
STATUTORY INSTRUMENTS

2005 No. 894

The Hazardous Waste (England and Wales) Regulations 2005

PART 12

FINAL PROVISIONS

Savings for certain privileges

75.—(1) Nothing in these Regulations shall be taken as requiring any person to produce any documents or records if he would be entitled to refuse to produce those documents or records in any proceedings in any court on the grounds that they are the subject of legal professional privilege, or as authorising any person to take possession of any documents or records which are in the possession of a person who would be so entitled.

(2) Except as provided in paragraph (3), nothing in these Regulations shall be construed as requiring a person to answer any question or give any information if to do so would incriminate that person or that person's spouse.

(3) A person must comply with a request from the Agency to give information pursuant to regulation 55(2), notwithstanding that to do so may incriminate that person or that person's spouse, but information given in response to such a direction may not be given in evidence in any criminal proceedings against that person or that person's spouse.

Revocations and savings

76.—(1) Subject to the following paragraphs, the 1996 Regulations are revoked.

(2) Where a consignment has been removed from premises before these Regulations come into force, and a consignment note has been raised in relation to that consignment under the 1996 Regulations, then—

- (a) for a period of 72 hours after these Regulations come into force entirely—
 - (i) the 1996 Regulations shall continue to apply in all other respects to that consignment;
 - (ii) the provisions of these Regulations (other than regulation 62 (general duties on the holder in the event of an emergency or grave danger)) shall not apply to that consignment during that period;
- (b) thereafter—
 - (i) these Regulations shall apply to that consignment except that the requirement to make a consignee quarterly return in relation to that consignment pursuant to regulation 53 shall not arise; and
 - (ii) the requirement on the consignee to send a copy of the consignment note sent to the Agency shall continue to apply in relation to any consignment sent pursuant to the 1996 Regulations.

Consequential Amendments

77. Schedule 11 (which makes consequential amendments to legislation) has effect.

Transitional Provisions

78. Schedule 12 (which makes provisions transitional upon these Regulations coming into force), and has effect.

[^{F1}Review

79.—(1) The Secretary of State, in relation to England, must from time to time—

- (a) carry out a review of the regulatory provision in these Regulations; and
- (b) publish a report setting out the conclusions of the review.

(2) In carrying out a review of any regulatory provision which implements an obligation in the Waste Directive or the List of Wastes, the Secretary of State must have regard to how the obligation is implemented in other member States.

(3) The report must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision;
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(4) The first report under this regulation must be published before 1st April 2021.

(5) Subsequent reports under this regulation must be published at intervals not exceeding five years.

(6) In this regulation, “regulatory provision” has the meaning given by section 32(4) of the Small Business, Enterprise and Employment Act 2015.]

<p>F1 Reg. 79 inserted (1.4.2016) by The Hazardous Waste (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/336), regs. 1, 2(8)</p>
--

Changes to legislation:

There are currently no known outstanding effects for the The Hazardous Waste (England and Wales) Regulations 2005, PART 12.