

Waste (Scotland) Regulations FAQs

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organisations

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1 General questions

1.1 Do the Waste (Scotland) Regulations apply to me?

Yes - all business and organisations in Scotland must present the following materials for recycling (if generated):

- glass (including drinks bottles and rinsed food jars)
- metal (including rinsed cans and tins)
- plastic (including drinks bottles and rinsed food containers)
- paper
- cardboard

Food businesses (such as cafés, restaurants & other premises preparing or selling food) which produce over 50kg of food waste per week (dropping to 5 kg food waste per week from 1 January 2016) also have to present food waste separately for collection unless excluded by a rural location. Check using the [rural postcode finder](#)

Your waste management contractor will be able to provide advice on how to present material for collection and to avoid contamination.

1.2 What will happen if I don't comply with the Regulations?

Persistent non-compliance will be addressed through local authority or SEPA duty of care enforcement procedures (dependent upon the regulating authority). Any person who fails without reasonable excuse to comply with the duties imposed above shall be liable:

- (a) on summary conviction, to a fine not exceeding the statutory maximum (£10,000); and
- (b) on conviction on indictment, to an unlimited fine.

1.3 How do I find a waste contractor / recycling service?

There is a wide range of Scottish waste management services available via the Business Resource Centre www.zerowastescotland.org.uk/BusinessResourceCentre

1.4 Can I work with other businesses to comply with the Regulations?

Yes, sharing waste services maybe cost effective and reduce storage space requirements. However, appropriate arrangements are required to ensure the secure storage, authorised transfer and further management of the material from shared facilities to comply with Duty of Care responsibilities. These may be developed in a bespoke manner to suit individual circumstances.

1.5 My landlord takes care of my waste arrangements. Do I have any responsibility?

Yes. You are a waste producer and will need to meet the regulations. Your landlord should advise you about how to present your waste for collection if you rent a serviced office or a property run by a commercial property manager.

1.6 How can I be certain that my waste will be recycled?

Since 1 January 2014, waste managers are prohibited by law, from mixing your separately collected recyclable waste with other wastes and from sending it to incineration or landfill. This ensures that the effort you put into separating your waste will not be wasted.

If you hand waste to a carrier, and you suspect that your separately collected recyclables are being fly-tipped or are going to an incinerator or landfill, it is your responsibility to inform SEPA through their 24 hour pollution hotline – 0800 80 70 60. You can also use Crimestoppers' anonymous online report form.

1.7 What paperwork do I need to manage my waste?

You will need a waste transfer note that will describe your waste and accompany it when it is passed on to your waste contractor. This is your evidence that the waste was passed on and that it was adequately described.

WTNs ensure that there is a clear audit trail from when the waste is produced until it is disposed of. You must keep copies of all your WTNs for at least two years.

A 'season ticket' system can be used for waste of the same description (same materials) transferred from the same waste producer to the same transferee for a period up to 12 months. This prevents the need for a transfer note to be produced for every waste load transferred.

What is a waste transfer note?

A waste transfer note typically consists of four parts below;

1. A description of the waste and the quantity that is to be collected
2. Your details (name, address etc.)
3. The details of the person you are handing your waste to. You will need to include name, address and any registration numbers applicable (e.g. waste carrier's registration number).
4. Details of the transfer (place, date, time)." And the EWC codes/descriptions for several common materials. Click here for [more information and a list of likely codes for key recyclables](#).

1.8 What is the role of our facilities management (FM) company with regard to waste management?

The FM company may organise waste management services for the whole property. Arrangements should be reviewed periodically. Adequate arrangements are required for storage, authorised transfer and management of materials to comply with Duty of Care responsibilities.

1.9 How should I store my waste?

You should store your waste in a safe and secure place, so that waste materials will not cause litter or attract vermin. More information about Duty of Care is available from

Netregs

http://www.netregs.org.uk/library_of_topics/waste/duty_of_care/waste_disposed_of_correctly.aspx

1.10 If my waste is managed by a contractor, who is responsible for ensuring that appropriate action is taken to comply with the Regulations?

Both the producer of the waste and the waste contractor have responsibilities. Using a waste contractor does not remove any of the responsibilities. It will be your responsibility to work with the contractor to ensure that both your requirements are being met.

