
STATUTORY INSTRUMENTS

2005 No. 894

The Hazardous Waste (England and Wales) Regulations 2005

PART 1

GENERAL

General Interpretation

5.—(1) In these Regulations—

“the 1990 Act” means the Environmental Protection Act 1990 ^{M1};

“the 1995 Act” means the Environment Act 1995 ^{M2};

^{F1}

“the 1996 Regulations” means the Special Waste Regulations 1996 ^{M3};

[^{F2}“the Environmental Permitting Regulations” means [^{F3}the Environmental Permitting (England and Wales) Regulations 2016];]

“the Agency” means the Environment Agency;

[^{F4}“appropriate authority” means the Secretary of State or the Agency;]

“asbestos waste” means waste which contains or is contaminated by asbestos;

“authorised person” has the meaning given by section 108(15) of the 1995 Act;

“business day” means any day other than any—

- (a) Saturday or Sunday;
- (b) Good Friday or Christmas Day;
- (c) day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 ^{M4}; or
- (d) other public holiday;

“carrier” in relation to a consignment of hazardous waste, means a person who takes one or more of the following actions, that is to say, collects the consignment from the premises at which it was produced or premises at which it is being held, delivers it to the consignee, or transports it in the course of its transfer from those premises to the consignee;

“consignee”, in relation to a consignment of hazardous waste, means the person to whom the waste is or is to be transferred for recovery or disposal;

“consignment code” shall be construed in accordance with regulation 34(1);

[^{F5}“consignment note”, in relation to a consignment of hazardous waste, means the identification document which is required to accompany the hazardous waste when it is transferred pursuant to Article 19(2) of the Waste Directive.]

“consignor”, in relation to a consignment of hazardous waste, means the person who causes that waste to be removed from the premises at which it was produced or is being held;

[^{F6}“domestic waste” means waste produced by a household;]

“emergency or grave danger” has the meaning given by regulation 61;

“emergency services” means those police, fire and ambulance services who are liable to be required to respond to an emergency;

[^{F7}“environmental permit” has the meaning given in regulation 13(1) of [^{F8}the Environmental Permitting Regulations];]

[^{F9}“harbour area” has the same meaning as in the Dangerous Goods in Harbour Areas Regulations 2016;]

“hazardous waste” has the meaning given by regulation 6; “mixing” shall be construed in accordance with regulation 18;

[^{F10}“Landfill Directive” means Council [Directive 1999/31/EC](#) on the landfill of waste, as last amended by Directive (EU) 2018/850, and read as if—

(a) in Article 2—

(i) in point (a)—

(aa) “‘waste’,” were omitted; and

(bb) for “[Directive 2008/98/EC](#)” there were substituted “the Waste Framework Directive”;

(ii) after point (a) there were inserted—

“(aa) ‘waste’ has the meaning given by regulation 2(1)(b) of the Hazardous Waste (England and Wales) Regulations 2005;”;

(b) in Article 3—

(i) in paragraph (2), “Without prejudice to existing Community legislation,” were omitted;

(ii) for paragraph (3) there were substituted—

“**3.** The management of extractive waste, within the meaning given in regulation 2(1) of the Environmental Permitting Regulations, is excluded from the scope of this Directive where it falls within the scope of Schedule 20, or paragraph 8(a) or (b) of Schedule 22, to those Regulations.”.]

^{F11}

[^{F12}“multiple collection” means a journey made by a single carrier which meets the following conditions—

(a) the carrier collects more than one consignment of hazardous waste in the course of the journey;

(b) each consignment is collected from different premises;

(c) all the premises from which a collection is made are in England; and

(d) all consignments collected are transported by that carrier in the course of a journey to the same consignee;]

^{F13}

“non-hazardous waste” has the meaning given by regulation 7;

[^{F14}“premises” includes land and any ship]^{F15}...;

“quarter” means any period of three months ending on 31st March, 30th June, 30th September or 31st December;

[^{F16}“radioactive substances activity” has the meaning given in Schedule 23 to the Environmental Permitting Regulations;]

[^{F17}“radioactive substances exemption” has the meaning given in regulation 2(1) of the Environmental Permitting Regulations;]

[^{F16}“radioactive waste” has the meaning given in Schedule 23 to the Environmental Permitting Regulations;]

[^{F18}“registered exemption” means an exempt waste operation within the meaning of the Environmental Permitting Regulations;]

“schedule of carriers” means the form of schedule set out in Schedule 5 and required to be completed where more than one carrier transports, or is to transport, the consignment;

“SEPA” means the Scottish Environment Protection Agency;

“ship” means a vessel of any type whatsoever including submersible craft, floating craft and any structure which is a fixed or floating platform;

“six digit code” means the six digit code referable to a type of waste in accordance with the List of Wastes, and in relation to hazardous waste, includes the asterisk;

^{F11}

“United Kingdom ship” has the meaning given by section 1 of the Merchant Shipping Act 1995 ^{M5};

^{F1}

[^{F19}“waste permit” means a marine licence under Part 4 of the Marine and Coastal Access Act 2009 or an environmental permit.]

