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STATUTORY INSTRUMENTS

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**2022 No. 190**

The Waste and Agriculture (Legislative Functions) Regulations 2022

PART 2

Waste: retention of legislative functions

CHAPTER 3

Retention of functions from the End-of-Life Vehicles Directive

**Power to modify exemptions in light of scientific and technical progress**

- 6.—(1) The Secretary of State may, by regulations, make provision—
- (a) to establish maximum concentration values up to which the existence of the prohibited substances in specific materials and components of vehicles is to be tolerated;
  - (b) to exempt certain materials and components of vehicles from the prohibition in regulation 6 of the End-of-Life Vehicles Regulations 2003<sup>(1)</sup> if the use of the prohibited substances is unavoidable;
  - (c) to delete materials and components of vehicles listed in Annex 2 (exempt materials and components) to the End-of-Life Vehicles Directive, if the use of the prohibited substances is avoidable;
  - (d) for the purposes of sub-paragraphs (a) and (b), to—
    - (i) designate those materials and components of vehicles that can be stripped before further treatment, and
    - (ii) require any such materials and components to be labelled or made identifiable by other appropriate means.
- (2) The provision which may be made under paragraph (1) includes—
- (a) modifying any subordinate legislation which makes provision corresponding to that made by Annex 2 to the End-of-Life Vehicles Directive.
  - (b) requiring (whether by modifying subordinate legislation or otherwise) a reference to that Annex (or a reference encompassing that Annex) to be read as a reference to that provision with modifications;
- (3) The Secretary of State may exercise the power in paragraph (1) only to the extent that the Secretary of State considers it is appropriate to do so as a result of scientific and technical progress.
- (4) In this regulation—
- “prohibited substances” means lead, mercury, cadmium or hexavalent chromium;

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<sup>(1)</sup> [S.I. 2003/2635](#). Regulation 6 is amended by [S.I. 2010/1094](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“treatment” and “vehicle” have the meanings given by regulation 2 of the End-of-Life Vehicles Regulations 2003<sup>(2)</sup>.

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(2) The definition of “vehicle” is amended by [S.I. 2018/235](#) and [2020/818](#).