

Distinguishing between used and waste motor vehicles: draft guidance

Scottish Environment Protection Agency Consultation

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland.
For information only: England, Northern Ireland and Wales.

1 Executive Summary

The Scottish Environment Protection Agency (SEPA) is consulting on proposed changes to its guidance on when a used vehicle becomes waste. SEPA's existing guidance, [The Distinction between Waste Vehicles and Used Vehicles](#), was published in 2013 and sets out how to determine whether a vehicle has become waste based on the circumstances surrounding its disposal. The proposed update reflects changes to the regulatory framework and developments in the management of waste vehicles since the guidance was introduced.

The management of waste vehicles is regulated by SEPA under the Environmental Authorisations (Scotland) Regulations 2018, [as amended in 2025](#). The updated guidance is intended to provide greater clarity on when vehicles fall within the scope of waste regulation and the requirements that subsequently apply to their storage, transfer, treatment and disposal.

The consultation is relevant to local authorities managing council vehicle fleets, arranging vehicle disposal, or dealing with abandoned or nuisance vehicles. It provides an opportunity for councils to consider whether SEPA's proposed guidance is clear and practical, and to highlight any potential financial, administrative or operational impacts.

APSE encourages members to engage with the consultation and provide SEPA with evidence of how the proposed guidance would work in practice for local authorities and their contractors. Responses are due by **Monday 5th October 2026**.

[Click here](#) for further information and to submit your response.

[Click here](#) to read the proposed guidance in full.

2 Overview

As the nation's principal environmental regulator, SEPA is responsible for regulating waste management activities in Scotland. Since November 2025, waste management activities have been brought within the [Environmental Authorisations \(Scotland\) Regulations 2018](#) (EASR), providing a standard framework for environmental authorisations across waste, water and industry activity. The 2025 amendments also introduced specific requirements for the management of waste vehicles.

A key issue in the regulation of vehicles is determining the point at which a vehicle changes from being a used product into waste. This distinction is important because a vehicle that is considered waste is subject to waste legislation and the associated regulatory controls, whereas an ordinary used vehicle being retained, sold or repaired is not necessarily subject to those controls.

SEPA's existing guidance states that the definition of waste is based on whether the holder has discarded, intends to discard or is required to discard the vehicle. It emphasises that this assessment must take account of the circumstances of each individual case rather than being determined solely by one characteristic.

The existing guidance provides a number of indicators which may suggest that a vehicle is waste. These include a vehicle having a Certificate of Destruction, being an insurance write-off, having no current MOT test certificate or Statutory Off Road Notification (SORN), having badly damaged essential parts, having been handed to a collection network or authorised waste treatment facility, being stored in a manner consistent with waste treatment, or being destined for dismantling, shredding or scrapping.

SEPA's proposed update comes as the regulatory framework for waste vehicles has changed. The [Environmental Authorisations \(Scotland\) Amendment Regulations 2025](#) introduced a new Schedule 15 covering the management of waste vehicles, including requirements around the storage, depollution, dismantling, shredding and treatment of waste vehicles. The consultation therefore provides an opportunity for SEPA to update its approach and ensure that its guidance reflects the current regulatory framework.

2.1 Why local authorities should engage

The proposed guidance could have practical implications for local authorities managing and disposing of council-owned vehicles. The point at which a vehicle is considered to have become waste can determine which regulatory requirements apply to its storage, transfer, treatment and disposal.

The issue also has relevance to councils dealing with abandoned or nuisance vehicles. Highland Council has [recently highlighted challenges around abandoned vehicles](#), providing a current example of the practical issues local authorities can face when vehicles are left on public land and arrangements need to be made for their removal and disposal. Although the circumstances surrounding each abandoned vehicle will vary, the consultation provides an opportunity for councils to consider whether SEPA's proposed guidance provides sufficient clarity when

determining the status of vehicles in such situations.

More broadly, local authorities may wish to consider whether the proposed guidance reflects how vehicles are managed in practice, including where vehicles are being replaced, temporarily stored, transferred between services, sold, repaired, or sent to contractors for treatment. Councils that use external contractors may also wish to consider whether the proposed guidance could affect existing contractual or disposal arrangements.

