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## STATUTORY INSTRUMENTS

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### 2005 No. 894

## The Hazardous Waste (England and Wales) Regulations 2005

### PART 4

#### MIXING HAZARDOUS WASTE

##### Meaning of mixing hazardous waste

**18.** For the purposes of these Regulations, hazardous waste of any description shall be considered to have been mixed if it has been [<sup>F1</sup>diluted or has been] mixed with—

- (a) a different category of hazardous waste;
- [<sup>F2</sup>(aa) in the case of hazardous waste comprising waste oil, waste oil of different characteristics;]
- (b) a non-hazardous waste; or
- (c) any other substance or material.

- F1** Words in [reg. 18](#) inserted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 8\(a\)](#) (with [regs. 2, 47\(2\)](#))
- F2** [Reg. 18\(aa\)](#) inserted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 8\(b\)](#) (with [regs. 2, 47\(2\)](#))

##### Prohibition on mixing hazardous waste without a permit

**19.**—(1) Subject to paragraphs [<sup>F3</sup>(2), (3) and (4)], no establishment or undertaking which carries out the disposal or recovery of hazardous waste, or which produces, collects or transports hazardous waste, shall mix any hazardous waste.

(2) Paragraph (1) does not apply so as to prohibit a process by which waste is produced and which results in the production of mixed wastes, being a process other than one which mixes a waste with any other waste, substance or material, resulting in—

- (a) a change in the nature or composition of that waste;
- (b) or the production of another waste.

(3) Paragraph (1) does not apply to the extent that the mixing is part of a disposal or recovery operation and is authorised by, and is conducted in accordance with, the requirements (howsoever expressed) of a waste permit <sup>F4</sup>....

[<sup>F5</sup>(4) Paragraph (1) applies to the mixing of waste oil only where such mixing would impede regeneration or another recycling operation delivering an equivalent or a better overall outcome than regeneration.

(5) In paragraph (4)—

“recycling” means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes, including the

reprocessing of organic material but not including energy recovery or reprocessing into materials that are to be used as fuels;

“regeneration” means any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils.]

- F3** Words in reg. 19(1) substituted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 9\(a\)](#) (with [regs. 2, 47\(2\)](#))
- F4** Words in reg. 19(3) omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 9\(b\)](#) (with [regs. 2, 47\(2\)](#))
- F5** [Reg. 19\(4\)\(5\)](#) substituted for [reg. 19\(4\)](#) (1.10.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020 \(S.I. 2020/904\)](#), [regs. 1\(1\), 9\(4\)](#)

### Duty to separate mixed wastes

**20.**—(1) [<sup>F6</sup>Paragraph (2)] applies to the holder where—

- (a) the hazardous waste has been mixed other than under and in accordance with a waste permit <sup>F7</sup>..., whether by the holder or a previous holder; and
- (b) separation is both—
  - (i) technically <sup>F8</sup>... feasible; and
  - (ii) necessary in order to comply with the Waste Directive conditions.

(2) The holder must make arrangements for separation of the waste to be carried out in accordance with a waste permit or registered exemption as soon as reasonably practicable.

[<sup>F9</sup>(2A) Where separation is not required pursuant to paragraph (2), the holder must make arrangements for mixed hazardous waste to be treated at a facility authorised by a waste permit to treat that waste.]

(3) In this Regulation “separation” means separation of a waste from any other waste, substance or material with which it has been mixed.

- F6** Words in reg. 20(1) substituted (1.10.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020 \(S.I. 2020/904\)](#), [regs. 1\(1\), 9\(5\)\(a\)\(i\)](#)
- F7** Words in reg. 20(1)(a) omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 10](#) (with [regs. 2, 47\(2\)](#))
- F8** Words in [reg. 20\(1\)\(b\)\(i\)](#) omitted (1.10.2020) by virtue of [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020 \(S.I. 2020/904\)](#), [regs. 1\(1\), 9\(5\)\(a\)\(ii\)](#)
- F9** [Reg. 20\(2A\)](#) inserted (1.10.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020 \(S.I. 2020/904\)](#), [regs. 1\(1\), 9\(5\)\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Hazardous Waste (England and Wales) Regulations 2005, PART 4.