

## SCHEDULE 21

### Consequential amendments

## PART 2

### Subordinate legislation

#### **The Regulations as to Cremation (1930)**

**28.**—(1) The definitions in the Regulations as to Cremation (1930)(1) are amended (in relation to England and Wales) as follows.

(2) For the words “Schedule 1 to the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “Part 2 of Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2007”.

(3) For the definition of “Permit”, substitute—

““Permit” means an environmental permit granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007.”.

#### **The Deposits in the Sea (Exemptions) Order 1985**

**29.** In article 4(2) of the Deposits in the Sea (Exemptions) Order 1985(2) for the words “regulation 1(3) of the Waste Management Licensing Regulations 1994”, substitute (in relation to England and Wales) “regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2007”.

#### **The Radioactive Substances (Hospitals) Exemption Order 1990**

**30.** For the definition of “site licence” in article 2(1) of the Radioactive Substances (Hospitals) Exemptions Order 1990(3), substitute (in relation to England and Wales)—

““site licence” means an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007;”.

#### **The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991**

**31.**—(1) The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(4) are amended (in relation to England and Wales) as follows.

(2) In regulation 6—

(a) in paragraph 1(g) for “a waste management licence or a disposal licence” substitute “an environmental permit in respect of a waste operation under the Environmental Permitting (England and Wales) Regulations 2007” and for “the licence” substitute “the permit”;

(b) in paragraph (4) omit the definitions of “waste management licence” and “disposal licence”.

(3) To the end of the list in Schedule 1 add “the Environmental Permitting (England and Wales) Regulations 2007.”.

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(1) S.I.1930/1016; relevant amending instruments are S.I. 2000/58, 2006/92.

(2) S.I. 1985/1699, amended by S.I. 1994/1056. There are other amending instruments but none is relevant.

(3) S.I. 1990/2512, amended by S.I. 2000/1973. There are other amending instruments but none is relevant.

(4) S.I. 1991/1624, amended by S.I. 2000/1973. There are other amending instruments but none is relevant.

## The Environmental Protection (Duty of Care) Regulations 1991

**32.**—(1) The Environmental Protection (Duty of Care) Regulations 1991<sup>(5)</sup> are amended (in relation to England and Wales) as follows.

(2) In regulation 1(2), after the definition of “the 1990 Act”, insert—

““the 2007 Regulations” means the Environmental Permitting (England and Wales) Regulations 2007”.

(3) For the table in regulation 2(2), substitute—

“TABLE

<i>Category of person</i>	<i>Additional information</i>
A waste collection authority for the purposes of Part II of the 1990 Act	
The holder of an environmental permit in respect of a waste operation under the 2007 Regulations, excluding the holder of such a permit in respect of a Part A activity or Part B activity which is not a specified waste management activity within the meaning of paragraph 2 of Schedule 9 to those Regulations	If the waste is to be kept, treated or disposed of by that person, the relevant permit number and the name of the permitting regulator.
A person carrying on an exempt waste operation under the 2007 Regulations	
A person carrying on an operation to which section 33(1)(a) and (b) of the 1990 Act does not apply by virtue of regulation 68(1) of the 2007 Regulations	
A person registered as a carrier of controlled waste under Regulations made under section 2 of the Control of Pollution (Amendment) Act 1989	The name of the waste regulation authority with whom he is registered and his registration number
A person who is not required to be so registered by virtue of Regulations made under section 1(3) of that Act”	

## The Controlled Waste Regulations 1992

**33.**—(1) The Controlled Waste Regulations 1992<sup>(6)</sup> are amended (in relation to England and Wales) as follows.

(2) In regulation 1(2), for the definition of “Directive waste”, substitute—

““Directive waste” has the meaning given to the term “waste” in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2007;”.

(3) In paragraph 18 of Schedule 3, for the definition of “tank washings”, substitute—

““tank washings” has the meaning given in paragraph 49(3)(e) of Schedule 3 to the Environmental Permitting (England and Wales) Regulations 2007;”.

