
STATUTORY INSTRUMENTS

1991 No. 508

**PUBLIC HEALTH ENGLAND
AND WALES AND SCOTLAND**

**The Disposal of Controlled Waste
(Exceptions) Regulations 1991**

<i>Made</i>	- - - -	<i>6th March 1991</i>
<i>Laid before Parliament</i>		<i>8th March 1991</i>
<i>Coming into force</i>		
<i>in England and Wales</i>		<i>1st April 1991</i>
<i>in Scotland</i>		<i>1st April 1992</i>

The Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland, having regard to the expediency of excluding from the controls imposed by virtue of section 3(1) of the Control of Pollution Act 1974⁽¹⁾ such deposits, uses and cases as are mentioned in section 4(3) of that Act, in exercise of the powers conferred by sections 3(1), 4(3), 104(1)(a) and 105(1)(2) of the said Act hereby make the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Disposal of Controlled Waste (Exceptions) Regulations 1991.

(2) These Regulations shall come into force in England and Wales on 1 April 1991 and in Scotland on 1 April 1992.

Exceptions from section 3(1) of the Control of Pollution Act 1974

2.—(1) Subject to paragraph (2), section 3(1) of the Control of Pollution Act 1974 shall not apply as respects any deposit of controlled waste on land or the use of any plant or equipment for the purpose of disposing of, or dealing with, controlled waste so far as that deposit or use—

(1) 1974 c. 40.

(2) See the definitions of “prescribed” and “regulations”.

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- (a) is, or forms part of, a process which is for the time being designated pursuant to section 2(4) of the Environmental Protection Act 1990⁽³⁾ for central control, the carrying on of which is for the time being authorised under section 6 of that Act; or
 - (b) is an activity described in the Schedule hereto constituting, or forming part of, a process for the time being so designated for local control, the carrying on of which is so authorised.
- (2) Paragraph (1) does not exempt the final disposal of controlled waste by deposit in or on land.

5th March 1991 *Michael Heseltine*
Secretary of State for the Environment

6th March 1991 *David Hunt*
Secretary of State for Wales

6th March 1991 *James Douglas-Hamilton*
Parliamentary Under Secretary of State, Scottish
Office

(3) 1990 c. 43.: see S.I. 1991/472 for the processes designated under section 2(4) for central and local control.

SCHEDULE

Regulation 2(1)

ACTIVITIES REFERRED TO IN REGULATION 2(1)

1. In this Schedule, “Schedule 1” means Schedule 1 to the Environmental Protection (Prescribed Processes and Substances) Regulation 1991(4).
2. Using untreated straw, poultry litter or wood as a fuel so far as it constitutes a process or part of a process within a description in Part B of Section 1.3 of Schedule 1 and any related activity so far as it constitutes a process or part of a process within such a description.
3. Using tyres as a fuel and any related fuel feeding so far as it constitutes a process or part of a process falling within the said Part B of Section 1.3.
4. The operation of a scrap metal furnace and the loading or unloading of such a furnace so far as those activities form part of a process described in paragraph (b) of Part B of Section 2.2 of Schedule 1.
5. Pulverising bricks, tiles or concrete so far as those activities form a process or part of a process described in paragraph (c) of Part B of Section 3.4 of Schedule 1.
6. Depositing glass as part of a process described in Part B of Section 3.5 of Schedule 1.
7. Incinerating waste as a process or part of a process described in paragraph (a) of Part B of Section 5.1 of Schedule 1; depositing animal remains at the site of an incinerator for burning as mentioned in that paragraph and any other operation ancillary to the burning of animal remains which forms part of a process so described.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 3 of the Control of Pollution Act 1974 currently prohibits the disposal of waste controlled under that Act without a disposal licence except in prescribed cases.

Part I of the Environmental Protection Act 1990 establishes a new regime of integrated pollution control and air pollution control. Under that Part, the carrying on of prescribed processes requires the authorisation of the appropriate regulatory authority. The Environmental Protection (Prescribed Processes and Substances) Regulations 1991 (S.I.1991/472) prescribe the processes for which authorisation is required under Part I and the date from which authorisation is required.

Section 33 of the 1990 Act which supersedes section 3 of the 1974 Act is not yet in force.

These Regulations are concerned with potential overlaps in the two regulatory systems. They exempt generally from the licensing requirements of the 1974 Act any disposal as part of a process subject to central (Integrated pollution) control which has been authorised under Part I of the 1990 Act and any disposal described in the Schedule forming part of a process subject to local (air pollution) control which has been so authorised. There is, however, an exception in relation to the final disposal by deposit in or on land of controlled waste as that operation is expressly excluded from regulation under Part I of the 1990 Act.

(4) S.I. 1991/472.

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