
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 222

ENVIRONMENTAL PROTECTION

The Landfill (Scotland) Amendment Regulations 2013

<i>Made</i>	- - - -	<i>27th June 2013</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>1st July 2013</i>
<i>Coming into force</i>	- -	<i>1st August 2013</i>

The Scottish Ministers make the following 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 Landfill (Scotland) Amendment Regulations 2013 and come into force on 1st August 2013.

Amendment of the Landfill Regulations

2.—(1) The Landfill (Scotland) Regulations 2003⁽²⁾ are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of “landfill” insert—

““Landfill Directive” means Council [Directive 1999/31/EC](#) on the landfill of waste⁽³⁾, as read with Council [Decision 2003/33/EC](#) establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to that Directive⁽⁴⁾”;

(ii) after the definition of “leachate” insert—

(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.

(2) [S.S.I. 2003/235](#), as amended by paragraph 8 of schedule 2 to the Antisocial Behaviour etc. (Scotland) Act [2004 \(asp 8\)](#), and by [S.I. 2011/2043](#) and [S.S.I. 2003/343](#), [2009/247](#), [2010/60](#), [2011/226](#), [2012/148](#) and [360](#).

(3) [Directive 1999/31/EC](#) (OJ L 182, 16.7.1999, p.1), as amended by Regulation (EC) No [1882/2003](#) (OJ L 284, 31.10.2003, p.1), Regulation (EC) No [1137/2008](#) (OJ L 311, 11.11.2008, p.1), and Directive [2011/97/EU](#) (OJ L 328, 10.12.2011, p.49).

(4) OJ L 11, 16.1.2003, p.27.

““Mercury Regulation” means Regulation (EC) No 1102/2008 of the European Parliament and of the Council on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury(5);”; and

(iii) omit from “; and” in the fourth place where it occurs to the end of that paragraph; and

(b) after paragraph (1A), insert—

“(1B) Expressions not defined in paragraph (1) and used in these Regulations and in the Landfill Directive have the same meaning as in that Directive.”.

(3) In regulation 10 (conditions to be included in landfill permits), in paragraph (3), insert after sub-paragraph (a)—

“(aa) appropriate conditions for ensuring compliance with the Landfill Directive; and”.

(4) After regulation 10, insert—

“Permits relating to storage of metallic mercury

10A. For the purposes of Article 5(1) of the Mercury Regulation, SEPA must send to the Scottish Ministers—

(a) a copy of any landfill permit issued for a landfill authorised to store metallic mercury(6) either temporarily or permanently; and

(b) the safety assessment prepared for the purposes of Article 4(1) of that Regulation.”.

(5) In regulation 11 (prohibition of acceptance of certain wastes at landfills)—

(a) after paragraph (2A) insert—

“(2B) Paragraph (1)(a) does not prohibit the temporary storage for more than one year at a landfill of metallic mercury that is considered a waste in accordance with the Landfill Directive and the Mercury Regulation.”; and

(b) after paragraph (3) insert—

“(3A) For the purposes of paragraph (2B), metallic mercury is considered a waste if it is mercury—

(a) that is no longer used in the chlor-alkali industry;

(b) gained from the cleaning of natural gas;

(c) gained from non-ferrous mining and smelting operations; or

(d) extracted from cinnabar ore in the European Union as from 15th March 2011.”.

(6) In Schedule 3 (general requirements for all landfills), insert at the end—

“Temporary storage of metallic mercury

8.—(1) The temporary storage of metallic mercury for more than one year must comply with the requirements in sub-paragraphs (2) to (7).

(2) Metallic mercury must be stored separately from other waste.

(3) Containers of metallic mercury must—

(a) be stored in collecting basins suitably coated so as to be free of cracks and gaps and impervious to metallic mercury; and

(5) OJ L 304, 14.11.2008, p.75.

(6) Mercury (Hg), Chemical Abstract Services reference CAS RN 7439-97-6.