<sup>(5)</sup> S.I. 1991/2839; relevant amending instruments are S.I. 1996/972, 2000/1973, 2002/1559, 2005/894, 2005/895, 2005/1806 (W. 138), 2005/1820 (W. 148).

<sup>(6)</sup> S.I. 1992/588; relevant amending instruments are S.I. 1994/1056, 1996/972.

## The Waste Management Licensing Regulations 1994

34.—(1) The Waste Management Licensing Regulations 1994(7) are amended (in relation to England and Wales) as follows.

(2) For regulation 1(3) substitute—

“(3) In these Regulations—

“the 1990 Act” means the Environmental Protection Act 1990;

“agricultural waste” means waste from premises used for agriculture;

“the Directive” means Directive 2006/12/EC on waste;

“Directive waste” means anything that is waste for the purposes of the Directive and is not excluded from the scope of the Directive by Article 2(1) of the Directive;

“disposal” has the same meaning as in the Directive;

“recovery” has the same meaning as in the Directive;

“waste” means Directive waste;

“waste regulation authority”, “waste disposal authority” and “waste collection authority” have the meaning given in the 1990 Act.”

(3) Omit regulations 1(4) and 2 to 19.

(4) For regulation 20(2), substitute—

“(2) Paragraph (1) does not apply in relation to an arrangement under which an establishment or undertaking will itself carry out the disposal or recovery of the waste and either—

(a) it is authorised to carry out the disposal or recovery of the waste by an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007, a consent under Chapter II of Part III of the Water Resources Act 1991 or a licence under Part II of the Food and Environment Protection Act 1985; or

(b) the recovery of the waste is covered by—

(i) an exempt waste operation under the Environmental Permitting (England and Wales) Regulations 2007 or any other operation exempt from the requirements of section 33(1)(a) and (b) of the Environmental Protection Act 1990 under those Regulations; or

(ii) article 3 of the Deposits in the Sea (Exemptions) Order 1985.”.

(5) Omit Schedules 1 to 3.

(6) Amend Schedule 4 as follows—

(a) for paragraph 1, substitute—

“1. In this Schedule—

“licensing authority” has the meaning given by section 24(1) of the Food and Environment Protection Act 1985;

“permit” means an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007, a licence under Part II of the Food and

(7) S.I. 1994/1056, amended by S.I. 1995/288, 1995/1950, 1996/593, 1996/634, 1996/972, 1996/1279, 1997/2203, 1998/606, 1998/2746, 2000/1973, 2002/674, 2002/1087 (W. 114), 2002/1559, 2002/2980, 2003/595, 2003/780 (W. 91), 2003/2635, 2004/70 (W. 6), 2004/3276, 2005/894, 2005/1728, 2005/1806 (W. 138), 2005/2900, 2006/937, 2006/3315, 2007/1156, 2007/2596.

Environment Protection Act 1985 or a consent under Chapter II of Part III of the Water Resources Act 1991.”;

(b) omit paragraphs 2 to 4, 6 to 11, 13(2) to (5) and 14;

(7) In paragraph 1 of Schedule 5, at the end of the definition of “relevant offence”, insert—  
“or under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007”.

#### **The Conservation (Natural Habitats, &c.) Regulations 1994**

**35.**—(1) The Conservation (Natural Habitats &c.) Regulations 1994<sup>(8)</sup> are amended (in relation to England and Wales) as follows.

(2) Omit regulations 83 and 84.

(3) In regulation 84A—

(a) for the cross heading, substitute—

**“Environmental permits under the Environmental Permitting (England and Wales) Regulations 2007”.**

(b) in paragraph (1), for “a permit under the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007”.

#### **The Waste Management Licensing (Amendment etc.) Regulations 1995**

**36.** Omit regulations 3 and 4 of the Waste Management Licensing (Amendment etc.) Regulations 1995<sup>(9)</sup> (in relation to England and Wales).

#### **The Landfill Tax Regulations 1996**

**37.**—(1) The Landfill Tax Regulations 1996<sup>(10)</sup> are amended (in relation to England and Wales) as follows.

(2) In regulation 33(4), for sub-paragraphs (h), (i) and (j) substitute—

“(h) an enforcement notice served under regulation 36 of the Environmental Permitting (England and Wales) Regulations 2007;

(i) a suspension notice served under regulation 37 of those Regulations; or

(j) an order under regulation 44 of those Regulations.”.

