

STATUTORY INSTRUMENTS

2005 No. 894

The Hazardous Waste (England and Wales) Regulations 2005

PART 1

GENERAL

The Waste Directive and the meaning of waste

[^{F12}—(1) For the purposes of these Regulations—

[^{F2}(a) “the Waste Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste [^{F3}, as last amended by [^{F4}Directive (EU) 2018/851]] [^{F5}, and as read in accordance with regulation 2A];]

(b) “waste” means anything that—

(i) is waste within the meaning of Article 3(1) of the Waste Directive [^{F6}, as read with Articles 5 and 6 of that Directive]; and

(ii) subject to regulation 15, is not excluded from the scope of that Directive by Article 2(1), (2) or (3).

(2) In these Regulations, a reference to the Waste Directive conditions is a reference to the conditions set out in Article 13 of that Directive, that is to say, to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular—

(a) without risk to water, air, soil, plants or animals;

(b) without causing a nuisance through noise or odours; and

(c) without adversely affecting the countryside or places of special interest.]

F1 Reg. 2 substituted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), [Sch. 2 para. 2](#) (with regs. 2, 47(2))

F2 Reg. 2(1)(a) substituted (3.8.2016) by [The Waste \(Meaning of Recovery\) \(Miscellaneous Amendments\) Regulations 2016](#) (S.I. 2016/738), regs. 1(1), [6](#)

F3 Words in reg. 2(1)(a) inserted (5.7.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018](#) (S.I. 2018/575), art. 1(2)(a), [reg. 4\(2\)](#)

F4 Words in reg. 2(1)(a) substituted (1.10.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020](#) (S.I. 2020/904), regs. 1(1), [9\(2\)](#)

F5 Words in reg. 2(1)(a) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019](#) (S.I. 2019/188), regs. 1(2)(b), [11\(2\)\(a\)](#) (as amended by S.I. 2020/1540, regs. 1(2), 11(2)); 2020 c. 1, Sch. 5 para. 1(1)

F6 Words in reg. 2(1)(b)(i) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019](#) (S.I. 2019/188), regs. 1(2)(b), [11\(2\)\(b\)](#) (as amended by S.I. 2020/1540, regs. 1(2), 11(2)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Hazardous Waste (England and Wales) Regulations 2005, Section 2.