

## SCHEDULE 21

Regulation 73

### Consequential amendments

## PART 1

### Public General Acts

#### Public Health Act 1961

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

#### Environmental Protection Act 1990

2. The Environmental Protection Act 1990<sup>(2)</sup> is amended (in relation to England and Wales) in accordance with paragraphs 3 to 18.

3.—(1) Section 29<sup>(3)</sup> 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”.

4.—(1) Section 33<sup>(4)</sup> is amended as follows.

(2) In subsection (1)—

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

(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—

(1) 1961, c. 64. Section 34(5) was amended by the Control of Pollution Act 1974 (c. 40), section 108 and Schedule 3.

(2) 1990, c. 43.

(3) Section 29 was amended by the Clean Neighbourhoods and Environment Act 2005 (c. 16), section 51.

(4) 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.

“(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”.

5. For section 33A(1)(5), 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;
- (b) under regulation 38(1)(a) of the 2007 Regulations, in respect of a waste operation.”

6. For section 33B(1)(6), 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.”

7.—(1) For section 33C(1)(7), substitute—

“(1) This section applies where—

---

(5) Section 33A was inserted by the Clean Neighbourhoods and Environment Act 2005 (c. 16), section 42(1).

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

- (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,”.

**8.—(1)** Section 34(8) 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—

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

**9.** In section 34B(9)—

- (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,”.

**10.** Omit sections 35 to 43.

**11.** In section 44(10)—

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

**12.** In section 44A(11), after subsection (8), insert—

“(8A) The Environment Agency shall publicise any direction given to it under subsection (6) above in such manner as it considers appropriate.”.

**13.** In section 57(12)—

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

**14.** In section 59(13)—

---

(8) 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) Section 34B was inserted by the Clean Neighbourhoods and Environment Act 2005 (c. 16), section 46(1).

(10) Section 44 was amended by the Environment Act 1995 (c. 25), section 112 and Schedule 19.

(11) Section 44A was inserted by the Environment Act 1995 (c. 25), section 92(1).

(12) Section 57 was amended by S.I. 2005/3026.

(13) Section 59 was amended by the Clean Neighbourhoods and Environment Act 2005 (c. 16), sections 43(2) and 50(1).

- (a) in subsection (1) after “section 33(1) above” insert “or regulation 12 of the 2007 Regulations”;
  - (b) in subsection (7) after “section 33(1) above” insert “or regulation 12 of the 2007 Regulations.”.
- 15.** In section 59ZA(2)(**14**) after the words “section 33(1) above” add “or regulation 12 of the 2007 Regulations.”.
- 16.** In section 59A(**15**), 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.”.
- 17.** Omit sections 64 to 66, 74 and 77.
- 18.** In section 78YB(**16**)—
- (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.”.

### **Town and Country Planning Act 1990**

- 19.** In section 336(1) of the Town and Country Planning Act 1990(**17**), 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;”.

### **Water Industry Act 1991**

- 20.**—(1) Section 138 of the Water Industry Act 1991(**18**) 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—

---

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

(15) Section 59A was inserted by the Anti-Social Behaviour Act 2003, section 55(4).

(16) 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](#).

(17) [1990, c. 8](#).

(18) [1991, c. 56](#). Section 138 was amended by S.I. [2000/1973](#).

“(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”.

## **Water Resources Act 1991**

**21.**—(1) The Water Resources Act 1991(19) 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(20), 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”;

(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—

---

(19) 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.

(20) OJNo. L 114, 27.4.2006, p9.

- (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.”.

### **Clean Air Act 1993**

**22.**—(1) Section 41A of the Clean Air Act 1993(**21**) 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.”.

### **Environment Act 1995**

**23.**—(1) The Environment Act 1995(**22**) 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—

(21) 1993, c. 11. Section 41A was inserted by S.I. 2000/1973.

(22) 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.

- “(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.”.

### **Goods Vehicles (Licensing of Operators) Act 1995**

**24.**—(1) Schedule 2 to the Goods Vehicles (Licensing of Operators) Act 1995(**23**) 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).”.

### **Finance Act 1996**

**25.**—(1) The Finance Act 1996(**24**) 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.”.

### **Pollution Prevention and Control Act 1999**

**26.** Omit section 4 of the Pollution Prevention and Control Act 1999(**25**).

### **Finance Act 2000**

**27.**—(1) The Finance Act 2000(**26**) 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.”;

---

(23) 1995, c. 23.

(24) 1996, c. 8. Section 43A was inserted by S.I. 1996/1529 and amended by S.I. 2000/1973 and 2005/3226.

(25) 1999, c. 24.

(26) 2000, c. 17. Paragraph 51 of Schedule 6 was amended by S.I. 2001/1139, 2006/1848.

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

## PART 2

### Subordinate legislation

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

**28.**—(1) The definitions in the Regulations as to Cremation (1930)(**27**) 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(**28**) 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(**29**), 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(**30**) 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”;

---

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

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

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

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



(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.”.

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

**32.**—(1) The Environmental Protection (Duty of Care) Regulations 1991<sup>(31)</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>(32)</sup> are amended (in relation to England and Wales) as follows.

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

<sup>(31)</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>(32)</sup> S.I. [1992/588](#); relevant amending instruments are S.I. [1994/1056](#), [1996/972](#).

““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;”.

### **The Waste Management Licensing Regulations 1994**

**34.**—(1) The Waste Management Licensing Regulations 1994<sup>(33)</sup> 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—

---

(33) 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.

“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”.

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

**35.**—(1) The Conservation (Natural Habitats &c.) Regulations 1994<sup>(34)</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>(35)</sup> (in relation to England and Wales).

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

**37.**—(1) The Landfill Tax Regulations 1996<sup>(36)</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).

<sup>(34)</sup> S.I. [1994/2716](#), amended by S.I. [2000/1973](#) and [2007/1843](#). There are other amending instruments but none is relevant.

<sup>(35)</sup> S.I. [1995/288](#), to which there are amendments not relevant to these Regulations.

<sup>(36)</sup> S.I. [1996/1527](#); relevant amendments are S.I. [2000/1973](#), [2002/1](#).

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

**38.** In the Waste Management Licensing (Amendment) Regulations 1998(**37**), omit paragraphs (2) and (3) of regulation 2 (in relation to England and Wales).

### **The Groundwater Regulations 1998**

**39.**—(1) The Groundwater Regulations 1998(**38**) 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(**39**) 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(**40**), 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(**41**), 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(**42**) are amended (in relation to England and Wales) as follows.

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

---

(37) S.I. [1998/606](#).

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

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

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

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

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

““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.”.

(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(43) 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(44) 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”.

---

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

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

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

**46.**—(1) The Hazardous Waste (Wales) Regulations 2005(**45**) 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(**46**), 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”.

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

(46) S.I. 2005/2773.

### **The Greenhouse Gas Emissions Trading Scheme Regulations 2005**

48. In regulation 8(3)(b) of the Greenhouse Gas Emissions Trading Scheme Regulations 2005(47), for paragraph (i) substitute (in relation to England and Wales)—

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

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

49. For regulation 2(4) of the Contaminated Land (England) Regulations 2006(48), 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(49), 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(50), 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(51), 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—

---

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

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

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

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

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

- “(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<sup>(52)</sup>, omit regulations 2 to 5.

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

**54.** For regulation 16 of the Transfrontier Shipment of Waste Regulations 2007<sup>(53)</sup>, 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<sup>(54)</sup> 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;”.

---

<sup>(52)</sup> S.I. [2007/1156](#).

<sup>(53)</sup> S.I. [2007/1711](#).

<sup>(54)</sup> S.I. [2007/2325](#).