

2006 No. 934 (C. 27)

**ENVIRONMENTAL PROTECTION, ENGLAND AND
WALES**

**The Environment Act 1995 (Commencement No. 23) (England
and Wales) Order 2006**

Made - - - -

27th March 2006

The Secretary of State, in exercise of the powers conferred on her by section 125(3) of the Environment Act 1995(a), hereby makes the following Order:

Citation and extent

1. This Order may be cited as the Environment Act 1995 (Commencement No. 23) (England and Wales) Order 2006 and extends to England and Wales only.

Provisions coming into force on 15th May 2006

2. The following provisions of the Environment Act 1995 shall come into force on 15th May 2006—

- (a) section 120(1), insofar as it relates to paragraphs 27(b) and (c), 88 and 95 of Schedule 22; and
- (b) section 120(3), insofar as it relates to the repeal of—
 - (i) the words from “and for the purposes” to the end of section 30(1) of the Control of Pollution Act 1974(b); and
 - (ii) section 75(3) of the Environmental Protection Act 1990(c).

27th March 2006

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) 1995 c.25.
(b) 1974 c.40.
(c) 1990 c.43.

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**(a)**; 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”)**(b)**.

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 **(c)**. 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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- (a) 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).
 - (b) 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).
 - (c) 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)).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Environment Act 1995 have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	28.7.1995	1995/1983
Section 2	1.4.1996	1996/186
Section 3(1)	1.4.1996	1996/186
Section 3(2) to (8)	28.7.1995	1995/1983
Section 4	28.7.1995	1995/1983
Section 5	1.2.1996 and 1.4.1996	1996/186
Section 6	1.4.1996	1996/186
Section 7	28.7.1995	1995/1983
Section 8	1.4.1996	1996/186
Section 9	28.7.1995	1995/1983
Sections 10 and 11	1.4.1996	1996/186
Section 12	28.7.1995	1995/1983
Sections 13 to 19	1.4.1996	1996/186
Sections 20 to 23	12.10.1995	1995/2649
Sections 25 to 29	1.4.1996	1996/186
Sections 30 to 32	12.10.1995	1995/2649
Sections 33 to 35	1.4.1996	1996/186
Section 36	12.10.1995	1995/2649
Section 37	28.7.1995 and 1.4.1996	1995/1983 and 1996/186
Sections 38 to 40	28.7.1995	1995/1983
Section 41	21.9.1995 1.2.1996 and 1.4.1996	1995/1983 and 1996/186
Section 42	21.9.1995	1995/1983
Sections 43 to 52	28.7.1995	1995/1983
Sections 53 and 54	1.4.1996	1996/186
Section 55	1.2.1996 and 1.4.1996	1996/186
Section 56	28.7.1995	1995/1983
Section 57 (partially)	21.9.1995	1995/1983
(partially) as to England	1.4.2000	2000/340
(partially) as to Scotland	14.7.2000	S.S.I. 2000/180
(partially) as to Scotland	14.7.2000	2000/1986
(partially) as to Wales	15.9.2001	2001/3211
Section 58	21.9.1995 and 1.7.1998	1995/1983 and 1998/604
Section 59	12.10.1995 and 1.1.1999	1995/2649 and 1998/3272

Section 60	1.7.1997 and 1.7.1998	1997/1626 and 1998/604
Section 78 and Schedule 10 (partially), with savings	23.11.1995 1.4.1996 and 1.4.1997	1995/2950 and 1996/2560
Section 80	1.2.1996	1996/186
Section 81	1.4.1996	1996/186
Sections 82 to 86	23.12.1997	1997/3044
Sections 87 to 89	1.2.1996	1996/186
Section 90 and Schedule 11	1.2.1996 and 23.12.1996	1996/186 and 1997/3044
Section 91	1.2.1996	1996/186
Section 92	1.4.1996	1996/186
Sections 93 to 95	21.9.1995	1995/1983
Section 96(1), (5) and (6) and Schedules 13 and 14 (as to England and Wales)	1.11.1995	1995/2765
Section 96(1), (5) and (6) and Schedules 13 and 14 (as to Scotland)	1.1.1997	1996/2857
Section 96(2)	1.11.1995	1995/2765
Section 96(3)	1.1.1997	1996/2857
Section 96(4) (partially)	1.11.1995	1995/2765
Section 96(4) (partially) (as to Scotland)	1.1.1997	1996/2857
Sections 97 to 103	21.9.1995	1995/1983
Section 104	1.4.1996	1996/186
Section 105 and Schedule 15	21.9.1995 1.2.1996 1.4.1996 and 1.1.1999	1995/1983 and 1996/186
Sections 106 to 114	1.4.1996	1996/186
Section 115	1.4.1996	1995/2950 and 1996/186
Section 116 and Schedule 21 (partially)	21.9.1995 1.7.1997 and 8.4.1998	1995/1983 1997/1626 and 1998/781
Section 117	1.2.1996	1996/186
Section 118(1) to(3), (4) and (5) (partially) and (6)	1.2.1996	1996/186
Section 119	1.2.1996	1996/186
Section 120(1) and Schedule 22 (partially)	28.7.1995 21.9.1995 12.10.1995 1.2.1996 1.4.1996 21.11.1996 31.12.1996 23.12.1997 1.4.1998 16.3.1999 1.4.1999 29.4.1999	1995/1983 1995/2649 1996/186 1996/2909 1997/3044 1998/604 1999/803 1999/1301 1999/1301

(partially) as to England	1.4.2000	2000/340
(partially) as to Scotland	14.7.2000	S.S.I. 2000/180
	1.1.2001	S.S.I. 2000/433
(partially) as to Wales	15.9.2001	2001/3211
(partially) as to Scotland	1.4.2003	S.S.I. 2003/206
	1.1.2005	S.S.I. 2004/541
Section 120(2) and Schedule 23 (partially)	1.4.1996 and 1.1.1999	1995/1983 and 1996/186
Section 120(3) and Schedule 24 (partially)	21.9.1995	1995/1983
	1.11.1995	1995/2765
	1.2.1996	1996/186
	1.4.1996	1996/2560
	31.12.1996	1996/2857
	1.1.1997	1996/2909
	1.4.1997	
	1.1.1999	
(partially) as to England	1.4.2000	2000/340
(partially) as to Scotland	14.7.2000	S.S.I. 2000/180
(partially) as to Wales	15.9.2001	2001/3211
(partially) as to Scotland	1.1.2005	S.S.I. 2004/541
Section 120(4) to (6)	28.7.1995	1995/1983
Sections 121 to 124	28.7.1995	1995/1983
Paragraph 7(2) of Schedule 7	1.4.1997	1996/2560

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