

## SCHEDULE 4

Regulation 48(3)

### Amendments to other legislation

## PART 1

### Public General Acts

#### **The Control of Pollution (Amendment) Act 1989**

1. After section 9(1A) of the Control of Pollution (Amendment) Act 1989<sup>(1)</sup>, insert—

“(1AA) But, in the case of a waste collection authority that is a regulation authority by virtue of subsection (1A), the powers conferred on that authority under sections 5 to 7 above are not exercisable by that authority in relation to specified persons (within the meaning of Part 8 of the Waste (England and Wales) Regulations 2011).”.

#### **The Town and Country Planning Act 1990**

2. In section 336(1) of the Town and Country Planning Act 1990<sup>(2)</sup>, for the definition of “waste”, substitute—

““waste” includes anything that—

- (a) is waste within the meaning of Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste, and
- (b) is not excluded from the scope of that definition by Article 2(1), (2) or (3);”.

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

- 3.—(1) The Environmental Protection Act 1990<sup>(3)</sup> is amended as follows.

(2) In section 33(13)<sup>(4)</sup>, for “Annex IIA or IIB of Directive 2006/12/EC of the European Parliament and of the Council on waste”, substitute “Annex I or II of Directive 2008/98/EC of the European Parliament and of the Council on waste”.

(3) In section 34(1), for “as a broker”, substitute “as a dealer or broker”.

(4) In section 34(3)(c), at the end, insert “or by virtue of regulations under section 2 of the Pollution Prevention and Control Act 1999”.

(5) Omit section 44A<sup>(5)</sup>.

(6) In section 57(8), for the definition of “waste” substitute—

““waste” means anything that is waste within the meaning of Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste including anything excluded from the scope of that Directive by Article 2(1)(f) or 2(2)(b) or (c), but not including anything excluded by the remainder of that Article”.

(7) In section 62A<sup>(6)</sup>—

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(1) 1989 c. 14. Section 9(1A) was inserted by section 55 of the Anti-social Behaviour Act 2003.

(2) 1990 c. 8.

(3) 1990 c. 43.

(4) Section 33(13) was inserted by S.I. 2007/3538, regulation 73 and paragraphs 2 and 4(6) of Schedule 21.

(5) Section 44A was inserted by the Environment Act 1995 (c. 25) and amended by S.I. 2007/3538, regulation 73 and paragraphs 2 and 12 of Schedule 21.

(6) Section 62A was inserted by S.I. 2005/894, regulation 72(3).

- (a) in each of subsections (1)(b) and (2)(b), for “Council Directive [91/689/EEC](#)”, substitute “Directive [2008/98/EC](#)”;
- (b) for subsection (3), substitute—
 

“(3) In this section “the Hazardous Waste List” means the list of wastes established by Commission Decision [2000/532/EC](#).”.
- (8) In section 75(7)—
  - (a) for subsection (2), substitute—
 

“(2) “Waste” means anything that is waste within the meaning of Article 3(1) of Directive [2008/98/EC](#) of the European Parliament and of the Council on waste.”;
  - (b) omit subsections (10) to (12).
- (9) Omit Schedules 2A and 2B(8).

### **The Environment Act 1995**

- 4.—(1) The Environment Act 1995(9) is amended as follows.
  - (2) In section 41(1)(c)(10), for “Council Directive [91/689/EEC](#)”, substitute “Directive [2008/98/EC](#) to the extent that it relates to hazardous waste (within the meaning given by Article 3(2) of that Directive)”.
  - (3) In section 56(1), for paragraph (h) of the definition of “environmental licence”, substitute—
 

“(h) registration of a person as a broker of or dealer in controlled waste under any provision which gives effect in England and Wales to Article 26(b) of Directive [2008/98/EC](#) of the European Parliament and of the Council on waste.”.

### **The Greater London Authority Act 1999**

- 5.—(1) The Greater London Authority Act 1999(11) is amended as follows.
  - (2) In section 353 for subsection (4)(a) substitute—
 

“(a) the national waste management plan”.
  - (3) In section 354, in subsection (2)(b) for the words from “strategy prepared by” to “waste strategy)” substitute “national waste management plan”.
  - (4) In section 360, in subsection (2) after the definition of “municipal waste” insert—
 

““the national waste management plan” has the same meaning as in the Waste (England and Wales) Regulations 2011;”.

### **The Waste and Emissions Trading Act 2003**

- 6. For section 37(2) of the Waste and Emissions Trading Act 2003(12), substitute—
 

“(2) For the purposes of this section, “the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste.”.

