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F¹SCHEDULE 1 **E+W**

Regulations 2(1) and 3

Textual Amendments

- F1** Regulations (except regs. 1, 67, 72(3)(4)(8)(9)(11), 73, Sch. 21, and for the purpose of any of those provisions, any definition in Pt. 1) revoked (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4) Regulations previously revoked in part (6.4.2010 immediately after S.I. 2009/3381 came into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **Sch. 27** (with regs. 1(2), 108(2)-(4))
See also [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009 \(S.I. 2009/3381\)](#), regs. 1(1)(b), 2-12, Schs 1, 2

F²SCHEDULE 2 **E+W**

Regulations 2(1) and 5

Textual Amendments

- F2** Regulations (except regs. 1, 67, 72(3)(4)(8)(9)(11), 73, Sch. 21, and for the purpose of any of those provisions, any definition in Pt. 1) revoked (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4) Regulations previously revoked in part (6.4.2010 immediately after S.I. 2009/3381 came into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **Sch. 27** (with regs. 1(2), 108(2)-(4))
See also [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009 \(S.I. 2009/3381\)](#), regs. 1(1)(b), 2-12, Schs 1, 2

F²SCHEDULE 3 **E+W**

Regulations 5(1)(b) and 68(1)

F²SCHEDULE 4 **E+W**

Regulation 11

F²SCHEDULE 5 **E+W**

Regulations 13(2), 15(3), 20(4), 21(2) and 25(3)

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F²SCHEDULE 6 **E+W** Regulations 31(5) and 62(5)

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F²SCHEDULE 7 **E+W** Regulation 35(a)

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F²SCHEDULE 8 **E+W** Regulation 35(b)

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F²SCHEDULE 9 **E+W** Regulation 35(c)

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F²SCHEDULE 10 **E+W** Regulation 35(d)

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F²SCHEDULE 11 **E+W** Regulation 35(e)

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F²SCHEDULE 12 **E+W** Regulation 35(f)

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F²SCHEDULE 13 **E+W** Regulation 35(g)

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F²SCHEDULE 14 **E+W** Regulation 35(h)

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F²SCHEDULE 15 **E+W** Regulation 35(i)

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F²SCHEDULE 16 **E+W** Regulation 35(j)

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F²SCHEDULE 17 **E+W** Regulation 35(k)

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F²SCHEDULE 18 **E+W** Regulation 35(l)

.....

F²SCHEDULE 18A **E+W** Regulation 35(m)

.....

F²SCHEDULE 18B **E+W** Regulation 35(n)

.....

F²SCHEDULE 19 **E+W** Regulation 46(1)

.....

F²SCHEDULE 20 **E+W** Regulation 68(3)

.....

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SCHEDULE 21 E+W

Regulation 73

Consequential amendments

PART 1 E+W

Public General Acts

Public Health Act 1961 E+W

1. In section 34(5) of the Public Health Act 1961 ^{M1}, omit the words “or waste deposited in accordance with a disposal licence in force under Part I of the Control of Pollution Act 1974”.

Marginal Citations

M1 1961, c. 64. Section 34(5) was amended by the [Control of Pollution Act 1974 \(c. 40\)](#), [section 108](#) and Schedule 3.

Environmental Protection Act 1990 E+W

2. The Environmental Protection Act 1990 ^{M2} is amended (in relation to England and Wales) in accordance with paragraphs 3 to 18.

Marginal Citations

M2 1990, c. 43.

3.—(1) Section 29 ^{M3} is amended as follows.

(2) In subsection (9), omit the words “, subject to subsection (10) below”.

(3) Omit subsection (10).

(4) After subsection (11), add—

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

(13) The following expressions have the same meaning as in the 2007 Regulations—
 “environmental permit”;
 “exempt waste operation”;
 “waste operation”.”.

Marginal Citations

M3 Section 29 was amended by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [section 51](#).

4.—(1) Section 33 ^{M4} is amended as follows.

