
STATUTORY INSTRUMENTS

2022 No. 190

The Waste and Agriculture (Legislative Functions) Regulations 2022

PART 2

Waste: retention of legislative functions

CHAPTER 6

Retention of functions from the Waste Framework Directive

Power to prescribe criteria for by-products

15.—(1) The appropriate authority may, by regulations, prescribe detailed criteria on the uniform application of the by-product conditions to specific substances or objects.

(2) In paragraph (1), “the by-product conditions” means the conditions set out in paragraph (3) which must be met if a substance or object resulting from a production process, the primary aim of which is not the production of that substance or object, is to be considered to be a by-product and not waste.

(3) The conditions are—

- (a) further use of the substance or object is certain,
- (b) the substance or object can be used directly without any further processing other than normal industrial practice,
- (c) the substance or object is produced as an integral part of a production process, and
- (d) further use of the substance or object is lawful, and for these purposes “lawful” means the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.

(4) In exercising the power in paragraph (1), the appropriate authority must—

- (a) ensure a high level of protection of the environment and human health and facilitate the prudent and rational utilisation of natural resources, and
- (b) prioritise replicable practices of industrial symbiosis.

(5) Regulations under paragraph (1) may modify any subordinate legislation.