

SCHEDULE 11

Regulation 77

CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO PRIMARY LEGISLATION

The Waste and Emissions Trading Act 2003

1. The Waste and Emissions Trading Act 2003(1) is amended as follows.
2. In section 25(2), for “for the purpose of Council Directive 91/689/EEC” substitute “within the meaning of regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”.

PART 2

AMENDMENTS TO SECONDARY LEGISLATION

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

3. The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(2) are amended as follows.
4. At the end of Schedule 1 insert “The Hazardous Waste (England and Wales) Regulations 2005.”.

The Environmental Protection (Duty of Care) Regulations 1991

5. The Environmental Protection (Duty of Care) Regulations 1991(3) are amended as follows.
6. In regulation 2(3), for “special waste” substitute “hazardous waste”, and for “Special Waste Regulations 1996” substitute “Hazardous Waste (England and Wales) Regulations 2005”.

The Environmental Protection (Prescribed Processes and Substances) Regulations 1991

7. The Environmental Protection (Prescribed Processes and Substances) Regulations 1991(4) are amended as follows.
8. In Section 5.1 of Chapter 5 of Schedule 1—
 - (a) in the definition of “exempt hazardous waste incineration plant”—
 - (i) in paragraph (ii) for “Annex II to Directive 91/689/EEC on hazardous waste” substitute “Schedule 2 of the Hazardous Waste (England and Wales) Regulations 2005”;
 - (ii) in paragraph (iii) for “Annex III to Directive 91/689/EEC on hazardous waste” substitute “Schedule 3 of the Hazardous Waste (England and Wales) Regulations 2005”;

(1) 2003 c. 33.

(2) S.I.1991/1624; Schedule 1 was amended by S.I.1994/1137, 1996/972, 2000/1973.

(3) S.I. 1991/2839; as amended by S.I.2002/1559, 2003/63.

(4) S.I. 1991/472; relevant amendments are contained in S.I.1998/767.

(b) in the definition of “hazardous waste”—

- (i) in the opening words, for “Article 1(4) of Directive 91/689/EEC” substitute “regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005”; and
- (ii) in sub-paragraph (i)(b) and paragraph (v), for “in Annex II to Directive 91/689/EEC” substitute “in Schedule 2 to the Hazardous Waste (England and Wales) Regulations 2005”.

Waste Management Licensing Regulations 1994

9. The 1994 Regulations are amended as follows.

10. In regulation 1(3), for the definition of “special waste”, substitute ““hazardous waste” has the meaning given by regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005”.

11. In regulation 3, at the end add “(q) the Hazardous Waste (England and Wales) Regulations 2005”.

12. In regulation 10(1)(j) for “special waste” substitute “hazardous waste”.

13. In regulation 10(1)(k) at the end insert “or regulation 47(5) or 48(6) of the Hazardous Waste (England and Wales) Regulations 2005”.

14. In regulation 14(1) and 14(2), for “toxic and dangerous” substitute “hazardous waste”, and in regulation 14(3) for the definition of “toxic and dangerous waste” substitute ““hazardous waste” has the meaning given by regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”.

15. In regulation 17(3) and 17(3A) for “special waste” substitute “hazardous waste”.

16. In paragraph 5 of Schedule 1, for subparagraph (d) to the end of paragraph 5, substitute—

- “(d) every record made relating to the site pursuant to regulation 14 of the Control of Pollution (Special Waste) Regulations 1980, regulation 16 of the 1996 Regulations, or regulation 0 of the Hazardous Waste (England and Wales) Regulations 2005;
and any estimate under paragraph 4 of the total quantities of the different types of waste dealt with at the site, shall, in particular, differentiate between biodegradable waste, non-biodegradable waste and hazardous waste.”.

17. In paragraph 2(1) of Schedule 1A, for the definition of hazardous waste substitute ““hazardous waste” means such waste as defined in Regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”

18. In schedule 3, in paragraphs 3(a)(ii), 3(c), 18(2)(b), 28, 36(1), 36(2), 38, 39(1), 39(2), 41(2), and in tables 4, 4A and 4B, on each occasion that it appears, for “special waste” substitute “hazardous waste”.

19. In paragraph 9 of Schedule 4, omit subparagraphs (9) and (10).

20. In paragraph 13(1) of Schedule 4 delete “, and producers of special waste,”.

21. In paragraphs 14(1)(b) and 14(1A) of Schedule 4 for “special waste” substitute “hazardous waste”.

22. For paragraph 14(5) of Schedule 4, substitute—

- “(2) Paragraph (a) of regulation 66 of the Hazardous Waste (England and Wales) Regulations 2005 (defence in case of emergency) shall apply to a person charged with an offence under paragraph (4) above as it applies to a person charged with an offence under regulation 65 of those Regulations.”.

