
STATUTORY INSTRUMENTS

2016 No. 336

The Hazardous Waste (England and Wales) (Amendment) Regulations 2016

Amendment of the Hazardous Waste (England and Wales) Regulations 2005

- 2.—(1) The Hazardous Waste (England and Wales) Regulations 2005(1) are amended as follows.
- (2) In regulation 5 (general interpretation)—
- (a) in paragraph (1)—
 - (i) omit the definitions of “mobile service” and “SIC”;
 - (ii) in the definition of “premises” omit the words from “and any other means” to “operated”; and
 - (b) in paragraph (3)(c) omit “notification.”.
- (3) Omit Part 5 (notification of premises).
- (4) In regulation 49 (producers’, holders’ and consignors’ records)—
- (a) for paragraph (4) substitute—

“(4) A producer, holder, dealer, broker or consignor required by paragraph (1) to keep records shall keep the records chronologically in a register.”;
 - (b) in paragraph (5)—
 - (i) for sub-paragraph (a)(i) substitute—

“(i) at the premises at which the waste is produced or held; or”;
 - (ii) omit sub-paragraph (a)(iii) and the word “or” immediately preceding it; and
 - (c) omit paragraph (6).
- (5) In regulation 65 (offences), omit paragraph (b).
- (6) In regulation 65A (civil sanctions), in the table of civil sanctions in paragraph (1) omit the entry relating to regulation 22.
- (7) In regulation 69 (penalties), omit paragraph (1)(a) to (c).
- (8) After regulation 78 (transitional provisions) insert—

“Review

- 79.—(1) The Secretary of State, in relation to England, must from time to time—
- (a) carry out a review of the regulatory provision in these Regulations; and
 - (b) publish a report setting out the conclusions of the review.

(2) In carrying out a review of any regulatory provision which implements an obligation in the Waste Directive or the List of Wastes, the Secretary of State must have regard to how the obligation is implemented in other member States.

(1) *S.I. 2005/894*, amended by *S.I. 2007/3476*, *3538*, *2009/507*, *2010/675*, *1159* and *2011/988*; there are other amending instruments but none is relevant.

- (3) The report must, in particular—
 - (a) set out the objectives intended to be achieved by the regulatory provision;
 - (b) assess the extent to which those objectives are achieved;
 - (c) assess whether those objectives remain appropriate; and,
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (4) The first report under this regulation must be published before 1st April 2021.
- (5) Subsequent reports under this regulation must be published at intervals not exceeding five years.
- (6) In this regulation, “regulatory provision” has the meaning given by section 32(4) of the Small Business, Enterprise and Employment Act 2015(2).”.
- (9) For Schedule 4 (form of consignment note) substitute the new Schedule 4 contained in Schedule 1 to these Regulations.
- (10) For Schedule 5 (schedule of carriers) substitute the new Schedule 5 contained in Schedule 2 to these Regulations.
- (11) In Schedule 9 (transitional charges by the agency) omit paragraph 2.
- (12) In Part 1 of Schedule 12 (transitional provisions) omit paragraph 1.