



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART II

#### WASTE ON LAND

##### *Supplemental*

**75 Meaning of “waste” and household, commercial and industrial waste and <sup>[F1]</sup>hazardous waste.** **E+W**

(1) The following provisions apply for the interpretation of this Part.

<sup>[F2]</sup>(1A) “Waste Framework Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by <sup>[F3]</sup>Directive (EU) 2018/851<sup>[F4]</sup>, and read in accordance with section 75A<sup>[F4]</sup>.

<sup>[F5]</sup>(2) “Waste” means anything that is waste within the meaning of Article 3(1) of <sup>[F6]</sup>the Waste Framework Directive<sup>[F4]</sup>.

<sup>[F7]</sup>(3) .....

(4) “Controlled waste” means household, industrial and commercial waste or any such waste.

(5) Subject to subsection (8) below, “household waste” means waste from—

- (a) domestic property, that is to say, a building or self-contained part of a building which is used wholly for the purposes of living accommodation;
- (b) a caravan (as defined in section 29(1) of the <sup>M1</sup>Caravan Sites and Control of Development Act 1960) which usually and for the time being is situated on a caravan site (within the meaning of that Act);
- (c) a residential home;
- (d) premises forming part of a university or school or other educational establishment;
- (e) premises forming part of a hospital or nursing home.

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent*

*Changes to legislation: Environmental Protection Act 1990, Section 75 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (6) Subject to subsection (8) below, “industrial waste” means waste from any of the following premises—
- (a) any factory (within the meaning of the <sup>M2</sup>Factories Act 1961);
  - (b) any premises used for the purposes of, or in connection with, the provision to the public of transport services by land, water or air;
  - (c) any premises used for the purposes of, or in connection with, the supply to the public of gas, water or electricity or the provision of sewerage services; <sup>F8</sup> . . .
  - (d) any premises used for the purposes of, or in connection with, the provision to the public of postal or telecommunications services<sup>F9</sup>; or
  - (e) any mine or quarry or any premises used for agriculture within the meaning of the Agriculture Act 1947]
- (7) Subject to subsection (8) below, “commercial waste” means waste from premises used wholly or mainly for the purposes of a trade or business or the purposes of sport, recreation or entertainment excluding—
- (a) household waste;
  - (b) industrial waste; [<sup>F10</sup>and]
  - (c) <sup>F11</sup> . . . . .
  - (d) waste of any other description prescribed by regulations made by the Secretary of State for the purposes of this paragraph.
- (8) Regulations made by the Secretary of State may provide that waste of a description prescribed in the regulations shall be treated for the purposes of provisions of this Part prescribed in the regulations as being or not being household waste or industrial waste or commercial waste; <sup>F12</sup> . . . and references to waste in subsection (7) above and this subsection do not include sewage (including matter in or from a privy) except so far as the regulations provide otherwise.
- [<sup>F13</sup>(8A) In the application of this Part to England, “hazardous waste” means—
- (a) any waste identified as hazardous waste in—
    - (i) the waste list as it applies in relation to England, or
    - (ii) regulations made by the Secretary of State under regulation 3 of the Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540), and
  - (b) any other waste that is treated as hazardous waste for the purposes of—
    - (i) regulations made by the Secretary of State under section 62ZA, or
    - (ii) the Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894).
- (8B) In the application of this Part to Wales, “hazardous waste” means—
- (a) any waste identified as hazardous waste in—
    - (i) the waste list as it applies in relation to Wales, or
    - (ii) regulations made by the Welsh Ministers under regulation 3 of the Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540), and
  - (b) any other waste that is treated as hazardous waste for the purposes of—
    - (i) regulations made by the Welsh Ministers under section 62ZA, or
    - (ii) the Hazardous Waste (Wales) Regulations 2005 (S.I. 2005/1806 (W.138)).

