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STATUTORY INSTRUMENTS

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**1996 No. 634**

**ENVIRONMENTAL PROTECTION**

**The Waste Management Regulations 1996**

<i>Made</i>	- - - -	<i>7th March 1996</i>
<i>Laid before Parliament</i>		<i>8th March 1996</i>
<i>Coming into force—</i>		
<i>regulations 2(6) and 3</i>		<i>30th March 1996</i>
<i>the remainder</i>		<i>1st April 1996</i>

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, being Ministers designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste, in exercise of the powers conferred on them by section 2(2) of that Act, sections 29(10), 33(3), 52(8) and 74(6) of the Environmental Protection Act 1990<sup>(3)</sup> (having in particular had regard in exercising their powers under section 33(3) to the matters specified in section 33(4) of that Act), and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Waste Management Regulations 1996 and, except for regulations 2(6) and 3, shall come into force on 1st April 1996.

(2) Regulations 2(6) and 3 shall come into force on 30th March 1996.

(3) Regulation 2(3) does not extend to Scotland.

**Amendment of the Waste Management Licensing Regulations 1994**

2.—(1) The Waste Management Licensing Regulations 1994<sup>(4)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 4—

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(1) S.I.1992/2870.

(2) 1972 c. 68.

(3) 1990 c. 43.

(4) S.I. 1994/1056, amended by S.I. 1995/288, 1995/1950.

- (a) in paragraph (1), for the two descriptions of waste treatment plant in the column headed “*Type of facility*” in Table 1, there shall be substituted:
- “A waste treatment plant where biodegradable, clinical or special waste is subjected to a chemical or physical process.
- A waste treatment plant where waste other than biodegradable, clinical or special waste is subjected to a chemical or physical process.”;
- (b) in paragraph (3), after the definition of “clinical waste”, there shall be added—
- ““landfill site” does not include a site used only for the burial of dead domestic pets;”.
- (3) In regulation 5—
- (a) at the beginning of paragraph (1), there shall be added “Subject to paragraph (4),”;
- (b) at the beginning of paragraph (2), there shall be added “Subject to paragraph (4),”;
- (c) after paragraph (3), the following paragraphs shall be added:
- “(4) Subject to paragraphs (6) and (7), in their application in relation to a person mentioned in paragraph (5), paragraphs (1) and (2) shall apply as if the following dates were substituted for the dates in those paragraphs which are specified—
- (a) in paragraph (1)
- (i) for “10th August 1994”, “1st October 1996”;
- (ii) for “10th August 1999”, “1st October 2001”; and
- (b) in paragraph (2),
- (i) for “10th August 1994”, “1st October 1996”;
- (ii) for “10th August 2004”, “1st October 2006”.
- (5) The person mentioned in paragraph (4) is the manager of a facility at which activities were authorised by a resolution under section 11 of the Control of Pollution Act 1974<sup>(5)</sup>.
- (6) Paragraph (4) does not apply to a person who is to be treated as technically competent by virtue of other provisions than those in that paragraph.
- (7) Paragraph (4) does not apply in Scotland.”
- (4) In regulation 12(1)<sup>(6)</sup>, after sub-paragraph (d), there shall be added the following sub-paragraph—
- “(e) plant for the treatment of waste soil.”
- (5) In regulation 18(4A)(d)<sup>(7)</sup>, for “£300” there shall be substituted “£400”.
- (6) In paragraph 43(2) of Schedule 3<sup>(8)</sup>, for “31st March 1996”, there shall be substituted “30th September 1996”.
- (7) In paragraph 45(3)(d) of Schedule 3<sup>(9)</sup>, for “£100”, there shall be substituted “£150”.

### **Amendment of the Waste Management Licensing (Amendment etc.) Regulations 1995**

**3.** Regulation 4(5) of the Waste Management Licensing (Amendment etc.) Regulations 1995<sup>(10)</sup> shall be amended as follows:

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(5) 1974 c. 40; the relevant parts of section 11 are to cease to have effect by virtue of paragraph 25 of Schedule 22 to the Environment Act 1995, which is due to come into force on 1st April 1996 by virtue of S.I. 1996/186.

(6) Regulation 12 was substituted by S.I. 1995/288, regulation 3(3).

(7) Regulation 18(4A) was added by S.I. 1995/288, regulation 3(10).

(8) Paragraph 43(2) was amended by S.I. 1995/1950, regulation 2, following earlier amendment which is no longer relevant.

(9) Paragraph 45 was added to Schedule 3 by S.I. 1995/288, regulation 3(16).

(10) S.I. 1995/288. Paragraph (5) of regulation 4 was added by S.I. 1995/1950, regulation 3.

- (a) in paragraph (a), for “the 23 months ending on 31st March 1996” there shall be substituted “the 29 months ending on 30th September 1996”;
- (b) in paragraph (b), for the date “31st March 1996”, there shall be substituted the date “30th September 1996”.

#### **Pre-qualification technical competence**

**4.—(1) Where:**

- (a) a person has applied to the Waste Management Industry Training and Advisory Board for a certificate of technical competence in relation to one of the types of facility mentioned in paragraph (2);
- (b) an application has been made for a waste management licence to authorise activities whose management is intended to be in that person’s hands;
- (c) the activities mentioned in sub-paragraph (b) are to be carried on at a facility of the same type as that in relation to which the application mentioned in sub-paragraph (a) was made; and
- (d) the relevant Agency as defined in paragraph (3) is satisfied that, but for regulation 4 of the Waste Management Licensing Regulations 1994, he would be a technically competent person<sup>(11)</sup>;

then, in relation to the facility in respect of which the application mentioned in sub-paragraph (b) was made and until the expiry of two years from the grant of a licence pursuant to that application, regulation 4 of those Regulations shall not apply to that person and he shall be treated as technically competent for the purposes of section 74(3)(b) of the Environmental Protection Act 1990.

