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STATUTORY INSTRUMENTS

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**2006 No. 934 (C. 27)**

**ENVIRONMENTAL PROTECTION,  
ENGLAND AND WALES**

The Environment Act 1995 (Commencement  
No. 23) (England and Wales) Order 2006

Made - - - - 27th March 2006

The Secretary of State, in exercise of the powers conferred on her by section 125(3) of the Environment Act 1995<sup>(1)</sup>, hereby makes the following Order:

**Citation and extent**

1. This Order may be cited as the Environment Act 1995 (Commencement No. 23) (England and Wales) Order 2006 and extends to England and Wales only.

**Provisions coming into force on 15th May 2006**

2. The following provisions of the Environment Act 1995 shall come into force on 15th May 2006 —

- (a) section 120(1), insofar as it relates to paragraphs 27(b) and (c), 88 and 95 of Schedule 22; and
- (b) section 120(3), insofar as it relates to the repeal of—
  - (i) the words from “and for the purposes” to the end of section 30(1) of the Control of Pollution Act 1974<sup>(2)</sup>; and
  - (ii) section 75(3) of the Environmental Protection Act 1990<sup>(3)</sup>.

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(1) 1995 c. 25.  
(2) 1974 c. 40.  
(3) 1990 c. 43.

27th March 2006

*Ben Bradshaw*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

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

Insofar as the provisions are not already in force in Great Britain, this Order brings into force on [date of commencement of the 2006 Regulations]—

- (a) section 120(1) of the Environment Act 1995 (“the 1995 Act”), insofar as it relates to paragraphs 27(b) and (c), 88 and 95 of Schedule 22 to that Act<sup>(4)</sup>; and
- (b) section 120(3) of the 1995 Act, insofar as it relates to the repeal of words in section 30(1) of the Control of Pollution Act 1974 (“the 1974 Act”) and the repeal of section 75(3) of the Environmental Protection Act 1990 (“the 1990 Act”)<sup>(5)</sup>.

Paragraph 27(b) and (c) makes amendments to section 30(1) of the 1974 Act concerning the definition of “waste”. “Waste” in the 1974 Act is given the same meaning as in Part II of the 1990 Act, and the words which provide a presumption that anything discarded is waste unless the contrary is proved, cease to have effect.

Paragraph 88 amends section 75 of the 1990 Act (meaning of “waste” etc.) so that the definition of “waste” in Part II of the 1990 Act is the same as that in Council Directive [75/442/EEC](#) on waste <sup>(6)</sup>. Paragraph 95 inserts a new Schedule 2B (categories of waste) to the 1990 Act in relation to section 75 of that Act. That Schedule transposes Annex I of Council Directive [75/442/EEC](#).

The words and the provision which are repealed by section 120(3) provide for a presumption, in the 1974 and 1990 Acts respectively, that anything discarded is waste unless the contrary is proved.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Environment Act 1995 have been brought into force by commencement order made before the date of this Order.

| <i>Provision</i>    | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---------------------|-----------------------------|-----------------|
| Section 1           | 28.7.1995                   | 1995/1983       |
| Section 2           | 1.4.1996                    | 1996/186        |
| Section 3(1)        | 1.4.1996                    | 1996/186        |
| Section 3(2) to (8) | 28.7.1995                   | 1995/1983       |
| Section 4           | 28.7.1995                   | 1995/1983       |

(4) Paragraph 88 of Schedule 22 to the 1995 Act was commenced in Scotland for the purposes only of the Landfill (Scotland) Regulations 2003 ([S.S.I. 2003/235](#)) by virtue of article 2(b) of the Environment Act 1995 (Commencement No 21) (Scotland) Order 2003 ([S.S.I. 2003/206](#)). Paragraphs 27(b), (c), 88 (insofar as that provision was not already in force) and 95 were commenced in Scotland by virtue of article 2(a) of the Environment Act 1995 (Commencement No 22) (Scotland) Order 2004 ([S.S.I. 2004/541](#)).

(5) Section 120(3) of the 1995 Act in so far as it relates to the repeal of the words in section 30(1) of the 1974 Act and section 75(3) of the 1990 Act was commenced in Scotland by virtue of article 2(b) of the Environment Act 1995 (Commencement No 22) (Scotland) Order 2004 ([S.S.I. 2004/541](#)).

