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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1806 (W.138)**

**ENVIRONMENTAL PROTECTION, WALES**

**The Hazardous Waste (Wales) Regulations 2005**

*Made - - - - 5 July 2005*  
*Coming into force in accordance with*  
*regulation 1(1)*

**THE HAZARDOUS WASTE (WALES) REGULATIONS 2005**

PART 1

GENERAL

1. Title, commencement, and application
2. The Waste Directive and the meaning of Waste
3. Annex III to the Waste Directive
4. The List of Wastes
5. General Interpretation

PART 2

HAZARDOUS AND NON-HAZARDOUS WASTE

6. Hazardous waste
7. Non-hazardous waste
8. Specific waste to be treated as hazardous
9. Specific waste to be treated as non-hazardous
10. Provisions common to regulations 8 and 9
11. Requisite bodies

PART 3

APPLICATION OF PARTS 4 TO 10

12. General application of Parts 4 to 10
13. Asbestos waste
14. Separated domestic fractions
- 14A. Hazardous waste produced at shop premises
15. Radioactive waste
16. Agricultural waste
17. Mines and quarries waste

**Status:** Point in time view as at 01/04/2013.

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

#### PART 4

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18. Meaning of mixing hazardous waste
19. Prohibition on mixing hazardous waste without a permit
20. Duty to separate mixed wastes

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##### NOTIFICATION OF PREMISES

21. Requirement to notify premises
22. Prohibition on removal of hazardous waste from premises unless notified or exempt
23. Exemption from the requirement to notify
24. Notification by producer
25. Notification by consignor
26. Common provisions on notifications
27. Premises code
28. Effective time
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30. The qualifying limitation
31. The tenure restriction
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- 49. Producers', holders' and consignors' records
- 50. Carrier's records
- 51. Registers and records: common provisions
- 52. Previous holder's right to information
- 53. Consignee and self-disposal quarterly returns
- 54. Consignee's return to the producer, holder or consignor
- 55. Duties to supply information

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- 61. General
- 62. General duties on the holder in the event of an emergency or grave danger
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## PART 10

### ENFORCEMENT

- 64. Enforcement
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## PART 11

### FINAL PROVISIONS

- 71. Savings for certain privileges
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- 73. Consequential Amendments
- 74. Transitional Provisions
- Signature

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- SCHEDULE 1 ANNEX I OF THE HAZARDOUS WASTE DIRECTIVE
  - SCHEDULE 2 ANNEX II OF THE HAZARDOUS WASTE DIRECTIVE
  - SCHEDULE 3 Annex III to the Waste Directive
  - SCHEDULE 4
  - SCHEDULE 5 SCHEDULE OF CARRIERS
  - SCHEDULE 6 FORM OF MULTIPLE COLLECTION CONSIGNMENT NOTE/
  - SCHEDULE 7 UK CROSS-BORDER MOVEMENT OF HAZARDOUS WASTE
    - 1. Recognition of cross border UK consignment notes
    - 2. Any requirement in Part 6 to complete a consignment note...
    - 3. Any requirement to keep a copy of a consignment note...
    - 4. UK cross-border Consignments into Wales
    - 5. UK cross-border Consignments out of Wales
    - 6. Multiple Collections in Wales and England
  - SCHEDULE 8 FORM OF CONSIGNEE'S RETURN TO PRODUCER OR HOLDER
  - SCHEDULE 9 TRANSITIONAL CHARGES BY THE AGENCY
    - 1. The following paragraphs have effect in relation to the charges...
    - 2. The charge to be paid on the notification of premises...
    - 3. The charge to be paid by a consignee in respect...
    - 4. The charge to be paid by a producer in respect...
    - 5. The time for payment of the fee required under paragraph...
    - 6. A consignee may recover from a consignor any fees paid...
  - SCHEDULE 10 FORM OF FIXED PENALTY NOTICES/
  - SCHEDULE 11 CONSEQUENTIAL AMENDMENTS
- PART 1 — AMENDMENTS TO PRIMARY LEGISLATION

*The Environmental Protection Act 1990*

- 1. The Environmental Protection Act 1990 is amended as follows.
- 2. In section 75 (as amended by the Hazardous Waste (England...

