
STATUTORY INSTRUMENTS

2005 No. 894

The Hazardous Waste (England and Wales) Regulations 2005

PART 2

HAZARDOUS AND NON-HAZARDOUS WASTE

Specific waste to be treated as non-hazardous

9.—(1) The Secretary of State may decide, in exceptional cases, on the basis of documentary evidence provided by the holder, and having regard to Annexes I, II and III and the limit values of concentration in the List of Wastes, that a specific batch of waste in England which—

- (a) is listed as hazardous waste in the List of Wastes;
- (b) is listed in regulations made under section 62A(1) of the 1990 Act; or
- (c) though of a type not listed as a hazardous waste in the List of Wastes, is treated as hazardous pursuant to regulation 8(2),

does not display any of the properties listed in Annex III to the Hazardous Waste Directive and accordingly that it shall be treated for all purposes as non-hazardous in England.

(2) A specific batch of waste produced in Wales, Scotland or Northern Ireland and listed as a hazardous waste in the List of Wastes and which is for the time being determined by the Welsh Assembly Government, the Scottish Executive or the Northern Ireland Department of the Environment, as the case may be, to be non-hazardous pursuant to Article 3 of the List of Wastes Decision, shall, subject to any determination made under regulation 8, be treated for all purposes as non-hazardous in England.