(3) In regulation 38(5), omit sub-paragraph (ac)(ii).

#### **The Waste Management Licensing (Amendment) Regulations 1998**

**38.** In the Waste Management Licensing (Amendment) Regulations 1998<sup>(11)</sup>, omit paragraphs (2) and (3) of regulation 2 (in relation to England and Wales).

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<sup>(8)</sup> S.I. [1994/2716](#), amended by S.I. [2000/1973](#) and [2007/1843](#). There are other amending instruments but none is relevant.

<sup>(9)</sup> S.I. [1995/288](#), to which there are amendments not relevant to these Regulations.

<sup>(10)</sup> S.I. [1996/1527](#); relevant amendments are S.I. [2000/1973](#), [2002/1](#).

<sup>(11)</sup> S.I. [1998/606](#).

### **The Groundwater Regulations 1998**

**39.**—(1) The Groundwater Regulations 1998(**12**) are amended (in relation to England and Wales) as follows.

(2) In regulation 1(3), in the definition of “authorisation”, for sub-paragraphs (e) and (f) substitute—

- “(e) an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007, except to the extent that it authorises the operation of a Part B activity within the meaning of those Regulations;”.

(3) In regulation 3, for “the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “the Environmental Permitting (England and Wales) Regulations 2007”.

### **The Water Protection Zone (River Dee Catchment) Designation Order 1999**

**40.**—(1) The Water Protection Zone (River Dee Catchment) Designation Order 1999(**13**) is amended as follows.

(2) In article 2—

- (a) in the definition of “catchment control site”, for the words from “a site used for carrying on a prescribed process” to the end, substitute—  
“the site of a regulated facility within the meaning of the Environmental Permitting (England and Wales) Regulations 2007”;
- (b) in the definition of “controlled substance”, omit sub-paragraph (i).

### **The Control of Pollution (Oil Storage) (England) Regulations 2001.**

**41.** In regulation 2(2)(a) of the Control of Pollution (Oil Storage)(England) Regulations 2001(**14**), for “regulation 1(3) of the Waste Management Licensing Regulations 1994”, substitute “regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2007”.

### **The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002**

**42.** In regulation 3(3)(e) of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002(**15**), for “the Waste Management Licensing Regulations 1994”, substitute (in relation to England and Wales) “the Environmental Permitting (England and Wales) Regulations 2007”.

### **The End-of-Life Vehicles Regulations 2003**

**43.**—(1) The End-of-Life Vehicles Regulations 2003(**16**) are amended (in relation to England and Wales) as follows.

(2) In regulation 2, for the definition of “authorised treatment facility”, substitute—

““authorised treatment facility” means any establishment or undertaking carrying out treatment operations which holds an environmental permit authorising those operations granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007.”.

(3) In regulation 3—

- (a) omit paragraph (2);

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(12) S.I. 1998/2746, amended by S.I. 2000/1973, 2006/937.

(13) S.I. 1999/915.

(14) S.I. 2001/2954.

(15) S.I. 2002/1689; relevant amending instruments are S.I. 2005/894, 2005/1806 (W. 138).

(16) S.I. 2003/2635, to which there are amendments not relevant to these Regulations.

- (b) for paragraph (4), substitute—
  - “(4) These Regulations do not apply to three-wheel motor vehicles.”.
- (4) Omit Part VII and Schedule 5.

### **The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003**

**44.**—(1) Schedule 2 to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003<sup>(17)</sup> is amended as follows.

- (2) Omit paragraphs 13, 23 and 24.
- (3) At the end of the Schedule add—

“**28.** The Environmental Permitting (England and Wales) Regulations 2007.”.

