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STATUTORY INSTRUMENTS

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**1995 No. 288**

**The Waste Management Licensing  
(Amendment etc.) Regulations 1995**

**Amendment of the Waste Management Licensing Regulations 1994**

**3.—**(1) The Principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) After regulation 1(6), there shall be added the following paragraph—

“(7) The provisions of section 160 of the 1990 Act shall apply to—

- (a) the service or giving of any notice required or authorised by these Regulations to be served on or given to a person; or
- (b) the sending or giving of any document required or authorised by these Regulations to be sent or given to a person,

as if the service or giving of any such notice or, as the case may be, the sending or giving of any such document, was required or authorised by or under that Act.”.

(3) For regulation 12, there shall be substituted—

**“Mobile plant**

**12.—**(1) Plant of the following descriptions, if it is designed to move or be moved by any means from place to place with a view to being used at each such place or, if not so designed, is readily capable of so moving or being so moved, but no other plant, shall be treated as being mobile plant for the purposes of Part II of the 1990 Act—

- (a) an incinerator which is an exempt incinerator for the purposes of Section 5.1 of Schedule 1 to the 1991 Regulations;
- (b) plant for—
  - (i) the recovery, by filtration or heat treatment, of waste oil from electrical equipment; or
  - (ii) the destruction by dechlorination of waste polychlorinated biphenyls or terphenyls (PCBs or PCTs);
- (c) plant for the vitrification of waste;
- (d) plant for the treatment by microwave of clinical waste.

(2) For the purposes of paragraph (1)(d) above, “clinical waste” has the meaning given by regulation 1(2) of the Controlled Waste Regulations 1992.”.

(4) In regulation 16(1)(a), before “recovery or disposal” there shall be inserted “deposit in or on land.”.

(5) After regulation 17(1), there shall be inserted the following paragraph—

“(1A) Paragraph (1) above does not apply to the carrying on of an exempt activity falling within paragraph 45(1), (2) or (5) of Schedule 3 where the carrying on of that activity is

authorised by a waste management licence granted upon an application made after 31st March 1995 under section 36 of the 1990 Act.”.

- (6) In regulation 17(2), for “40 or 41” there shall be substituted “40, 41 or 45”.
- (7) In regulation 18(1), for “paragraph (7)” there shall be substituted “paragraphs (1A), (1B) and (7)”.
- (8) After regulation 18(1), there shall be inserted the following paragraphs—
- “(1A) In the case of an exempt activity falling within paragraph 45(1) or (2) of Schedule 3, paragraph (1) above shall have effect as if “30th September 1995” were substituted for “31st December 1994”.
- (1B) Paragraph (1) above shall not apply in the case of an exempt activity to which a resolution under section 54 of the 1990 Act relates and which is carried on in accordance with the conditions, specified in the resolution, which relate to it.”.
- (9) At the beginning of regulation 18(4) there shall be inserted “Subject to paragraphs (4A) and (4B) below,”.
- (10) After regulation 18(4), there shall be inserted the following paragraphs—
- “(4A) Paragraph (4) above shall not apply in the case of an exempt activity falling within paragraph 45(1) or (2) of Schedule 3 and, in such a case, the appropriate registration authority shall enter the relevant particulars in the register in relation to an establishment or undertaking only if—
- (a) it receives notice of them in writing;
- (b) that notice is provided to it by that establishment or undertaking;
- (c) that notice is accompanied by a plan of each place at which any such exempt activity is carried on showing—
- (i) the boundaries of that place;
- (ii) the locations within that place at which the exempt activity is to be carried on;
- (iii) the location and specifications of any such impermeable pavements, drainage systems or hardstandings as are mentioned in paragraph 45(1)(c) or (2)(f) or (g) of Schedule 3; and
- (iv) the location of any such secure containers as are mentioned in paragraph 45(2)(e) of Schedule 3;
- and
- (d) that notice is also accompanied by payment of a fee of £300 in respect of each place where any such exempt activity is carried on.
- (4B) Where any fee payable under paragraph 45(3)(d) of Schedule 3 is not received by the appropriate registration authority within 2 months of the due date for its payment as ascertained in accordance with paragraph 45(4) of Schedule 3—
- (a) in a case where the establishment or undertaking is registered for exempt activities falling within paragraph 45(1) or (2) in respect of only one place, or where it is so registered in respect of more than one place and the fee in respect of each such place is then unpaid, the registration of the establishment or undertaking shall be cancelled and the authority shall remove from its register the relevant entry in respect of the establishment or undertaking;
- (b) in any other case, the registration of the establishment or undertaking in respect of those activities shall be cancelled insofar as it relates to any

