
DRAFT STATUTORY INSTRUMENTS

2022 No.

The Waste and Agriculture (Legislative
Functions) Regulations 2022

PART 2

Waste: retention of legislative functions

CHAPTER 3

Retention of functions from the End-of-Life Vehicles Directive

Power to modify exemptions in light of scientific and technical progress

- 6.—(1) The Secretary of State may, by regulations, make provision—
- (a) to establish maximum concentration values up to which the existence of the prohibited substances in specific materials and components of vehicles is to be tolerated;
 - (b) to exempt certain materials and components of vehicles from the prohibition in regulation 6 of the End-of-Life Vehicles Regulations 2003⁽¹⁾ if the use of the prohibited substances is unavoidable;
 - (c) to delete materials and components of vehicles listed in Annex 2 (exempt materials and components) to the End-of-Life Vehicles Directive, if the use of the prohibited substances is avoidable;
 - (d) for the purposes of sub-paragraphs (a) and (b), to—
 - (i) designate those materials and components of vehicles that can be stripped before further treatment, and
 - (ii) require any such materials and components to be labelled or made identifiable by other appropriate means.
- (2) The provision which may be made under paragraph (1) includes—
- (a) modifying any subordinate legislation which makes provision corresponding to that made by Annex 2 to the End-of-Life Vehicles Directive.
 - (b) requiring (whether by modifying subordinate legislation or otherwise) a reference to that Annex (or a reference encompassing that Annex) to be read as a reference to that provision with modifications;
- (3) The Secretary of State may exercise the power in paragraph (1) only to the extent that the Secretary of State considers it is appropriate to do so as a result of scientific and technical progress.
- (4) In this regulation—
- “prohibited substances” means lead, mercury, cadmium or hexavalent chromium;

⁽¹⁾ [S.I. 2003/2635](#). Regulation 6 is amended by [S.I. 2010/1094](#).

“treatment” and “vehicle” have the meanings given by regulation 2 of the End-of-Life Vehicles Regulations 2003(2).

Power to specify minimum requirements for certificate of destruction

7.—(1) The Secretary of State may, by regulations, make provision specifying minimum requirements for the certificate of destruction referred to in Part V of the End-of-Life Vehicles Regulations 2003(3).

(2) Regulations under paragraph (1) may modify any subordinate legislation.

Power to modify conditions of storage and treatment in light of scientific and technical progress

8.—(1) The appropriate authority may, by regulations —

- (a) modify any subordinate legislation which makes provision corresponding to Annex 1 (minimum technical requirements for storage and treatment) to the End-of-Life Vehicles Directive;
- (b) make provision requiring (whether by modifying subordinate legislation or otherwise) a reference to that Annex (or a reference encompassing that Annex) to be read as a reference to that Annex with modifications.

(2) The appropriate authority may exercise the power in paragraph (1) only to the extent that the authority considers it is appropriate to do so as a result of scientific and technical progress.

Power to specify coding standards

9.—(1) The Secretary of State may, by regulations, make provision specifying material and component coding standards for the purposes of regulation 15 of the End-of-Life Vehicles Regulations 2003(4).

(2) Regulations under paragraph (1) may modify any subordinate legislation.

(3) Before exercising the power in paragraph (1), the Secretary of State must take account of work in this field undertaken in relevant international forums.

(2) The definition of “vehicle” is amended by S.I. 2018/235 and 2020/818.

(3) Part V is amended by S.I. 2005/263, 2010/1094 and 2019/188.

(4) Regulation 15 was substituted by S.I. 2019/188.