

STATUTORY INSTRUMENTS

2005 No. 894

The Hazardous Waste (England and Wales) Regulations 2005

PART 11

REPLACEMENT OF CONTROLS ON SPECIAL WASTE

Offences

71. In each of sections 33(9) and 38(10) and (11) of the 1990 Act for “special waste” there shall be substituted “hazardous waste”.

Lists of waste displaying hazardous properties

72.—(1) In the cross heading before section 62 of the 1990 Act for “special waste” there shall be substituted “hazardous waste”.

(2) Section 62 of that Act (special provision with respect to certain dangerous or intractable waste) shall be omitted.

^{F1}(3)

F1 Reg. 72(3) omitted (31.12.2020) by virtue of [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\)](#), regs. 1(2), 8

Waste other than controlled waste

73. In section 63 of the 1990 Act (waste other than controlled waste), subsections (2) and (3) shall be omitted.

Definition of Hazardous Waste

74. In section 75 of the 1990 Act (meaning of “waste” and household, commercial and industrial waste and special waste)—

(a) in the heading for “special waste” there shall be substituted “hazardous waste”;

(b) after subsection (8) there shall be inserted—

“(8A) “Hazardous waste”—

(a) in the application of this Part to England, means any waste which is a hazardous waste for the purposes of the Hazardous Waste (England and Wales) Regulations 2005;

(b) in the application of this Part to Wales means—

(i) any waste listed as a hazardous waste in the Hazardous Waste List;

(ii) any waste listed in regulations made under section 62A(2) above;

(iii) any other waste which displays any of the properties listed in Annex III to Council Directive [91/689/EEC](#).

(8B) In subsection (8A) “Hazardous Waste List” means the list referred to in the first indent of Article 1(4) of Council Directive [91/689/EEC](#).”; and

(c) subsection (9) shall be omitted.

Changes to legislation:

There are currently no known outstanding effects for the The Hazardous Waste (England and Wales) Regulations 2005, PART 11.