place in respect of which the fee is then unpaid and the authority shall amend the relevant entry in its register accordingly,

and where the authority removes or amends an entry from or in its register by virtue of this paragraph it shall notify the establishment or undertaking in writing of the removal or amendment.”.

(11) In regulation 18(6), for “not exceeding level 2 on the standard scale” there shall be substituted—

“not exceeding—

- (a) in the case of an exempt activity falling within paragraph 45(1) or (2) of Schedule 3, level 2 on the standard scale; and
- (b) in any other case, £10.”

(12) In paragraph 5(1) of Schedule 3, after “used together with”, there shall be inserted “(whether or not it is operated simultaneously with)”.

(13) In each of paragraphs 40 and 41 of Schedule 3, after sub-paragraph (1), there shall be inserted the following sub-paragraph—

“(1A) Sub-paragraph (1) above does not apply to the storage of waste at a place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles.”.

(14) In paragraph 42(1)(a) of Schedule 3, for “1st May 1994” there shall be substituted “1st April 1995”.

(15) In paragraph 43(2) of Schedule 3, for “30th April 1995” there shall be substituted “31st July 1995”.

(16) At the end of Schedule 3 there shall be added the following new paragraphs—

“44.—(1) Heating iron, steel or any ferrous-alloy, non-ferrous metal or non-ferrous metal alloy, in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a net rated thermal input of less than 0.2 megawatts, for the purpose of removing grease, oil or any other non-metallic contaminant.

(2) Sub-paragraph (1) does not apply to the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant.

(3) In the case of a process involving the heating of iron, steel or any ferrous-alloy, sub-paragraph (1) does not apply if that process is related to a process described in any of paragraphs (a) to (h), or (j) to (m), of Part A or paragraphs (a) to (c), or (e) or (f), of Part B of Section 2.1 of Schedule 1 to the 1991 Regulations.

(4) In the case of a process involving the heating of any non-ferrous metal or non-ferrous metal alloy, sub-paragraph (1) does not apply if that process is related to a process described in any of paragraphs (a) to (g), or (i) to (k), of Part A of Section 2.2 of Schedule 1 to the 1991 Regulations.

(5) The secure storage of waste intended to be submitted to heating to which sub-paragraph (1) applies if the waste or, as the case may be, any container in which the waste is stored, is stored on an impermeable pavement which is provided with a sealed drainage system.

(6) In this paragraph, “net rated thermal input” means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal.

(7) In this paragraph, “ferrous alloy” means an alloy of which iron is the largest constituent, or equal to the largest constituent, by weight, whether or not that alloy also has a

non-ferrous metal content greater than any percentage specified in Section 2.2 of Schedule 1 to the 1991 Regulations, and “non-ferrous metal alloy” shall be construed accordingly.

**45.—**(1) Subject to sub-paragraph (3) below, the carrying on, at any secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles, in respect of a kind of waste described in Table 4A, of any of the activities specified in that Table in relation to that kind of waste if—

- (a) the total quantity of any particular kind of waste so dealt with at that place does not in any period of seven days exceed the limit specified in relation to that kind of waste in that Table;
- (b) the activity is carried on with a view to the recovery of the waste (whether or not by the person carrying on the activity listed in that Table);
- (c) every part of that place upon which the activity is carried out is surfaced with an impermeable pavement provided with a sealed drainage system; and
- (d) the plant or equipment used in carrying on the activity is maintained in reasonable working order.