[^{F20}(2) In these Regulations—

“broker” means an undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;

“collection” means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

“dealer” means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;

“disposal” means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy (Annex I of the Waste Directive sets out a non-exhaustive list of disposal operations);

“holder” means the producer of the waste or the person who is in possession of it;

“management” means the collection, transport, recovery [^{F21}(including sorting)] and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as dealer or broker;

“producer” means anyone whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of the waste;

“recovery” means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy (Annex II of the Waste Directive sets out a non-exhaustive list of recovery operations);

“waste oil” means any mineral or synthetic lubrication or industrial oil which has become unfit for the use for which it was originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils, and cognate expressions must be construed accordingly.]

(3) In these Regulations—

- (a) any document which is to be provided or given to any person (other than a fixed penalty notice under Part 10) may be provided or given to that person in electronic form if the text is capable of being produced by that person in a visible and legible documentary form;
- (b) any requirement to make, keep or retain a record or to maintain a register may be satisfied in electronic form if the text is capable of being produced by that person in a visible and legible documentary form;
- (c) any requirement for a signature on a ^{F22}... consignment note [^{F23}or schedule of carriers], may be satisfied by an electronic signature incorporated into the document; and
- (d) “electronic signature” means data in electronic form which are attached to or logically associated with other electronic data and which serve as a method of authentication.

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| F1 | Words in reg. 5(1) omitted (6.4.2008) by virtue of The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538) , reg. 1(1)(b), Sch. 21 para. 45(3)(a) (with regs. 69-72) |
| F2 | Words in reg. 5(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(2)(a) (with reg. 1(2)) |
| F3 | Words in reg. 5(1) substituted (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154) , reg. 1(1), Sch. 29 para. 16 (with regs. 1(3), 77-79, Sch. 4) |
| F4 | Words in reg. 5(1) inserted (31.12.2020) by The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/188) , regs. 1(2)(b), 11(4)(a) (as amended by S.I. 2020/1540, regs. 1(2), 11(2)); 2020 c. 1, Sch. 5 para. 1(1) |
| F5 | Words in reg. 5(1) substituted (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988) , reg. 1(2), Sch. 2 para. 5(a)(i) (with regs. 2, 47(2)) |
| F6 | Words in reg. 5(1) inserted (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988) , reg. 1(2), Sch. 2 para. 5(a)(ii) (with regs. 2, 47(2)) |
| F7 | Words in reg. 5(1) inserted (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538) , reg. 1(1)(b), Sch. 21 para. 45(3)(c) (with regs. 69-72) |
| F8 | Words in reg. 5(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(2)(b) (with reg. 1(2)) |
| F9 | Words in reg. 5 substituted (1.10.2016) by The Dangerous Goods in Harbour Areas Regulations 2016 (S.I. 2016/721) , reg. 1, Sch. 5 para. 6 (with reg. 5) |
| F10 | Words in reg. 5(1) inserted (31.12.2020) by The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/188) , regs. 1(2)(b), 11(4)(b) (as amended by S.I. 2020/1540, regs. 1(2), 11(2)(5)(c)); 2020 c. 1, Sch. 5 para. 1(1) |
| F11 | Words in reg. 5(1) omitted (1.4.2016) by virtue of The Hazardous Waste (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/336) , regs. 1, 2(2)(a)(i) |
| F12 | Words in reg. 5(1) substituted (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988) , reg. 1(2), Sch. 2 para. 5(a)(iii) (with regs. 2, 47(2)) |
| F13 | Words in reg. 5(1) omitted (29.3.2011) by virtue of The Waste (England and Wales) Regulations 2011 (S.I. 2011/988) , reg. 1(2), Sch. 2 para. 5(a)(iv) (with regs. 2, 47(2)) |
| F14 | Words in reg. 5(1) substituted (6.4.2009) by The Hazardous Waste (England and Wales) (Amendment) Regulations 2009 (S.I. 2009/507) , regs. 1(c), 3 |
| F15 | Words in reg. 5(1) omitted (1.4.2016) by virtue of The Hazardous Waste (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/336) , regs. 1, 2(2)(a)(ii) |

- F16** Words in reg. 5(1) inserted (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(2)(e)** (with reg. 1(2))
- F17** Words in reg. 5(1) inserted (1.10.2011) by The Environmental Permitting (England and Wales) (Amendment) Regulations 2011 (S.I. 2011/2043), reg. 1(b), **Sch. 2 para. 3(2)**
- F18** Words in reg. 5(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(2)(c)** (with reg. 1(2))
- F19** Words in reg. 5(1) substituted (6.4.2011) by The Marine and Coastal Access Act 2009 (Commencement No.5, Consequential and Transitional Provisions) Order 2011 (S.I. 2011/556), art. 1(3), **Sch. para. 5(2)**
- F20** Reg. 5(2) substituted (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 5(b)** (with regs. 2, 47(2))
- F21** Words in reg. 5(2) inserted (1.10.2020) by The Waste (Circular Economy) (Amendment) Regulations 2020 (S.I. 2020/904), regs. 1(1), **9(3)**
- F22** Word in reg. 5(3)(c) omitted (1.4.2016) by virtue of The Hazardous Waste (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/336), regs. 1, **2(2)(b)**
- F23** Words in reg. 5(3)(c) substituted (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 5(c)** (with regs. 2, 47(2))

Marginal Citations

- M1** 1990 c. 43.
- M2** 1995 c. 25.
- M3** S.I. 1996/972 as amended by S.I. 1996/2019, 1997/251, 2001/3148.
- M4** 1971 c. 80.
- M5** 1995 c. 21.

Changes to legislation:

There are currently no known outstanding effects for the The Hazardous Waste (England and Wales) Regulations 2005, Section 5.