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STATUTORY INSTRUMENTS

1996 No. 2019

ENVIRONMENTAL PROTECTION

The Special Waste (Amendment) Regulations 1996

<i>Made</i>	- - - -	<i>1st August 1996</i>
<i>Laid before Parliament</i>		<i>2nd August 1996</i>
<i>Coming into force</i>	- -	<i>31st August 1996</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to the regulation and control of the transit, import and export of waste (including recyclable materials) and the prevention, reduction and elimination of pollution caused by waste, in exercise of the powers conferred on him by section 2(2) of that Act, section 17 of the Control of Pollution Act 1974⁽³⁾, section 62(1) to (3) of the Environmental Protection Act 1990⁽⁴⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Special Waste (Amendment) Regulations 1996 and shall come into force on 31st August 1996.

Amendment of the Special Waste Regulations 1996

2. The Schedule to these Regulations, which contains amendments to the Special Waste Regulations 1996⁽⁵⁾, shall have effect,

(1) S.I. 1993/2661 and 1992/2870.
(2) 1972 c. 68.
(3) 1974 c. 40; section 17 is prospectively repealed by Part II of Schedule 16 to the Environmental Protection Act 1990 (c. 43).
(4) 1990 c. 43; section 62 was amended by paragraph 80 of Schedule 22 to the Environment Act 1995 (c. 25).
(5) S.I. 1996/972.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State.

Department of the Environment
1st August 1996

Paul Beresford
Parliamentary Under-Secretary of State,

SCHEDULE

Regulation 2

AMENDMENT OF THE SPECIAL WASTE REGULATIONS 1996

1. The Special Waste Regulations 1996 shall be amended as follows.
2. In regulation 1(4) (interpretation)—
 - (a) in the definition of “the approved supply list”—
 - (i) for the words “2nd Edition” there shall be substituted the words “3rd Edition”;
 - (ii) for the date “18th October 1994” there shall be substituted the date “24th January 1996”;
 - (b) for the definition of “household waste” there shall be substituted the following—

““household waste” means waste which is household waste for the purposes of Part II of the 1990 Act⁽⁶⁾ or which is treated as household waste for those purposes by virtue of regulation 2(1) of the Controlled Waste Regulations 1992⁽⁷⁾, other than—

 - (a) asbestos;
 - (b) waste from a laboratory;
 - (c) waste from a hospital, other than waste from a self-contained part of a hospital which is used wholly for the purposes of living accommodation.”.
3. For regulation 2 (meaning of special waste) there shall be substituted the following regulation—

“Meaning of special waste

- 2.—(1) Any controlled waste, other than household waste,—
 - (a) to which a six-digit code is assigned in the list set out in Part I of Schedule 2 to these Regulations (which reproduces the list of hazardous waste annexed to Council Decision 94/904/EC⁽⁸⁾ establishing a list of hazardous waste pursuant to Article 1(4) of the Hazardous Waste Directive); and
 - (b) which displays any of the properties specified in Part II of that Schedule (which reproduces Annex III to the Hazardous Waste Directive),is special waste.
- (2) Any other controlled waste, other than household waste, which—
 - (a) displays the property H3-A (first indent), H4, H5, H6, H7 or H8 specified in Part II of Schedule 2 to these Regulations; or
 - (b) is a medicinal product, as defined in section 130 of the Medicines Act 1968⁽⁹⁾ (meaning of “medicinal product” etc.), of a description, or falling within a class, specified in an order under section 58 of that Act⁽¹⁰⁾ (medicinal products on prescription only),is special waste.

⁽⁶⁾ See section 75(5) of the 1990 Act.

⁽⁷⁾ S.I. 1992/588, amended by S.I. 1993/566, 1994/1056 and 1995/288.

⁽⁸⁾ OJ No. L 356, 31.12.1994, p. 14.

⁽⁹⁾ 1968 c. 67; section 130 was amended by paragraph 3(7) to (10) of Schedule 1, and Schedule 2, to the Animal Health and Welfare Act 1984 (c. 40).

⁽¹⁰⁾ Section 58 was amended by section 1 of the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28).

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(3) For the purposes of paragraphs (1) and (2) waste shall be treated as displaying none of the properties H4 to H8 specified in Part II of Schedule 2 to these Regulations if it satisfies none of the criteria set out in Part III of that Schedule.

(4) Part IV of Schedule 2 to these Regulations (which contains rules for the interpretation of that Schedule) shall have effect.”.

4. In regulation 4 (coding of consignments)—

(a) at the beginning of paragraph (1) there shall be inserted “Subject to paragraph (3),”;

(b) after paragraph (2) there shall be added the following paragraph—

“(3) The Agency need not assign or supply a code for a consignment or round until any fee required in respect of it under regulation 14(1) has been paid.”