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(8C) In subsections (8A) and (8B) “the waste list” means the list of waste contained in the Annex to Commission Decision of 3 May 2000 replacing [Decision 94/3/EC](#) establishing a list of wastes pursuant to Article 1(a) of [Council Directive 75/442/EEC](#) on waste and [Council Decision 94/904/EC](#) establishing a list of hazardous waste pursuant to Article 1(4) of [Council Directive 91/689/EEC](#) on hazardous waste ([2000/532/EC](#).)]

<sup>F14</sup>(9) .....

<sup>F15</sup>(10) .....

<sup>F15</sup>(11) .....

<sup>F15</sup>(12) .....

#### Extent Information

**E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F1** Words in s. 75 heading substituted (E.W.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), regs. 1(1), [74\(a\)](#) (with reg. 75)
- F2** S. 75(1A) inserted (20.3.2019) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/620\)](#), regs. 1(2)(a), [2\(6\)\(a\)](#)
- F3** Words in s. 75(1A) substituted (1.10.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020 \(S.I. 2020/904\)](#), regs. 1(1), [3](#)
- F4** Words in s. 75(1A) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/620\)](#), regs. 1(2)(b), [5\(3\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 75(2) substituted (E.W.) (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), [Sch. 4 para. 3\(8\)\(a\)](#) (with regs. 2, 47(2))
- F6** Words in s. 75(2) substituted (E.W.) (20.3.2019) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/620\)](#), regs. 1(2)(a), [2\(6\)\(b\)\(i\)](#)
- F7** S. 75(3) repealed (1.4.2003 for S. for certain purposes, 1.1.2005 otherwise for S. and 15.5.2006 for E.W.) by 1995 c. 25, ss. 120(1)(3), 125(3), Sch. 22 para. 88(3), Sch. 24 (with ss. 7(6), 115, 117); S.S.I. 2003/206, [art. 2](#); S.S.I. 2004/541, [art. 2](#); S.I. 2006/934, [art. 2](#)
- F8** Word in s. 75(6)(c) omitted (E.W.) (15.5.2006) by virtue of [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), [reg. 2\(6\)\(a\)](#)
- F9** S. 75(6)(e) and preceding word added (E.W.) (15.5.2006) by [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), [reg. 2\(6\)\(b\)](#)
- F10** Word in s. 75(7)(b) added (E.W.) (15.5.2006) by [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), [reg. 2\(6\)\(c\)](#)
- F11** S. 75(7)(c) repealed (E.W.) (15.5.2006) by [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), [reg. 2\(6\)\(d\)](#)
- F12** Words in s. 75(8) omitted (E.W.) (15.5.2006) by virtue of [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), [reg. 2\(6\)\(e\)](#)
- F13** S. 75(8A)-(8C) substituted for s. 75(8A)(8B) (24.1.2022 for E., 7.3.2022 for W.) by virtue of [Environment Act 2021 \(c. 30\)](#), [s. 60\(3\)](#) (with s. 144); S.I. 2022/48, [reg. 2\(j\)](#); S.I. 2022/223, regs. 1(2), [2\(b\)](#)
- F14** S. 75(9) omitted (E.W.) (16.7.2005) by virtue of [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), regs. 1(1), [74\(c\)](#) (with reg. 75)
- F15** S. 75(10)-(12) omitted (E.W.) (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), [Sch. 4 para. 3\(8\)\(b\)](#) (with regs. 2, 47(2))

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#### Modifications etc. (not altering text)

**C2** Pt. 2 modified (S.) (27.3.2011) by [The Waste Management Licensing \(Scotland\) Regulations 2011](#) (S.S.I. 2011/228), reg. 1(1), [sch. 4 para. 11](#) (with regs. 31-33)

#### Commencement Information

**I2** S. 75 wholly in force at 31.5.1991 see s. 164(3) and [S.I. 1991/1319](#), [art. 2](#)

#### Marginal Citations

**M1** 1960 c. 62.

**M2** 1961 c. 34.

## 75 Meaning of “waste” and household, commercial and industrial waste and special waste. **S**

(1) The following provisions apply for the interpretation of this Part.