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(7) Section 75(2) was amended by the Environment Act [1995 \(c. 25\)](#), section 120(1) and paragraph 88 of Schedule 22.

(8) Schedule 2A was inserted by the Environment Act [1995 \(c. 25\)](#), section 92 and Schedule 12. Schedule 2B was inserted by section 120 and paragraph 95 of Schedule 22 to that Act.

(9) [1995 c.25](#).

(10) Section 41(1)(c) was amended in relation to England by [S.I. 2005/894](#), regulation 59, and in relation to Wales by [S.I. 2005/1806 \(W. 138\)](#), regulation 59.

(11) [1999 c. 29](#).

(12) [2003 c. 33](#).

## **The Government of Wales Act 2006**

7.—(1) The Government of Wales Act 2006(13) is amended as follows.

(2) In Field 6 of Part 1 of Schedule 5—

- (a) after the heading “*Not included in matters 6.1 and 6.2*”, in paragraph (a), for “Article 2(1)(b)(v)” substitute “Article 2(1)(e)”;
- (b) after the heading “*Other interpretation of this field*” for the definition of “Waste Directive” substitute—

““Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste”.

## **PART 2**

### **Secondary legislation**

## **The Town and Country Planning (Use Classes) Order 1987**

8. For article 3(6)(j) of the Town and Country Planning (Use Classes) Order 1987(14), substitute—

- “(j) as a waste disposal installation for the incineration, chemical treatment (as defined in Annex I to Directive [2008/98/EC](#) under heading D9) or landfill of hazardous waste as defined (in relation to England) in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005 or (in relation to Wales) in regulation 6 of the Hazardous Waste (Wales) Regulations 2005.”.

## **The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991**

9.—(1) The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(15) are amended as follows.

- (2) In regulation 1(2), omit all the definitions except “the 1989 Act” and “notice”.
- (3) Omit regulation 1(3), regulations 2 to 18 and Schedule 1.

## **The Environment Act 1995 (Consequential Amendments) Regulations 1996**

10. Omit paragraphs 9 and 10 of Schedule 2 to the Environment Act 1995 (Consequential Amendments) Regulations 1996(16).

## **The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999**

11. In Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(17), in each of paragraphs 9 and 10, for “Annex IIA to Council Directive [75/442/EEC](#)” substitute “Annex I to Directive [2008/98/EC](#)”.

(13) [2006 c. 32](#). Field 6 of Part 1 of Schedule 5 was inserted by [S.I. 2010/248](#).

(14) [S.I. 1987/764](#), amended by [S.I. 1999/293](#). There are other amendments but none is relevant.

(15) [S.I. 1991/1624](#); relevant amending instruments are [S.I. 1992/588](#), [1994/1056](#), [1996/593](#), [1998/605](#), [2006/937](#), [2007/3538](#).

(16) [S.I. 1996/593](#).

(17) [S.I. 1999/293](#); relevant amending instruments are [S.I. 2005/894](#), [S.I. 2005/1806](#) (W. 138).

### **The Town and Country Planning (Development Plan) (England) Regulations 1999**

**12.**—(1) The Town and Country Planning (Development Plan) (England) Regulations 1999<sup>(18)</sup> are amended as follows.

- (2) In regulation 2, in paragraph (1) for the definition of “national waste strategy” substitute—  
““the national waste management plan” has the same meaning as in the Waste (England and Wales) Regulations 2011;”.
- (3) In regulation 9, for sub-paragraph (b) of paragraph (1) substitute—  
“(b) the national waste management plan;”.
- (4) In regulation 20, for sub-paragraph (b) of paragraph (1) substitute—  
“(b) the national waste management plan;”.

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

**13.**—(1) The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000<sup>(19)</sup> are amended as follows.

- (2) In regulation 2(1)—
  - (a) in the definition of “disposal”, for “Annex IIA of Directive [75/442/EEC](#), as amended,”, substitute “Annex I of Directive [2008/98/EC](#) on waste”;
  - (b) in the definition of “used PCBs”, for “Directive [75/442/EEC](#)”, substitute “Directive [2008/98/EC](#)”.
- (3) In the title to Schedule 1, for “Annex IIA of Directive [75/442/EEC](#) on waste, as amended”, substitute “Annex I of Directive [2008/98/EC](#) on waste”.

### **The Town and Country Planning (London Spatial Development Strategy) Regulations 2000**

**14.** In regulation 6 (regard to be had to certain matters and statement of regard) of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000<sup>(20)</sup>, for paragraph (1) (a) substitute—

- “(a) the national waste management plan within the meaning of the Waste (England and Wales) Regulations 2011;”.

