Regulation 2 amends the Landfill Allowances Scheme (Scotland) Regulations 2005 ([S.S.I. 2005/157](#)), to update the reference to Council [Directive 99/31/EC](#) on the landfill of waste.

Regulation 3 amends the Waste Batteries (Scotland) Regulations 2009 ([S.S.I. 2009/247](#)), to omit references to the Waste Management Licensing Regulations 1994, which are no longer necessary.

A business and regulatory impact assessment has not been produced for this instrument as no, or no significant, impact upon business, charities or voluntary bodies is foreseen.