

SCHEDULE 11

Regulation 77

CONSEQUENTIAL AMENDMENTS

**PART 1**

AMENDMENTS TO PRIMARY LEGISLATION

*The Waste and Emissions Trading Act 2003*

1. The Waste and Emissions Trading Act 2003 <sup>M1</sup> is amended as follows.

**Marginal Citations**

M1 2003 c. 33.

2. In section 25(2), for “for the purpose of Council Directive 91/689/EEC” substitute “ within the meaning of regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005. ”.

**PART 2**

AMENDMENTS TO SECONDARY LEGISLATION

*The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991*

<sup>F1</sup>3. ....

**Textual Amendments**

F1 Sch. 11 paras. 3-6 omitted (29.3.2011) by virtue of The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), Sch. 2 para. 33 (with regs. 2, 47(2))

<sup>F1</sup>4. ....

**Textual Amendments**

F1 Sch. 11 paras. 3-6 omitted (29.3.2011) by virtue of The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), Sch. 2 para. 33 (with regs. 2, 47(2))

*The Environmental Protection (Duty of Care) Regulations 1991*

<sup>F1</sup>5. ....

**Textual Amendments**

F1 Sch. 11 paras. 3-6 omitted (29.3.2011) by virtue of The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), Sch. 2 para. 33 (with regs. 2, 47(2))

**Status:** Point in time view as at 29/03/2011.

**Changes to legislation:** There are currently no known outstanding effects for the The Hazardous Waste (England and Wales) Regulations 2005, SCHEDULE 11. (See end of Document for details)

<sup>F1</sup>6. ....

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**Textual Amendments**

**F1** Sch. 11 paras. 3-6 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

*The Environmental Protection (Prescribed Processes and Substances) Regulations 1991*

7. The Environmental Protection (Prescribed Processes and Substances) Regulations 1991 <sup>M2</sup> are amended as follows.

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**Marginal Citations**

**M2** [S.I. 1991/472](#); relevant amendments are contained in [S.I.1998/767](#).

8. In Section 5.1 of Chapter 5 of Schedule 1—
- (a) in the definition of “exempt hazardous waste incineration plant”—
    - (i) in paragraph (ii) for “Annex II to Directive [91/689/EEC](#) on hazardous waste” substitute “ Schedule 2 of the Hazardous Waste (England and Wales) Regulations 2005 ”;
    - (ii) in paragraph (iii) for “Annex III to Directive [91/689/EEC](#) on hazardous waste” substitute “ Schedule 3 of the Hazardous Waste (England and Wales) Regulations 2005 ”;
  - (b) in the definition of “hazardous waste”—
    - (i) in the opening words, for “Article 1(4) of Directive [91/689/EEC](#)” substitute “ regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005 ”; and
    - (ii) in sub-paragraph (i)(b) and paragraph (v), for “in Annex II to Directive [91/689/EEC](#)” substitute “ in Schedule 2 to the Hazardous Waste (England and Wales) Regulations 2005 ”.

*Waste Management Licensing Regulations 1994*

<sup>F2</sup>9. ....

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**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

<sup>F2</sup>10. ....

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**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

<sup>F2</sup>11. ....

**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

**F2**12. ....

**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

**F2**13. ....

**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

**F2**14. ....

**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

**F2**15. ....

**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

**F2**16. ....

**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

**F2**17. ....

**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

**F2**18. ....

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**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

**F219.** .....

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**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

**F220.** .....

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**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

**F221.** .....

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**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

**F222.** .....

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**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

**F223.** .....

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**Textual Amendments**

**F2** Sch. 11 paras. 9-23 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), reg. 1(2), **Sch. 2 para. 33** (with regs. 2, 47(2))

*Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999*

**24.** The Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 <sup>M3</sup> are amended as follows.

**Marginal Citations**

**M3** [S.I. 1999/293](#), to which there are amendments not relevant to these Regulations.

**25.** In paragraph 9 of Schedule 1, for “hazardous waste (that is to say, waste to which Council Directive [91/689/EEC](#) applies).” substitute “hazardous waste as defined in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”

*Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances) (England and Wales) Regulations 2000*

**26.** The Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances) (England and Wales) Regulations 2000 <sup>M4</sup> are amended as follows.