**Table 4A**

<i>Kind of Waste</i>	<i>Activities</i>	<i>Seven day limit</i>
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	8,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	400 tonnes
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	300 tonnes
Motor vehicles (including any substance which is special waste and which forms part of, or is contained in, a vehicle and was necessary for the	Dismantling, rebuilding, restoring or reconditioning, but, in relation to lead acid batteries, only their removal from motor vehicles	40 vehicles

<i>Kind of Waste</i>	<i>Activities</i>	<i>Seven day limit</i>
normal operation of the vehicle)		
Lead acid motor vehicle batteries (including those whose contents are special waste), whether or not forming part of, or contained in, a motor vehicle	Sorting (including removal from motor vehicles)	20 tonnes

(2) Subject to sub-paragraph (3) below, the storage, at any secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles, of waste of a kind listed in Table 4B if—

- (a) the waste is to be submitted to any of the activities specified in Table 4A in relation to that kind of waste, or to a recycling or reclamation operation authorised by a waste management licence or an authorisation under Part I of the 1990 Act;
- (b) the total quantity of waste of that kind stored at that place does not exceed the maximum total quantity specified in Table 4B in relation to that kind of waste;
- (c) no waste is stored at that place for a period exceeding 12 months;
- (d) each kind of waste is either stored separately or is kept in separate containers, but in a case where a consignment consisting of more than one kind of waste is delivered to that place it may be stored unseparated at that place pending sorting for a period not exceeding 2 months;
- (e) in the case of waste which is liquid or consists of motor vehicle batteries, it is stored in a secure container;
- (f) in the case of waste motor vehicles from which all fluids have been drained, they are, unless stored on a hardstanding, stored on an impermeable pavement;
- (g) subject to paragraph (f) above, the waste or, as the case may be, any container in which it is stored, is stored on an impermeable pavement which is provided with a sealed drainage system; and
- (h) the height of any pile or stack of waste does not exceed 5 metres.

Table 4B

<i>Kind of waste</i>	<i>Maximum total quantity</i>
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	50,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of	1,500 tonnes

<i>Kind of waste</i>	<i>Maximum total quantity</i>
those metals (but not turnings, shavings or chippings of those metals or alloys)	
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	1,000 tonnes
Motor vehicles (including any substance which is special waste and which forms part of, or is contained in, a vehicle and was necessary for the normal operation of the vehicle):	
— where any such vehicle is stored on a hardstanding which is not an impermeable pavement:	100 vehicles
— where all such vehicles are stored on an impermeable pavement:	1,000 vehicles
Lead acid motor vehicle batteries (including those whose contents are special waste) whether or not forming part of, or contained in, a motor vehicle	40 tonnes

(3) Sub-paragraph (1) or (2) above only applies to the carrying on of an activity at a place if—

- (a) the person responsible for the management of that place—
  - (i) has established administrative arrangements to ensure that—
    - (A) waste accepted at that place is of a kind listed in Table 4A or, as the case may be, Table 4B; and
    - (B) no waste is accepted at that place in such a quantity as would cause there to be a breach of any of the terms and conditions of the exemption;
  - and
  - (ii) carries out a monthly audit to confirm compliance with the terms and conditions of the exemption;
- (b) the records required by paragraph 14 of Part I of Schedule 4 are kept in such a form as to show, for each month, the total quantity of each kind of waste recovered during that month at that place, and details of the total quantity of each kind of waste recovered at that place during the preceding 12 months are sent annually to the appropriate registration authority with the annual fee referred to in paragraph (d) below;
- (c) an up to date plan of that place containing the details referred to in regulation 18(4A)(c)(i) to (iv) is sent annually to the appropriate registration authority with the annual fee referred to in paragraph (d) below; and
- (d) a fee of £100 is paid annually in respect of that place to the appropriate registration authority by the due date which shall be ascertained in accordance with sub-paragraph (4) below.

