

1988 No. 819

PUBLIC HEALTH, ENGLAND AND WALES

The Collection and Disposal of Waste Regulations 1988

Made - - - - - 3rd May 1988

Laid before Parliament 11th May 1988

*Coming into force in accordance with
Regulation 1*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by sections 3(1), 10(1), 12(3), 30(4), 104(1) and 105(1)(a) of the Control of Pollution Act 1974(b) and of all other powers enabling them in that behalf, and, in the case of regulation 9, after having regard to the matters referred to in section 4(3), make the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Collection and Disposal of Waste Regulations 1988.

(2) This regulation, regulations 2, 5, 10 and 11, and, so far as they relate to the provisions of sections 12 to 14, regulations 3, 6 and 7, shall come into force on 6th June 1988. The remainder of these regulations shall come into force on 3rd October 1988.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Control of Pollution Act 1974;

“agriculture” has the same meaning as in section 109(3) of the Agriculture Act 1947(c);

“agricultural purposes” means the growing of commercial food crops including the growing of such crops for stock-rearing purposes;

“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;

“clinical waste” includes—

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

(a) See the definitions of “prescribed” and “regulations”.

(b) 1974 c.40.

(c) 1947 c.48.

“construction” includes improvement, repair or alteration;

“container” includes a container in or on a vehicle, and a receptacle within the meaning of section 13;

“liquid waste” means waste which in the conditions under which it is handled will flow and can be transferred by pump, and includes leachate from waste;

“sewage sludge” means the residue produced at a sewage treatment works which is not discharged with the treated effluent;

“special waste” has the meaning given to it in the Control of Pollution (Special Waste) Regulations 1980(a);

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

“waste solvent” means solvent which is contaminated, spoiled or otherwise unfit for its original purpose.

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

(3) Any reference in these Regulations to waste does not include a reference to waste from any mine or quarry or to waste from premises used for agriculture.

Waste to be treated as household waste

3. Waste of the descriptions set out in Schedule 1 shall be treated as household waste for the purposes of all the provisions of Part I of the Act.

Waste not to be treated as household waste

4. Waste of the following descriptions shall not be treated as household waste for the purposes of section 4(2) (disposal of household waste within the curtilage of a private dwelling)—

- (a) any mineral or synthetic oil or grease;
- (b) asbestos; and
- (c) clinical waste.

Charges for the collection of household waste

5. The collection of any of the types of household waste set out in Schedule 2 is prescribed for the purposes of section 12(3) as a case in respect of which a charge for collection may be made.

Waste to be treated as industrial waste

6. Waste of the descriptions set out in Schedule 3 shall be treated as industrial waste for the purposes of all the provisions of Part I of the Act.

Waste to be treated as commercial waste

7. Waste of the descriptions set out in Schedule 4 shall be treated as commercial waste for the purposes of all the provisions of Part I of the Act.

Licence required for the use of plant or equipment for dealing in a prescribed manner with controlled waste

8. The manners of dealing with controlled waste set out in Schedule 5 are prescribed for the purposes of section 3(1)(b).

Cases where disposal licence not required

9.—(1) Subject to the provisions of paragraphs (2) and (3), the cases set out in Schedule 6 are prescribed for the purposes of section 3(1) as cases in which a disposal licence is not required for the deposit of controlled waste on land, or for the use of plant or equipment for the purpose of disposing of such waste, or for the use of plant or equipment for the purpose of dealing with such waste in a manner prescribed by regulation 8.

(a) S.I. 1980/1709.

(2) Paragraphs 1 to 17 of Schedule 6 do not apply where the presence of the waste on land is liable to give rise to an environmental hazard within the meaning of section 4(5).

(3) Paragraphs 1 to 14, 16 and 17 of Schedule 6 do not apply where the waste is special waste.

Appeals under section 10(1)

10.—(1) A person (“the appellant”) appealing to the Secretary of State under section 10(1) against a decision of a disposal authority (“the authority”) shall give notice of appeal to the Secretary of State within six months from—

- (a) the date of the decision which is the subject of the appeal; or
- (b) the date on which the authority is deemed by section 6(5) to have rejected the application;

or within such longer period as the Secretary of State may allow.