5. In regulation 8 (consignment notes: carrier’s rounds)—

(a) in paragraph (2)(a)(ii) there shall be inserted at the beginning the words “except where the special waste to be collected on the carrier’s round consists entirely of lead acid motor vehicle batteries,”;

(b) in paragraph (2)(b)(i) for the word “four” there shall be substituted the word “three”;

(c) after paragraph (2) there shall be inserted the following paragraph—

“(2A) In a case where waste of more than one description is specified in the consignment note, either—

(a) the schedule referred to in paragraph (2)(b)(iii) shall contain a separate entry for each description of waste to be collected from each consignor showing the description of waste to which that entry relates; or

(b) each entry in the schedule shall show the different descriptions of the waste to be collected and, for each such description, the quantity of the waste to be collected.”;

(d) in paragraph (4)(a), after the word “copies” there shall be inserted the words “and includes a record of the time at which it is completed”;

(e) after paragraph (5) there shall be inserted the following paragraph—

“(5A) Before the removal of the last consignment of waste on the carrier’s round, the carrier shall complete Part C on the three copies of the consignment note retained by him.”;

(f) in paragraph (6) sub-paragraph (a) shall be omitted.

6. In regulation 14 (fees)—

(a) in paragraph (1), for the words “when it assigns or supplies”, there shall be substituted “in connection with the assignment or supply of”;

(b) in paragraph (2)(a), for the words “such rounds in respect of which” there shall be substituted the words “such rounds in which a single vehicle is used and in respect of which”;

(c) after paragraph (2), there shall be added the following paragraph—

“(3) Where an Agency assigns or supplies a code under regulation 4(1) without the fee required under this regulation having been paid to it, the person who requested the assignment or supply shall be required to pay the fee to that Agency within the period of two months beginning with the date on which the request was made.”

7. In Schedule 2 there shall be added at the end the following—

“PART IV

RULES FOR THE INTERPRETATION OF THIS SCHEDULE

1. Except in the case of a substance listed in the approved supply list, the test methods to be used for the purposes of deciding which (if any) of the properties mentioned in Part II of this Schedule are to be assigned to a substance are those described in Annex V to Council Directive [67/548/EEC](#)(11), as amended by Commission Directive [92/69/EEC](#)(12).

2. Any reference in Part III of this Schedule to a substance being classified as having a hazardous property, having assigned to it a particular risk phrase, or being placed within a particular category of a classification is a reference to that substance being so classified, having that risk phrase assigned to it or being placed in that category—

(i) in the case of a substance listed in the approved supply list, on the basis of Part V of that list;

(ii) in the case of any other substance, on the basis of the criteria laid down in the approved classification and labelling guide.

3. Any reference in Part III of this Schedule to the total concentration of any substances being equal to or greater than a given percentage is a reference to the proportion by weight of those substances in any waste being equal to or, as the case may be, greater than that percentage.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Special Waste Regulations 1996 ([S.I. 1996/972](#)) (“the principal Regulations”), which make provision for handling special waste and for implementing Council Directive [91/689/EEC](#) on hazardous waste (OJ No. L.377, 31.12.1991, p. 20) (“the Directive”).

Regulation 2 of and Schedule 2 to the principal Regulations define special waste. These Regulations amend that definition by—

- clarifying and updating the cross-references to the approved supply list issued for the purposes of the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994; those Regulations have been amended by the Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 1996 ([S.I. 1996/1092](#)) and a new (3rd) edition of the approved supply list has been issued and is available from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 6FS;
- amending the definition of household waste (which is excluded from the definition of special waste).

Regulation 2 implements the definition of hazardous waste in the Directive and in particular in the list annexed to Council Decision [94/904/EC](#) (EC OJ No. L.356, 31.12.94, p. 14). The definition extends, in accordance with Article 4 of the Directive, to certain other waste considered by the United Kingdom to display particular hazardous properties.

(11) OJ No. L 196, 16.8.1967, p. 1.

(12) OJ No. L 383, 29.12.1992, p. 1.

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Regulation 4 of the principal Regulations requires the Environment Agency (in relation to England and Wales) and the Scottish Environment Protection Agency (in relation to Scotland) (“the Agencies”) to give unique codes to be applied to consignments of waste. These codes are to be shown together with other required information on consignment notes which are to accompany the waste when transported. These Regulations amend regulation 4 to allow the Agencies to delay assignment of a code until payment of any fee required in respect of it. The provisions on codes do not implement any specific Community obligation.

Regulation 8 of the principal Regulations (which implements Community obligations arising under Article 5 of the Directive) makes special provision in respect of the documentation required in connection with “carrier’s rounds” in which special waste is collected from a number of consignors. These Regulations amend regulation 8 to provide for only one set of documents to be required in cases where waste of more than one description is collected on a carrier’s round.

Regulation 14 of the principal Regulations makes provision for the payment of fees in connection with the supply of codes under regulation 4. These Regulations provide that if a code is given before a fee is paid for it, the person who requested the code is to pay the fee within two months of that request. Regulation 14 does not implement a Community obligation.

The Regulations also make minor drafting amendments.