
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Environmental Protection Act 1990 (“the 1990 Act”) defines three sorts of controlled waste: household, industrial and commercial waste. The 1990 Act enables regulations to be made whereby waste of any description, including litter and refuse, is to be treated for the purposes of the provisions of Part II as being of one or other of those categories.

Regulation 2(1) provides for certain descriptions of waste to be treated as household waste for the purposes of Part II. Regulation 2(2) provides for two types of waste to be treated as household waste only for the purposes of section 34(2) of the 1990 Act, which relieves the occupier of domestic property of the duty of care under section 34(1) in relation to his household waste.

Regulation 3 prescribes certain types of waste which are not to be treated as household waste.

Regulation 4 prescribes a number of cases where a charge may be made for the collection of household waste.

Regulation 5(1) prescribes certain types of waste which are to be treated as industrial waste. Regulation 5(2) provides for two types of waste to be treated as industrial waste except for the purposes of section 34(2) of the 1990 Act.

Regulation 6 prescribes certain types of waste which are to be treated as commercial waste.

Regulation 7 prescribes certain types of waste which are not to be treated as industrial or commercial waste.

Regulation 8 provides for certain types of litter and refuse to be treated as controlled waste, for the purposes of Part II.

Regulation 9 exempts from the duty under section 33(1) of the Act (prohibition on unauthorised or harmful deposit, treatment or disposal etc. of controlled waste) cases where a disposal licence is not required under Part I of the Control of Pollution Act 1974, and certain land used by existing disposal authorities.

Regulation 10 amends the definition of “building and demolition waste” in the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991.