
STATUTORY INSTRUMENTS

2003 No. 2635

The End-of-Life Vehicles Regulations 2003

PART VII

Keeping and treatment of waste motor vehicles

Modification of conditions to existing site licences

44.—(1) Any site licence which authorises, at the time of coming into force of these Regulations, the keeping or treatment (or both) of a waste motor vehicle is modified so as now to include, as conditions to that licence, the provisions of Schedule 5 to these Regulations and, in the event of any inconsistency between any such new condition and any prior condition in the licence, the prior condition shall be over-riden by the new condition to the extent of such inconsistency.

(2) The provisions of sections 37 and 37A of the Environmental Protection Act 1990⁽¹⁾ shall not apply in relation to any modification of the conditions to a site licence imposed by paragraph (1) for as long as the site is authorised to accept waste motor vehicles.

Requirement for site licence in respect of activities formerly exempted

45.—(1) Subject to paragraph (2), and to the exception contained in regulation 47, the classification of any recovery of a waste motor vehicle as set out in paragraph 45 of Schedule 3 to the Waste Management Licensing Regulations 1994⁽²⁾ as an exempt activity (and hence not required to be authorised by a waste management licence) shall cease to have effect, and any such recovery may only be carried out after the coming into force of these Regulations if it is authorised by a site licence.

(2) Subject to paragraphs (3) and (4), where the recovery of a waste motor vehicle described in paragraph (1) was the subject of a registration (pursuant to regulation 18 of the Waste Management Licensing Regulations 1994) subsisting immediately prior to the coming into force of these Regulations, such recovery may nevertheless continue as an exempt activity subject to its said registration (or, upon the subsequent expiry of that registration, as if still subject to it) and without the authorisation of a site licence—

- (a) where an application for a site licence, accompanied by the appropriate charge described in regulation 49, is submitted before the applicable date (that is to say the earlier of—
 - (i) the cancellation date of that registration, or
 - (ii) 1st February 2004),until such time as a site licence is either granted or refused in response to that application;
or
- (b) where no such application is submitted before the applicable date, until immediately before the applicable date.

(1) 1990 c. 43; section 37A was introduced by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 71.

(2) S.I.1994/1056; relevant amendments are S.I. 1995/288, 1998/606, 2000/1973.

(3) Any recovery in respect of which an application for a site licence is made in accordance with paragraph (2) shall be subject to the condition that it conforms with those of the obligations and the minimum technical requirements described, respectively, in Parts 1 and 2 of Schedule 5 to these Regulations as are applicable to the recovery in question.

(4) The condition described in paragraph (3) shall have effect as if it were a condition applied to the recovery of waste motor vehicles in Schedule 3 to the Waste Management Licensing Regulations 1994, and one to which regulation 17 of those Regulations is subject.

Conditions to be included in site licences

46. The Environment Agency shall include in any site licence that it grants for the keeping or treatment of waste motor vehicles (whether in response to an application submitted further to regulation 45(2)(a) or otherwise) the condition that the keeping or treatment authorised by that site licence shall conform with the obligations and minimum technical requirements described, respectively, in Parts 1 and 2 of Schedule 5 to these Regulations as are applicable to the activity or operation in question, and the provisions of sections 37 and 37A of the Environmental Protection Act 1990 shall not apply in relation to that condition for as long as the site is authorised to accept waste motor vehicles.

Recovery of depolluted waste motor vehicles as an exempt activity

47. Regulation 45 shall not apply to any recovery of a waste motor vehicle classified as an exempt activity as set out in paragraph 45 of Schedule 3 to the Waste Management Licensing Regulations 1994 where such recovery is carried out only on depolluted waste motor vehicles.

Amendments to the Waste Management Licensing Regulations 1994

48.—(1) The Waste Management Licensing Regulations 1994 are amended, in so far as they extend to England and Wales, as described in paragraphs (2) and (3).

(2) In regulation 18 (registration in connection with exempt activities), in paragraph (4A), immediately following sub-paragraph (c), there shall be inserted the following sub-paragraph—

“(cc) in the case of waste motor vehicles, it has first verified, further to its inspection of each such place—

- (i) the type of waste to be treated;
- (ii) the quantities of waste to be treated;
- (iii) the general technical requirements to be complied with; and
- (iv) the safety precautions that are to be taken,

in order to achieve the objectives referred to in Article 4 of the Directive, and a registration further to such verification shall continue subject to the requirement that verification upon inspection be made annually in respect of it.”