### **The Packaging (Essential Requirements) Regulations 2003**

**15.** In regulation 2(2) of the Packaging (Essential Requirements) Regulations 2003<sup>(21)</sup>—

- (a) in the definition of “packaging waste”, for “Article 1” substitute “Article 3(1)”;
- (b) for the definition of “recovery”, substitute—  
““recovery” has the meaning given by Article 3(15) of the Waste Directive;”;
- (c) for the definition of “Waste Directive”, substitute—  
““the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste”.

<sup>(18)</sup> S.I. 1999/3280, to which there are amendments not relevant to these Regulations.

<sup>(19)</sup> S.I. 2000/1043, to which there are amendments not relevant to these Regulations.

<sup>(20)</sup> S.I. 2000/1491, to which there are amendments not relevant to these Regulations.

<sup>(21)</sup> S.I. 2003/1941, to which there are amendments not relevant to these Regulations.

### **The End-of-Life Vehicles Regulations 2003**

16. In regulation 2 of the End-of-Life Vehicles Regulations 2003(22)—

- (a) in the definition of “end-of-life vehicle”, for “Article 1(a)”, substitute “Article 3(1)”;  
(b) for the definition of “recovery”, substitute—

““recovery” has the meaning given by Article 3(15) of the Waste Directive;”;

- (c) for the definition of “the Waste Directive”, substitute—

““the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste”.

### **The Town and Country Planning (Local Development) (England) Regulations 2004**

17.—(1) The Town and Country Planning (Local Development) (England) Regulations 2004(23) are amended as follows.

- (2) In regulation 2(1), for the definition of “national waste strategy” substitute—

““national waste management plan” has the same meaning as in the Waste (England and Wales) Regulations 2011;”.

- (3) In regulation 15, for sub-paragraph (f) of paragraph (1) substitute—

“(f) the national waste management plan;”.

### **The Landfill Allowances and Trading Scheme (England) Regulations 2004**

18. In regulation 2(1) of the Landfill Allowances and Trading Scheme (England) Regulations 2004(24), in the definitions of “disposal” and “recovery”, for “Council Directive 75/442 on waste”, substitute “Directive [2008/98/EC](#) on waste”.

### **The End-of-Life Vehicles (Producer Responsibility) Regulations 2005**

19. In regulation 2 of the End-of-Life Vehicles (Producer Responsibility) Regulations 2005(25)—

- (a) in the definition of “end-of-life vehicle”, for “Article 1(a)”, substitute “Article 3(1)”;  
(b) for the definition of “recovery”, substitute—

““recovery” has the meaning given by Article 3(15) of the Waste Directive;”;

- (c) for the definition of “the Waste Directive”, substitute—

““the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste”.

### **The List of Wastes (England) Regulations 2005**

20.—(1) The List of Wastes (England) Regulations 2005(26) are amended as follows.

- (2) In regulation 2—

- (a) for sub-paragraph (a) of paragraph (1), substitute—

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(22) [S.I. 2003/2635](#), amended by [S.I. 2007/3538](#). There are other amendments but none is relevant.

(23) [S.I. 2004/2204](#), to which there are amendments not relevant to these Regulations.

(24) [S.I. 2004/3212](#), to which there are amendments not relevant to these Regulations.

(25) [S.I. 2005/263](#), to which there are amendments not relevant to these Regulations.

(26) [S.I. 2005/895](#), to which there are amendments not relevant to these Regulations.

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““the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste”;

(b) for sub-paragraph (c) of paragraph (1), substitute—

“(c) a reference to hazardous properties is a reference to the properties set out in Annex III to the Waste Directive.”;

(c) for sub-paragraph (b) of paragraph (2), substitute—

“(b) “the List of Wastes” means the list of Wastes set out in the Annex to the List of Wastes Decision, as it is set out in Schedule 1, and a reference to the List of Wastes includes a reference to its introduction (“the Introduction to the List”).”.

(3) In regulation 4—

(a) before “properties”, insert “hazardous”;

(b) omit “of Annex III”.

(4) Omit paragraphs 1 and 2 of Schedule 2.

### **The Waste Management (England and Wales) Regulations 2006**

**21.** Omit regulations 4 and 12 of the Waste Management (England and Wales) Regulations 2006<sup>(27)</sup>.

### **The Waste Electrical and Electronic Equipment Regulations 2006**

**22.** In regulation 2(1) of the Waste Electrical and Electronic Equipment Regulations 2006<sup>(28)</sup>—

(a) in the definition of “disposal”, for the words from “Annex IIA” to the end, substitute “Annex I to Directive [2008/98/EC](#) of the European Parliament and of the Council on waste”;

(b) in the definition of “recovery”, for the words “Annex IIB to Directive [2006/12/EC](#)”, substitute “Annex II to Directive [2008/98/EC](#)”;

(c) in the definition of “waste electrical and electronic equipment”, for the words “Article 1(a) of Directive [2006/12/EC](#)”, substitute “Article 3(1) of Directive [2008/98/EC](#)”.