(2) The appellant shall give notice of appeal on the form set out in Schedule 7, and the notice shall have annexed to it a statement of the grounds on which the appeal is made.

(3) The appellant shall send to the Secretary of State with the notice of appeal two copies of the following documents—

- (a) where the appeal is made pursuant to section 10(1)(a) or (b), the application and plans, drawings, particulars or other documents submitted in support of the application;
- (b) where the appeal is against a refusal to modify an existing disposal licence or is made pursuant to section 10(1)(b), (c) or (d), the disposal licence;
- (c) any other consent, determination or notice given by the authority which is relevant to the appeal;
- (d) any planning permission which is in force and relates to the use of the relevant land, plant or equipment; and
- (e) any other correspondence or other document that is relevant to the appeal.

(4) The appellant shall send to the authority a copy of the notice of appeal, including the statement of grounds, and a copy of any other document submitted by him to the Secretary of State.

Revocations

11.—(1) Regulations 5, 6, 7 and 8 of the Control of Pollution (Licensing of Waste Disposal) Regulations 1976(a) shall be revoked on 6th June 1988, and the remainder of those Regulations shall be revoked on 3rd October 1988.

(2) Regulation 2(d) of the Control of Pollution (Licensing of Waste Disposal) (Amendment) Regulations 1977(b) shall be revoked on 6th June 1988, and the remainder of those Regulations shall be revoked on 3rd October 1988.

29th April 1988

Nicholas Ridley
Secretary of State for the Environment

3rd May 1988

Peter Walker
Secretary of State for Wales

(a) S.I. 1976/732.

(b) S.I. 1977/1185.

WASTE TO BE TREATED AS HOUSEHOLD WASTE

1. Waste from premises which are not a private dwelling for the purposes of the General Rate Act 1967(a) by virtue of paragraph 2 of Schedule 13 to that Act (rooms let singly for residential purposes).
2. Waste from a garage or store used wholly in connection with a private dwelling.
3. Waste from premises occupied by a religious community and used wholly for the purposes of human habitation.
4. Waste from premises exempted from liability to be rated by virtue of section 39 of the General Rate Act 1967 (relief from rates for places of religious worship).
5. Waste from premises given relief from the payment of rates by virtue of section 40(1)(a) of the General Rate Act 1967 (relief from rates for charitable organisations).
6. Waste from a camp site.
7. Waste from a residential hostel.
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.

SCHEDULE 2

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 13; 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 private dwelling or residential home.
5. Dead domestic pets.
6. Any waste substances which, by a notice served by a collection authority under section 13, the occupier of the premises may not put into a receptacle for household waste provided in accordance with that section.
7. 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.
8. Waste of the descriptions set out in regulation 4(a) and (b).
- 9.—(1) 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.

(a) 1967 c.9.

(2) In this paragraph "caravan" means a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960(a) (disregarding the amendment made by section 13(2) of the Caravan Sites Act 1968(b)) which usually and for the time being is situated on a caravan site within the meaning of that Act.

10. Waste from premises given relief from the payment of rates by virtue of section 40(1)(a) of the General Rate Act 1967 (relief from rates for charitable organisations).

11. Waste from a camp site, other than from any private dwelling on that site.

12. Waste from a prison or other penal institution.

13. Waste from a hall or other premises used wholly or mainly for public meetings.

14. Waste from a royal palace.

SCHEDULE 3

Regulation 6

WASTE TO BE TREATED AS INDUSTRIAL WASTE

1. Waste from premises used for maintaining vehicles, vessels or aircraft not being part of, or whose use is incidental to, a private dwelling.

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(c) 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 362 of the Income and Corporation Taxes Act 1970(d).

5. Waste from dredging operations.

6. Waste arising from works of construction or demolition, including waste arising from work preparatory thereto.

7. Waste arising from tunnelling or from any other excavation.

8. Sewage or sewage sludge deposited on land other than—

(a) sewage or sewage sludge deposited within the curtilage of a sewage treatment works as an integral part of the operation of those works; or

(b) sewage sludge deposited directly onto land for agricultural purposes.