(2) In subsection (1)—

(a) for “subsection (2) and (3) below” substitute “subsections (1A), (1B), (2) and (3) below”;

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- (b) in paragraph (a), for “a waste management licence” substitute “ an environmental permit ”, and for “the licence” substitute “ the permit ”;
- (c) for paragraph (b), substitute—
- “(b) submit controlled waste, or knowingly cause or knowingly permit controlled waste to be submitted, to any listed operation (other than an operation within subsection (1)(a)) that—
- (i) is carried out in or on any land, or by means of any mobile plant, and
- (ii) is not carried out under and in accordance with an environmental permit.”.
- (3) After subsection (1), insert—
- “(1A) Paragraphs (a) and (b) of subsection (1) above do not apply in relation to a waste operation that is an exempt waste operation.
- (1B) Subsection (1) does not apply in relation to the carrying on of any of the following activities—
- (a) the disposal of liquid waste under a consent under Chapter 2 of Part 3 of the Water Resources Act 1991;
- (b) a waste operation which is or forms part of an operation which—
- (i) is the subject of a licence under Part 2 of the Food and Environment Protection Act 1985; or
- (ii) by virtue of an order under section 7 of that Act, does not require such a licence;
- (c) the disposal of agricultural waste in or on land under an authorisation under regulation 18 of the Groundwater Regulations 1998.”.
- (4) In subsection (4) for “the controls imposed by waste management licences” substitute “ the prohibitions in subsection (1) ”.
- (5) In subsection (6) omit the words “or any condition of a waste management licence”.
- (6) After subsection (10), add—
- “(11) For the purposes of subsection (1)(a) above, the deposit of waste in or on land includes any listed operation involving such a deposit.
- (12) For the purposes of subsection (1)(c) above, treating, keeping or disposing of controlled waste includes submitting it to any listed operation.
- (13) For the purposes of this section, a “listed operation” is an operation listed in Annex IIA or IIB of Directive [2006/12/EC](#) of the European Parliament and of the Council on waste”.

Marginal Citations

M4 Section 33 was amended by the [Environment Act 1995 \(c. 25\)](#) section 120 and Schedule 22, the Clean Neighbourhoods and Environment Act (c. 16), sections 40(1), 41(1), 107 and Schedule 5, and [S.I. 2005/894](#) and 2006/937.

5. For section 33A(1)^{M5}, substitute—

- “(1) This section applies where a person is convicted of an offence—
- (a) under section 33 above, in respect of a contravention of subsection (1) of that section;

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- (b) under regulation 38(1)(a) of the 2007 Regulations, in respect of a waste operation.”

Marginal Citations

M5 Section 33A was inserted by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [section 42\(1\)](#).

6. For section 33B(1) ^{M6}, substitute—

“(1) This section applies where a person is convicted of an offence—

- (a) under section 33 above, in respect of a contravention of subsection (1) of that section consisting of the deposit or disposal of controlled waste;
- (b) under regulation 38(1)(a) of the 2007 Regulations, in respect of a contravention of regulation 12 of those Regulations consisting of the disposal of waste.”

Marginal Citations

M6 Section 33B was inserted by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [section 43\(1\)](#) and amended by [S.I. 2006/937](#).

- 7.—(1) For section 33C(1) ^{M7}, substitute—

“(1) This section applies where—

- (a) subject to subsection (1A) below, a person is convicted of an offence under section 33 above in respect of a contravention of subsection (1) of that section consisting of the deposit or disposal of controlled waste;
- (b) a person is convicted of an offence under regulation 38(1)(a) of the 2007 Regulations in respect of a contravention of regulation 12 of those Regulations consisting of the disposal of waste.”

(2) In section 33C(7)(d), after “section 33 above,” insert “ or regulation 38(1)(a) or 38(1)(b) of the 2007 Regulations, ”.

Marginal Citations

M7 Section 33C was inserted by the [Clean Neighbourhoods Act 2005 \(c. 16\)](#), [section 44\(1\)](#) and amended by [S.I. 2006/937](#).

- 8.—(1) Section 34 ^{M8} is amended as follows.

- (2) For subsection (1)(aa) substitute—

“(aa) to prevent any contravention by any other person of regulation 12 of the 2007 Regulations or of a condition of an environmental permit;”.

(3) In subsection (1)(c)(ii) for “or any condition of a permit granted under regulation 10 of those Regulations” substitute “ or regulation 12 of the 2007 Regulations, or a contravention of a condition of an environmental permit, ”.

- (4) For subsection (3)(b) substitute—

“(b) any person who is the holder of an environmental permit in relation to a waste operation;”.

