

*Status: Point in time view as at 30/06/2005.*

*Changes to legislation: There are currently no known outstanding effects for the The Waste Management Licensing (England and Wales)(Amendment and Related Provisions)(No. 2) Regulations 2005 (revoked). (See end of Document for details)*

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## STATUTORY INSTRUMENTS

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**2005 No. 1528**

# **ENVIRONMENTAL PROTECTION, ENGLAND AND WALES**

## **The Waste Management Licensing (England and Wales) (Amendment and Related Provisions)(No. 2) Regulations 2005**

*Made - - - - 7th June 2005*

*Laid before Parliament 9th June 2005*

*Coming into force in accordance with regulation 1(2)*

<sup>F1</sup>The Secretary of State, being a Minister designated <sup>M1</sup> for the purposes of section 2(2) of the European Communities Act 1972 <sup>M2</sup> in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste, in exercise of the powers conferred on her by section 2(2) of that Act and sections 29(10) and 64(1) and (8) of the Environmental Protection Act 1990 <sup>M3</sup> makes the following Regulations:

### **Textual Amendments**

- F1** Regulations revoked (30.6.2005 for the revocation of regs. 3-22, 1.7.2005 in so far as not already in force) by [The Waste Management Licensing \(England and Wales\) \(Amendment and Related Provisions\) \(No. 3\) Regulations 2005 \(S.I. 2005/1728\)](#), regs. 1(2), 2 (with regs. 19-21)

### **Marginal Citations**

- M1** [S.I. 1992/2870](#).  
**M2** [1972 c. 68](#).  
**M3** [1990 c. 43](#). The relevant functions of the Secretary of State insofar as they relate to Scotland were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act (c.46). The relevant functions insofar as they relate to Wales were transferred to the National Assembly for Wales by virtue of article 2 and Schedule 1 of the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(S.I. 1999/672\)](#).

### **Citation, commencement and territorial application**

1.—(1) These Regulations may be cited as the Waste Management Licensing (England and Wales)(Amendment and Related Provisions)(No.2) Regulations 2005.

(2) These Regulations shall come into force—

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- (a) for the purposes of the revocation in regulation 2, on 30th June 2005;
- (b) for all other purposes, on 1st July 2005 (“the amendment date”).
- (3) These Regulations extend to England and Wales but regulation 6 applies to England only.

**Revocation of the Waste Management Licensing (England and Wales)(Amendment and Related Provisions) Regulations 2005**

2. The Waste Management Licensing (England and Wales)(Amendment and Related Provisions) Regulations 2005 <sup>M4</sup> are revoked.

**Marginal Citations**

M4 [S.I. 2005/883](#).

**Amendment of the Environment Act 1995**

<sup>F13</sup>. .....

**Amendment of the Waste Management Licensing Regulations 1994**

<sup>F14</sup>. .....

**Amendment of regulation 1: interpretation**

<sup>F15</sup>. .....

**Amendment of regulations 10 and 12: public registers and mobile plant**

<sup>F16</sup>. .....

**Amendment of regulation 17: exemptions from waste management licensing**

<sup>F17</sup>. .....

**Amendment of regulation 18: registration in connection with exempt activities**

<sup>F18</sup>. .....

**Supervision of exempt activities**

<sup>F19</sup>. .....

**Land treatment**

<sup>F110</sup>. .....

**Storage and spreading of sludge**

<sup>F111</sup>. .....

**Reclamation or improvement of land**

<sup>F1</sup>12. ....

**Recovery operations at water and sewage treatment works**

<sup>F1</sup>13. ....

**Composting biodegradable waste**

<sup>F1</sup>14. ....

<sup>F1</sup>15. ....

<sup>F1</sup>16. ....

**Storage and use of building waste**

<sup>F1</sup>17. ....

<sup>F1</sup>18. ....

**Burning of waste at docks**

<sup>F1</sup>19. ....

**Transitional provisions**

<sup>F1</sup>20. ....

<sup>F1</sup>21. ....

**Transitional charges**

<sup>F1</sup>22. ....

*Ben Bradshaw*  
Parliamentary Under-Secretary of  
StateDepartment for Environment, Food and  
Rural Affairs

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## EXPLANATORY NOTE

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

These Regulations revoke (before coming into force) and remake with minor amendments the Waste Management Licensing (England and Wales) (Amendment and Related Provisions) Regulations 2005 (S.I. 2005/883).

These Regulations amend the Waste Management Licensing Regulations 1994 (S.I. 1994/1056, as amended) (“the 1994 Regulations”). These Regulations extend to England and Wales, but regulation 6 applies only to England.

Regulation 6 amends regulations 10 and 12 of the 1994 Regulations. Regulation 10 is amended so that each waste regulation authority must enter details of any risk appraisal undertaken for a site to which a waste management licence relates in the public register which the authority maintains under section 64(1) of the Environmental Protection Act 1990 (“the 1990 Act”). The amendment to regulation 12 varies the descriptions of plant that are to be treated as being mobile plant for the purposes of Part 2 of the 1990 Act.

The remainder of the Regulations concern activities which are exempt from the requirement for a waste management licence under the 1990 Act. Amendments are made to the conditions which apply to various exempt activities listed in Schedule 3 to the 1994 Regulations by regulations 10 to 18. A new exempt activity is inserted by regulation 19.

More detailed notification requirements set out in regulation 9 apply to the exempt activities defined as notifiable exempt activities (see regulation 5). Regulation 3 enables the registration authority to charge for administering these notifications.

Some changes are made which affect all exempt activities. By regulation 7 the Secretary of State is given the power to issue statutory guidance to registration authorities. Regulation 8 also clarifies the ability of the registration authorities to remove entries from the register in relation to activities which are not exempt, and increases the penalty for failure to register to level 2 on the standard scale (currently £500). Failure to register in relation to notifiable exempt activities will be subject to level 3 fines (currently £1,000).

Transitional provisions are included at regulations 20 to 22. These include the imposition of fees in the period before a charging scheme is put in place.

A Regulatory Impact Assessment in relation to these Regulations has been placed in the library of both Houses of Parliament and copies can be obtained from WM Licensing and Enforcement Unit, Department for Environment, Food and Rural Affairs, Zone 7/H11, Ashdown House, 123 Victoria Street, London SW1E 6DE.

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