9. Clinical waste other than that from a private dwelling or residential home.

10. Waste arising from any aircraft, vehicle or vessel which is not occupied as a private dwelling.

11. Waste which has previously formed part of any aircraft, vehicle or vessel and which is not household waste.

12. Waste removed from land on which it has previously been deposited and any soil with which such waste has been in contact.

(a) 1960 c.62; "caravan site" is defined in section 1(4) of that Act.

(b) 1968 c.52.

(c) 1961 c.34.

(d) 1970 c.10.

13. Leachate from a deposit of waste.
14. 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.
15. Waste from premises used for the purposes of breeding, boarding, stabling or exhibiting animals.
16. Waste imported into Great Britain for disposal, treatment or re-export.
17. Waste oil or waste solvent other than from a private dwelling or residential home.
18. Waste which is scrap metal within the meaning of section 9 of the Scrap Metal Dealers Act 1964(a) other than that from a private dwelling or residential home.

SCHEDULE 4

Regulation 7

WASTE TO BE TREATED AS COMMERCIAL WASTE

1. Waste from an office or showroom.
- 2.—(1) Waste from premises providing facilities for passengers at an airport, hoverport, seaport, railway station or bus station.
(2) "Hoverport" has the same meaning as in section 4(1) of the Hovercraft Act 1968(b).
3. Waste from a mixed hereditament within the meaning of section 48(5) of the General Rate Act 1967.
4. 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.
5. 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, other than a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or any undertaking; or
 - (e) a body incorporated by a Royal Charter.
6. Waste from a tent pitched on land other than a camp site.
7. Waste from a market or fair.

(a) 1964 c.69.

(b) 1968 c.59.

**DISPOSAL LICENCE REQUIRED FOR THE USE OF PLANT OR
EQUIPMENT FOR DEALING IN A PRESCRIBED MANNER WITH
CONTROLLED WASTE**

1. Baling, compacting, incinerating, pulverising, sorting or storing waste.
2. Processing or holding waste at a site designed or adapted for the reception of waste with a view to its being disposed of elsewhere.
3. Shredding waste as a trade or business.
4. Treating waste by pyrolysis.
5. Producing fuel from waste.
6. Making compost from waste.
7. Processing or treating waste oil or waste solvent to permit its re-use.
8. Using untreated waste as fuel to produce electricity or heat.

CASES IN WHICH A DISPOSAL LICENCE IS NOT REQUIRED

The deposit of waste on land

1. The deposit of effluent or other waste matter in accordance with a consent given under section 34.
2. The deposit of waste in accordance with a licence issued under Part II of the Food and Environment Protection Act 1985(a).
3. The deposit of waste specified by an order under section 7 of the Food and Environment Protection Act 1985 as an operation which does not need a licence under Part II of that Act.
- 4.—(1) Subject to sub-paragraph (3), the deposit on land of wastes of the descriptions set out in paragraphs 6 and 7 of Schedule 3, or of ash, slag or clinker, provided that the deposit is made for the purposes of construction currently being undertaken on the land on which the waste is deposited.
(2) Subject to sub-paragraph (3), the deposit on land, for a period not exceeding three months, of wastes of the descriptions mentioned in sub-paragraph (1), provided that the deposit is made for the purposes of future construction on the land on which the waste is deposited.
(3) The deposit is made by, or with the consent of, the lawful occupier of the land.
5. The deposit of excavated material arising from peatworking.
- 6.—(1) Subject to sub-paragraph (2), the deposit of excavated material arising from a borehole or an excavation which is—
(a) made in order to ascertain the presence, extent or quality of a deposit of a mineral other than petroleum, with a view to exploiting that mineral; or
(b) made by the British Coal Corporation in the course of prospecting for coal workable by opencast methods; or
(c) made by a water authority in accordance with that authority's functions, other than waste from dredging operations.

(a) 1985 c.48.

(2) The borehole or excavation is a development permitted by an order under section 24 of the Town and Country Planning Act 1971(a), and the deposit complies with such conditions or limitations as may be specified in that order.