- (5) After subsection (3)(b), insert—

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“(ba) any person who is carrying on an exempt waste operation;”.

Marginal Citations

M8 Section 34 was amended by the [Deregulation and Contracting Out Act 1994 \(c. 40\)](#), [section 33](#), and the [Environment Act 1995 \(c. 25\)](#), [section 120](#) and Schedule 22, and by [S.I. 1999/1820](#), [2000/1973](#), [2005/2900](#) and [2006/123](#).

9. In section 34B ^{M9}—

- (a) in subsection (2)(a) after “committed” insert “, or an offence under regulation 38(1)(a) or (b) of the 2007 Regulations has been committed in relation to a waste operation”;
- (b) in subsection (3)(a) before “and” insert “ or an offence under regulation 38(1)(a) or (b) of the 2007 Regulations is being or is about to be committed in relation to a waste operation,”.

Marginal Citations

M9 Section 34B was inserted by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [section 46\(1\)](#).

10. Omit sections 35 to 43.

11. In section 44 ^{M10}—

- (a) in subsection (1)(a), omit “or”;
- (b) omit subsections (1)(b) and (2).

Marginal Citations

M10 Section 44 was amended by the [Environment Act 1995 \(c. 25\)](#), [section 112](#) and Schedule 19.

F³12.

Textual Amendments

F3 Sch. 21 para. 12 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 4 para. 25](#) (with [regs. 2](#), [47\(2\)](#))

13. In section 57 ^{M11}—

- (a) in subsection (1) for “waste management licence or waste permit” substitute “ environmental permit authorising a waste operation”;
- (b) omit subsection (7A).

Marginal Citations

M11 Section 57 was amended by [S.I. 2005/3026](#).

14. In section 59 ^{M12}—

- (a) in subsection (1) after “section 33(1) above” insert “ or regulation 12 of the 2007 Regulations”;

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- (b) in subsection (7) after “section 33(1) above” insert “ or regulation 12 of the 2007 Regulations,”.

Marginal Citations

M12 Section 59 was amended by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [sections 43\(2\)](#) and 50(1).

- 15.** In section 59ZA(2) ^{M13} after the words “section 33(1) above” add “ or regulation 12 of the 2007 Regulations,”.

Marginal Citations

M13 Section 59ZA was inserted by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [section 50\(2\)](#).

- 16.** In section 59A ^{M14}, after subsection (3), insert—

“(4) A waste regulation authority shall publicise any direction given to it under subsection (1) above in such manner as it considers appropriate.”.

Marginal Citations

M14 Section 59A was inserted by the [Anti-Social Behaviour Act 2003](#), [section 55\(4\)](#).

- 17.** Omit sections 64 to 66, 74 and 77.

- 18.** In section 78YB ^{M15}—

- (a) for subsections (1) to (2C) substitute—

“(1) This Part shall not apply if and to the extent that—

- (a) any significant harm, or pollution of controlled waters, by reason of which land would otherwise fall to be regarded as contaminated, is attributable to the operation of a regulated facility; and

(b) enforcement action may be taken in relation to that harm or pollution.”;

- (b) at the end, insert—

“(5) In this section—

“enforcement action” means action under regulation 36, 37 or 42 of the [Environmental Permitting \(England and Wales\) Regulations 2007](#);

“regulated facility” has the meaning given in regulation 8 of those Regulations.”.

Marginal Citations

M15 Section 78YB was inserted by the [Environment Act 1995 \(c. 25\)](#), [section 57](#), and amended by the [Water Act 2003 \(c. 37\)](#), [section 86](#) and [S.I. 2000/1973](#).

Town and Country Planning Act 1990 **E+W**

- 19.** In section 336(1) of the [Town and Country Planning Act 1990](#) ^{M16}, after the definition of “war damage”, insert—

“waste” includes anything that is waste for the purposes of Directive [2006/12/EC](#) of the European Parliament and of the Council on waste, and that is not excluded from the scope of that Directive by Article 2(1) of that Directive;”.

Marginal Citations

M16 1990, c. 8.

Water Industry Act 1991 **E+W**

20.—(1) Section 138 of the Water Industry Act 1991 ^{M17} is amended as follows.

