
STATUTORY INSTRUMENTS

1994 No. 1056

The Waste Management Licensing Regulations 1994

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Waste Management Licensing Regulations 1994 and, except for regulations 4 and 5, shall come into force on 1st May 1994.

(2) Regulations 4 and 5 shall come into force on 10th August 1994.

(3) In these Regulations, unless the context otherwise requires—

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

“the 1991 Regulations” means the Environmental Protection (Prescribed Processes and Substances) Regulations 1991(1);

“construction work” includes the repair, alteration or improvement of existing works;

“the Directive” means Council Directive [75/442/EEC](#) on waste(2) as amended by Council Directives [91/156/EEC](#)(3) and [91/692/EEC](#)(4);

“Directive waste” means any substance or object in the categories set out in Part II of Schedule 4 which the producer or the person in possession of it discards or intends or is required to discard but with the exception of anything excluded from the scope of the Directive by Article 2 of the Directive, “discard” has the same meaning as in the Directive, and “producer” means anyone whose activities produce Directive waste or who carries out preprocessing, mixing or other operations resulting in a change in its nature or composition;

“disposal” means any of the operations listed in Part III of Schedule 4, and any reference to waste being disposed of is a reference to its being submitted to any of those operations;

“disposal licence” and “disposal authority” have the meaning given by sections 3(1) and 30(2) to (2D) respectively of the Control of Pollution Act 1974(5);

“enforcing authority” and “local enforcing authority” have the meaning given by section 1(7) and (8) of the 1990 Act;

“exempt activity” means any of the activities set out in Schedule 3;

“inland waters”—

(a) in England and Wales, has the meaning given by section 221(1) of the Water Resources Act 1991(6);

(b) in Scotland, has the meaning given by section 30A of the Control of Pollution Act 1974(7) except that it includes any loch or pond whether or not it discharges into a river or watercourse;

(1) S.I. 1991/472, amended by S.I. 1991/836, 1992/614, 1993/1749, 2405.

(2) OJ No. L 194, 25.7.1975, p. 39.

(3) OJ No. L 078, 26.3.1991, p. 32.

(4) OJ No. L 377, 31.12.1991, p. 48.

(5) 1974 c. 40; section 30(2A) to (2D) is inserted by paragraph 11(b) of Schedule 2 to the Waste Regulation and Disposal (Authorities) Order 1985 (S.I. 1985/1884).

(6) 1991 c. 57.

(7) 1974 c. 40; section 30A is inserted by paragraph 4 of Schedule 23 to the Water Act 1989 (c. 15).

“operational land” has the meaning given by sections 263 and 264 of the Town and Country Planning Act 1990⁽⁸⁾ or, in Scotland, sections 211 and 212 of the Town and Country Planning (Scotland) Act 1972⁽⁹⁾;

“recovery” means any of the operations listed in Part IV of Schedule 4, and any reference to waste being recovered is a reference to its being submitted to any of those operations;

“scrap metal” has the meaning given by section 9(2) of the Scrap Metal Dealers Act 1964⁽¹⁰⁾;

“special waste” has the meaning given by regulation 2 of the Control of Pollution (Special Waste) Regulations 1980⁽¹¹⁾;

“waste” means Directive waste;

“waste management licence” has the meaning given by section 35(1) of the 1990 Act, and “site licence” has the meaning given by section 35(12) of the 1990 Act;

“waste oil” means any mineral-based lubricating or industrial oil which has become unfit for the use for which it was originally intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic oil;

“waste regulation authority”, “waste disposal authority” and “waste collection authority” have the meaning given by section 30 of the 1990 Act; and

“work” includes preparatory work.

(4) Any reference in these Regulations to carrying on business as a scrap metal dealer has the meaning given by section 9(1) of the Scrap Metal Dealers Act 1964, and any reference, in relation to Scotland, to carrying on business as a metal dealer has the meaning given by section 37(2) of the Civic Government (Scotland) Act 1982⁽¹²⁾.

(5) Regulations 13, 14 and 15, and Schedule 4, shall apply in relation to land in the area of a waste disposal authority in Scotland which is occupied by the authority as if—

- (a) references to a waste management licence were references to a resolution under section 54 of the 1990 Act;
- (b) references to an application being made for a waste management licence were references to consideration being given to passing such a resolution;
- (c) references to granting or issuing a waste management licence were references to passing, and references to rejecting an application were references to not passing, such a resolution;
- (d) references to the terms or conditions of a waste management licence were references to the terms or conditions specified in such a resolution; and
- (e) references to varying or revoking a waste management licence under section 37 or 38 of the 1990 Act were references to varying or rescinding such a resolution under section 54(8) of that Act.

(6) These Regulations do not extend to Northern Ireland.

⁽⁸⁾ 1990 c. 8.

⁽⁹⁾ 1972 c. 52.

⁽¹⁰⁾ 1964 c. 69.

⁽¹¹⁾ S.I. 1980/1709, to which there are amendments not relevant to these Regulations.

⁽¹²⁾ 1982 c. 45.