1.11 My business is based outside Scotland but has premises in Scotland. Am I affected by the Waste (Scotland) Regulations?

Your business premises in Scotland will all fall under the new Regulations.

1.12 Do the Waste (Scotland) Regulations apply offshore?

The requirement to recycle duty from the Waste (Scotland) Regulation 2012 does not apply to offshore facilities or vessels but does apply when the waste is brought onshore.

In practice, this means that once the material is brought to the mainland the waste manager has a duty to manage it in a way that promotes high quality recycling (dependent, of course, upon the materials' state of segregation).

SEPA advise that it is good practice to configure waste systems that are landed into Scottish Ports in a way that allows high quality recycling.

1.13 How can I ensure that my employees all comply with the new Waste (Scotland) Regulations?

Train your staff and make sure they know how to recycle in the workplace. Label bins stating clearly what should be recycled and ensure staff know what goes where. Use the free online poster creator tool to help staff to recycle effectively. [Click here.](#)

We have free resources available online at www.resourceefficientscotland.com/regulations.

For help with training staff and improve waste management, you may find these tools useful.

[Webinar: How to get staff recycling effectively](#)

The free [staff engagement toolkit](#) provides guidance on how to communicate effectively with your staff

[Business briefing](#): A full online briefing on the Regulations, outlining the economic benefits, responsibilities and ways of overcoming common barriers.

[Mini Business briefing](#) covering a summary of the Regulatory requirements.

[7 steps to getting the most from your waste management contract](#)

1.14 How will Regulations impact 'Recycling on the Go'?

On street litter bins and recycling facilities are not included in the Regulations. Organisations are welcome to make use of the Recycle on the Go brand which has been consumer researched and tested, and is becoming common place.

1.15 What happens if I have concerns about what is happening to my waste once my waste collector/contractor has picked it up?

If you suspect that your waste is being handled illegally by your waste contractor, it is your responsibility to inform SEPA via Zerowaste@sepa.org.uk or through their 24 hour pollution hotline – 0800 80 70 60. You can also use Crimestoppers' anonymous online report form.

2 Food businesses

2.1 How is a food business defined, under the regulations?

A food business is "an undertaking, whether for profit or not, and whether public or private, carrying out any activity related to the processing, distribution, preparation or sale of food".

Premises where food is brought from elsewhere to be consumed, such as an office where members bring their own food to consume during breaks, are not regarded as food businesses. On the other hand, a staff canteen where food is prepared, sold and consumed is a food business.

Food Businesses include:

- Restaurants
- Cafés
- Shopping centre food court
- Canteens
- Hotels
- Public Houses that serve food
- Shops that sell food
- Supermarkets
- Schools & colleges with canteens
- Prisons
- Nursing Homes
- Hospitals

Exclusions:

The preparation and sale of drinks are excluded from the regulations.

Households are excluded.

2.2 Am I exempt from the requirement to separate food waste for collection?

There are three absolute exemptions from the requirement to present food waste for separate collection.

1. Rural food business premises.
Rural is defined using the six-fold classification system used by Scottish Government. You can find out if you are in a rural area by using the rural postcode finder, simply input the postcode for each trading address.
2. Food businesses producing less than 5kg per week:
If you consistently produce less than 5kg of food waste per week then the requirement to present that food waste for separate collection does not apply. 5kg is roughly equivalent to a full domestic kitchen caddy or a half-full black bin bag. Please note that, even if you are in a rural area or fall below the thresholds, you may still wish to use food waste recycling services.
3. Food waste that has arisen from international transport.
International catering waste is designated as a 'Category 1 Animal By-Product'. This means it requires specialist management and does not fall within the scope of these Regulations.

2.3 Can I use a macerator to dispose of food waste to a drain or sewer?

Food waste macerators cannot be used to discharge food waste to a drain or sewer unless the rural exemption applies.

Systems which dewater food waste at source and store the solid material for collection and treatment are acceptable if they are configured to maximise the capture of organic material for treatment at an appropriate facility.