### **The Hazardous Waste (England and Wales) Regulations 2005**

**45.**—(1) The Hazardous Waste (England and Wales) Regulations 2005<sup>(18)</sup> are amended as follows.

- (2) In regulation 2(1), for sub-paragraph (a) substitute—
  - “(a) “the Waste Directive” means Council Directive [2006/12/EC](#) on waste; and”.
- (3) In regulation 5(1)—
  - (a) omit the definitions of “the 1994 Regulations” and “waste management licence”;
  - (b) after the definition of “the 1996 Regulations”, insert—
    - ““the 2007 Regulations” means the Environmental Permitting (England and Wales) Regulations 2007;”;
  - (c) after the definition of “emergency services”, insert—
    - ““environmental permit” has the meaning given in regulation 13(1) of the 2007 Regulations;”;
  - (d) for the definition of “registered exemption”, substitute—
    - ““registered exemption” means an activity set out in Part 1 of Schedule 3 to the 2007 Regulations which is registered with the exemption registration authority in accordance with those Regulations;”;
  - (e) for the definition of “waste permit”, substitute—
    - ““waste permit” means an environmental permit, a licence under Part II of the Food and Environment Protection Act 1985 or a consent under Chapter II of Part III of the Water Resources Act 1991.”.
- (4) In regulation 22(2), for “a waste management licence” substitute “an environmental permit”.
- (5) In regulation 26(4)(d), for “paragraph 13 of Schedule 4 to the 1994 Regulations” substitute “regulation 34(2) of the 2007 Regulations”.
- (6) In regulation 42(6)(a), for all the words after “waste permit” substitute “or is entitled to carry on a registered exemption in respect of the recovery or disposal of the waste; and”.
- (7) In Part E of the consignment note in Schedule 4 omit “waste management licence”.

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<sup>(17)</sup> S.I. [2003/3242](#), to which there are amendments not relevant to these Regulations.

<sup>(18)</sup> S.I. [2005/894](#), to which there are amendments not relevant to these Regulations.

## The Hazardous Waste (Wales) Regulations 2005

- 46.—(1) The Hazardous Waste (Wales) Regulations 2005(19) are amended as follows.
- (2) In regulation 2(1), for sub-paragraph (a) substitute—
- ““the Waste Directive” (“*y Gyfarwydddeb Wastraff*”) means Council Directive 2006/12/EC on waste; and”.
- (3) In regulation 5(1)—
- (a) omit the definitions of “the 1994 Regulations” and “waste management licence”;
- (b) after the definition of “the 1996 Regulations”, insert—
- ““the 2007 Regulations” (“*Rheoliadau 2007*”) means the Environmental Permitting (England and Wales) Regulations 2007;”;
- (c) after the definition of “emergency services”, insert—
- ““environmental permit” (“*trwydded amgylcheddol*”) has the meaning given in the 2007 Regulations;”;
- (d) for the definition of “registered exemption”, substitute—
- ““registered exemption” (“*esemptiad cofrestredig*”) means an activity set out in Part 1 of Schedule 3 to the 2007 Regulations which is registered with the exemption registration authority in accordance with those Regulations;”;
- (e) for the definition of “waste permit”, substitute—
- ““waste permit” (“*trwydded gwastraff*”) means an environmental permit under the 2007 Regulations, a licence under Part II of the Food and Environment Protection Act 1985 or a consent under Chapter II of Part III of the Water Resources Act 1991.”.
- (4) In regulation 22(2), for “a waste management licence” substitute “an environmental permit”.
- (5) In regulation 26(4)(d), for “paragraph 13 of Schedule 4 to the 1994 Regulations” substitute “regulation 34(2) of the 2007 Regulations”.
- (6) In regulation 42(6)(a), for all the words after “waste permit” substitute “or is entitled to carry on a registered exemption in respect of the recovery or disposal of the waste; and”.
- (7) In Part E of the consignment note in Schedule 4 delete “waste management licence”.

## The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005

47. In regulation 3(4) of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005(20), in the definition of “SED Activity”, for “Part 1 of Schedule 1 of the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute (in relation to England and Wales) “Part 2 of Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2007”.

## The Greenhouse Gas Emissions Trading Scheme Regulations 2005

48. In regulation 8(3)(b) of the Greenhouse Gas Emissions Trading Scheme Regulations 2005(21), for paragraph (i) substitute (in relation to England and Wales)—

“(i) the Environmental Permitting (England and Wales) Regulations 2007;”.

