
DRAFT STATUTORY INSTRUMENTS

2011 No.

The Waste (England and Wales) Regulations 2011

PART 8

Registration of carriers, brokers and dealers

Interpretation

24.—(1) The regulations in this Part, to the extent that they relate to carriers of controlled waste, have effect as if they were made in exercise of the powers in sections 1(3), 2 and 4(6) of the Control of Pollution (Amendment) Act 1989(1).

(2) Sections 3 and 4 of the Control of Pollution (Amendment) Act 1989(2) have effect as if—

- (a) references to carriers of controlled waste in those sections included references to brokers of and to dealers in controlled waste;
- (b) references to the transport of controlled waste included references to acting as a broker of or dealer in controlled waste; and
- (c) regulations 26 and 28 to 34, to the extent that they relate to brokers and dealers, were made in exercise of the powers in sections 2 and 4(6) of that Act.

(3) Section 3(5) and (6) of the Control of Pollution (Amendment) Act 1989 (in its application to carriers, brokers and dealers) has effect as if—

- (a) references to provision made by virtue of subsection (1) or (2) include a reference to regulations 29(5) and 32(1); and
- (b) references to a prescribed offence include an offence specified in regulation 29(5)(b).

(4) Section 7(1) of the Control of Pollution (Amendment) Act 1989 has effect as if the words “the provisions of this Act” included a reference to regulation 25.

(5) In this Part—

“the relevant time” means immediately before the coming into force of these Regulations;

“specified person” means—

- (a) a charity or voluntary organisation;
- (b) a waste collection authority;

(1) 1989 c.14. Section 2 was amended by the Environmental Protection Act 1990 (c. 43), section 162 and paragraph 31 of Schedule 15, by the Environment Act 1995 (c. 25), section 120 and paragraph 37 of Schedule 22, and by the Clean Neighbourhoods and Environment Act 2005 (c. 16), sections 36 and 107 and Part 4 of Schedule 5.

(2) Section 3 was amended by the Environmental Protection Act 1990 (c. 43), section 162 and paragraph 31 of Schedule 15 and by the Clean Neighbourhoods and Environment Act 2005 (c. 16), section 36. Section 4 was also amended by those provisions of the Environmental Protection Act 1990, and by the Environment Act 1995, section 120 and paragraph 37 of Schedule 22. Section 7(1) was amended by those provisions of the Environmental Protection Act 1990 and the Environment Act 1995, and by the Anti-social Behaviour Act 2003 (c. 38), section 55.

- (c) an authority which is a waste disposal authority for the purposes of Part 2 of the Environmental Protection Act 1990⁽³⁾;
- (d) an authority which is a waste regulation authority for the purposes of Part 2 of the Environmental Protection Act 1990⁽⁴⁾;
- (e) a carrier which only transports waste produced by the carrier itself, except where it is construction or demolition waste (and “construction” includes improvement, repair and alteration);
- (f) a carrier which only transports, a broker which only arranges for the recovery or disposal of, or a dealer which only deals in—
 - (i) animal by-products;
 - (ii) waste from a mine or quarry; or
 - (iii) waste from premises used for agriculture.

(3) 1990 c. 43. See section 30(2), which was amended by the Local Government (Wales) Act 1994, section 22(3) and paragraph 17(2) of Schedule 9.

(4) 1990 c. 43. See section 30(1), which was substituted by the Environment Act 1995, section 120 and paragraph 62(2) of Schedule 22.