(4) For the purposes of ascertaining the due date in any year for payment of the fee referred in sub-paragraph (3)(d) above in respect of any place—

- (a) the appropriate registration authority shall serve notice in accordance with the following provisions of this sub-paragraph on the establishment or undertaking from which notice has been received by the authority under regulation 18(4A) in respect of that place;
  - (b) a notice required by paragraph (a) above shall be served not later than one month before the anniversary of the date when the notice, plan and fee referred to in regulation 18(4A) were received by the authority in respect of that place and shall specify—
    - (i) the amount of the payment due,
    - (ii) the method of payment,
    - (iii) the date of such anniversary,
    - (iv) that payment is due on that date or, if later, upon the day falling one month after the date of the notice, and
    - (v) the effect of payment not being made by the date on which it is due, and the due date for payment of the annual fee for that year by that establishment or undertaking in respect of that place shall be the date specified for payment in the notice.
- (5) The temporary storage of waste (in this sub-paragraph referred to as “the non-scrap waste”), pending its collection, at a secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles if—
- (a) the non-scrap waste is not of a kind described in Table 4B;
  - (b) the non-scrap waste was delivered to that place as part of a consignment of waste of which—
    - (i) at least 70 per cent by weight was waste consisting of waste motor vehicles; or
    - (ii) at least 95 per cent by weight was waste of any kind described in Table 4B other than waste motor vehicles, and is capable of being separated from that waste by sorting or hand dismantling;
  - (c) the non-scrap waste is stored at that place for no more than 3 months;
  - (d) in a case where the non-scrap waste is liquid, it is stored in a secure container; and
  - (e) the non-scrap waste or, as the case may be, the container in which the non-scrap waste is stored, is stored on an impermeable pavement which is provided with a sealed drainage system.
- (6) In Table 4A, “shearing” means the cold cutting of metal by purpose-made shears.
- (7) For the purposes of this paragraph and paragraph 44 above, “sealed drainage system”, in relation to an impermeable pavement, means a drainage system with impermeable components which does not leak and which will ensure that—
- (a) no liquid will run off the pavement otherwise than via the system; and
  - (b) except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump.”.
- (17) At the beginning of paragraph 13(1) of Part I of Schedule 4, there shall be inserted “Subject to sub-paragraphs (3) to (5) below,”.
- (18) At the end of paragraph 13 of Part I of Schedule 4, there shall be added the following sub-paragraphs—

“(3) Subject to sub-paragraph (4) below, in a case where an establishment or undertaking is carrying on an exempt activity in reliance upon an exemption conferred by regulation 17(1) of, and paragraph 45(1) or (2) of Schedule 3 to, these Regulations, a competent authority which is a waste regulation authority shall discharge its duty under sub-paragraph (1) in respect of any place where such an activity is so carried on by—

- (a) carrying out an initial inspection of that place within two months of having received in respect of that place the notice, plan and fee referred to in regulation 18(4A); and
- (b) thereafter carrying out periodic inspections of that place at intervals not exceeding 12 months.

(4) Where the notice, plan and fee referred to in paragraph (a) of sub-paragraph (3) above are received by the authority before 1st October 1995, that paragraph shall have effect as if for the reference to carrying out an initial inspection within two months of the receipt of such notice, plan and fee there were substituted a reference to carrying out such an inspection within nine months of their receipt.

(5) In the case of any such place as is mentioned in sub-paragraph (3) above, but without prejudice to any duties of waste regulation authorities imposed otherwise than by this paragraph, sub-paragraph (1) above does not require (but does permit) a competent authority which is a waste regulation authority to carry out the periodic inspections referred to in sub-paragraph (3)(b) above at intervals of less than 10 months.”.

(19) In paragraph 14(1) of Part I of Schedule 4, before “sub-paragraph (2) below” there shall be inserted “paragraph 45(3)(b) of Schedule 3 and”.

(20) At the beginning of paragraph 14(2) of Part I of Schedule 4, there shall be inserted “Subject to sub-paragraph (3) below,”.

(21) At the end of paragraph 14 of Part I of Schedule 4, there shall be added the following sub-paragraph—

“(3) Sub-paragraph (1) above does apply to an activity subject to an exemption conferred by regulation 17(1) of, and paragraph 45(1) or (2) of Schedule 3 to, these Regulations.”.

(22) Paragraph 1(6) of Part I of Schedule 5 is hereby revoked.