Enzymatic digesters which convert material to grey water which is discharged to sewer are not compliant with the requirement to take all reasonable steps to ensure the separate collection of food waste.

2.4 We run a hospital / hospice; Nursing / Care Home

Do we have to have to separate food waste?

Yes, if you prepare and serve food to residents.

Businesses which are covered by the definition of a hospital OR which produce less than 50 kg of food waste a week are not required to take steps to ensure separate collection of their food waste until 1 January 2016.

A "hospital" is any organisation which receives AND treats people during illness, recovery or medical rehabilitation. This includes maternity homes, clinics, dispensaries, out-patient department and dentists.

This is defined under section 108 of the [National Health Service \(Scotland\) Act 1978](#).

2.5 I run a quick service restaurant– what should I be doing?

As in any other business, segregate recyclables and food waste (unless the rural exemption applies) and get the right service from your waste contractor.

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McDonalds have introduced front of house recycling for customers in their restaurants in Scotland. [Read the case study online.](#)

2.6 Do the Regulations apply to mobile businesses?

Yes, the Regulations apply to all businesses, whether fixed or mobile. You should speak to your waste contractor for advice on how to comply.

2.7 We are a school/ college / university / nursery – what do we need to do?

Please speak to your local authority or waste contractor for advice and support.

2.8 I work from home; do I need to recycle my waste?

You will need to speak to your local authority about how to best present your waste.

3 Sector specific questions

3.1 What do self-catering accommodations (e.g. holiday lodges, caravan sites and self-catering sections of hotels) have to do to comply?

Yes, all business and organisations in Scotland (regardless of location) are required to present the following materials for recycling (if generated):

- glass (including drinks bottles and rinsed food jars)
- metal (including rinsed cans and tins)
- plastic (including drinks bottles and rinsed food containers)
- paper
- cardboard

However, self-catering accommodation is not defined as a 'food business' and therefore NOT required to provide facilities to segregate food waste

Where a business provides containers for the collection of dry recyclable waste by their customers, SEPA expect appropriate recycling facilities to be made available. As a minimum you should provide:

- Facilities for customers to recycle glass, metal, plastic, paper and cardboard, where they are generated.
- Recycling facilities to be adequately signposted with information provided to customers to enable them to use the system and avoid contamination of recyclables.
- Recycling facilities to be co-located with general waste collection facilities.
- Periodic monitoring of recycling performance and contamination to be undertaken and improvements made where necessary.
- Businesses should engage effectively with their customers, for example, customers checking in or picking up keys should be informed of recycling requirements and the importance of using the systems provided correctly.

Further guidance is available on the SEPA website at:

www.sepa.org.uk/environment/waste/zero-waste/

3.2 Do regulations affect music festivals, game fairs, agricultural shows and sporting events?

The Regulations apply to outdoor events. It is best to speak to your waste contractor. Zero Waste Scotland can help with your recycling strategy. The Regulations will apply to all events such as music festivals, game fairs, agricultural shows and sporting events.

As a minimum you should provide:

- Facilities for customers to recycle glass, metal, plastic, paper and cardboard, where they are generated.
- Recycling facilities to be adequately signposted with information provided to customers to enable them to use the system and avoid contamination of recyclables.
- Recycling facilities to be co-located with general waste collection facilities.

3.3 Are there sector specific guides for compliance with the new recycling requirements?

The Scottish Environment Protection Agency (SEPA) has written guidance on how to comply and customer recycling requirements, as well as sector specific information for:

- Hotels
- Restaurants and bars
- Shopping centres
- Retailers
- Entertainment and leisure venues
- Offices

All SEPA guidance is available at <http://www.sepa.org.uk/environment/waste/zero-waste/>

3.4 How should construction sites comply with the Regulations?

Construction sites are expected to take all reasonable steps to segregate recyclable materials for separate collection.

4 Who can you contact for further information?

You can get free support from Resource Efficient Scotland, a programme of Zero Waste Scotland, funded by Scottish Government.

www.resourceefficientscotland.com/regulations

Call 0808 808 2268

Email enquiries@resourceefficientscotland.com

For clarification on the regulation or technical support, please email the Scottish Environmental Protection Agency (SEPA) at zerowaste@sepa.org.uk