[<sup>F2</sup>(1A) “Waste Framework Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by [<sup>F3</sup>Directive (EU) 2018/851][<sup>F4</sup>, and read in accordance with section 75A].]

[<sup>F16</sup>(2) “Waste” means—

(a) anything that is waste within the meaning of Article 3(1) of the [<sup>F17</sup>Waste Framework Directive], as read with Articles 5 and 6, and which is not excluded from the scope of that Directive by Article 2(1), (2) or (3);

[<sup>F18</sup>(b) radioactive waste, as defined in paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018, the disposal of which falls within one of the activities specified in column 1 of Part 1 of schedule 9 of those Regulations and can be carried on in accordance with the rules specified for that activity;]

(c) where land is undergoing on-site remediation of contamination, that land including unexcavated contaminated soil and any contaminated buildings permanently connected with that land.]

[<sup>F19</sup>(2A) “Broker” means any undertaking arranging the recovery or disposal of waste on behalf of others, whether or not such arrangements involve the broker taking physical possession of the waste; and “dealer” means any undertaking which acts in the role of principal to purchase and subsequently sell waste, whether or not this involves the dealer taking physical possession of the waste.]

(3) <sup>F7</sup>.....

(4) “Controlled waste” means household, industrial and commercial waste or any such waste.

(5) Subject to subsection (8) below, “household waste” means waste from—

(a) domestic property, that is to say, a building or self-contained part of a building which is used wholly for the purposes of living accommodation;

(b) a caravan (as defined in section 29(1) of the <sup>M3</sup>Caravan Sites and Control of Development Act 1960) which usually and for the time being is situated on a caravan site (within the meaning of that Act);

(c) a residential home;

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- (d) premises forming part of a university or school or other educational establishment;
  - (e) premises forming part of a hospital or <sup>F20</sup>which are used to provide a care home service (as defined by section 2(3) of the Regulation of Care (Scotland) Act 2001 (asp 8)).
- (6) Subject to subsection (8) below, “industrial waste” means waste from any of the following premises—
- (a) any factory (within the meaning of the <sup>M4</sup>Factories Act 1961);
  - (b) any premises used for the purposes of, or in connection with, the provision to the public of transport services by land, water or air;
  - (c) any premises used for the purposes of, or in connection with, the supply to the public of gas, water or electricity or the provision of sewerage services; <sup>F21</sup> . . .
  - (d) any premises used for the purposes of, or in connection with, the provision to the public of postal or telecommunications services <sup>F22</sup>; or
  - (e) any mine or quarry.]
- (7) Subject to subsection (8) below, “commercial waste” means waste from premises <sup>F23</sup>(including premises used for agriculture within the meaning of the Agriculture (Scotland) Act 1948)] used wholly or mainly for the purposes of a trade or business or the purposes of sport, recreation or entertainment excluding—
- (a) household waste;
  - (b) industrial waste; <sup>F24</sup>and]
  - (c) <sup>F25</sup> . . . . .
  - (d) waste of any other description prescribed by regulations made by the Secretary of State for the purposes of this paragraph.
- <sup>F26</sup>(7A) “Dry recyclable waste” means controlled waste that is—
- (a) glass;
  - (b) metals;
  - (c) plastics;
  - (d) paper; or
  - (e) card (including cardboard),
- and dry recyclable waste of the same type (such as glass) is referred to as a “dry waste stream”.
- (7B) “Food waste” means controlled waste that was at any time food intended for human consumption (even if of no nutritional value), and includes biodegradable waste produced as consequence of the processing or preparation of food, but does not include drink.]
- (8) Regulations made by the Secretary of State may provide that waste of a description prescribed in the regulations shall be treated for the purposes of provisions of this Part prescribed in the regulations as being or not being household waste or industrial waste or commercial waste; <sup>F27</sup> . . . and references to waste in subsection (7) above and this subsection do not include sewage (including matter in or from a privy) except so far as the regulations provide otherwise.
- (9) “Special waste” means controlled waste as respects which regulations are in force under section 62 above.

