Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCOTTISH STATUTORY INSTRUMENTS

2003 No. 593

ENVIRONMENTAL PROTECTION

The End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003

Made - - - -	*30th November 2003*
Laid before the Scottish Parliament - - - -	*1st December 2003*
Coming into force - -	*7th January 2004*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 [F1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

F1 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), ("the 1998 Act"), Schedule 8, paragraph 15(3). The function conferred upon the Minister under section 2(2), insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

Title, commencement and extent

1.—(1) These Regulations may be cited as the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003 and shall come into force on 7th January 2004.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations–

"depollution", in relation to a waste motor vehicle, means the carrying out on it of any of the operations described in paragraph 3 of Part 2 of the Schedule to these Regulations that are possible (or, in the case of a component identified as containing mercury, feasible) in respect of it, and only when all such operations have been completed shall a waste motor vehicle qualify as "depolluted";

"Directive" means Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles as amended [F2];

"end-of-life vehicle" means a vehicle which is waste within the meaning of **[**[F3]Article 3(1)**]** of the Waste Directive;

"energy recovery" means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat;

"keeping" has the same meaning as does the word "storage" in the Directive, and references to "keeping or treatment" include, where appropriate, references to "keeping and treatment";

"recovery" means any of the operations listed in **[**F4Annex II**]** to the Waste Directive;

"recycling" means the processing in a production process of waste materials for the original purpose or for other purposes but excluding energy recovery;

"reuse" means any operation by which components of end-of-life vehicles are used for the same purpose for which they were conceived;

"treatment" means any activity after the end of life vehicle has been handed over to a facility for depollution, dismantling, shearing shredding, recovery or preparation for disposal of the shredder wastes, and any other operation carried out for the recovery and/or the disposal of the end-of-life vehicle and its component, and "treated" shall be construed accordingly;

[F5"vehicle" means—

(a) any vehicle designated as category M1 or N1 as defined in **[**F6Article 4 of Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles**]** , and

(b) three-wheel motor vehicles within the meaning of Article 4 and Annex 1 of Regulation (EU) No 168/2013 of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles, as last amended by Commission Delegated Regulation (EU) No 134/2014, but excluding any vehicle of category L5e,**]**

[F7"Waste Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives, **[**F8as last amended by Council Regulation (EU) 2017/997,**]]**

"waste management licence" means a licence granted under section 35 (waste management licenses: general) of the Environmental Protection Act 1990 F9 or, as the case may be, issued under section 5 (licences to dispose of waste) of the Control of Pollution Act 1974 F10, and "site licence" means the type of waste management licence thus described in section 35(12) of the Environmental Protection Act 1990; and

"waste motor vehicle" means a motor vehicle of any type that is waste and includes an end of life vehicle;

F2 O.J. No. L 269, 21.10.2000, p.34; amended by Commission Decisions 2002/151/EC (O.J. No. L 50, 21.2.2002, p.94) and 2002/525/EC (O.J. No. L 170, 29.6.2002, p.81).

F3 Words in reg. 2 substituted (27.3.2011) by The Waste (Scotland) Regulations 2011 (S.S.I. 2011/226), reg. 1(1), **sch. para. 13(a)**

F4 Words in reg. 2 substituted (27.3.2011) by The Waste (Scotland) Regulations 2011 (S.S.I. 2011/226), reg. 1(1), **sch. para. 13(b)**

F5 Words in reg. 2 substituted (28.2.2019) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018 (S.S.I. 2018/391), regs. 1(1), **13(2)(a)**

F6 Words in reg. 2 substituted (1.9.2020) by The Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 19(2)** (with Sch. 4 paras. 16, 17)

F7 Words in reg. 2 substituted (1.7.2016) by The Waste (Meaning of Recovery) (Miscellaneous Amendments) (Scotland) Order 2015 (S.S.I. 2015/438), arts. 1, **3**

F8 Words in reg. 2 substituted (28.2.2019) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018 (S.S.I. 2018/391), regs. 1(1), **13(2)(b)**

F9 1990 c. 43.
F10 1974 c. 40.

Modifications of conditions to existing waste management licences

3.—(1) Any site licence which authorises, at the time of coming into force of these Regulations, the keeping or treatment (or both) of a waste motor vehicle is modified so as now to include, as conditions to that licence, the provisions of the Schedule and, in the event of any inconsistency between any such new conditions and any prior condition in the licence, the prior condition shall be over-ridden by the new condition to the extent of such inconsistency.

(2) The provisions of sections 37 (variation of licenses) and 37A (consultation before certain variations) of the Environmental Protection Act 1990 [F11] shall not apply in relation to any modification of the conditions to a site licence imposed by paragraph (1) for as long as the site is authorised to accept waste motor vehicles.