(2) In subsection (1A), for the words “any installation or plant or otherwise carrying on any activity”, substitute “ any Part A installation or Part A mobile plant or otherwise carrying on any Part A activity ”.

(3) In subsection (1B)(a) for the words “regulations under section 2 of the Pollution Prevention and Control Act 1999” substitute “ the Environmental Permitting (England and Wales) Regulations 2007 (“the 2007 Regulations”) ”.

(4) After subsection (1B)(a), insert—

“(aa) the expressions “Part A activity”, “Part A installation” and “Part A mobile plant” have the same meaning as in the 2007 Regulations;”.

(5) In subsection (1B)(b) for the words from “granted” to the end, substitute “ granted under the 2007 Regulations ”.

Marginal Citations

M17 1991, c. 56. Section 138 was amended by [S.I. 2000/1973](#).

Water Resources Act 1991 **E+W**

21.—(1) The Water Resources Act 1991 ^{M18} is amended as follows.

(2) In sections 85(1), 91(2G)(a), 161(1), 161A(1) and 203(6)(b) omit the word “solid”.

(3) After section 85(6) insert—

“(7) For the purposes of subsection (1) “waste”, in the term “waste matter” includes anything that is waste for the purposes of Directive [2006/12/EC](#) of the European Parliament and of the Council of 5 April 2006 on Waste ^{M19}, and that is not excluded from the scope of that Directive by Article 2(1) of that Directive.”.

(4) In section 88—

(a) omit subsection (1)(aa);

(b) for subsection (1)(c), substitute—

“(c) a permit granted under the Environmental Permitting (England and Wales) Regulations 2007, except insofar as it authorises a Part B activity within the meaning of those Regulations;”;

(c) omit subsection (3);

(d) in subsection (4)—

(i) omit the definition of “disposal licence”;

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- (ii) omit the definition of “waste management licence” and the word “and” immediately preceding it.
- (5) In section 91, after subsection (8), insert—
- “(9) In this section, “waste” has the meaning given in section 85(7).”.
- (6) In section 161B, for subsection (6), substitute—
- “(6) Without prejudice to the generality of the regulations that may be made by virtue of subsection (5), regulations by virtue of that subsection may—
- (a) provide for the basis on which any amount to be paid by way of compensation under this section is to be assessed;
 - (b) without prejudice to the generality of paragraph (a) above, provide for compensation under this section to be payable in respect of—
 - (i) any effect of any rights being granted, or
 - (ii) any consequence of the exercise of any rights which have been granted;
 - (c) provide for the times at which any entitlement to compensation under this section is to arise or at which any such compensation is to become payable;
 - (d) provide for the persons or bodies by whom, and the manner in which, any dispute—
 - (i) as to whether any, and (if so) how much and when, compensation under this section is payable, or
 - (ii) as to the person to or by whom it shall be paid,
 is to be determined;
 - (e) provide for when or how applications may be made for compensation under this section;
 - (f) without prejudice to the generality of paragraph (d) above, provide for when or how applications may be made for the determination of any such disputes as are mentioned in that paragraph;
 - (g) without prejudice to the generality of paragraphs (e) and (f) above, prescribe the form in which any such applications as are mentioned in those paragraphs are to be made;
 - (h) make provision similar to any provision made by paragraph 8 of Schedule 19;
 - (i) make different provision for different cases, including different provision in relation to different persons or circumstances;
 - (j) include such incidental, supplemental, consequential or transitional provision as the Secretary of State considers appropriate.”.

Marginal Citations

M18 1991, c. 57. Section 88(1) was amended by [S.I. 2000/1973](#). Sections 91, 161 and 203 were amended by the [Environment Act 1995 \(c. 25\)](#) section 120 and Schedule 22. Section 161 was also amended by section 60 of that Act. Section 203 was also amended by the [Water Act 2003 \(c. 37\)](#), [section 101](#) and Schedule 8. Sections 91(2G), 161A and 161B were inserted by the [Environment Act 1995 \(c. 25\)](#), [section 120](#) and Schedule 22.

M19 OJ No. L 114, 27.4.2006, p9.

Clean Air Act 1993 **E+W**

22.—(1) Section 41A of the Clean Air Act 1993 ^{M20} is amended (in relation to England and Wales) as follows.

