

STATUTORY INSTRUMENTS

2005 No. 894

The Hazardous Waste (England and Wales) Regulations 2005

PART 2

HAZARDOUS AND NON-HAZARDOUS WASTE

Specific waste to be treated as hazardous

8.—(1) The Secretary of State, having regard to [^{F1}Annex III] and the limit values of concentration in the List of Wastes, may determine, in exceptional cases, that a specific batch of waste in England which—

(a) is not listed as a hazardous waste in the List of Wastes;

^{F2}(b)

(c) though of a type listed as a hazardous waste in the List of Wastes, is treated as non-hazardous pursuant to regulation 9(2),

displays one or more of the hazardous properties, and accordingly that it shall be treated for all purposes as hazardous waste.

(2) A specific batch of waste produced in Wales, Scotland or Northern Ireland and not listed as hazardous in the List of Wastes and which is for the time being determined ^{F3}... to be hazardous pursuant to [^{F4}paragraph (3)], shall, subject to any determination made under regulation 9, be treated for all purposes as hazardous waste in England.

[^{F5}(3) For the purposes of paragraph (2), a specific batch of waste is determined to be hazardous—

(a) in relation to Wales if—

(i) of a type listed in regulations made under section 62A(2) of the 1990 Act;

(ii) it is the subject of a determination by the Welsh Ministers under regulation 8 of the Hazardous Waste (Wales) Regulations 2005;

(b) in relation to Northern Ireland, it is the subject of a determination by the Department of Agriculture, Environment and Rural Affairs under regulation 9 of the Hazardous Waste Regulations (Northern Ireland) 2005;

(c) in relation to Scotland, it is the subject of a determination by the Scottish Ministers, because the Scottish Ministers consider that the waste displays one or more of the hazardous properties listed in Annex III.]

Textual Amendments

F1 Words in reg. 8(1) substituted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), [Sch. 2 para. 6](#) (with regs. 2, 47(2))

F2 [Reg. 8\(1\)\(b\)](#) omitted (31.12.2020) by virtue of [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\)](#), regs. 1(2), [8](#)

Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (England and Wales) Regulations 2005, Section 8. (See end of Document for details)

- F3** Words in reg. 8(2) omitted (31.12.2020) by virtue of The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/188), regs. 1(2)(b), **11(5)(a)(i)** (as amended by S.I. 2020/1540, regs. 1(2), 11(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in reg. 8(2) substituted (31.12.2020) by The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/188), regs. 1(2)(b), **11(5)(a)(ii)** (as amended by S.I. 2020/1540, regs. 1(2), 11(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Reg. 8(3) inserted (31.12.2020) by The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/188), regs. 1(2)(b), **11(5)(b)** (as amended by S.I. 2020/1540, regs. 1(2), 11(2)); 2020 c. 1, Sch. 5 para. 1(1)

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