

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st January 2005, section 120(1) of the Environment Act 1995 (“the 1995 Act”) insofar as it relates to paragraphs 27(b) and (c), 88 and 95 of Schedule 22 (insofar as those provisions are not already in force).

Paragraphs 27(b) and (c) respectively make amendments to section 30(1) of the Control of Pollution Act 1974 (“the 1974 Act”) concerning the definition of “waste” and in order that the words which provide a presumption that anything discarded is waste unless the contrary is proved cease to have effect. Paragraph 88 amends section 75 of the Environmental Protection Act 1990 (“the 1990 Act”) (meaning of “waste” and household, commercial and industrial waste and special waste).

Paragraph 95 inserts a new Schedule 2B (categories of waste) to the 1990 Act in relation to section 75 of that Act.

In consequence of the commencement of section 120(1) of the 1995 Act and the relevant paragraphs of Schedule 22, this Order also brings into force on the same date section 120(3) (minor and consequential amendments, transitional and transitory provisions, savings and repeals) of the 1995 Act in so far as it relates to the repeal of the words in section 30(1) of the 1974 Act and section 75(3) of the the 1990 Act which provides a presumption that anything discarded is waste unless the contrary is proved.