(2) The types of facility mentioned in paragraph (1)(a) are all those listed in Table 1 of regulation 4(1) of the Waste Management Licensing Regulations 1994 other than any type of landfill site.

(3) The relevant Agency mentioned in paragraph (1)(d) is:

- (a) in relation to England and Wales, the Environment Agency established by section 1 of the Environment Act 1995; and
- (b) in relation to Scotland, the Scottish Environment Protection Agency established by section 20 of that Act.

#### **Transitional provision for certificates of technical competence: waste treatment plants**

**5.—(1)** Paragraph (2) of this regulation applies to a person who has made an application to the Waste Management Industry Training and Advisory Board for a “Treatment operations: inert waste (level 3)” certificate of technical competence before 10th August 1994, in a case where that application has not been determined.

(2) Unless he notifies the Board in writing that he does not wish this regulation to apply to him, the person mentioned in paragraph (1) shall be treated for the purposes of regulation 5 of the Waste Management Licensing Regulations 1994 as if the certificate for which he applied was a “Managing treatment operations: special waste (level 4)” certificate of technical competence.

(3) Paragraph (4) of this regulation applies to a person who has made an application to the Waste Management Industry Training and Advisory Board for a “Treatment operations: inert waste (level 3)” certificate of technical competence before 1st April 1996, in a case where that application has not been determined.

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<sup>(11)</sup> Section 74(5) Environmental Protection Act 1990 provides that it shall be the duty of the Agencies to have regard to any guidance issued to them by the Secretary of State with respect to the discharge of their functions of making determinations to which section 74 applies.

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(4) Unless he notifies the Board in writing that he does not wish this regulation to apply to him, the person mentioned in paragraph (3) shall be treated for the purposes of regulation 4 of the Waste Management Licensing (Amendment etc.) Regulations 1995 as if the certificate for which he applied was a “Managing treatment operations: special waste (level 4)” certificate of technical competence.

### **Amendment to the Environmental Protection (Waste Recycling Payments) Regulations 1992**

6. For the Schedule to the Environmental Protection (Waste Recycling Payments) Regulations 1992(12), there shall be substituted:

“THE SCHEDULE

Regulations 2(5)

#### REPRESENTATIVE SAVINGS IN WASTE DISPOSAL COSTS

Type of waste disposal authority	Saving in waste disposal costs per tonne
A London waste disposal authority for an area which includes an inner London borough.	£36.66
The council of an inner London borough. The Common Council of the City of London.	
A London waste disposal authority which comprises outer London boroughs. The council of an outer London borough.	£31.09
The Greater Manchester Waste Disposal Authority. The Merseyside Waste Disposal Authority. The council of a metropolitan district.	£24.45
Any other waste disposal authority.	£17.78 where the authority incurs any transport costs in disposing of similar waste and £10.00 in other cases.”

Signed by authority of the Secretary of State for the Environment

5th March 1996

*Ferrers*  
Minister of State,  
Department of the Environment

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(12) S.I. 1992/462; relevant amending instruments are S.I. 1994/522 and 1995/476 (the latter being the last instrument to substitute the Schedule).

Signed by authority of the Secretary of State for Wales

7th March 1996

*Gwilym Jones*  
Parliamentary Under-Secretary of State, Welsh  
Office

Signed by authority of the Secretary of State for Scotland

6th March 1996

*Lindsay*  
Parliamentary Under-Secretary of State, The  
Scottish Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make miscellaneous changes to waste management legislation, partly by amending the Waste Management Licensing Regulations 1994 and the Waste Management Licensing (Amendment etc.) Regulations 1995. They also amend the Environmental Protection (Waste Recycling Payments) Regulations 1992.

Paragraphs (5) and (7) of regulation 2 relate to the requirement for registration of exemption from licensing imposed by article 11(2) of Directive [75/442/EEC](#) as amended by Directive [91/156/EEC](#). They relate to exemption from waste management licensing in respect of the carrying out of certain activities in relation to scrap metal and waste motor vehicles. Regulation 2(5) increases to £400 the fee payable in respect of registration. Regulation 2(7) increases to £150 the annual fee for exemption.

The other provisions of the Regulations:

- (a) modify the description of certain types of facility whose manager is required to hold a particular certificate of technical competence; (regulation 2(2));
- (b) make additional transitional provision for managers of facilities on local authority waste management sites (regulation 2(3)). This provision does not apply to Scotland;
- (c) prescribe plant for the treatment of waste soil as mobile plant for the purposes of Part II of the Environmental Protection Act 1990 (regulation 2(4));
- (d) extend to 30th September 1996 the exemption from waste management licensing for certain activities involving the biological or physico-chemical treatment of waste (regulation 2(6));
- (e) extend the transitional period of exemption from requirements for managers of certain types of facilities to hold relevant certificates of technical competence (regulation 3);
- (f) make interim provision for someone who has applied for a certificate of technical competence to manage a new site other than a landfill site (regulation 4);
- (g) make transitional provision for those whose application for a certificate of technical competence would otherwise be affected by the modifications referred to in paragraph (a) (regulation 5);
- (h) replace the Schedule to the Environmental Protection (Waste Recycling Payments) Regulations 1992, which makes provision for determining the net saving of expenditure payable by waste disposal authorities to waste collection authorities and other persons who collect and retain waste for recycling (regulation 6). This provision only applies in the absence of sufficient accurate information or if this information can only be obtained at disproportionate cost.

A compliance cost assessment in respect of these Regulations may be obtained from Waste Policy Division (Branch 1), Department of the Environment, Room A2.22, Romney House, 43 Marsham Street, London SW1P 3PY. A copy has been placed in the library of each of the Houses of Parliament.