

WELSH STATUTORY INSTRUMENTS

2005 No. 1806

The Hazardous Waste (Wales) Regulations 2005

PART 2

HAZARDOUS AND NON-HAZARDOUS WASTE

Specific waste to be treated as non-hazardous

9.—(1) The Assembly may decide, in exceptional cases, on the basis of documentary evidence provided by the holder, and having regard to [^{F1}Annex III] and the limit values of concentration in the List of Wastes, that a specific batch of waste in Wales which—

(a) is listed as hazardous waste in the List of Wastes;

^{F2}(b)

(c) through of a type not listed as a hazardous waste in the List of Wastes, is treated as hazardous pursuant to regulation 8(2),

does not display any of the properties listed in Annex III ^{F3}...and accordingly that it is to be treated for all purposes as non-hazardous in Wales.

[^{F4}(1A) The power at paragraph (1) to decide that waste be treated as non-hazardous does not apply to waste which has been diluted or mixed with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous.]

(2) A specific batch of waste produced in England, Scotland or Northern Ireland and listed as a hazardous waste in the List of Wastes and which is for the time being determined ^{F5}... to be non-hazardous pursuant to [^{F6}paragraph (3)], is, subject to any determination made under regulation 8, to be treated for all purposes as non-hazardous in Wales.

[^{F7}(3) For the purposes of paragraph (2), a specific batch of waste is determined to be non-hazardous if it is the subject of a decision—

(a) in relation to England, by the Secretary of State under regulation 9 of the Hazardous Waste (England and Wales) Regulations 2005;

(b) in relation to Northern Ireland, by the Department of Agriculture, Environment and Rural Affairs under regulation 10 of the Hazardous Waste Regulations (Northern Ireland) 2005;

(c) in relation to Scotland, by the Scottish Ministers that the Scottish Ministers consider that the waste displays none of the hazardous properties listed in Annex III.]

Textual Amendments

F1 Words in reg. 9(1) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 7(a)(i)**

F2 [Reg. 9\(1\)\(b\)](#) omitted (31.12.2020) by virtue of [The Waste \(Wales\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1339\)](#), regs. 1(4), **3(2)**

- F3** Words in reg. 9(1) omitted (29.3.2011) by virtue of The Waste (Miscellaneous Provisions) (Wales) Regulations 2011 (S.I. 2011/971), reg. 1(2), **Sch. para. 7(a)(ii)**
- F4** Reg. 9(1A) inserted (29.3.2011) by The Waste (Miscellaneous Provisions) (Wales) Regulations 2011 (S.I. 2011/971), reg. 1(2), **Sch. para. 7(b)**
- F5** Words in reg. 9(2) omitted (31.12.2020) by virtue of The Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/414), regs. 1(2)(b), **8(6)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in reg. 9(2) substituted (31.12.2020) by virtue of The Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/414), regs. 1(2)(b), **8(6)(a)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F7** Reg. 9(3) inserted (31.12.2020) by The Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/414), regs. 1(2)(b), **8(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005, Section 9.