

SCHEDULE 3

Descriptions: exempt waste operations and other operations to which section 33(1)(a) of the 1990 Act does not apply

PART 1

Exempt waste operations: descriptions

Recovery of scrap metal or the dismantling of waste motor vehicles

45.—(1) Subject to sub-paragraph (5), carrying on, at any secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles, in respect of a kind of waste specified in column 1 of the Table in sub-paragraph (2), any of the corresponding operations specified in column 2 of that Table in relation to that kind of waste if—

- (a) the total quantity of any particular kind of waste so dealt with at that place does not in any period of seven days exceed the limit specified in relation to that kind of waste in column 3 of that Table;
- (b) the operation is carried on with a view to the recovery of the waste (whether or not that recovery is to be by the person carrying on the operation listed in that Table);
- (c) every part of that place upon which the operation is carried out is surfaced with an impermeable pavement provided with a sealed drainage system; and
- (d) the plant or equipment used in carrying on the operation is maintained in reasonable working order.

(2) The Table referred to in sub-paragraph (1) is set out below.

<i>Column 1</i> <i>Kind of Waste</i>	<i>Column 2</i> <i>Operations</i>	<i>Column 3</i> <i>Seven Day Limit</i>
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	8,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	400 tonnes
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	300 tonnes
Depolluted motor vehicles	Dismantling, rebuilding, restoring or reconditioning	40 vehicles

Status: This is the original version (as it was originally made).

<i>Column 1</i> <i>Kind of Waste</i>	<i>Column 2</i> <i>Operations</i>	<i>Column 3</i> <i>Seven Day Limit</i>
Lead acid motor vehicle batteries included in 16 06 01* , whether or not forming part of, or contained in, a motor vehicle	Sorting	20 tonnes

(3) Subject to sub-paragraph (5), storage, at any secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles, of waste of a kind specified in column 1 of the Table in sub-paragraph (4) if—

- (a) the waste is to be submitted to any of the operations specified in the Table in sub-paragraph (2) in relation to that kind of waste, or to a recycling or reclamation operation authorised by an environmental permit;
- (b) the total quantity of waste of that kind stored at that place does not exceed the maximum total quantity specified in column 2 of the Table in sub-paragraph (4) in relation to that kind of waste;
- (c) no waste is stored at that place for a period exceeding 12 months;
- (d) each kind of waste is either stored separately or is kept in separate containers, but in a case where a consignment consisting of more than one kind of waste is delivered to that place, it may be stored unseparated at that place pending sorting for a period not exceeding 2 months;
- (e) in the case of waste which is liquid or consists of motor vehicle batteries, it is stored in a secure container;
- (f) subject to paragraph (g), the waste or, as the case may be, any container in which it is stored, is stored on an impermeable pavement which is provided with a sealed drainage system;
- (g) in the case of waste motor vehicles, they are, where appropriate, stored on an impermeable pavement; and
- (h) the height of any pile or stack of waste does not exceed 5 metres.

(4) The Table referred to in sub-paragraph (3) is set out below.

<i>Column 1</i> <i>Column 2</i>	<i>Kind of waste</i> <i>Maximum total quantity</i>
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	50,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys)	1,500 tonnes
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	1,000 tonnes
Motor vehicles, stored where appropriate on an impermeable pavement	1,000 vehicles

<i>Column 1</i>	<i>Kind of waste</i>
<i>Column 2</i>	<i>Maximum total quantity</i>
Lead acid motor vehicle batteries included in 16 06 01*, whether or not forming part of, or contained in, a motor vehicle	40 tonnes

- (5) An operation does not fall within sub-paragraph (1) or (3) at a place unless—
- (a) the person responsible for the management of that place has established administrative arrangements to ensure that—
 - (i) waste accepted at that place is of a kind listed in the Table in sub-paragraph (2) or, as the case may be, the Table in sub-paragraph (4), and
 - (ii) no waste is accepted at that place in such a quantity as would cause there to be a breach of any of the terms and conditions of the exemption;
 - (b) that person carries out a monthly audit to confirm compliance with the terms and conditions of the exemption;
 - (c) the records referred to in Article 14 of the Waste Framework Directive are kept in such a form as to show, for each month, the total quantity of each kind of waste recovered during that month at that place;
 - (d) details of the total quantity of each kind of waste recovered at that place during the preceding 12 months are sent annually to the exemption registration authority with the charge referred to in paragraph (f);
 - (e) an up to date plan of that place containing the details referred to in paragraph 6(2)(b) of Schedule 2 is sent annually to the exemption registration authority with the annual charge referred to in paragraph (f) below; and
 - (f) the charge prescribed for the purpose by a charging scheme under section 41 of the 1995 Act⁽¹⁾ is paid in respect of that place to the exemption registration authority by the due date which must be ascertained in accordance with sub-paragraph (6).

(6) For the purposes of ascertaining the due date in any year for payment of the charge referred in paragraph (5)(f) in respect of any place the exemption registration authority must serve notice in accordance with sub-paragraph (7) on the establishment or undertaking from which notice has been received by the exemption registration authority under paragraph 3(1)(b) of Schedule 2 in respect of that place.

(7) A notice required by sub-paragraph (6) must be served not later than 1 month before the anniversary of the date when the notice, plan and charge referred to in paragraph 6 of Schedule 2 were received by the exemption registration authority in respect of that place and must specify—

- (a) the amount of the payment due;
- (b) the method of payment;
- (c) the date of such anniversary;
- (d) that payment is due on that date or, if later, upon the day falling 1 month after the date of the notice; and
- (e) the effect of payment not being made by the date on which it is due,

and the due date for payment of the annual fee for that year by that establishment or undertaking in respect of that place is the date specified for payment in the notice.

(1) Section 41 was amended by S.I.2005/894, 2005/1806 (W. 138), 2006/937 and 2007/1711.

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

(8) Temporary storage of waste (in this sub-paragraph referred to as the “non-scrap waste”), pending its collection, at a secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles if—

- (a) the non-scrap waste is not of a kind described in the Table in sub-paragraph (4);
- (b) the non-scrap waste was delivered to that place as part of a consignment of waste of which—
 - (i) at least 70 per cent by weight was waste consisting of waste motor vehicles, or
 - (ii) at least 95 per cent by weight was waste of any kind described in the Table in sub-paragraph (4) other than waste motor vehicles,and is capable of being separated from that waste by sorting or hand dismantling;
- (c) the non-scrap waste is stored at that place for no more than 3 months;
- (d) where the non-scrap waste is liquid, it is stored in a secure container; and
- (e) the non-scrap waste or, as the case may be, the container in which the non-scrap waste is stored, is stored on an impermeable pavement which is provided with a sealed drainage system.

(9) In this paragraph—

“depolluted”, in relation to waste motor vehicles, means subjected to all of the operations described in paragraph 3 of Annex I of the End-of-Life Vehicles Directive;

“shearing” means the cold cutting of metal by purpose-made shears;

“waste motor vehicle” has the meaning given in paragraph 2(1) of Schedule 11.