<sup>F28</sup>(10) . . . . .

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F29(12) . . . . .

### Extent Information

- E2** This version of this provision has been created for Scotland only; a separate version has been created for England and Wales only

### Textual Amendments

- F2** S. 75(1A) inserted (20.3.2019) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/620\)](#), regs. 1(2)(a), **2(6)(a)**
- F3** Words in s. 75(1A) substituted (1.10.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020 \(S.I. 2020/904\)](#), regs. 1(1), **3**
- F4** Words in s. 75(1A) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/620\)](#), regs. 1(2)(b), **5(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** S. 75(3) repealed (1.4.2003 for S. for certain purposes, 1.1.2005 otherwise for S. and 15.5.2006 for E.W.) by 1995 c. 25, ss. 120(1)(3), 125(3), Sch. 22 para. 88(3), Sch. 24 (with ss. 7(6), 115, 117); S.S.I. 2003/206, **art. 2**; S.S.I. 2004/541, **art. 2**; S.I. 2006/934, **art. 2**
- F16** S. 75(2) substituted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **2(12)(a)**
- F17** Words in s. 75(2)(a) substituted (S.) (20.3.2019) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/620\)](#), regs. 1(2)(a), **2(6)(b)(ii)**
- F18** S. 75(2)(b) substituted (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 6 para. 2(2)** (with reg. 78, sch. 5 para. 2)
- F19** S. 75(2A) inserted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **2(12)(b)**
- F20** Words in s. 75(5)(e) substituted (S.) (1.4.2002) by 2001 asp 8, s. 79, Sch. 3 para. 17; S.S.I. 2002/162, **art. 2(f)(h)** (with arts. 3-13)
- F21** Word in s. 75(6) omitted (S.) (21.1.2005) by virtue of [The Waste \(Scotland\) Regulations 2005 \(S.S.I. 2005/22\)](#), regs. 1, **3(4)(a)**
- F22** S. 75(6)(e) and preceding word added (S.) (21.1.2005) by [The Waste \(Scotland\) Regulations 2005 \(S.S.I. 2005/22\)](#), regs. 1, **3(4)(b)**
- F23** Words in s. 75(7) inserted (S.) (21.1.2005) by [The Waste \(Scotland\) Regulations 2005 \(S.S.I. 2005/22\)](#), regs. 1, **3(4)(c)**
- F24** Word in s. 75(7)(b) added (S.) (21.1.2005) by [The Waste \(Scotland\) Regulations 2005 \(S.S.I. 2005/22\)](#), regs. 1, **3(4)(d)**
- F25** S. 75(7)(c) repealed (S.) (21.1.2005) by [The Waste \(Scotland\) Regulations 2005 \(S.S.I. 2005/22\)](#), regs. 1, **3(4)(e)**
- F26** S. 75(7A)(7B) inserted (S.) (17.5.2012) by [The Waste \(Scotland\) Regulations 2012 \(S.S.I. 2012/148\)](#), regs. 1(1), **2(7)**
- F27** Words in s. 75(8) omitted (S.) (21.1.2005) by virtue of [The Waste \(Scotland\) Regulations 2005 \(S.S.I. 2005/22\)](#), regs. 1, **3(4)(f)**
- F28** S. 75(10) repealed (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), regs. 1(1), **2(12)(c)**
- F29** S. 75(12) omitted (S.) (20.3.2019) by virtue of [The Waste \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/620\)](#), regs. 1(2)(a), **2(6)(e)**

### Commencement Information

- I3** S. 75 wholly in force at 31.5.1991 see s. 164(3) and S.I. 1991/1319, **art. 2**

### Marginal Citations

- M3** 1960 c. 62.

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**M4** 1961 c. 34.

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- S - Scotland extent

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)