7. The deposit of spent railway ballast on land which is operational land (within the meaning of section 222 of the Town and Country Planning Act 1971) of a railway undertaking.

8.—(1) Subject to sub-paragraphs (2) and (3), the deposit of waste from dredging operations of any inland water within the meaning of section 135 of the Water Resources Act 1963(b).

(2) The deposit is made along the banks of the inland water from which the waste is dredged and is made as operations proceed.

(3) The waste is not deposited in a lagoon or container.

9.—(1) Subject to sub-paragraph (2), the deposit of waste vegetable matter or waste soil in any park, sports ground, public garden or other recreation ground or any churchyard or cemetery.

(2) The deposit is made within the boundaries of the land on which the waste is produced and is made by, or with the consent of, the lawful occupier of that land.

10.—(1) The deposit, in a secure lagoon or container, on land used for agriculture, of sewage sludge intended to be deposited directly onto land for agricultural purposes.

(2) A secure lagoon or container is one designed or adapted so that, as far as is practicable, waste cannot escape from it, and members of the public cannot have access to the waste contained within it.

11. The deposit of sewage from a sanitary convenience forming part of a passenger carrying rail vehicle.

12. The deposit by burial of sewage from a removable receptacle forming part of a sanitary convenience serving persons on premises other than a private dwelling.

13.—(1) Subject to sub-paragraphs (2) and (3), the deposit—

- (a) of sewage sludge on land for the purpose of fertilising or otherwise beneficially conditioning that land; or
- (b) of any waste, on land used for agricultural purposes, for the purpose of fertilising or otherwise beneficially conditioning that land.

(2) The waste is deposited directly onto the land and not in a lagoon or container.

(3) The person depositing the waste shall furnish particulars to the disposal authority in whose area the deposit is to be made as follows—

- (a) Where there is to be a single deposit of waste, he shall furnish the following particulars in advance of making the deposit:
 - (i) his name, telephone number and address;
 - (ii) a description of the waste, including the process from which it arises;
 - (iii) an estimate of the quantity of the waste; and
 - (iv) the location and intended date of the deposit.

(b) Where there are to be regular or frequent deposits of wastes of a similar composition he shall furnish the following particulars every six months:

- (i) his name, telephone number and address;
- (ii) a description of the waste, including the process from which it arises;
- (iii) an estimate of the total quantity of waste he intends to deposit during the next six months; and
- (iv) the locations and frequency of the deposits,

and he may deposit wastes of a different description from that notified provided that he furnishes amended particulars in advance of making the deposit.

14. The deposit of waste on the premises on which it is produced, pending its disposal elsewhere.

(a) 1971 c.78.

(b) 1963 c.38.

15.—(1) The deposit, on the premises on which it is produced, of special waste of the following descriptions, pending its disposal elsewhere—

- (a) liquid waste of a total volume of not more than 23,000 litres deposited in a secure container or containers; and either
- (b) non-liquid waste of a total volume of not more than 80 cubic metres deposited in a secure container or containers; or
- (c) non-liquid waste of a total volume of not more than 50 cubic metres deposited in a secure place or places.

(2) A secure container or place is one designed or adapted so that, as far as is practicable, waste cannot escape from it, and members of the public cannot have access to the waste contained within it.

16.—(1) Subject to sub-paragraphs (2), (3) and (4), the deposit, outside the premises on which it is produced, of non-liquid waste of a total volume of not more than 50 cubic metres in a container or containers so designed or adapted that, as far as is practicable, waste cannot escape from it or from them.

(2) The deposit is made for a period not exceeding 28 days.

(3) The deposit is made by, or with the consent of, the owner of the container.

(4) The deposit is not at a site designed or adapted for the reception of waste with a view to its being disposed of elsewhere.

17. The deposit of waste paper or rags pending disposal elsewhere, provided that the deposit is made by, or with the consent of, the lawful occupier of the land.