(19) S.I. 2005/1806 (W. 138), to which there are amendments not relevant to these Regulations.

(20) S.I. 2005/2773.

(21) S.I. 2005/925, to which there are amendments not relevant to these Regulations.

### **The Contaminated Land (England) Regulations 2006**

49. For regulation 2(4) of the Contaminated Land (England) Regulations 2006(22), substitute—
- “(4) In paragraph (1)(e), “Part A(1) installation” and “Part A(1) mobile plant” have the same meanings as in the Environmental Permitting (England and Wales) Regulations 2007, and “permit” has the same meaning as “environmental permit” in those Regulations”.

### **The Contaminated Land (Wales) Regulations 2006**

50. For regulation 2(4) of the Contaminated Land (Wales) Regulations 2006(23), substitute—
- “(4) In paragraph (1)(e), “Part A(1) installation” and “Part A(1) mobile plant” have the same meanings as in the Environmental Permitting (England and Wales) Regulations 2007, and “permit” has the same meaning as “environmental permit” in those Regulations”.

### **The Waste Electrical and Electronic Equipment Regulations 2006**

51.—(1) In regulation 2(1) of the Waste Electrical and Electronic Equipment Regulations 2006(24), the definition of “relevant authorisation” is amended (in relation to England and Wales) as follows.

(2) In paragraph (a), for the words “a permit granted under regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “a permit granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007”.

(3) Omit paragraphs (b) and (c).

(4) For paragraph (d), substitute—

“(d) an exempt waste operation under the Environmental Permitting (England and Wales) Regulations 2007 or any other operation exempt from the requirements of section 33(1) (a) and (b) of the Environmental Protection Act 1990 under those Regulations;”.

### **The Producer Responsibility Obligations (Packaging Waste) Regulations 2007**

52.—(1) In regulation 2(1) of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007(25), the definition of “relevant authorisation” is amended (in relation to England and Wales) as follows.

(2) In paragraph (a), for the words “a permit granted under regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “a permit granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007”.

(3) Omit paragraphs (b) and (c).

(4) For paragraph (d), substitute—

“(d) an exempt waste operation under the Environmental Permitting (England and Wales) Regulations 2007 or any other operation exempt from the requirements of section 33(1) (a) and (b) of the Environmental Protection Act 1990 under those Regulations;”.

### **The Waste Management (Miscellaneous Provisions) (England and Wales) Regulations 2007**

53. In the Waste Management (Miscellaneous Provisions) (England and Wales) Regulations 2007(26), omit regulations 2 to 5.

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(22) S.I. 2006/1380.

(23) S.I. 2006/2989 (W. 278).

(24) S.I. 2006/3289.

(25) S.I. 2007/871.

(26) S.I. 2007/1156.



### **The Transfrontier Shipment of Waste Regulations 2007**

**54.** For regulation 16 of the Transfrontier Shipment of Waste Regulations 2007(27), substitute (in relation to England and Wales)—

#### **“Environmental Permitting (England and Wales) Regulations 2007**

**16.** The definition of “waste management plan” in paragraph 1 of Schedule 20 to the Environmental Permitting (England and Wales) Regulations 2007 has effect as if the reference in that paragraph to a plan made under the plan-making provisions included a reference to a waste management plan made under this Part.”.

### **The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007**

**55.—**(1) The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007(28) are amended (in relation to England and Wales) as follows.

(2) For regulation 3(1)(a), substitute—

“(a) as regards England and Wales, a large combustion plant in respect of which the environmental permit under the Environmental Permitting (England and Wales) Regulations 2007 contains a NERP provision;”.

(3) In paragraph 1 of Schedule 1, in the definition of “cumulative in-year mass emissions”, for sub-paragraph (a), substitute—

“(a) of a participating plant in England or Wales, to the Agency in accordance with the conditions of the environmental permit under the Environmental Permitting (England and Wales) Regulations 2007;”.

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(27) S.I. 2007/1711.

(28) S.I. 2007/2325.