F11 1990 c. 43. Section 37A was introduced by the Environment Act 1995 (c. 25), **section 120** and Schedule 22, paragraph 71.

Requirement for site licence in respect of activities formerly exempted

4.—(1) Subject to paragraph (2), and to the exception contained in regulation 6, the classification of any recovery of a waste motor vehicle as set out in paragraph 45 of Schedule 3 to the Waste Management Licensing Regulations 1994 [F12] as an exempt activity (and hence not required to be authorised by a waste management licence) shall cease to have effect, and any such recovery may only be carried out after the coming into force of these Regulations if it is authorised by a site licence.

(2) Subject to paragraphs (3) and (4), where the recovery of a waste motor vehicle described in paragraph (1) was the subject of a registration (pursuant to regulation 18 of the Waste Management Licensing Regulations 1994) subsisting immediately prior to the coming into force of these Regulations, such recovery may nevertheless continue as an exempt activity subject to its said registration (or, upon the subsequent expiry of that registration, as if still subject to it) and without the authorisation of a site licence–

(a) where an application for a site licence, accompanied by the appropriate charge described in regulation 8, is submitted before the applicable date, that is to say the earlier of–

(i) the cancellation date of that registration, or

(ii) 1st February 2004,

until such time as a site licence is either granted or refused in response to that application; or

(b) where no such application is submitted before the applicable date, until immediately before the applicable date.

(3) Any recovery in respect of which an application for a site licence is made in accordance with paragraph (2) shall be subject to the condition that it conforms with such of the obligations and the minimum technical requirements described, respectively, in Parts 1 and 2 of the Schedule as are applicable to the recovery in question.

(4) The condition described in paragraph (3) shall have effect as if it were a condition applied to the recovery of waste motor vehicles in Schedule 3 to the Waste Management Licensing Regulations 1994, and one to which regulation 17 of those Regulations is subject.

F12 S.I. 1994/1056; relevant amendments are S.I. 1995/288 and 1998/606.

Conditions to be included in site licences

5.—(1) The Scottish Environment Protection Agency shall include in any site licence that it grants for the keeping or treatment of waste motor vehicles (whether in response to an application submitted further to regulation 4(2)(a) or otherwise) the condition that the keeping or treatment authorised by that site licence shall conform with the obligations and minimum technical requirements described, respectively, in Parts 1 and 2 of the Schedule as are applicable to the activity or operation in question.

(2) The provisions of sections 37 and 37A of the Environmental Protection Act 1990 shall not apply in relation to that condition for as long as the site is authorised to accept waste motor vehicles.

Recovery of depolluted waste motor vehicles as an exempt activity

6. Regulation 4 shall not apply to any recovery of a waste motor vehicle classified as an exempt activity as set out in paragraph 45 of Schedule 3 to the Waste Management Licensing Regulations 1994 where such treatment consists only in recovery operations carried out only on depolluted waste motor vehicles.

Amendments to the Waste Management Licensing Regulations 1994

7.—(1) The Waste Management Licensing Regulations 1994 are amended as described in paragraphs (2), (3) and (4).

(2) In regulation 1(3) (interpretation) , after the definition of "waste management licence", insert–

""waste motor vehicle" has the meaning given in regulation 2 (interpretation) of the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003;".

(3) In regulation 18 (registration in connection with exempt activities), after sub-paragraph (4A)(c) insert–

"(cc) in the case of waste motor vehicles, it has first verified, further to its inspection of each such place–

(i) the type of waste to be treated;

(ii) the quantities of waste to be treated;

(iii) the general technical requirements to be complied with; and

(iv) the safety precautions that are to be taken,

in order to achieve the objectives referred to in Article 4 of the Directive, and a registration further to such verification shall continue subject to the requirement that verification upon inspection be made annually in respect of it;".

(4) In Schedule 3 (activities exempt from waste management licensing)–

(a) after sub-paragraph 41(1A), insert–

"(1B) Subject to sub-paragraph (1A), sub-paragraph (1) shall only apply to waste motor vehicles where such temporary storage conforms with the obligations and the minimum technical requirements described, respectively, in paragraph 1 to each of Parts 1 and 2 of the Schedule to the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003.";

(b) in paragraph 45(1), after "Subject to sub-paragraph (3) below" insert " and to regulations 4 and 6 of the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003 ";

(c) in paragraph 45, in Table 4A–

(i) for the entries relating to motor vehicles, for the entry in–

(aa) column 1 (kind of waste), substitute " Depolluted motor vehicles "; and