
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations classify waste as household waste, industrial waste or commercial waste for the purposes of Part 2 of the Environmental Protection Act 1990 (“the Act”) and in consequence determine the meaning of “controlled waste” for the purposes of Part 2 of the Act (the definition of “controlled waste” is in section 75(4)).

They also prescribe the types of household waste for which a charge for collection may be made and provide that certain litter and refuse is to be treated under Part 2 in the same way as waste collected under section 45 of the Act.

Regulation 3 provides that certain waste is not to be classified as household, industrial or commercial waste, in particular waste which falls outside the scope of Directive [2008/98/EC](#) on waste (OJ No L 312, 22.11.08, p3).

Regulation 4 gives effect to Schedule 1 which, read with section 75(5), (6) and (7) of the Act, establishes the classification of waste as household, industrial or commercial.

Paragraph 2 of Schedule 1 describes waste which is to be classified according to its place of production. It is subject to any inconsistent classification made by paragraphs 3 or 4.

Paragraph 3 of Schedule 1 describes waste which is to be classified according to its nature or the activity producing it. It is subject to any inconsistent classification made by paragraph 4.

Paragraph 4 of Schedule 1 prescribes household waste for which a collection charge may be made and specifies household waste which is to be treated as commercial waste only for the purposes of charging for disposal.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Waste Programme, Department for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London SW1P 2AL and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Controlled Waste (England and Wales) Regulations 2012.