(2) After subsection (2)(b), insert—

“(c) in the case of an activity that is an exempt waste operation, the date of the entry on the register maintained under paragraph 4 of Schedule 2 to the 2007 Regulations of an establishment or undertaking in relation to that operation.”;

(3) In subsection (3), after “subsection (2)” insert—

““exempt waste operation” has the meaning given in the 2007 Regulations;”.

(4) After subsection (3), insert—

“(4) In this section—

“activity” includes a waste operation within the meaning of the 2007 Regulations;

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

Marginal Citations

M20 1993, c. 11. Section 41A was inserted by [S.I. 2000/1973](#).

Environment Act 1995 **E+W**

23.—(1) The Environment Act 1995 ^{M21} is amended (in relation to England and Wales) as follows.

(2) In section 56(1), in the definition of “environmental licence”—

(a) omit paragraph (c);

(b) for paragraph (h) substitute—

“(h) registration of a person as a broker of controlled waste under any provision which gives effect in England and Wales to Article 12 of Directive [2006/12/EC](#) of the European Parliament and of the Council on waste,”;

(c) for paragraph (j) substitute—

“(j) registration under Schedule 2 to the Environmental Permitting (England and Wales) Regulations 2007 of an establishment or undertaking in relation to an operation which for the purposes of those Regulations is a notifiable exempt waste operation, or an exempt waste operation falling within paragraph 45(1) or 45(3) of Schedule 3 to those Regulations,”.

(3) In Schedule 20, in paragraph 4(3), for paragraph (d) substitute—

“(d) regulation 53(1) of the Environmental Permitting (England and Wales) Regulations 2007.”.

Marginal Citations

M21 1995, c. 25. Section 56(1) was amended by the [Pollution Prevention and Control Act 1999 \(c. 24\)](#), [section 6\(1\)](#) and Schedule 2, and by [S.I. 2000/1973](#), 2005/925, 2005/1728 and 2006/3289. Paragraph 4 of Schedule 20 was amended by [S.I. 2000/1973](#).

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Goods Vehicles (Licensing of Operators) Act 1995 **E+W**

24.—(1) Schedule 2 to the Goods Vehicles (Licensing of Operators) Act 1995 ^{M22} is amended (in relation to England and Wales) as follows.

(2) After paragraph 5(i) insert—

“(ia) an offence under regulation 38(1)(a) or 38(1)(b) of the Environmental Permitting (England and Wales) Regulations 2007 committed in relation to a waste operation (within the meaning of those Regulations).”.

Marginal Citations

M22 1995, c. 23.

Finance Act 1996 **E+W**

25.—(1) The Finance Act 1996 ^{M23} is amended (in relation to England and Wales) as follows.

(2) For section 43A(4)(h), (j) and (k) substitute—

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

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

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

Marginal Citations

M23 1996, c. 8. Section 43A was inserted by [S.I. 1996/1529](#) and amended by [S.I. 2000/1973](#) and 2005/3226.

Pollution Prevention and Control Act 1999 **E+W**

26. Omit section 4 of the Pollution Prevention and Control Act 1999 ^{M24}.

Marginal Citations

M24 1999, c. 24.

Finance Act 2000 **E+W**

27.—(1) The Finance Act 2000 ^{M25} is amended (in relation to England and Wales) as follows.

(2) In the table in paragraph 51 of Schedule 6—

(a) for the italic cross-heading “Installations regulated under the Pollution Prevention and Control (England and Wales) Regulations 2000 (SI 2000/1973)” substitute “Installations regulated under the Environmental Permitting (England and Wales) Regulations 2007”;

(b) for entry 5(1) substitute “In this entry “the Schedule” means Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2007.”;

(c) for entry 5(2)(a) substitute ““Part A installation” has the meaning given in regulation 3(2) of the Environmental Permitting (England and Wales) Regulations 2007;”;

(d) in entries 5(2)(b), (c) and (d), for “Part 1 of the Schedule” substitute “Part 2 of the Schedule”.

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- (e) for entry 5(2)(c)(iii) substitute “ paragraph 1 of the Interpretation and application of Part A(1) of Section 5.4; ”.

Marginal Citations

M25 2000, c. 17. Paragraph 51 of Schedule 6 was amended by [S.I. 2001/1139](#), 2006/1848.

