

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Hazardous Waste (England and Wales) Regulations 2005 ([S.I. 2005/894](#)) (“2005 Regulations”), which implement Council Directive [91/689/EEC](#) on hazardous waste (OJ No L 377, 31.12.1991, p 20). These Regulations apply in England only.

Regulation 3 amends the definition of “premises” in regulation 5(1) to clarify that the term includes land.

Regulation 5 replaces regulation 13 of the 2005 Regulations with a new regulation 13 to clarify that nothing in the 2005 Regulations imposes obligations on occupiers of domestic premises in relation to asbestos waste produced at those premises and that a contractor carrying out works relating to asbestos waste will be treated as the producer of that waste.

Regulation 6 replaces regulation 14 of the 2005 Regulations with a new regulation 14. This is to clarify that the occupier of domestic premises is exempt from obligations relating to separated domestic fractions of hazardous waste. The regulation also clarifies that the restrictions on the mixing of hazardous waste in Part 4 of the 2005 Regulations apply from the time that waste is either accepted for collection, disposal or recovery from domestic premises or accepted at a site for domestic waste when it is taken there by occupiers of domestic premises.

Regulation 7 inserts a new regulation 14A in to the 2005 Regulations. This extends the application of a provision which had been included in regulation 30 of the 2005 Regulations relating to the production of hazardous waste at shop premises by customers to the whole of the 2005 Regulations.

Regulation 8 amends regulation 21(1) of the 2005 Regulations so that the requirement to notify premises will apply where hazardous waste is collected at any premises other than exempt premises.

Regulation 9 replaces regulation 23 of the 2005 Regulations with a new regulation 23 which extends the exemption from the requirement to notify premises at which hazardous waste is produced from specified types of premises to any premises which are a ship or to which the qualifying limitation applies, provided that hazardous waste is only removed by a registered or exempt waste carrier.

Regulation 10 amends regulation 26 of the 2005 Regulations to reduce the amount of information the Environment Agency is required to release about notified premises.

Regulation 11 replaces regulation 30 of the 2005 Regulations with a new regulation 30 which increases the qualifying limitation from 200kg to 500kg. The new regulation omits the reference to hazardous waste produced at shop premises by customers, as this will now apply to the whole of the 2005 Regulations (see regulation 5 which inserts a new regulation 12A in to the 2005 Regulations).

Regulation 13 amends regulation 42 of the 2005 Regulations to correct the reference to the part of the form of multiple collection consignment note which is the consignee’s certificate. The regulation also includes amendments to clarify references to the Environmental Permitting (England and Wales) Regulations 2007 (“2007 Regulations”). Regulation 42(6) of the 2005 Regulations was amended by regulation 73 of and paragraphs 45(1) and (2) of Schedule 21 to the 2007 Regulations.

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to The Hazardous Waste (England and Wales) (Amendment) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Regulation 14 amends regulation 48(3) of the 2005 Regulations to require that the record of hazardous waste includes, as applicable, details of the disposal method in respect of the waste in addition to the recovery method for the waste.

Regulation 15 corrects regulation 49(1) of the 2005 Regulations so that it will apply where a consignor of hazardous waste is different from the producer or the holder of the hazardous waste.

Regulation 16 corrects the reference to the “chief finance officer” in regulation 70(10) of the 2005 Regulations.

An Impact Assessment of the effect that this instrument will have on the costs of compliance to businesses and the environmental benefits is available from WM Hazardous Waste Unit, Department for Environment, Food and Rural Affairs, Zone 6D, Ergon House, Horseferry Road, London, SW1P 2AL and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Hazardous Waste (England and Wales) (Amendment) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 1 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 2 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 3 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 4 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 5 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 6 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 7 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 8 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 9 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 10 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 11 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 12 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 13 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 14 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 15 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)
- reg. 16 coming into force by [S.I. 2009/507 reg. 1\(c\)](#)