
STATUTORY INSTRUMENTS

1992 No. 588

ENVIRONMENTAL PROTECTION

The Controlled Waste Regulations 1992

Made - - - - *9th March 1992*
Laid before Parliament *10th March 1992*
Coming into force - - *1st April 1992*

The Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland, in exercise of powers conferred on them by sections 1(3)(a), 8(2) and 9(1) of the Control of Pollution (Amendment) Act 1989⁽¹⁾ and sections 33(3), 45(3), 75(7)(d) and (8) and 96 of the Environmental Protection Act 1990⁽²⁾, and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Controlled Waste Regulations 1992 and shall come into force on 1st April 1992 save for regulation 10, which shall come into force on 1st June 1992.

(2) In these Regulations—

“the Act” means the Environmental Protection Act 1990;

“the 1989 Regulations” means the Sludge (Use in Agriculture) Regulations 1989⁽³⁾;

“camp site” means land on which tents are pitched for the purposes of human habitation and land the use of which is incidental to land on which tents are so pitched;

“charity” means any body of persons or trust established for charitable purposes only;

“clinical waste” means—

- (a) any waste which consists wholly or partly of human or animal tissue, blood or other body fluids, excretions, drugs or other pharmaceutical products, swabs or dressings, or syringes, needles or other sharp instruments, being waste which unless rendered safe may prove hazardous to any person coming into contact with it; and
- (b) any other waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice, investigation, treatment, care, teaching or research, or the collection of

(1) 1989 c. 14; relevant amendments were made by paragraph 31 of Schedule 15 to the Environmental Protection Act 1990. See the definition of “prescribed” in section 9(1) of the 1989 Act.
(2) 1990 c. 43.
(3) S.I.1989/1263, amended by S.I. 1990/880.

blood for transfusion, being waste which may cause infection to any person coming into contact with it;

“composite hereditament” has the same meaning as in section 64(9) of the Local Government Finance Act 1988(4);

“construction” includes improvement, repair or alteration;

“part residential subjects” has the same meaning as in section 26(1) of the Abolition of Domestic Rates etc. (Scotland) Act 1987(5);

“scrap metal” has the same meaning as in section 9(2) of the Scrap Metal Dealers Act 1964(6);

“septic tank sludge” and “sludge” have the same meaning as in regulation 2(1) of the 1989 Regulations; and

“vessel” includes a hovercraft within the meaning of section 4(1) of the Hovercraft Act 1968(7).

(3) Any reference in these Regulations to a section is, except where the context otherwise requires, a reference to a section of the Act.

(4) References in these Regulations to waste—

(a) do not include waste from any mine or quarry or waste from premises used for agriculture within the meaning of the Agriculture Act 1947(8) or, in Scotland, the Agriculture (Scotland) Act 1948(9);

(b) except so far as otherwise provided, do not include sewage (including matter in or from a privy).

Waste to be treated as household waste

2.—(1) Subject to paragraph (2), waste of the descriptions set out in Schedule 1 shall be treated as household waste for the purposes of Part II of the Act.

(2) Waste of the following descriptions shall be treated as household waste for the purposes only of section 34(2) (household waste produced on domestic property)—

(a) waste arising from works of construction or demolition, including waste arising from work preparatory thereto; and

(b) septic tank sludge.

Waste not to be treated as household waste

3.—(1) Waste of the following descriptions shall not be treated as household waste for the purposes of section 33(2) (treatment, keeping or disposal of household waste within the curtilage of a dwelling)—

(a) any mineral or synthetic oil or grease;

(b) asbestos; and

(c) clinical waste.

(2) Scrap metal shall not be treated as household waste for the purposes of section 34 at any time before 1st April 1993.

(4) 1988 c. 41.

(5) 1987 c. 47.

(6) 1964 c. 69.

(7) 1968 c. 59.

(8) 1947 c. 48.

(9) 1948 c. 45.

Charges for the collection of household waste

4. The collection of any of the types of household waste set out in Schedule 2 is prescribed for the purposes of section 45(3) as a case in respect of which a charge for collection may be made.

Waste to be treated as industrial waste

5.—(1) Subject to paragraph (2) and regulation 7, waste of the descriptions set out in Schedule 3 shall be treated as industrial waste for the purposes of Part II of the Act.

(2) Waste of the following descriptions shall be treated as industrial waste for the purposes of Part II of the Act (except section 34(2))—

- (a) waste arising from works of construction or demolition, including waste arising from work preparatory thereto;
- (b) septic tank sludge not falling within regulation 7(1)(c).

