
EXPLANATORY NOTE

(This note is not part of the Order)

Insofar as the provisions are not already in force in Great Britain, this Order brings into force on [date of commencement of the 2006 Regulations]—

- (a) section 120(1) of the Environment Act 1995 (“the 1995 Act”), insofar as it relates to paragraphs 27(b) and (c), 88 and 95 of Schedule 22 to that Act⁽¹⁾; and
- (b) section 120(3) of the 1995 Act, insofar as it relates to the repeal of words in section 30(1) of the Control of Pollution Act 1974 (“the 1974 Act”) and the repeal of section 75(3) of the Environmental Protection Act 1990 (“the 1990 Act”)⁽²⁾.

Paragraph 27(b) and (c) makes amendments to section 30(1) of the 1974 Act concerning the definition of “waste”. “Waste” in the 1974 Act is given the same meaning as in Part II of the 1990 Act, and the words which provide a presumption that anything discarded is waste unless the contrary is proved, cease to have effect.

Paragraph 88 amends section 75 of the 1990 Act (meaning of “waste” etc.) so that the definition of “waste” in Part II of the 1990 Act is the same as that in Council Directive [75/442/EEC](#) on waste ⁽³⁾. Paragraph 95 inserts a new Schedule 2B (categories of waste) to the 1990 Act in relation to section 75 of that Act. That Schedule transposes Annex I of Council Directive [75/442/EEC](#).

The words and the provision which are repealed by section 120(3) provide for a presumption, in the 1974 and 1990 Acts respectively, that anything discarded is waste unless the contrary is proved.

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- (1) Paragraph 88 of Schedule 22 to the 1995 Act was commenced in Scotland for the purposes only of the Landfill (Scotland) Regulations 2003 ([S.S.I. 2003/235](#)) by virtue of article 2(b) of the Environment Act 1995 (Commencement No 21) (Scotland) Order 2003 ([S.S.I. 2003/206](#)). Paragraphs 27(b), (c), 88 (insofar as that provision was not already in force) and 95 were commenced in Scotland by virtue of article 2(a) of the Environment Act 1995 (Commencement No 22) (Scotland) Order 2004 ([S.S.I. 2004/541](#)).
 - (2) Section 120(3) of the 1995 Act in so far as it relates to the repeal of the words in section 30(1) of the 1974 Act and section 75(3) of the 1990 Act was commenced in Scotland by virtue of article 2(b) of the Environment Act 1995 (Commencement No 22) (Scotland) Order 2004 ([S.S.I. 2004/541](#)).
 - (3) O.J. No. L194, 25.7.1975, p. 39 (as amended by Council Directives [91/156/EEC](#) (O.J. No. L78, 26.3.1991, p. 32), [91/692/EEC](#) (O.J. No. L377, 31.12.1991, p. 48 (as corrected by Corrigendum, O.J. No. L146, 13.6.2003, p. 52)), Commission Decision [96/350/EC](#) (O.J. No. L135, 6.6.1996, p. 32) and Regulation ([EC](#)) No. [1882/2003](#) (O.J. No. L284, 31.10.2003, p. 1)).