

STATUTORY INSTRUMENTS

2005 No. 894

The Hazardous Waste (England and Wales) Regulations 2005

PART 3

APPLICATION OF PARTS 4 TO 11

General application of Parts 4 to 11

12.—(1) Subject to paragraphs (2) to (4), these Regulations apply to hazardous waste.

[^{F1}(2) Except as provided in regulations 13 (asbestos waste) and 14 (separated domestic fractions), these Regulations do not apply to domestic waste.]

(3) Nothing in Part 6 of these Regulations (movement of hazardous waste) shall apply in relation to shipments of waste to which the provisions of [^{F2}Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste], other than Title III of that Regulation, apply.

(4) These Regulations apply to hazardous waste in England notwithstanding that the waste—

- (a) was produced on or removed from premises in Scotland, Wales, Northern Ireland or Gibraltar; or
- (b) is, or is to be, transported from premises in England to premises located in one of those places.

(5) For the avoidance of doubt, in their application to—

- (a) ships' waste, these Regulations apply to any ship;
- (b) the internal waters and the territorial sea of the United Kingdom adjacent to England, these Regulations apply, without prejudice to paragraph (3), to a consignment of waste transported in any ship,

in each case (whether the ship is a United Kingdom ship or otherwise and, if a United Kingdom ship, whether registered in England or otherwise).

F1 Reg. 12(2) substituted (6.4.2009) by [The Hazardous Waste \(England and Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/507\)](#), regs. 1(c), 4

F2 Words in reg. 12(3) substituted (1.6.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), art. 1(2), **reg. 4(3)**

Asbestos waste

[^{F3}13.—(1) These Regulations apply to asbestos waste whether or not it is domestic waste.

(2) Nothing in these Regulations imposes obligations on an occupier of domestic premises in relation to asbestos waste produced on those premises.

(3) A contractor who is engaged to carry out any works at domestic premises which produce asbestos waste or which relate to asbestos waste is to be treated as the producer of the asbestos

waste, and, where the contractor does not engage another person as consignor, as the consignor of the asbestos waste.]

F3 Reg. 13 substituted (6.4.2009) by [The Hazardous Waste \(England and Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/507\)](#), regs. 1(c), 5

[^{F4}Separated domestic fractions

14.—(1) This regulation applies to any separated domestic fraction, that is to say, hazardous waste which—

- (a) is domestic waste; and
- (b) has been separated from other domestic waste.

(2) Nothing in these Regulations imposes obligations on an occupier of domestic premises in relation to separated domestic fractions which have been produced at those premises.

(3) Part 4 of these Regulations applies to separated domestic fractions from the time at which the waste is accepted for collection, disposal or recovery—

- (a) from the domestic premises at which the waste was produced; or
- (b) at a site for the reception of domestic waste to which the separated domestic fractions are taken by an occupier of domestic premises.

(4) After separated domestic fractions have been removed from the premises at which the waste was produced and taken to other premises for collection, disposal or recovery, any establishment or undertaking which accepts the separated domestic fractions for collection, disposal or recovery must be treated from the time at which the waste is so accepted as the producer of the waste for the purposes of these Regulations.]

F4 Reg. 14 substituted (6.4.2009) by [The Hazardous Waste \(England and Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/507\)](#), regs. 1(c), 6

[^{F5}Hazardous waste produced at shop premises

14A.—(1) Hazardous waste produced at shop premises by customers of the occupier shall be treated as being produced by the occupier for the purposes of these Regulations.

(2) For the purposes of this regulation, “shop premises” has the meaning given by section 1(3) of the Offices, Shops and Railway Premises Act 1963.]

F5 Reg. 14A inserted (6.4.2009) by [The Hazardous Waste \(England and Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/507\)](#), regs. 1(c), 7

Radioactive waste

15.—[^{F6}(1) This regulation applies to radioactive waste where—

- (a) a radioactive substances activity in relation to that radioactive waste does not require an environmental permit by virtue of [^{F7}a radioactive substances exemption]; and
- (b) that radioactive waste has one or more hazardous properties arising other than from its radioactive nature.]

(2) Notwithstanding regulation 2(1)(b)(ii), radioactive waste to which this regulation applies is treated as waste for the purposes of these Regulations, and accordingly it is treated as hazardous waste and these Regulations apply to that waste.

- F6** Reg. 15(1) substituted (6.4.2010 immediately after S.I. 2009/3381 comes into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1), **Sch. 26 para. 23(3)** (with reg. 1(2))
- F7** Words in reg. 15(1)(a) substituted (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2043\)](#), reg. 1(b), **Sch. 2 para. 3(3)**

Agricultural waste

16.—(1) These Regulations do not apply to agricultural waste before [^{F8}15th May 2007], but apply on and after that date to agricultural waste whenever it became waste.

(2) For the purpose of this regulation, “agricultural waste” means waste from premises used for agriculture within the meaning of the Agriculture Act 1947 ^{M1}.

- F8** Words in reg. 16 substituted (15.5.2006) by [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), regs. 1(2), **10(2)**

Marginal Citations

- M1** 1947 c. 48 (see section 109(3)).

Mines and quarries waste

17. These Regulations do not apply to waste from a mine or quarry before [^{F9}15th May 2007], but apply on and after that date to such waste whenever it became waste.

- F9** Words in reg. 17 substituted (15.5.2006) by [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), regs. 1(2), **10(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Hazardous Waste (England and Wales) Regulations 2005, PART 3.