(6) O.J. No. L194, 25.7.1975, p. 39 (as amended by Council Directives [91/156/EEC](#) (O.J. No. L78, 26.3.1991, p. 32), [91/692/EEC](#) (O.J. No. L377, 31.12.1991, p. 48 (as corrected by Corrigendum, O.J. No. L146, 13.6.2003, p. 52)), Commission Decision [96/350/EC](#) (O.J. No. L135, 6.6.1996, p. 32) and Regulation ([EC](#)) No. [1882/2003](#) (O.J. No. L284, 31.10.2003, p. 1)).

*Status: This is the original version (as it was originally made).*

| <i>Provision</i>           | <i>Date of Commencement</i> | <i>S.I. No.</i>         |
|----------------------------|-----------------------------|-------------------------|
| Section 5                  | 1.2.1996 and<br>1.4.1996    | 1996/186                |
| Section 6                  | 1.4.1996                    | 1996/186                |
| Section 7                  | 28.7.1995                   | 1995/1983               |
| Section 8                  | 1.4.1996                    | 1996/186                |
| Section 9                  | 28.7.1995                   | 1995/1983               |
| Sections 10 and 11         | 1.4.1996                    | 1996/186                |
| Section 12                 | 28.7.1995                   | 1995/1983               |
| Sections 13 to 19          | 1.4.1996                    | 1996/186                |
| Sections 20 to 23          | 12.10.1995                  | 1995/2649               |
| Sections 25 to 29          | 1.4.1996                    | 1996/186                |
| Sections 30 to 32          | 12.10.1995                  | 1995/2649               |
| Sections 33 to 35          | 1.4.1996                    | 1996/186                |
| Section 36                 | 12.10.1995                  | 1995/2649               |
| Section 37                 | 28.7.1995 and 1.4.1996      | 1995/1983 and 1996/186  |
| Sections 38 to 40          | 28.7.1995                   | 1995/1983               |
| Section 41                 | 21.9.1995                   | 1995/1983 and 1996/186  |
|                            | 1.2.1996 and<br>1.4.1996    |                         |
| Section 42                 | 21.9.1995                   | 1995/1983               |
| Sections 43 to 52          | 28.7.1995                   | 1995/1983               |
| Sections 53 and 54         | 1.4.1996                    | 1996/186                |
| Section 55                 | 1.2.1996 and<br>1.4.1996    | 1996/186                |
| Section 56                 | 28.7.1995                   | 1995/1983               |
| Section 57 (partially)     | 21.9.1995                   | 1995/1983               |
| (partially) as to England  | 1.4.2000                    | 2000/340                |
| (partially) as to Scotland | 14.7.2000                   | S.S.I. 2000/180         |
| (partially) as to Scotland | 14.7.2000                   | 2000/1986               |
| (partially) as to Wales    | 15.9.2001                   | 2001/3211               |
| Section 58                 | 21.9.1995 and<br>1.7.1998   | 1995/1983 and 1998/604  |
| Section 59                 | 12.10.1995 and              | 1995/2649 and 1998/3272 |

