
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.