Waste to be treated as commercial waste

6. Subject to regulation 7, waste of the descriptions set out in Schedule 4 shall be treated as commercial waste for the purposes of Part II of the Act.

Waste not to be treated as industrial or commercial waste

7.—(1) Waste of the following descriptions shall not be treated as industrial waste or commercial waste for the purposes of Part II of the Act—

- (a) sewage, sludge or septic tank sludge which is treated, kept or disposed of (otherwise than by means of mobile plant) within the curtilage of a sewage treatment works as an integral part of the operation of those works;
- (b) sludge which is supplied or used in accordance with the 1989 Regulations;
- (c) septic tank sludge which is used in accordance with the 1989 Regulations.

(2) Scrap metal shall not be treated as industrial waste or commercial waste for the purposes of section 34 at anytime before 1st April 1993.

Application of Part II of the Act to litter and refuse

8. Part II of the Act shall have effect as if—

- (a) references to controlled waste included references to litter and refuse to which section 96 applies;
- (b) references to controlled waste of a description set out in the first column of Table A below included references to litter and refuse of a description set out in the second column thereof;
- (c) references to controlled waste collected under section 45 included references to litter and refuse collected under sections 89(1)(a) and (c) and 92(9); and
- (d) references to controlled waste collected under section 45 which is waste of a description set out in the first column of Table B below included references to litter and refuse of a description set out in the second column thereof.

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TABLE A

Description of waste	Description of litter and refuse
Household waste.	Litter and refuse collected under section 89(1)(a), (c) and (f).
Industrial waste.	Litter and refuse collected under section 89(1)(b) and (e).
Commercial waste.	Litter and refuse collected under sections 89(1)(d) and (g), 92(9) and 93.

TABLE B

Description of waste	Description of litter and refuse
Household waste.	Litter and refuse collected under section 89(1)(a) and (c).
Commercial waste.	Litter and refuse collected under section 92(9).

Exceptions from section 33(1) of the Act

- 9.—(1) Subject to the following provisions of this regulation, section 33(1) shall not apply—
- (a) in cases where a disposal licence under section 5 of the Control of Pollution Act 1974(10) is not required by virtue of regulation 4 of the Control of Pollution (Licensing of Waste Disposal) (Scotland) Regulations 1977(11) , regulation 4 of the Control of Pollution (Landed Ships' Waste) Regulations 1987(12), regulation 9 of the Collection and Disposal of Waste Regulations 1988(13) or regulation 2 of the Disposal of Controlled Waste (Exceptions) Regulations 1991(14) ; or
 - (b) as respects the use of land by a waste disposal authority in accordance with a resolution under section 11 of that Act.

(2) Paragraph (1)(b) shall cease to apply in relation to a waste disposal authority in England and Wales as from the date on which the restriction imposed by section 51(1) applies to that authority in accordance with section 77(6) and (7).

Amendment of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

10.—(1) In regulation 2(2) of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(15), after the definition of “building or demolition waste” insert

““construction” includes improvement, repair or alteration;”.

(2) Paragraph (1) does not apply to a person who before 1st June 1992 applies in accordance with the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 for

(10) 1974 c. 40.

(11) S.I. 1977/2006.

(12) S.I. 1987/402, amended by S.I. 1989/65.

(13) S.I. 1988/819.

(14) S.I. 1991/508.

(15) S.I. 1991/1624.

registration as a carrier of controlled waste whilst his application is pending for the purposes of those Regulations.

9th March 1992

Michael Heseltine
Secretary of State for the Environment

9th March 1992

David Hunt
Secretary of State for Wales

9th March 1992

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

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SCHEDULE 1

Regulation 2(1)

WASTE TO BE TREATED AS HOUSEHOLD WASTE

1. Waste from a hereditament or premises exempted from local non-domestic rating by virtue of—
 - (a) in England and Wales, paragraph 11(16) of Schedule 5 to the Local Government Finance Act 1988(17) (places of religious worship etc.);
 - (b) in Scotland, section 22(18) of the Valuation and Rating (Scotland) Act 1956(19) (churches etc).
2. Waste from premises occupied by a charity and wholly or mainly used for charitable purposes.
3. Waste from any land belonging to or used in connection with domestic property, a caravan or a residential home.
4. Waste from a private garage which either has a floor area of 25 square metres or less or is used wholly or mainly for the accommodation of a private motor vehicle.
5. Waste from private storage premises used wholly or mainly for the storage of articles of domestic use.
6. Waste from a moored vessel used wholly for the purposes of living accommodation.
7. Waste from a camp site.
8. Waste from a prison or other penal institution.
9. Waste from a hall or other premises used wholly or mainly for public meetings.
10. Waste from a royal palace.
11. Waste arising from the discharge by a local authority of its duty under section 89(2).