PART 2 **E+W**

Subordinate legislation

The Regulations as to Cremation (1930) **E+W**

28.—(1) The definitions in the Regulations as to Cremation (1930)^{M26} 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.”.

Marginal Citations

M26 [S.I. 1930/1016](#); relevant amending instruments are [S.I. 2000/58](#), 2006/92.

The Deposits in the Sea (Exemptions) Order 1985 **E+W**

29. In article 4(2) of the Deposits in the Sea (Exemptions) Order 1985^{M27} 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”.

Marginal Citations

M27 [S.I. 1985/1699](#), amended by [S.I. 1994/1056](#). There are other amending instruments but none is relevant.

The Radioactive Substances (Hospitals) Exemption Order 1990 **E+W**

30. For the definition of “site licence” in article 2(1) of the Radioactive Substances (Hospitals) Exemptions Order 1990^{M28}, substitute (in relation to England and Wales)—

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

Marginal Citations

M28 [S.I. 1990/2512](#), amended by [S.I. 2000/1973](#). There are other amending instruments but none is relevant.

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The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 **E**
+W

^{F4}**31.**

Textual Amendments

F4 Sch. 21 para. 31 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), **Sch. 4 para. 25** (with regs. 2, 47(2))

The Environmental Protection (Duty of Care) Regulations 1991 **E+W**

^{F5}**32.**

Textual Amendments

F5 Sch. 21 para. 32 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), **Sch. 4 para. 25** (with regs. 2, 47(2))

The Controlled Waste Regulations 1992 **E+W**

^{F6}**33.**

Textual Amendments

F6 Sch. 21 para. 33 omitted (6.4.2012) by virtue of [The Controlled Waste \(England and Wales\) Regulations 2012 \(S.I. 2012/811\)](#), regs. 1(3), 6, **Sch. 2 para. 4**

The Waste Management Licensing Regulations 1994 **E+W**

34.—(1) The Waste Management Licensing Regulations 1994 ^{M29} 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—

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Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to *The Environmental Permitting (England and Wales) Regulations 2007*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

“(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 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 ”.

Marginal Citations

M29 [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.

The Conservation (Natural Habitats, &c.) Regulations 1994 **E+W**

^{F7}**35.**

Textual Amendments

F7 Sch. 21 para. 35 revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), [reg. 1\(2\)](#), [Sch. 7 Pt. 1](#) (with [reg. 125](#))

The Waste Management Licensing (Amendment etc.) Regulations 1995 **E+W**

^{F8}**36.**

Status: Point in time view as at 01/01/2017.

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Textual Amendments

- F8** Sch. 21 para. 36 omitted (6.4.2012) by virtue of [The Controlled Waste \(England and Wales\) Regulations 2012 \(S.I. 2012/811\)](#), regs. 1(3), 6, **Sch. 2 para. 4**

The Landfill Tax Regulations 1996 **E+W**

37.—(1) The Landfill Tax Regulations 1996 ^{M30} 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).

Marginal Citations

- M30** [S.I. 1996/1527](#); relevant amendments are [S.I. 2000/1973](#), 2002/1.

The Waste Management Licensing (Amendment) Regulations 1998 **E+W**

38. In the Waste Management Licensing (Amendment) Regulations 1998 ^{M31}, omit paragraphs (2) and (3) of regulation 2 (in relation to England and Wales).

Marginal Citations

- M31** [S.I. 1998/606](#).

The Groundwater Regulations 1998 **E+W**

39.—(1) The Groundwater Regulations 1998 ^{M32} 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”.

Marginal Citations

- M32** [S.I. 1998/2746](#), amended by [S.I. 2000/1973](#), 2006/937.

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Environmental Permitting (England and Wales) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

The Water Protection Zone (River Dee Catchment) Designation Order 1999 **E+W**

40.—(1) The Water Protection Zone (River Dee Catchment) Designation Order 1999 ^{M33} 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).

Marginal Citations

M33 [S.I. 1999/915](#).

The Control of Pollution (Oil Storage) (England) Regulations 2001. **E+W**

41. In regulation 2(2)(a) of the Control of Pollution (Oil Storage)(England) Regulations 2001 ^{M34}, for “regulation 1(3) of the Waste Management Licensing Regulations 1994”, substitute “ regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2007 ”.

