Legislative Summary: Scotland’s Zero Waste Legislation

The Waste (Scotland) Regulations 2012

What the law covers:

1. Requirements for dry recyclable materials – metal, plastic, glass, paper and card – to be collected separately from other waste as of 1 January 2014
2. Rules for food businesses (except in rural areas) to present food waste for separate collection (phased in approach, based on weight)
3. Obligations for local authorities to provide minimum recycling services to households
4. Requirements for waste contractors to provide collection and treatment services that deliver high quality recycling
5. Ban on any metal, plastic, glass, paper, card and food that is collected separately for recycling from going to incineration or landfill (from 1 January 2014)
6. Requirements for all new incinerators to ensure that metals and dense plastics have been removed from residual municipal waste prior to incineration
7. Ban on biodegradable municipal waste from going to landfill (from January 2021)

Who must adhere to the regulations:

All businesses, not-for-profit organisations and public sector bodies, including local authorities.

For more information:
Scottish Environment Protection Agency (SEPA) – sepa.org.uk

Zero Waste and the Waste Hierarchy:


The Scottish Zero Waste legislation supports the implementation of and compliance with the hierarchy to meet EU standards. The five steps of the hierarchy (in order of preference) are:

1. Prevention – use less material in design/ manufacture of product, such as less packaging
2. Preparing for re-use – checking/ refurbishing used equipment or parts for direct re-use
3. Recycling – turning waste into a new material or product
4. Other recovery – using the waste in a productive way, such as in anaerobic digestion and energy from waste plants
5. Disposal – landfill or incineration without energy recovery

How Zero Waste applies to information security:

Businesses must demonstrate that their waste retention and destruction procedures are sufficient and comply with the Zero Waste regime – including those for managing confidential waste.

Since there are no re-use activities for paper and card products after prevention, recycling is the next best option.

As well as complying with this legislation, businesses must also ensure they adhere to other important regulations during the appropriate course of confidential waste disposal – most notably, the Data Protection Act which protects personal data against unauthorised use and disclosure.

This document does not constitute a legal opinion or legal advice. Do not rely on any of the information in this document without first obtaining legal advice. © Copyright 2014
How to comply:

- Properly control any waste being held (e.g. pending collection for recycling or disposal) to prevent its escape
- Prepare and present glass, metal, plastic, paper (including confidential waste) and card (including cardboard) for separate collection
- Ensure that if waste is collected by a third party, they are a registered waste carrier
- Include a detailed and accurate waste transfer note (paper or electronic format) with the waste to be collected
- Retain all waste transfer notes for 2 years

Offences/penalties for non-compliance:

Every organisation should take the treatment of waste very seriously. Under the Scottish Environment Protection Agency (“SEPA”), failure to comply with the new legal duties of the Zero Waste regime could lead to:

- Summary conviction: fine up to £10,000
- Indictment: unlimited fine

Recommended inclusions for a secure document management/disposal policy:

- Obligations regarding regulatory compliance, e.g. Data Protection Act, Zero Waste regime, etc.
- Categories of documents, format (electronic or hard copy) and how long they should be kept
- Methods of secure storage and retrieval
- Members of staff designated to deal with the document management system
- Methods of document destruction, including those carried out by third parties
- Requirements when contracting a third party supplier, e.g. registration with SEPA, etc.
- Procedures for completing and retaining waste transfer notes
- How to keep an accurate record of documents destroyed that provide proof of compliance

How Shred-it can help:

Every Shred-it location in Scotland is a registered waste carrier with SEPA, and will provide you with the necessary waste transfer notes.

Shred-it provides solutions tailored to your organisational needs that will:

- Contribute to an effective waste management strategy in compliance with Zero Waste regulations
- Protect you and your customers’ confidential information

Our secure destruction of paper and card products ensures that any personal data can no longer be accessed before it then enters the designated recycling stream.

- Secure end-to-end chain of custody
- Certificate of Destruction after every service
- Trained experts in information security
- Helpful resources available at shredit.co.uk/resource-centre

We can also advise on implementing a ‘shred all’ policy for all of your paper documents, improving security and ensuring compliance with Scotland’s Zero Waste regime.

For peace of mind, contact Shred-it today

0800 028 1164 | shredit.co.uk

This document does not constitute a legal opinion or legal advice. Do not rely on any of the information in this document without first obtaining legal advice. © Copyright 2014