Engagement with the consultation would provide an opportunity for local authorities to highlight any areas where the proposed guidance may be unclear or difficult to apply, as well as any potential financial, administrative or operational impacts. Evidence from councils will help SEPA understand how the proposed guidance would work in practice and identify whether further clarification or guidance may be required before the changes are implemented.

3 Consultation Questions

The consultation questions are categorised as follows:

Topic	Questions
Assessment criteria	4
Accident damaged vehicles	5
Other changes	3
Additional comments	2

The consultation questions are available in full below:

The [consultation paper](#) contains full background information for this consultation. You may find it useful to read or refer to while responding.

1.a) To what extent do you agree with the proposed set of criteria for determining whether a used vehicle is waste?

Strongly agree; Agree; Neither agree nor disagree; Disagree; Strongly disagree

1.b) If you answered 'Disagree' or 'Strongly disagree', please explain your answer.

2.a) To what extent do you agree with the proposed timescale of two years for requiring repair of a vehicle which meets any of the indicative criteria?

Strongly agree; Agree; Neither agree nor disagree; Disagree; Strongly disagree

2.b) If you answered 'Disagree' or 'Strongly disagree', please explain your answer.

3.a) To what extent do you agree with SEPA's proposed update to guidance on when an accident damaged vehicle is considered waste?

Strongly agree; Agree; Neither agree nor disagree; Disagree; Strongly disagree

3.b) If you answered 'Disagree' or 'Strongly disagree', please explain your answer.

4.a) If you are an operator impacted by this update, how ready are you to adapt to these changes?
Fully prepared; Somewhat prepared; Somewhat unprepared; Very unprepared; Not applicable

4.b) If you are not fully prepared', please describe what changes would be required and how long would you expect these changes to take?

5. Are there any unintended consequences of the proposed changes that we need to be aware of?
If so, please explain your answer.

6.a) To what extent do you agree with SEPA's proposed requirement for hauliers to be registered for the transport of waste when collecting unwanted vehicles from domestic premises?
Strongly agree; Agree; Neither agree nor disagree; Disagree; Strongly disagree

6.b) If you answered 'Disagree' or 'Strongly disagree', please explain your answer.

6.c) Please describe what else, if anything, would be helpful to understand within the guidance?

7. Do you have any other comments regarding anything else within the guidance document?

8. Do you have any other comments regarding the regulation of waste motor vehicles more generally (including any views on the regulation of electric vehicles)? Please describe below.

4 APSE Comment

APSE welcomes the opportunity for greater clarity around the point at which a used vehicle becomes waste, particularly given the introduction of new waste vehicle provisions under the Environmental Authorisations (Scotland) Regulations. Clear and practical guidance will be important for local authorities managing diverse vehicle fleets and dealing with vehicles which may be repaired, reused, sold, transferred or ultimately disposed of.

The practical application of the guidance will be particularly important where councils are dealing with vehicles whose status is less straightforward, including abandoned or nuisance vehicles. APSE therefore encourages members to consider the proposed guidance in the context of their own fleet management, vehicle disposal and abandoned vehicle arrangements, and to highlight any areas where the guidance could create uncertainty or additional financial, administrative or operational pressures.

Members are encouraged to respond to the consultation and ensure that SEPA has a clear understanding of how the proposed guidance would work in practice for local authorities and their contractors.

Members may also wish to continue these conversations through APSE Scotland's Fleet, Transport

and Vehicle Maintenance as well as the Parks, Grounds and Streets/ Litter managers Networks, which provides opportunities to share experience, explore shared challenges, discuss practical responses and learn from practice across local authorities. Network meetings are free to attend for APSE members. Previous presentations are available online [here](#) and upcoming meetings are listed [here](#).

APSE training also have a course which may be of interest, the [Managing Abandoned and Nuisance Vehicles for Councils](#) provides learners with the essential knowledge and practical skills required to effectively manage abandoned and nuisance vehicles in their communities. For more information on this and other APSE training courses please [click here](#)

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