
STATUTORY INSTRUMENTS

1992 No. 588

The Controlled Waste Regulations 1992

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(1);

“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 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(2);

“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(3);

“scrap metal” has the same meaning as in section 9(2) of the Scrap Metal Dealers Act 1964(4);

“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(5).

(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—

(1) S.I.1989/1263, amended by S.I. 1990/880.

(2) 1988 c. 41.

(3) 1987 c. 47.

(4) 1964 c. 69.

(5) 1968 c. 59.

- (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⁽⁶⁾ or, in Scotland, the Agriculture (Scotland) Act 1948⁽⁷⁾;
- (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.

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.

⁽⁶⁾ 1947 c. 48.
⁽⁷⁾ 1948 c. 45.

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.

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⁽⁸⁾ is not required by virtue of regulation 4 of the Control of Pollution (Licensing of Waste Disposal) (Scotland) Regulations 1977⁽⁹⁾ , regulation 4 of the Control of Pollution (Landed Ships' Waste) Regulations 1987⁽¹⁰⁾, regulation 9 of the Collection and Disposal of Waste Regulations 1988⁽¹¹⁾ or regulation 2 of the Disposal of Controlled Waste (Exceptions) Regulations 1991⁽¹²⁾ ; 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⁽¹³⁾, 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 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

⁽⁸⁾ 1974 c. 40.

⁽⁹⁾ S.I. 1977/2006.

⁽¹⁰⁾ S.I. 1987/402, amended by S.I. 1989/65.

⁽¹¹⁾ S.I. 1988/819.

⁽¹²⁾ S.I. 1991/508.

⁽¹³⁾ S.I. 1991/1624.