**Marginal Citations**

**M4** [S.I. 2000/1043](#), to which there are amendments not relevant to these Regulations.

**27.** For regulation 11(3), substitute the following—

“(3) Subject to paragraphs (5) and (7), the Agency shall keep a register specifying the quantity, origin, nature and PCB content of used PCBs in respect of which—

(a) copies of consignment notes specifying that information are furnished to it under regulations 5(4), 8(7) or 9(3) of the Special Waste Regulations 1996; or

(b) quarterly returns specifying that information are furnished to it under regulation 53 of the Hazardous Waste (England and Wales) Regulations 2005,

and which in either case have been furnished by a person in the course of a business concerned with the disposal of PCBs.”

*Pollution Prevention and Control (England and Wales) Regulations 2000*

**28.** The Pollution Prevention and Control (England and Wales) Regulations 2000 <sup>M5</sup> (which extend to England and Wales) are amended as follows.

**Marginal Citations**

**M5** [S.I. 2000/1973](#); relevant amendments have been made by [S.I.2002/2980](#).

**29.** In Chapter 5 of Schedule 1—

(a) in the definition of hazardous waste in the paragraph headed “Interpretation of Section 5.1” of Section 5.1—

(i) in the opening words for “Article 1(4) of Directive [91/689/EEC](#) on hazardous waste” substitute “regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005”; and

(ii) in paragraph (a)(ii) for “Annex II to Directive [91/689/EEC](#) on hazardous waste” substitute “Schedule 2 of the Hazardous Waste (England and Wales) Regulations 2005”;

(b) in paragraph 1 of the paragraph headed “Interpretation of Part A(1)” of Section 5.3 for the definition of “hazardous waste”, substitute ““hazardous waste” means any waste as

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defined for the time being in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”; and

- (c) in the paragraph headed çInterpretation of Part A(1)Ç of Section 5.4 insert the following after paragraph 3—

“4. In this Part, hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”.

*Chemicals (Hazard Information and Packaging for Supply) Regulations 2002*

30. The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 <sup>M6</sup> are amended as follows.

**Marginal Citations**

M6 [S.I. 2002/1689](#), to which there are amendments not relevant to these Regulations.

31. In regulation 3(3)(e), for “Special Waste Regulations 1996” substitute “ Hazardous Waste (England and Wales) Regulations 2005 ”.

*Landfill (England and Wales) Regulations 2002*

32. The Landfill (England and Wales) Regulations 2002 <sup>M7</sup> are amended as follows.

**Marginal Citations**

M7 [S.I. 2002/1959](#); as amended by [S.I. 2004/1375](#).

33. In Regulation 7(2) for “Hazardous waste means any waste as defined in Article 1(4) of Directive [91/689/EEC](#) (hazardous waste).” substitute “ Hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005. ”.

34. For paragraph 2(a) of Schedule 1, substitute “ (a) it is a hazardous waste as defined in the Hazardous Waste (England and Wales) Regulations 2005; and ”.

35. For paragraph 3(1)(a) of Schedule 1, substitute “ (a) it is a hazardous waste as defined in the Hazardous Waste (England and Wales) Regulations 2005; and ”

36. For paragraph 3(1)(b) of Schedule 1, substitute “ (b) it is a non-hazardous waste as defined in the Hazardous Waste (England and Wales) Regulations 2005. ”.

37. For paragraph 5(1)(g) of Schedule 1, substitute—

“(g) in the case of hazardous waste, the relevant properties which render it hazardous as listed in Schedule 3 of the Hazardous Waste (England and Wales) Regulations 2005;”.

*Packaging (Essential Requirements) Regulations 2003*

38. The Packaging (Essential Requirements) Regulations 2003 <sup>M8</sup> are amended as follows.

**Marginal Citations**

M8 [S.I. 2003/1941](#).

**39.** In regulation 3(2), for the words “or the provisions of Council Directive [91/689/EEC](#) on hazardous waste.” substitute “ or the provisions of the Hazardous Waste (England and Wales) Regulations 2005. ”

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