The use of plant or equipment for the purpose of disposing of waste

18. The disposal of waste as an integral part of the industrial process that produces it.

The use of plant or equipment for the purpose of dealing with waste in a manner prescribed by regulation 8

19. Baling, compacting, pulverising or sorting waste on the premises on which it is produced.

20. Baling, sorting or shredding waste paper or rags.

21. Storing waste of the descriptions set out in paragraphs 14 and 15 on the premises on which it is produced.

22. Incinerating waste, which is not special waste, on the premises on which it is produced by means of plant with a disposal capacity of not more than 200 kilogrammes per hour.

23. Using waste oil as fuel to produce heat.

FORM FOR GIVING NOTICE OF APPEAL TO THE SECRETARY OF STATE
FROM A DISPOSAL LICENCE DECISION

Department of the Environment/Welsh Office	For DOE/WO use only Date received
CONTROL OF POLLUTION ACT 1974: SECTION 10(1) NOTICE OF APPEAL TO THE SECRETARY OF STATE FROM A DISPOSAL LICENCE DECISION	
A Information about the appellant	
1. *(a) Full name/name of company (b) *I am the applicant for the disposal licence, or *I am the holder of the disposal licence, or *I am the last holder of the disposal licence.	
2. Address Postcode Daytime Tel. No.	
3. Agent's name (if any) Agent's address Postcode Daytime Tel. No.	
B Details of the appeal	
4. Name of the disposal authority	
5. Address or location of site to which appeal relates	

6. *I/We appeal against the decision (tick appropriate box)
by the disposal authority-
- (a) to reject an application for a disposal licence
 - (b) to reject an application for a disposal licence by virtue of section 6(5) by neither issuing a licence nor giving notice of rejecting an application within the appropriate period
 - (c) to reject an application for a modification of a disposal licence
 - (d) to issue a disposal licence which specifies conditions
 - (e) to modify the conditions specified in a disposal licence
 - (f) to revoke a disposal licence

7. *Date of application to the disposal authority/date of disposal authority's notice

.....

C Supporting documents (tick the appropriate boxes)

8. (a) *I/We enclose two copies of the following documents-
- (i) in an appeal where box 6(a), (b), (c) or (d) above has been ticked-
the relevant application and plans, drawings, particulars or other documents submitted in support of the application;
 - (ii) in an appeal where box 6(c), (d), (e) or (f) above has been ticked-
the relevant disposal licence;
 - (iii) in all appeals-
 - (a) any other consent, determination or notice given by the disposal authority which is relevant to the appeal;
 - (b) any planning permission which is in force and relates to the use of the relevant land, plant or equipment; and
 - (c) any other correspondence or other document that is relevant to the appeal.
- (b) *I/We annex a statement of the grounds on which the appeal is made.

*Strike out the items which do not apply.

Signed Date

Name (in capitals)

Position (if signing on behalf of a company)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England and Wales only, make provision for various matters concerning the collection and disposal of controlled waste under Part I of the Control of Pollution Act 1974 ("the Act").

Part I of the Act defines three sorts of controlled waste: household, industrial and commercial waste. It enables regulations to be made whereby waste of any description is to be treated for the purposes of the provisions of Part I as being of one or other of these categories. Regulations 3, 6 and 7 provide that certain descriptions of waste are to be treated as household, industrial and commercial waste respectively for the purposes of all the provisions of Part I. Regulation 4 prescribes three types of waste which are not to be treated as household waste for the purposes of section 4(2) of the Act (which permits the disposal of waste within the curtilage of a private dwelling without a disposal licence).

Regulation 5 prescribes a number of cases where a charge may be made for the collection of household waste. Regulation 8 prescribes ways of dealing with waste (using plant or equipment) for which a disposal licence is required. Regulation 9 prescribes cases of waste disposal which do not require a disposal licence.

Regulation 10 describes the manner in which an appeal to the Secretary of State from the decision of a waste disposal authority is to be brought. Schedule 7 contains the form for giving notice of appeal.

These Regulations will come into force in two stages. In their application to the collection and disposal of waste (sections 12 to 14 of the Act) they come into force on 6th June 1988. In their application to waste disposal licensing, they come into force on 3rd October 1988.

These Regulations replace the provisions of the Control of Pollution (Licensing of Waste Disposal) Regulations 1976 (as amended), which are revoked in two stages as the new provisions come into force.

£2.20 net

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