
STATUTORY INSTRUMENTS

2005 No. 894

The Hazardous Waste (England and Wales) Regulations 2005

PART 11

REPLACEMENT OF CONTROLS ON SPECIAL 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.

(3) Before section 63 of that Act (waste other than controlled waste) there shall be inserted—

“Lists of waste displaying hazardous properties

62A.—(1) The Secretary of State shall by regulations list any controlled waste in England which—

- (a) is not listed as a hazardous waste in the Hazardous Waste List; and
- (b) appears to him to display any of the properties listed in Annex III to Council Directive [91/689/EEC](#).

(2) The National Assembly for Wales shall by regulations list any controlled waste in Wales which—

- (a) is not listed as a hazardous waste in the Hazardous Waste List; and
- (b) appears to it to display any of the properties listed in Annex III to Council Directive [91/689/EEC](#).

(3) In this section the Hazardous Waste List means the list referred to in the first indent of Article 1(4) of Council Directive [91/689/EEC](#).

(4) Regulations under subsection (2) shall be made by statutory instrument but section 161(2) shall not apply to regulations under that subsection.”.