

SCHEDULE

Regulation 2

AMENDMENT OF THE SPECIAL WASTE REGULATIONS 1996

1. The Special Waste Regulations 1996 shall be amended as follows.
2. In regulation 1(4) (interpretation)—
 - (a) in the definition of “the approved supply list”—
 - (i) for the words “2nd Edition” there shall be substituted the words “3rd Edition”;
 - (ii) for the date “18th October 1994” there shall be substituted the date “24th January 1996”;
 - (b) for the definition of “household waste” there shall be substituted the following—

““household waste” means waste which is household waste for the purposes of Part II of the 1990 Act(1) or which is treated as household waste for those purposes by virtue of regulation 2(1) of the Controlled Waste Regulations 1992(2), other than—

 - (a) asbestos;
 - (b) waste from a laboratory;
 - (c) waste from a hospital, other than waste from a self-contained part of a hospital which is used wholly for the purposes of living accommodation.”.
3. For regulation 2 (meaning of special waste) there shall be substituted the following regulation—

“Meaning of special waste

- 2.—(1) Any controlled waste, other than household waste,—
 - (a) to which a six-digit code is assigned in the list set out in Part I of Schedule 2 to these Regulations (which reproduces the list of hazardous waste annexed to Council Decision 94/904/EC(3) establishing a list of hazardous waste pursuant to Article 1(4) of the Hazardous Waste Directive); and
 - (b) which displays any of the properties specified in Part II of that Schedule (which reproduces Annex III to the Hazardous Waste Directive),is special waste.
- (2) Any other controlled waste, other than household waste, which—
 - (a) displays the property H3-A (first indent), H4, H5, H6, H7 or H8 specified in Part II of Schedule 2 to these Regulations; or
 - (b) is a medicinal product, as defined in section 130 of the Medicines Act 1968(4) (meaning of “medicinal product” etc.), of a description, or falling within a class, specified in an order under section 58 of that Act(5) (medicinal products on prescription only),is special waste.

(1) See section 75(5) of the 1990 Act.

(2) S.I. 1992/588, amended by S.I. 1993/566, 1994/1056 and 1995/288.

(3) OJ No. L 356, 31.12.1994, p. 14.

(4) 1968 c. 67; section 130 was amended by paragraph 3(7) to (10) of Schedule 1, and Schedule 2, to the Animal Health and Welfare Act 1984 (c. 40).

(5) Section 58 was amended by section 1 of the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) For the purposes of paragraphs (1) and (2) waste shall be treated as displaying none of the properties H4 to H8 specified in Part II of Schedule 2 to these Regulations if it satisfies none of the criteria set out in Part III of that Schedule.

(4) Part IV of Schedule 2 to these Regulations (which contains rules for the interpretation of that Schedule) shall have effect.”.

4. In regulation 4 (coding of consignments)—

(a) at the beginning of paragraph (1) there shall be inserted “Subject to paragraph (3),”;

(b) after paragraph (2) there shall be added the following paragraph—

“(3) The Agency need not assign or supply a code for a consignment or round until any fee required in respect of it under regulation 14(1) has been paid.”

5. In regulation 8 (consignment notes: carrier’s rounds)—

(a) in paragraph (2)(a)(ii) there shall be inserted at the beginning the words “except where the special waste to be collected on the carrier’s round consists entirely of lead acid motor vehicle batteries,”;

(b) in paragraph (2)(b)(i) for the word “four” there shall be substituted the word “three”;

(c) after paragraph (2) there shall be inserted the following paragraph—

“(2A) In a case where waste of more than one description is specified in the consignment note, either—

(a) the schedule referred to in paragraph (2)(b)(iii) shall contain a separate entry for each description of waste to be collected from each consignor showing the description of waste to which that entry relates; or

(b) each entry in the schedule shall show the different descriptions of the waste to be collected and, for each such description, the quantity of the waste to be collected.”;

(d) in paragraph (4)(a), after the word “copies” there shall be inserted the words “and includes a record of the time at which it is completed”;

(e) after paragraph (5) there shall be inserted the following paragraph—

“(5A) Before the removal of the last consignment of waste on the carrier’s round, the carrier shall complete Part C on the three copies of the consignment note retained by him.”;

(f) in paragraph (6) sub-paragraph (a) shall be omitted.

6. In regulation 14 (fees)—

(a) in paragraph (1), for the words “when it assigns or supplies”, there shall be substituted “in connection with the assignment or supply of”;

(b) in paragraph (2)(a), for the words “such rounds in respect of which” there shall be substituted the words “such rounds in which a single vehicle is used and in respect of which”;

(c) after paragraph (2), there shall be added the following paragraph—

“(3) Where an Agency assigns or supplies a code under regulation 4(1) without the fee required under this regulation having been paid to it, the person who requested the assignment or supply shall be required to pay the fee to that Agency within the period of two months beginning with the date on which the request was made.”

7. In Schedule 2 there shall be added at the end the following—

“PART IV

RULES FOR THE INTERPRETATION OF THIS SCHEDULE

1. Except in the case of a substance listed in the approved supply list, the test methods to be used for the purposes of deciding which (if any) of the properties mentioned in Part II of this Schedule are to be assigned to a substance are those described in Annex V to Council Directive [67/548/EEC](#)(6), as amended by Commission Directive [92/69/EEC](#)(7).

2. Any reference in Part III of this Schedule to a substance being classified as having a hazardous property, having assigned to it a particular risk phrase, or being placed within a particular category of a classification is a reference to that substance being so classified, having that risk phrase assigned to it or being placed in that category—

(i) in the case of a substance listed in the approved supply list, on the basis of Part V of that list;

(ii) in the case of any other substance, on the basis of the criteria laid down in the approved classification and labelling guide.

3. Any reference in Part III of this Schedule to the total concentration of any substances being equal to or greater than a given percentage is a reference to the proportion by weight of those substances in any waste being equal to or, as the case may be, greater than that percentage.”.

(6) OJ No. L 196, 16.8.1967, p. 1.

(7) OJ No. L 383, 29.12.1992, p. 1.