### **The Producer Responsibility Obligations (Packaging Waste) Regulations 2007**

**23.**—(1) The Producer Responsibility Obligations (Packaging Waste) Regulations 2007<sup>(29)</sup> are amended as follows.

(2) In regulation 2—

(a) in paragraph (1), for the definition of “the Waste Directive”, substitute—

““the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste;”;

(b) in paragraph (2), in the definition of “recovery”, for “Annex IIB” substitute “Annex II”.

(3) In paragraph 2 of Schedule 7—

(a) in sub-paragraph (b), for “Annex IIB” substitute “Annex II”;

(b) in sub-paragraph (c), for “Annex IIA or Annex IIB” substitute “Annex I or II”.

<sup>(27)</sup> [S.I. 2006/937](#), to which there are amendments not relevant to these Regulations.

<sup>(28)</sup> [S.I. 2006/3289](#), to which there are amendments not relevant to these Regulations.

<sup>(29)</sup> [S.I. 2007/871](#), to which there are amendments not relevant to these Regulations.

### **The Transfrontier Shipment of Waste Regulations 2007**

24. In regulation 11 of the Transfrontier Shipment of Waste Regulations 2007(30), for “Article 7 of Directive 2006/12/EC” substitute “Article 28 of Directive 2008/98/EC”.

### **The Environmental Permitting (England and Wales) Regulations 2007**

25. Omit paragraphs 12, 31 and 32 of Schedule 21 to the Environmental Permitting (England and Wales) Regulations 2007(31).

### **The Town and Country Planning (Mayor of London) Order 2008**

26. In article 6 of the Town and Country Planning (Mayor of London) Order 2008(32), for paragraph (2)(g) substitute—

“(g) the national waste management plan within the meaning of the Waste (England and Wales) Regulations 2011 and prepared by the Secretary of State;”.

### **The Batteries and Accumulators (Placing on the Market) Regulations 2008**

27. For regulation 7(3) of the Batteries and Accumulators (Placing on the Market) Regulations 2008(33), substitute—

“(3) In this regulation “waste battery” means any battery which is waste within the meaning of Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste.”.

### **The Environmental Damage (Prevention and Remediation) Regulations 2009**

28. In Schedule 2 to the Environmental Damage (Prevention and Remediation) Regulations 2009(34), in paragraph 3(1), for the words from “Directive 2006/12/EC” to the end, substitute “Directive 2008/98/EC of the European Parliament and of the Council on waste”.

### **The Renewables Obligation Order 2009**

29. In article 2(1) of the Renewables Obligation Order 2009(35)—

- (a) in the definition of “hazardous waste”, for “Article 1(4) of the Hazardous Waste Directive”, substitute “Article 3(2) of Directive 2008/98/EC of the European Parliament and of the Council on waste”;
- (b) omit the definition of “Hazardous Waste Directive”.

### **The Waste Batteries and Accumulators Regulations 2009**

30. In regulation 2(1) of the Waste Batteries and Accumulators Regulations 2009(36),—

- (a) in the definition of “disposal”, for “Annex IIA to Directive 2006/12/EC”, substitute “Annex I to Directive 2008/98/EC”;
- (b) for the definition of “waste battery”, substitute—

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(30) [S.I. 2007/1711](#), to which there are amendments not relevant to these Regulations.

(31) [S.I. 2007/3538](#), to which there are amendments not relevant to these Regulations.

(32) [S.I. 2008/580](#).

(33) [S.I. 2008/2164](#).

(34) [S.I. 2009/153](#), to which there are amendments not relevant to these Regulations.

(35) [S.I. 2009/785](#), to which there are amendments not relevant to these Regulations.

(36) [S.I. 2009/890](#).

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““waste battery” means any battery which is waste within the meaning of Article 3(1) of Directive [2008/98/EC](#) of the European Parliament and of the Council on waste;”.

### **The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009**

**31.** In Schedule 1 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009<sup>(37)</sup>, in each of paragraphs 9 and 10, for “Annex IIA to Council Directive [75/442/EEC](#)” substitute “Annex I to Directive [2008/98/EC](#)”.

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(37) [S.I. 2009/2263](#).