
STATUTORY INSTRUMENTS

2000 No. 1043

**The Environmental Protection (Disposal of
Polychlorinated Biphenyls and other Dangerous
Substances) (England and Wales) Regulations 2000**

**PART I
GENERAL**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000 and shall come into force on 4th May 2000.

(2) These Regulations extend to England and Wales only.

Interpretation and notices

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1995 Act” means the Environment Act 1995 ^{M1};

“the Agency” means the Environment Agency established by section 1 of the 1995 Act;

“applicant” means a person who applies for registration under regulation 6;

[^{F1}“the appropriate authority” means—

(a) in relation to England, the Environment Agency;

(b) in relation to Wales, the NRBW;]

“contaminated equipment” means any equipment (including any transformer, capacitor or receptacle containing residual stocks) which—

(a) contains PCBs; or

(b) having contained PCBs, has not been decontaminated,

other than one which contains a total volume of PCBs not exceeding 5dm³; and for the purposes of this definition—

(i) the PCB volume of a power capacitor shall be measured by reference to all of the separate elements of a combined set, and

(ii) any thing of a type which may contain PCBs shall be treated as containing PCBs unless it is reasonable to assume the contrary;

“decontamination” means all operations which enable equipment, objects, materials or fluids contaminated by PCBs to be reused, recycled or disposed of under safe conditions, and which may include replacement, meaning all operations in which PCBs are replaced by suitable fluids not containing PCBs;

[^{F2}“Directive 2008/98/EC” means that Directive as last amended by Council Regulation (EU) 2017/997, read in accordance with paragraph (2A).]

“the Directive” means Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT) ^{M2};

“disposal” means any of the operations D8, D9, D10, D12 (only in safe, deep, underground storage in dry rock formations and only for equipment containing PCBs or used PCBs which cannot be decontaminated) and D15 provided for in [^{F3}Annex I of Directive 2008/98/EC on waste] and set out in Schedule 1 to these Regulations;

“holder” means the person who is in possession of PCBs, including any used PCBs, or of any equipment;

[^{F1}“the NRBW” means the Natural Resources Body for Wales;]

“PCBs” means any of the following substances—

- polychlorinated biphenyls,
- polychlorinated terphenyls,
- monomethyl-dibromo-diphenyl methane,
- monomethyl-dichloro-diphenyl methane,
- monomethyl-tetrachlorodiphenyl methane,

and, except in regulations [^{F4}4(3A), (3C) and (4), 5(3) and 9(3)], includes any mixture containing any of those substances in a total of more than 0.005% by weight;

“registered holder” means a person registered with the [^{F5}appropriate authority] in accordance with regulation 6, and a registered holder is a registered holder in relation to particular equipment if a description of that equipment, including its location, has been furnished to the [^{F5}appropriate authority];

“transformer” includes ancillary equipment, that is to say, equipment that is an integral part of the site of which the transformer is part, including radiators, bushings, through-wall bushings, and capacitors on air blast circuit breakers;

“used PCBs” means any PCBs which are waste within the meaning of [^{F6} Directive 2008/98/EC];

“Welsh Assembly” means the National Assembly for Wales ^{M3}.

(2) Other expressions used in these Regulations and in the Directive shall have the same meaning in these Regulations as they have in the Directive.

[^{F7}(2A) For the purposes of these Regulations, Directive 2008/98/EC is to be read as if—

- (a) Article 5(2) were omitted;
- (b) in Article 6—
 - (i) paragraphs 1 to 3 were omitted;
 - (ii) in paragraph 4—
 - (aa) in the first sentence, for the words from “Where criteria” to “paragraphs 1 and 2” there were substituted “ Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies ”;
 - (bb) the second sentence were omitted.]

(3) Section 123 (service of documents) of the 1995 Act shall apply to any notice required or authorised by these Regulations to be served as it applies to notices required or authorised to be served by that Act.

- F1** Words in [reg. 2\(1\)](#) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), [Sch. 4 para. 118\(2\)](#) (with [Sch. 7](#))
- F2** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), [reg. 1\(1\)](#), [Sch. 11 para. 1\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Words in [reg. 2\(1\)](#) substituted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 4 para. 13\(2\)\(a\)](#) (with [regs. 2, 47\(2\)](#))
- F4** Words in [reg. 2\(1\)](#) substituted (1.7.2020) by [The Environmental Protection \(Disposal of Polychlorinated Biphenyls and other Dangerous Substances\) \(England and Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/489\)](#), [regs. 1\(2\)](#), [2\(2\)](#)
- F5** Words in [reg. 2\(1\)](#) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), [Sch. 4 para. 118\(3\)](#) (with [Sch. 7](#))
- F6** Words in [reg. 2\(1\)](#) substituted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 4 para. 13\(2\)\(b\)](#) (with [regs. 2, 47\(2\)](#))
- F7** [Reg. 2\(2A\)](#) inserted (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), [reg. 1\(1\)](#), [Sch. 11 para. 1\(3\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Marginal Citations

- M1** [1995 c. 25](#).
- M2** [O.J.No. L 243, 24.9.96, p. 31](#).
- M3** *See* [section 1 of the Government of Wales Act 1998 \(c. 38\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000, PART I.