| <i>Provision</i>   | <i>Date of Commencement</i>                       | <i>S.I. No.</i>         |
|--|---|-------------------------|
|  | 1.1.1999  |                         |
| Section 60   | 1.7.1997 and<br>1.7.1998                          | 1997/1626 and 1998/604  |
| Section 78 and Schedule 10<br>(partially), with savings                            | 23.11.1995<br>1.4.1996 and<br>1.4.1997            | 1995/2950 and 1996/2560 |
| Section 80   | 1.2.1996  | 1996/186                |
| Section 81   | 1.4.1996  | 1996/186                |
| Sections 82 to 86  | 23.12.1997  | 1997/3044               |
| Sections 87 to 89  | 1.2.1996  | 1996/186                |
| Section 90 and Schedule 11   | 1.2.1996 and<br>23.12.1996                        | 1996/186 and 1997/3044  |
| Section 91   | 1.2.1996  | 1996/186                |
| Section 92   | 1.4.1996  | 1996/186                |
| Sections 93 to 95  | 21.9.1995   | 1995/1983               |
| Section 96(1), (5) and (6) and<br>Schedules 13 and 14 (as to<br>England and Wales) | 1.11.1995   | 1995/2765               |
| Section 96(1), (5) and (6) and<br>Schedules 13 and 14 (as to<br>Scotland)          | 1.1.1997  | 1996/2857               |
| Section 96(2)  | 1.11.1995   | 1995/2765               |
| Section 96(3)  | 1.1.1997  | 1996/2857               |
| Section 96(4) (partially)  | 1.11.1995   | 1995/2765               |
| Section 96(4) (partially) (as to<br>Scotland)                                      | 1.1.1997  | 1996/2857               |
| Sections 97 to 103   | 21.9.1995   | 1995/1983               |
| Section 104  | 1.4.1996  | 1996/186                |
| Section 105 and Schedule 15  | 21.9.1995<br>1.2.1996<br>1.4.1996 and<br>1.1.1999 | 1995/1983 and 1996/186  |
| Sections 106 to 114  | 1.4.1996  | 1996/186                |
| Section 115  | 1.4.1996  | 1995/2950 and           |

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| <i>Provision</i>                                      | <i>Date of Commencement</i>           | <i>S.I. No.</i>                    |
|---|---------------------------------------|------------------------------------|
|   |                                       | 1996/186                           |
| Section 116 and Schedule 21 (partially)               | 21.9.1995<br>1.7.1997 and<br>8.4.1998 | 1995/19831997/1626 and<br>1998/781 |
| Section 117   | 1.2.1996                              | 1996/186                           |
| Section 118(1) to(3), (4) and (5) (partially) and (6) | 1.2.1996                              | 1996/186                           |
| Section 119   | 1.2.1996                              | 1996/186                           |
| Section 120(1) and Schedule 22 (partially)            | 28.7.1995                             | 1995/1983                          |
|   | 21.9.1995                             | 1995/2649                          |
|   | 12.10.1995                            | 1996/186                           |
|   | 1.2.1996                              | 1996/2909                          |
|   | 1.4.1996                              | 1997/3044                          |
|   | 21.11.1996                            | 1998/604                           |
|   | 31.12.1996                            | 1999/803                           |
|   | 23.12.1997                            | 1999/1301                          |
|   | 1.4.1998                              | 1999/1301                          |
|   | 16.3.1999                             |                                    |
|   | 1.4.1999                              |                                    |
|   | 29.4.1999                             |                                    |
| (partially) as to England                             | 1.4.2000                              | 2000/340                           |
| (partially) as to Scotland                            | 14.7.2000                             | S.S.I. 2000/180                    |
|   | 1.1.2001                              | S.S.I. 2000/433                    |
| (partially) as to Wales                               | 15.9.2001                             | 2001/3211                          |
| (partially) as to Scotland                            | 1.4.2003                              | S.S.I. 2003/206                    |
|   | 1.1.2005                              | S.S.I. 2004/541                    |
| Section 120(2) and Schedule 23 (partially)            | 1.4.1996 and<br>1.1.1999              | 1995/1983 and 1996/186             |
| Section 120(3) and Schedule 24 (partially)            | 21.9.1995                             | 1995/1983                          |
|   | 1.11.1995                             | 1995/2765                          |
|   | 1.2.1996                              | 1996/186                           |
|   | 1.4.1996                              | 1996/2560                          |

| <i>Provision</i>             | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------------------|-----------------------------|-----------------|
|                              | 31.12.1996                  | 1996/2857       |
|                              | 1.1.1997                    | 1996/2909       |
|                              | 1.4.1997                    |                 |
|                              | 1.1.1999                    |                 |
| (partially) as to England    | 1.4.2000                    | 2000/340        |
| (partially) as to Scotland   | 14.7.2000                   | S.S.I. 2000/180 |
| (partially) as to Wales      | 15.9.2001                   | 2001/3211       |
| (partially) as to Scotland   | 1.1.2005                    | S.S.I. 2004/541 |
| Section 120(4) to (6)        | 28.7.1995                   | 1995/1983       |
| Sections 121 to 124          | 28.7.1995                   | 1995/1983       |
| Paragraph 7(2) of Schedule 7 | 1.4.1997                    | 1996/2560       |