SCHEDULE 2

Regulation 4

TYPES OF HOUSEHOLD WASTE FOR WHICH A CHARGE FOR COLLECTION MAY BE MADE

1. Any article of waste which exceeds 25 kilograms in weight.
2. Any article of waste which does not fit, or cannot be fitted into—
 - (a) a receptacle for household waste provided in accordance with section 46; or
 - (b) where no such receptacle is provided, a cylindrical container 750 millimetres in diameter and 1 metre in length.
3. Garden waste.
4. Clinical waste from a domestic property, a caravan or from a moored vessel used wholly for the purposes of living accommodation.
5. Waste from a residential hostel, a residential home or from premises forming part of a university, school or other educational establishment or forming part of a hospital or nursing home.

(16) Amended by paragraph 3 of Schedule 10 to the Local Government Finance Act 1992 (c. 14).

(17) 1988 c. 41.

(18) Amended by paragraph 10 of Schedule 13 to the Local Government Finance Act 1992.

(19) 1956 c. 60.

6. Waste from domestic property or a caravan used in the course of a business for the provision of self-catering holiday accommodation.
7. Dead domestic pets.
8. Any substances or articles which, by virtue of a notice served by a collection authority under section 46, the occupier of the premises may not put into a receptacle for household waste provided in accordance with that section.
9. Litter and refuse collected under section 89(1)(f).
10. Waste from—
 - (a) in England and Wales, domestic property forming part of a composite hereditament;
 - (b) in Scotland, the residential part of part residential subjects.
11. Any mineral or synthetic oil or grease.
12. Asbestos.
13. Waste from a caravan which in accordance with any licence or planning permission regulating the use of the caravan site on which the caravan is stationed is not allowed to be used for human habitation throughout the year.
14. Waste from a camp site, other than from any domestic property on that site.
15. Waste from premises occupied by a charity and wholly or mainly used for charitable purposes, unless it is waste falling within paragraph 1 of Schedule 1.
16. Waste from a prison or other penal institution.
17. Waste from a hall or other premises used wholly or mainly for public meetings.
18. Waste from a royal palace.

SCHEDULE 3

Regulation 5(1)

WASTE TO BE TREATED AS INDUSTRIAL WASTE

1. Waste from premises used for maintaining vehicles, vessels or aircraft, not being waste from a private garage to which paragraph 4 of Schedule 1 applies.
2. Waste from a laboratory.
- 3.—(1) Waste from a workshop or similar premises not being a factory within the meaning of section 175 of the Factories Act 1961⁽²⁰⁾ because the people working there are not employees or because the work there is not carried on by way of trade or for purposes of gain.
(2) In this paragraph, “workshop” does not include premises at which the principal activities are computer operations or the copying of documents by photographic or lithographic means.
4. Waste from premises occupied by a scientific research association approved by the Secretary of State under section 508 of the Income and Corporation Taxes Act 1988⁽²¹⁾.
5. Waste from dredging operations.
6. Waste arising from tunnelling or from any other excavation.

⁽²⁰⁾ 1961 c. 34.

⁽²¹⁾ 1988 c. 1.

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7. Sewage not falling within a description in regulation 7 which—
 - (a) is treated, kept or disposed of in or on land, other than by means of a privy, cesspool or septic tank;
 - (b) is treated, kept or disposed of by means of mobile plant; or
 - (c) has been removed from a privy or cesspool.
8. Clinical waste other than—
 - (a) clinical waste from a domestic property, caravan, residential home or from a moored vessel used wholly for the purposes of living accommodation;
 - (b) waste collected under section 22(3) of the Control of Pollution Act 1974(22) ; or
 - (c) waste collected under sections 89, 92(9) or 93.
9. Waste arising from any aircraft, vehicle or vessel which is not occupied for domestic purposes.
10. Waste which has previously formed part of any aircraft, vehicle or vessel and which is not household waste.
11. Waste removed from land on which it has previously been deposited and any soil with which such waste has been in contact, other than—
 - (a) waste collected under section 22(3) of the Control of Pollution Act 1974; or
 - (b) waste collected under sections 89, 92(9) or 93.
12. Leachate from a deposit of waste.
13. Poisonous or noxious waste arising from any of the following processes undertaken on premises used for the purposes of a trade or business—
 - (a) mixing or selling paints;
 - (b) sign writing;
 - (c) laundering or dry cleaning;
 - (d) developing photographic film or making photographic prints;
 - (e) selling petrol, diesel fuel, paraffin, kerosene, heating oil or similar substances; or
 - (f) selling pesticides, herbicides or fungicides.
14. Waste from premises used for the purposes of breeding, boarding, stabling or exhibiting animals.
- 15.—(1) Waste oil, waste solvent or (subject to regulation 7(2)) scrap metal, other than—
 - (a) waste from a domestic property, caravan or residential home;
 - (b) waste falling within paragraphs 3 to 6 of Schedule 1.(2) In this paragraph—