Marginal Citations

M34 [S.I. 2001/2954](#).

The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 **E+W**

42. In regulation 3(3)(e) of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 ^{M35}, for “the Waste Management Licensing Regulations 1994”, substitute (in relation to England and Wales) “ the Environmental Permitting (England and Wales) Regulations 2007 ”.

Marginal Citations

M35 [S.I. 2002/1689](#); relevant amending instruments are [S.I. 2005/894](#), [2005/1806](#) (W. 138).

The End-of-Life Vehicles Regulations 2003 **E+W**

43.—(1) The End-of-Life Vehicles Regulations 2003 ^{M36} 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);
- (b) for paragraph (4), substitute—

“(4) These Regulations do not apply to three-wheel motor vehicles.”.

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Environmental Permitting (England and Wales) Regulations 2007*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Omit Part VII and Schedule 5.

Marginal Citations

M36 [S.I. 2003/2635](#), to which there are amendments not relevant to these Regulations.

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 **E+W**

44.—(1) Schedule 2 to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 ^{M37} 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.”.

Marginal Citations

M37 [S.I. 2003/3242](#), to which there are amendments not relevant to these Regulations.

The Hazardous Waste (England and Wales) Regulations 2005 **E+W**

45.—(1) The Hazardous Waste (England and Wales) Regulations 2005 ^{M38} 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”.

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(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”.

Marginal Citations

M38 [S.I. 2005/894](#), to which there are amendments not relevant to these Regulations.

The Hazardous Waste (Wales) Regulations 2005 **E+W**

46.—(1) The Hazardous Waste (Wales) Regulations 2005 ^{M39} 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”.

Marginal Citations

M39 [S.I. 2005/1806](#) (W. 138), to which there are amendments not relevant to these Regulations.

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The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005 **E+W**

47. In regulation 3(4) of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005 ^{M40}, 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”.

Marginal Citations

M40 [S.I. 2005/2773](#).

The Greenhouse Gas Emissions Trading Scheme Regulations 2005 **E+W**

48. In regulation 8(3)(b) of the Greenhouse Gas Emissions Trading Scheme Regulations 2005 ^{M41}, for paragraph (i) substitute (in relation to England and Wales)—

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

Marginal Citations

M41 [S.I. 2005/925](#), to which there are amendments not relevant to these Regulations.

The Contaminated Land (England) Regulations 2006 **E+W**

49. For regulation 2(4) of the Contaminated Land (England) Regulations 2006 ^{M42}, 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”.

Marginal Citations

M42 [S.I. 2006/1380](#).

The Contaminated Land (Wales) Regulations 2006 **E+W**

50. For regulation 2(4) of the Contaminated Land (Wales) Regulations 2006 ^{M43}, 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”.

Marginal Citations

M43 [S.I. 2006/2989](#) (W. 278).

The Waste Electrical and Electronic Equipment Regulations 2006 **E+W**

51.—(1) In regulation 2(1) of the Waste Electrical and Electronic Equipment Regulations 2006^{M44}, 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;”.

Marginal Citations

M44 [S.I. 2006/3289](#).

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 **E+W**

52.—(1) In regulation 2(1) of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007^{M45}, 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;”.

Marginal Citations

M45 [S.I. 2007/871](#).

The Waste Management (Miscellaneous Provisions) (England and Wales) Regulations 2007 **E+W**

53. In the Waste Management (Miscellaneous Provisions) (England and Wales) Regulations 2007^{M46}, omit regulations 2 to 5.

Marginal Citations

M46 [S.I. 2007/1156](#).

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Environmental Permitting (England and Wales) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

The Transfrontier Shipment of Waste Regulations 2007 **E+W**

54. For regulation 16 of the Transfrontier Shipment of Waste Regulations 2007 ^{M47}, 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.”.

Marginal Citations
M47 [S.I. 2007/1711](#).

The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007 **E+W**

55.—(1) The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007 ^{M48} 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;”.

Marginal Citations
M48 [S.I. 2007/2325](#).

^{F2}SCHEDULE 22 **E+W**

Regulation 74(1)

Revocations

.....

^{F2}SCHEDULE 23 **E+W**

Regulation 74(2)

Repeals

.....

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