

## SCHEDULE 21

### Consequential amendments

## PART 1

### Public General Acts

#### **Environmental Protection Act 1990**

4.—(1) Section 33(1) is amended as follows.

(2) In subsection (1)—

- (a) for “subsection (2) and (3) below” substitute “subsections (1A), (1B), (2) and (3) below”;
- (b) in paragraph (a), for “a waste management licence” substitute “an environmental permit”, and for “the licence” substitute “the permit”;

(c) for paragraph (b), substitute—

“(b) submit controlled waste, or knowingly cause or knowingly permit controlled waste to be submitted, to any listed operation (other than an operation within subsection (1)(a)) that—

- (i) is carried out in or on any land, or by means of any mobile plant, and
- (ii) is not carried out under and in accordance with an environmental permit.”.

(3) After subsection (1), insert—

“(1A) Paragraphs (a) and (b) of subsection (1) above do not apply in relation to a waste operation that is an exempt waste operation.

(1B) Subsection (1) does not apply in relation to the carrying on of any of the following activities—

- (a) the disposal of liquid waste under a consent under Chapter 2 of Part 3 of the Water Resources Act 1991;
- (b) a waste operation which is or forms part of an operation which—
  - (i) is the subject of a licence under Part 2 of the Food and Environment Protection Act 1985; or
  - (ii) by virtue of an order under section 7 of that Act, does not require such a licence;
- (c) the disposal of agricultural waste in or on land under an authorisation under regulation 18 of the Groundwater Regulations 1998.”.

(4) In subsection (4) for “the controls imposed by waste management licences” substitute “the prohibitions in subsection (1)”.

(5) In subsection (6) omit the words “or any condition of a waste management licence”.

(6) After subsection (10), add—

“(11) For the purposes of subsection (1)(a) above, the deposit of waste in or on land includes any listed operation involving such a deposit.

(12) For the purposes of subsection (1)(c) above, treating, keeping or disposing of controlled waste includes submitting it to any listed operation.

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(1) Section 33 was amended by the Environment Act 1995 (c. 25) section 120 and Schedule 22, the Clean Neighbourhoods and Environment Act (c. 16), sections 40(1), 41(1), 107 and Schedule 5, and S.I.2005/894 and 2006/937.

**Status:** *This is the original version (as it was originally made).*

(13) For the purposes of this section, a “listed operation” is an operation listed in Annex IIA or IIB of Directive [2006/12/EC](#) of the European Parliament and of the Council on waste”.