“waste oil” means mineral or synthetic oil which is contaminated, spoiled or otherwise unfit for its original purpose; and

“waste solvent” means solvent which is contaminated, spoiled or otherwise unfit for its original purpose.
16. Waste arising from the discharge by the Secretary of State of his duty under section 89(2).
17. Waste imported into Great Britain.

(22) 1974 c. 40.

18.—(1) Tank washings or garbage landed in Great Britain.

(2) In this paragraph—

“tank washings” has the same meaning as in regulation 2(23) of the Control of Pollution (Landed Ships' Waste) Regulations 1987(24) ; and

“garbage” has the same meaning as in regulation 1(2) of the Merchant Shipping (Reception Facilities for Garbage) Regulations 1988(25).

SCHEDULE 4

Regulation 6

WASTE TO BE TREATED AS COMMERCIAL WASTE

1. Waste from an office or showroom.
2. Waste from a hotel within the meaning of—
 - (a) in England and Wales, section 1(3) of the Hotel Proprietors Act 1956(26) ; and
 - (b) in Scotland, section 139(1) of the Licensing (Scotland) Act 1976(27) .
3. Waste from any part of a composite hereditament, or, in Scotland, of part residential subjects, which is used for the purposes of a trade or business.
4. Waste from a private garage which either has a floor area exceeding 25 square metres or is not used wholly or mainly for the accommodation of a private motor vehicle.
5. Waste from premises occupied by a club, society or any association of persons (whether incorporated or not) in which activities are conducted for the benefit of the members.
6. Waste from premises (not being premises from which waste is by virtue of the Act or of any other provision of these Regulations to be treated as household waste or industrial waste) occupied by—
 - (a) a court;
 - (b) a government department;
 - (c) a local authority;
 - (d) a body corporate or an individual appointed by or under any enactment to discharge any public functions; or
 - (e) a body incorporated by a Royal Charter.
7. Waste from a tent pitched on land other than a camp site.
8. Waste from a market or fair.
9. Waste collected under section 22(3) of the Control of Pollution Act 1974.

(23) Amended by S.I. 1989/65.

(24) S.I. 1987/402.

(25) S.I. 1988/2293.

(26) 1956 c. 62.

(27) 1976 c. 66.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Environmental Protection Act 1990 (“the 1990 Act”) defines three sorts of controlled waste: household, industrial and commercial waste. The 1990 Act enables regulations to be made whereby waste of any description, including litter and refuse, is to be treated for the purposes of the provisions of Part II as being of one or other of those categories.

Regulation 2(1) provides for certain descriptions of waste to be treated as household waste for the purposes of Part II. Regulation 2(2) provides for two types of waste to be treated as household waste only for the purposes of section 34(2) of the 1990 Act, which relieves the occupier of domestic property of the duty of care under section 34(1) in relation to his household waste.

Regulation 3 prescribes certain types of waste which are not to be treated as household waste.

Regulation 4 prescribes a number of cases where a charge may be made for the collection of household waste.

Regulation 5(1) prescribes certain types of waste which are to be treated as industrial waste. Regulation 5(2) provides for two types of waste to be treated as industrial waste except for the purposes of section 34(2) of the 1990 Act.

Regulation 6 prescribes certain types of waste which are to be treated as commercial waste.

Regulation 7 prescribes certain types of waste which are not to be treated as industrial or commercial waste.

Regulation 8 provides for certain types of litter and refuse to be treated as controlled waste, for the purposes of Part II.

Regulation 9 exempts from the duty under section 33(1) of the Act (prohibition on unauthorised or harmful deposit, treatment or disposal etc. of controlled waste) cases where a disposal licence is not required under Part I of the Control of Pollution Act 1974, and certain land used by existing disposal authorities.

Regulation 10 amends the definition of “building and demolition waste” in the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991.