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STATUTORY INSTRUMENTS

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**1997 No. 2203**

**ENVIRONMENTAL PROTECTION**

**The Waste Management Licensing  
(Amendment) Regulations 1997**

*Made* - - - - *6th September 1997*  
*Laid before Parliament* *18th September 1997*  
*Coming into force* - - *9th October 1997*

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, in exercise of the powers conferred on them by section 74(6) of the Environmental Protection Act 1990(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Waste Management Licensing (Amendment) Regulations 1997 and shall come into force on 9th October 1997.

**Technical Competence**

2. For Table 1 in regulation 4 of the Waste Management Licensing Regulations 1994(2), there shall be substituted:

**“Table 1**

| <i>Type of facility</i>  | <i>Relevant certificate of technical competence</i>   |
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| A landfill site which receives special waste.  | Managing landfill operations: special waste (level 4).  |
| A landfill site which receives biodegradable waste or which for some other reason requires substantial engineering works to protect the environment but which in either case does not receive special waste. | 1. Managing landfill operations: biodegradable waste (level 4); or<br>2. Managing landfill operations: special waste (level 4). |

*Note: The certificates shown in italics will cease to be awarded on 9th October 1997.*

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(1) 1990 c. 43.  
(2) S.I.1994/1056; regulation 4 was amended by S.I. 1996/634.

| <i>Type of facility</i>  | <i>Relevant certificate of technical competence</i>  |
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| Any other type of landfill site with a total capacity exceeding 50,000 cubic metres.   | <ol style="list-style-type: none"> <li>1. Landfill operations: inert waste (level 3); or</li> <li>2. Managing landfill operations: biodegradable waste (level 4); or</li> <li>3. Managing landfill operations: special waste (level 4).</li> </ol>   |
| A site on which waste is burned in an incinerator designed to incinerate waste at a rate of more than 50 kilograms per hour but less than 1 tonne per hour.                                      | Managing incinerator operations: special waste (level 4).  |
| A waste treatment plant where clinical or special waste is subjected to a chemical or physical process.  | <ol style="list-style-type: none"> <li>1. Managing treatment operations: clinical or special waste (level 4); or</li> <li>2. <i>Managing treatment operations: special waste (level 4) (see note).</i></li> </ol>  |
| A waste treatment plant where biodegradable waste, but no clinical or special waste, is subjected to a chemical or physical process.   | <ol style="list-style-type: none"> <li>1. Managing treatment operations: biodegradable waste (level 4); or</li> <li>2. Managing treatment operations: clinical or special waste (level 4); or</li> <li>3. <i>Managing treatment operations: special waste (level 4) (see note).</i></li> </ol>   |
| A waste treatment plant where waste, none of which is biodegradable, clinical or special waste, is subjected to a chemical or physical process.  | <ol style="list-style-type: none"> <li>1. Treatment operations: inert waste (level 3); or</li> <li>2. Managing treatment operations: biodegradable waste (level 4); or</li> <li>3. Managing treatment operations: clinical or special waste (level 4); or</li> <li>4. <i>Managing treatment operations: special waste (level 4) (see note).</i></li> </ol> |
| A transfer station where—<br>(a) clinical or special waste is dealt with; and<br>(b) the total quantity of waste at the station at any time exceeds 5 cubic metres.                              | <ol style="list-style-type: none"> <li>1. Managing transfer operations: clinical or special waste (level 4); or</li> <li>2. <i>Managing transfer operations: special waste (level 4) (see note).</i></li> </ol>  |
| A transfer station where—<br>(a) biodegradable waste, but no clinical or special waste, is dealt with; and<br>(b) the total quantity of waste at the station at any time exceeds 5 cubic metres. | <ol style="list-style-type: none"> <li>1. Managing transfer operations: biodegradable waste (level 4); or</li> <li>2. Managing transfer operations: clinical or special waste (level 4); or</li> <li>3. <i>Managing transfer operations: special waste (level 4) (see note).</i></li> </ol>  |
| Any other type of waste transfer station where the total quantity of waste at the station at any time exceeds 50 cubic metres.   | <ol style="list-style-type: none"> <li>1. Transfer operations: inert waste (level 3); or</li> </ol>  |

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*Note: The certificates shown in italics will cease to be awarded on 9th October 1997.*

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| <i>Type of facility</i> | <i>Relevant certificate of technical competence</i>   |
|-------------------------|---|
| A civic amenity site.   | <p><b>2.</b> Managing transfer operations:<br/>biodegradable waste (level 4); or</p> <p><b>3.</b> Managing transfer operations:<br/>clinical or special waste (level 4); or</p> <p><b>4.</b> <i>Managing transfer operations:<br/>special waste (level 4) (see note).</i></p> <p><b>1.</b> Civic amenity site operations (level<br/>3); or</p> <p><b>2.</b> Managing transfer operations:<br/>biodegradable waste (level 4); or</p> <p><b>3.</b> Managing transfer operations:<br/>clinical or special waste (level 4); or</p> <p><b>4.</b> <i>Managing transfer operations:<br/>special waste (level 4) (see note)."</i></p> |

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*Note: The certificates shown in italics will cease to be awarded on 9th October 1997.*

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Signed by authority of the Secretary of State

5th September 1997

*Angela Eagle*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

Signed by authority of the Secretary of State for Wales

6th September 1997

*Win Griffiths*  
Parliamentary Under-Secretary of State, Welsh  
Office

4th September 1997

*Sewel*  
Parliamentary Under-Secretary of State, Scottish  
Office

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**Status:** This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 74 of the Environmental Protection Act 1990 makes provision for determination by a waste regulation authority of the question whether a person is or is not a fit and proper person to hold a waste management licence. One consideration is whether the management of the activities to be authorised under the licence is or will be in the hands of a technically competent person.

Regulation 4 of the Waste Management Licensing Regulations 1994 provides that a person is technically competent for these purposes in relation to a facility of a type listed in Table 1 in that regulation if, and only if, he is the holder of one of the certificates awarded by the Waste Management Industry Training and Advisory Board specified in Table 1 as being a relevant certificate of technical competence for that type of facility.

These Regulations replace that Table so as to reclassify certain types of facility and the relevant certificates of technical competence for them. This is in consequence of the Board's decision, as respects both the treatment of waste and the transfer of waste, to award separate level 4 certificates in relation to biodegradable waste on the one hand and clinical or special waste on the other and no longer to award level 4 certificates in relation to special waste only. In addition, the range of relevant certificates for civic amenity sites is extended.