(3) In Schedule 3 (activities exempt from waste management licensing) thereto—

(a) after sub-paragraph 41(1A) there shall be inserted the following sub-paragraph—

“(1B) Subject to sub-paragraph (1A), sub-paragraph (1) shall only apply to waste motor vehicles where such temporary storage conforms with the obligations and the minimum technical requirements described, respectively, in paragraph 1 to each of Parts 1 and 2 of Schedule 5 to the End-of-Life Vehicles Regulations 2003.”;

(b) in paragraph 45(1), after the words “Subject to sub-paragraph (3) below” there shall be inserted the words “and to regulations 45 and 47 of the End-of-Life Vehicles Regulations 2003”;

(c) in paragraph 45, in Table 4A—

(i) for the entry relating to motor vehicles there shall be substituted the following entry—

<i>“in the first column (kind of waste)”</i>	<i>in the second column (activities)</i>	<i>in the third column (seven day limit)</i>
Depolluted motor vehicles	Dismantling, rebuilding, restoring or reconditioning	40 vehicles”;

(ii) for the entry relating to lead acid motor vehicle batteries there shall be substituted the following entry—

<i>“in the first column (kind of waste)”</i>	<i>in the second column (activities)</i>	<i>in the third column (seven day limit)</i>
Lead acid motor vehicle batteries (including those whose contents are special waste) not forming part of, nor contained in, a motor vehicle	Sorting	20 tonnes”;

(d) in paragraph 45(2), for paragraph (f) there shall be substituted the following paragraph—

“(f) in the case of waste motor vehicles, they are, where appropriate, stored on an impermeable pavement.”;

(e) in paragraph 45, in Table 4B:

(i) for the entry relating to motor vehicles there shall be substituted the following entry—

<i>“in the first column (kind of waste)”</i>	<i>in the second column (maximum total quantity)</i>
Motor vehicles, stored where appropriate on an impermeable pavement	1,000 vehicles”;

(ii) in the entry relating to lead acid motor vehicle batteries, in the first column, for the words “whether or not forming part of, or contained in, a motor vehicle” there shall be substituted the words “not forming part of, nor contained in, a motor vehicle”;

(f) in paragraph 45(6), after the word “shears” there shall be inserted the words “, and “depolluted” in relation to waste motor vehicles means a vehicle which so qualifies as described in regulation 50 of the End-of-Life Vehicles Regulations 2003”.

Charges

49.—(1) The charge to accompany an application for a site licence submitted further to regulation 45(2)(a)—

- (a) in respect of the keeping or treatment of less than 2,500 tonnes of waste motor vehicles per year, shall be £650, and in relation to such an application the provision as to the charge to be submitted with an application for a site licence contained in section 36(1)(a) of the Environmental Protection Act 1990 shall have no effect;
- (b) in respect of the keeping or treatment of 2,500 tonnes or more of waste motor vehicles per year, shall be the amount prescribed for the quantity in question in the charging scheme

for waste management licences made by the Environment Agency under section 41 of the Environment Act 1995⁽³⁾.

(2) In respect of the provision made in paragraph (1)(a) the power of the Environment Agency to make a similar provision under section 41 of the Environment Act 1995 shall not apply to that paragraph.

Interpretation

50. In this Part of the Regulations:

“depollution”, in relation to a waste motor vehicle, means the carrying out on it of any of the operations described in paragraph 3 of Part 2 of Schedule 5 to these Regulations that are possible (or, in the case of a component identified as containing mercury, feasible) in respect of it, and only when all such operations have been completed shall a waste motor vehicle qualify as “depolluted”;

“keeping” has the same meaning as does the word “storage” in the Directive;

references to “keeping or treatment” include, where appropriate, references to “keeping and treatment”;

“waste management licence” means a licence granted under section 35 of the Environmental Protection Act 1990 (or, as the case may be, issued under section 5 of the Control of Pollution Act 1974⁽⁴⁾), and “site licence” means the type of waste management licence thus described in section 35(12) of the Environmental Protection Act 1990;

“waste motor vehicle” means a motor vehicle of any type that is waste and includes an end-of-life vehicle.

(3) 1995 c. 25.

(4) 1974 c. 40.