23. For paragraph 14(8) of Schedule 4, substitute—

“(8) Regulations 67 and 69(2) of the Hazardous Waste (England and Wales) Regulations 2005 shall apply to an offence under this paragraph as they apply to an offence under regulation 65 of those Regulations.”.

Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999

24. The Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999⁽⁵⁾ are amended as follows.

25. In paragraph 9 of Schedule 1, for “hazardous waste (that is to say, waste to which Council Directive [91/689/EEC](#) applies).” substitute “hazardous waste as defined in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”

Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances) (England and Wales) Regulations 2000

26. The Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances) (England and Wales) Regulations 2000⁽⁶⁾ are amended as follows.

27. For regulation 11(3), substitute the following—

“(3) Subject to paragraphs (5) and (7), the Agency shall keep a register specifying the quantity, origin, nature and PCB content of used PCBs in respect of which—

- (a) copies of consignment notes specifying that information are furnished to it under regulations 5(4), 8(7) or 9(3) of the Special Waste Regulations 1996; or
- (b) quarterly returns specifying that information are furnished to it under regulation 53 of the Hazardous Waste (England and Wales) Regulations 2005,

and which in either case have been furnished by a person in the course of a business concerned with the disposal of PCBs.”

Pollution Prevention and Control (England and Wales) Regulations 2000

28. The Pollution Prevention and Control (England and Wales) Regulations 2000⁽⁷⁾ (which extend to England and Wales) are amended as follows.

29. In Chapter 5 of Schedule 1—

- (a) in the definition of hazardous waste^Ç in the paragraph headed “Interpretation of Section 5.1” of Section 5.1—
 - (i) in the opening words for “Article 1(4) of Directive [91/689/EEC](#) on hazardous waste” substitute “regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005”; and
 - (ii) in paragraph (a)(ii) for “Annex II to Directive [91/689/EEC](#) on hazardous waste” substitute “Schedule 2 of the Hazardous Waste (England and Wales) Regulations 2005”;
- (b) in paragraph 1 of the paragraph headed “Interpretation of Part A(1)” of Section 5.3 for the definition of “hazardous waste”, substitute ““hazardous waste^Ç means any waste as defined for the time being in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”; and

⁽⁵⁾ S.I. [1999/293](#), to which there are amendments not relevant to these Regulations.

⁽⁶⁾ S.I. [2000/1043](#), to which there are amendments not relevant to these Regulations.

⁽⁷⁾ S.I. [2000/1973](#); relevant amendments have been made by [S.I.2002/2980](#).

Status: This is the original version (as it was originally made).

- (c) in the paragraph headed çInterpretation of Part A(1)Ç of Section 5.4 insert the following after paragraph 3—

“4. In this Part, hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”.

Chemicals (Hazard Information and Packaging for Supply) Regulations 2002

30. The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002⁽⁸⁾ are amended as follows.

31. In regulation 3(3)(e), for “Special Waste Regulations 1996” substitute “Hazardous Waste (England and Wales) Regulations 2005”.

Landfill (England and Wales) Regulations 2002

32. The Landfill (England and Wales) Regulations 2002⁽⁹⁾ are amended as follows.

33. In Regulation 7(2) for “Hazardous waste means any waste as defined in Article 1(4) of Directive 91/689/EEC (hazardous waste).” substitute “Hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”.

34. For paragraph 2(a) of Schedule 1, substitute “(a) it is a hazardous waste as defined in the Hazardous Waste (England and Wales) Regulations 2005; and”.

35. For paragraph 3(1)(a) of Schedule 1, substitute “(a) it is a hazardous waste as defined in the Hazardous Waste (England and Wales) Regulations 2005; and”

36. For paragraph 3(1)(b) of Schedule 1, substitute “(b) it is a non-hazardous waste as defined in the Hazardous Waste (England and Wales) Regulations 2005.”.

37. For paragraph 5(1)(g) of Schedule 1, substitute—

“(g) in the case of hazardous waste, the relevant properties which render it hazardous as listed in Schedule 3 of the Hazardous Waste (England and Wales) Regulations 2005;”.

Packaging (Essential Requirements) Regulations 2003

38. The Packaging (Essential Requirements) Regulations 2003⁽¹⁰⁾ are amended as follows.

39. In regulation 3(2), for the words “or the provisions of Council Directive 91/689/EEC on hazardous waste.”Ç substitute “or the provisions of the Hazardous Waste (England and Wales) Regulations 2005.”

⁽⁸⁾ S.I. 2002/1689, to which there are amendments not relevant to these Regulations.

⁽⁹⁾ S.I. 2002/1959; as amended by S.I. 2004/1375.

⁽¹⁰⁾ S.I. 2003/1941.