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*The Waste and Emissions Trading Act 2003*

3. The Waste and Emissions Trading Act 2003 is amended as...
  4. In section 25(2), for “for the purpose of Council Directive...”
- PART 2 — AMENDMENTS TO SECONDARY LEGISLATION

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

5. The Controlled Waste (Registration of Carriers and Seizure of Vehicles)...
6. At the end of Schedule 1 insert “ The Hazardous...”

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

7. The Environmental Protection (Duty of Care) Regulations 1991 are amended...
8. In regulation 2(3), for “special waste” substitute “ hazardous waste...”

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

9. The Environmental Protection (Prescribed Processes and Substances) Regulations 1991 are...
10. In Section 5.1 of Chapter 5 of Schedule 1—

*Waste Management Licensing Regulations 1994*

11. The 1994 Regulations are amended as follows.
12. In regulation 1(3), for the definition of “special waste”, substitute...
13. In regulation 3, at the end add “ (q) the...”
14. In regulation 10(1)(j) for “special waste” substitute “ hazardous waste...”
15. In regulation 10(1)(k) at the end insert “ or regulation...”
16. In regulation 14(1) and 14(2), for “toxic and dangerous waste”...
17. In regulation 17(3) and 17(3A) for “special waste” substitute “...”
18. In paragraph 5 of Schedule 1, for subparagraph (d) to...
19. In paragraph 2(1) of Schedule 1A, for the definition of...
20. In schedule 3, in paragraphs 3(a)(ii), 3(c), 18(2)(b), 28, 36(1),...
21. In paragraph 9 of Schedule 4, omit subparagraphs (9) and...
22. In paragraph 13(1) of Schedule 4 delete “, and producers...”
23. In paragraphs 14(1)(b) and 14(1A) of Schedule 4 for “special...”
24. For paragraph 14(5) of Schedule 4, substitute—
25. For paragraph 14(8) of Schedule 4, substitute—

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

26. The Town and Country Planning (Environmental Impact Assessment) (England and...
27. In paragraph 9 of Schedule 1, for “hazardous waste (that...”

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

28. The Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances)...

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29. For regulation 11(3), substitute the following— (3) Subject to paragraphs...

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

30. The Pollution Prevention and Control (England and Wales) Regulations 2000...
31. In Chapter 5 of Schedule 1— (a) in the definition...

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

32. The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002...
33. In regulation 3(3)(e), for “Special Waste Regulations 1996” substitute “...

*Landfill (England and Wales) Regulations 2002*

34. The Landfill (England and Wales) Regulations 2002 are amended as...
35. In Regulation 7(2) for “Hazardous waste means any waste as...
36. For paragraph 2(a) of Schedule 1, substitute “ (a) it...
37. For paragraph 3(1)(a) of Schedule 1, substitute “ (a) it...
38. For paragraph 3(1)(b) of Schedule 1, substitute “ (b) it...
39. For paragraph 5(1)(g) of Schedule 1, substitute—

*Packaging (Essential Requirements) Regulations 2003*

40. The Packaging (Essential Requirements) Regulations 2003 are amended as follows....
41. In regulation 3(2), for the words “or the provisions of...

SCHEDULE  
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TRANSITIONAL PROVISIONS

PART 1 — PROVISIONS OF THESE REGULATIONS

1. (1) This paragraph applies to any notification of premises made...
2. (1) This paragraph applies to any action taken by a...
3. Where the removal of waste by pipeline from any premises...

PART 2 — PERMITTING REGIMES

4. (1) Subject to the following provisions of this Schedule, a...
5. (1) This paragraph applies in relation to waste which was...

Explanatory Note

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