
STATUTORY INSTRUMENTS

2006 No. 937

The Waste Management (England and Wales) Regulations 2006

Amendment of the Environmental Protection Act 1990

2.—(1) The Environmental Protection Act 1990 is amended as follows.

(2) In section 33 (prohibition on unauthorised or harmful depositing, treatment or disposal etc. of waste)—

(a) for subsection (2), substitute—

“(2) Subject to subsection (2A) below, paragraphs (a) and (b) of subsection (1) above do not apply in relation to household waste from a domestic property which is treated, kept or disposed of within the curtilage of the property.

(2A) Subsection (2) above does not apply to the treatment, keeping or disposal of household waste by an establishment or undertaking.”;

(b) at the beginning of subsection (8)(1), insert “Subject to subsection (9) below,”;

(c) after subsection (8), insert—

“(9) A person (other than an establishment or undertaking) who commits a relevant offence shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;
and

(b) on conviction on indictment, to a fine.

(10) In this section, “relevant offence” means an offence under this section in respect of a contravention of subsection (1)(c) above consisting of the treatment, keeping or disposal within the curtilage of a domestic property of household waste from that property.”.

(3) In section 33B(2) (section 33 offences: clean-up costs)—

(a) at the beginning of subsection (5), insert “Subject to subsection (6) below,”;

(b) after subsection (5), insert—

“(6) Subsection (5) above does not apply where a person (other than an establishment or undertaking) is convicted of a relevant offence within the meaning of section 33 above.”.

(4) In section 33C(3) (section 33 offences: forfeiture of vehicles)—

(a) at the beginning of subsection (1), insert “Subject to subsection (1A) below,”;

(b) after subsection (1), insert—

“(1A) This section does not apply where a person (other than an establishment or undertaking) is convicted of a relevant offence within the meaning of section 33 above.”.

(5) Sections 63(1) and 63(4) (waste other than controlled waste) are repealed.

(1) Subsection (8) of section 33 was substituted by section 41 of the Clean Neighbourhoods and Environment Act 2005 (c. 16).
(2) Section 33B was inserted by section 43 of the Clean Neighbourhoods and Environment Act 2005 (c. 16). Section 43 was commenced by S.I. 2005/2896 (c.122).
(3) Section 33C was inserted by section 44 of the Clean Neighbourhoods and Environment Act 2005 (c. 16). Section 44 was commenced by S.I. 2005/2896 (c.122).

(6) In section 75(4) (meaning of “waste” and household, commercial and industrial waste and hazardous waste)—

- (a) at the end of subsection (6)(c), omit “or”;
- (b) at the end of subsection (6)(d), add—
 - “; or
 - (e) any mine or quarry or any premises used for agriculture within the meaning of the Agriculture Act 1947(5)
- (c) at the end of subsection (7)(b), add “and”;
- (d) subsection (7)(c) is repealed;
- (e) in subsection (8), omit “but no regulations shall be made in respect of such waste as is mentioned in subsection (7)(c) above”;
- (f) at the end of subsection (12)(a), omit “and”; and
- (g) at the end of subsection (12)(b), add—
 - “;
 - (c) the decision of the European Commission, dated 24th May 1996(6), adapting Annexes IIA and IIB to directive 75/442/EEC on waste(7); and
 - (d) EC Regulation No. 1882/2003 of the European Parliament and the Council dated 29th September 2003(8)

(4) Section 75 was amended by paragraph 88 of Schedule 22 to the Environment Act 1995 (c. 25).

(5) 1947 c. 48 (see section 109(3)).

(6) O.J. No. L135, 6.6.1996, p. 32.

(7) O.J. No. L194, 25.7.1975, p. 39 (as amended by Council Directives 91/156/EEC (O.J. No. L78, 26.3.1991, p. 32), 91/692/EEC (O.J. No. L377, 31.12.1991, p. 48 (as corrected by Corrigendum, O.J. No. L146, 13.6.2003, p. 52)), Commission Decision 96/350/EC (O.J. No. L135, 6.6.1996, p. 32) and Regulation (EC) No. 1882/2003 (O.J. No. L284, 31.10.2003, p. 1).

(8) Regulation (EC) No. 1882/2003 (O.J. No. L284, 31.10.2003, p. 1).