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STATUTORY INSTRUMENTS

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**2012 No. 811**

**The Controlled Waste (England and Wales) Regulations 2012**

**Waste which is not to be treated as household waste, industrial waste or commercial waste**

3.—(1) Waste which is not Directive waste is not to be treated as household waste, industrial waste or commercial waste for the purposes of Part 2 of the Act.

(2) The following waste (where it is Directive waste) is not to be treated as household waste, industrial waste or commercial waste for the purposes of Part 2 of the Act—

- (a) sewage, sludge or septic tank sludge which is treated, kept or disposed of (otherwise than by means of mobile plant) within the curtilage of a sewage treatment works as an integral part of the operation of those works;
- (b) sludge which is supplied or used in accordance with the Sludge (Use in Agriculture) Regulations 1989;
- (c) septic tank sludge which is used on agricultural land within the meaning of those Regulations.

(3) Animal by-products (where they are Directive waste) which are collected and transported in accordance with Article 21(1) to (3) of the Animal By-Products Regulation are not to be treated as household waste, industrial waste or commercial waste for the purposes of section 34 of the Act.

(4) In this regulation—

- (a) “animal by-products” has the meaning given in Article 3(1) of the Animal By-Products Regulation;
- (b) “the Animal By-Products Regulation” means Regulation [\(EC\) No 1069/2009](#) of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation [\(EC\) No 1774/2002](#) (Animal by-products Regulation)(1).

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(1) OJ No L 300, 14.11.09, p1, amended by Directive 2010/63/EU of the European Parliament and of the Council (OJ No L 276, 20.10.10, p33).