

## SCHEDULE 3

Descriptions: exempt waste operations and other operations  
to which section 33(1)(a) of the 1990 Act does not apply

### PART 1

#### Exempt waste operations: descriptions

#### Interpretation

1.—(1) In this Schedule—

“the 1989 Regulations” means the Sludge (Use in Agriculture) Regulations 1989<sup>(1)</sup>;

“the 1991 Act” means the Water Resources Act 1991<sup>(2)</sup>;

“best available treatment, recovery and recycling techniques” has the meaning given in the document published jointly by the Department for Environment, Food and Rural Affairs, the Welsh Assembly Government and the Scottish Executive on 27th November 2006, entitled “Guidance on Best Available Treatment, Recovery and Recycling Techniques (BATRRRT) and Treatment of Waste Electrical and Electronic Equipment (WEEE)”<sup>(3)</sup>;

“construction work” includes the repair, alteration or improvement of existing works;

“domestic purposes” has the same meaning as in section 218 of the Water Industry Act 1991<sup>(4)</sup>;

“food production purposes” means the manufacturing, processing, preserving or marketing purposes with respect to food or drink for which water supplied to food production premises may be used, and for the purposes of this definition “food production premises” means premises used for the purposes of a business of preparing food or drink for consumption otherwise than on the premises;

“inland waters” has the meaning given by section 221(1) of the 1991 Act;

“internal drainage board” has the same meaning as in section 1(1) of the Land Drainage Act 1991<sup>(5)</sup>;

“operational land” unless the context otherwise requires has the meaning given by sections 263 and 264 of the Town and Country Planning Act 1990<sup>(6)</sup>;

“recycling”, “reuse” and “treatment”, in relation to WEEE, have the meanings given by Article 3 of the WEEE Directive;

“scrap metal” has the meaning given by section 9(2) of the Scrap Metal Dealers Act 1964<sup>(7)</sup>;

“sealed drainage system” in relation to an impermeable pavement, means a drainage system with impermeable components which does not leak and which will ensure that—

(a) no liquid will run off the pavement otherwise than via the system, and

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(1) S.I.1989/1263, amended by S.I. 1990/880, 1996/593, 2000/656.

(2) 1991 c. 57.

(3) Available at the Defra website, [www.defra.gov.uk](http://www.defra.gov.uk).

(4) 1991 c. 56.

(5) 1991 c. 59.

(6) 1990 c. 8; section 263 is amended by the Planning and Compensation Act 1991 (c. 34), sections 31(4) and 84(6) and Schedules 6 and 19, by the Transport Act 2000 (c. 38), section 37 and Schedule 5, and by S.I. 2001/1149; section 264 is amended by the Water Consolidation (Consequential Provisions) Act 1991 (c. 60), section 2(1) and Schedule 54, and by S.I. 2001/4050 and S.I. 2003/1615.

(7) 1964 c. 69.

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

(b) except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump;

“work” includes preparatory work.

(2) In this Schedule, a 6 digit code used to refer to a waste is a reference to that waste as specified by the 6 digit code—

(a) in England, in the List of Wastes (England) Regulations 2005<sup>(8)</sup>;

(b) in Wales, in the List of Wastes (Wales) Regulations 2005<sup>(9)</sup>.

(3) An asterisk following any such code indicates that the waste is considered to be hazardous pursuant to Directive 91/689/EEC on hazardous waste<sup>(10)</sup>, and subject to the provisions of that Directive unless Article 1(5) of that Directive applies.

(4) When interpreting this Schedule a container, lagoon or other place is secure in relation to waste kept in it if—

(a) all reasonable precautions are taken to ensure that the waste cannot escape from it; and

(b) members of the public are unable to gain access to the waste.

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<sup>(8)</sup> S.I. 2005/895, amended by S.I. 2005/1673.

<sup>(9)</sup> S.I. 2005/1820 (W.148).

<sup>(10)</sup> OJNo. L 377, 31.12.1991, p20, as amended by Directive 94/31/EC (OJ No. L 168, 2.7.1994, p28).