
STATUTORY INSTRUMENTS

2005 No. 894

The Hazardous Waste (England and Wales) Regulations 2005

PART 2

HAZARDOUS AND NON-HAZARDOUS WASTE

Specific waste to be treated as hazardous

8.—(1) The Secretary of State, having regard to Annexes I, II and III and the limit values of concentration in the List of Wastes, may determine, in exceptional cases, that a specific batch of waste in England which—

- (a) is not listed as a hazardous waste in the List of Wastes;
- (b) is not listed in regulations made under section 62A(1) of the 1990 Act; or
- (c) though of a type listed as a hazardous waste in the List of Wastes, is treated as non-hazardous pursuant to regulation 9(2),

displays one or more of the hazardous properties, and accordingly that it shall be treated for all purposes as hazardous waste.

(2) A specific batch of waste produced in Wales, Scotland or Northern Ireland and not listed as hazardous in the List of Wastes and which is for the time being determined by the Welsh Assembly Government, the Scottish Executive or the Northern Ireland Department of the Environment, as the case may be, to be hazardous pursuant to Article 3 of the List of Wastes Decision, shall, subject to any determination made under regulation 9, be treated for all purposes as hazardous waste in England.