

SCHEDULE 21

Consequential amendments

PART 2

Subordinate legislation

The Regulations as to Cremation (1930)

28.—(1) The definitions in the Regulations as to Cremation (1930)^{M1} are amended (in relation to England and Wales) as follows.

(2) For the words “Schedule 1 to the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “ Part 2 of Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2007 ”.

(3) For the definition of “Permit”, substitute—
““Permit” means an environmental permit granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007.”.

Marginal Citations

M1 [S.I. 1930/1016](#); relevant amending instruments are [S.I. 2000/58](#), 2006/92.

The Deposits in the Sea (Exemptions) Order 1985

29. In article 4(2) of the Deposits in the Sea (Exemptions) Order 1985^{M2} for the words “regulation 1(3) of the Waste Management Licensing Regulations 1994”, substitute (in relation to England and Wales) “regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2007”.

Marginal Citations

M2 [S.I. 1985/1699](#), amended by [S.I. 1994/1056](#). There are other amending instruments but none is relevant.

The Radioactive Substances (Hospitals) Exemption Order 1990

30. For the definition of “site licence” in article 2(1) of the Radioactive Substances (Hospitals) Exemptions Order 1990^{M3}, substitute (in relation to England and Wales)—

““site licence” means an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007;”.

Marginal Citations

M3 [S.I. 1990/2512](#), amended by [S.I. 2000/1973](#). There are other amending instruments but none is relevant.

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

^{F1}**31.**

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007, PART 2. (See end of Document for details)

Textual Amendments

F1 Sch. 21 para. 31 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), **Sch. 4 para. 25** (with regs. 2, 47(2))

The Environmental Protection (Duty of Care) Regulations 1991

F2 **32.**

Textual Amendments

F2 Sch. 21 para. 32 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), **Sch. 4 para. 25** (with regs. 2, 47(2))

The Controlled Waste Regulations 1992

F3 **33.**

Textual Amendments

F3 Sch. 21 para. 33 omitted (6.4.2012) by virtue of [The Controlled Waste \(England and Wales\) Regulations 2012 \(S.I. 2012/811\)](#), regs. 1(3), 6, **Sch. 2 para. 4**

The Waste Management Licensing Regulations 1994

34.—(1) The Waste Management Licensing Regulations 1994 ^{M4} are amended (in relation to England and Wales) as follows.

(2) For regulation 1(3) substitute—

“(3) In these Regulations—

“the 1990 Act” means the Environmental Protection Act 1990;

“agricultural waste” means waste from premises used for agriculture;

“the Directive” means Directive [2006/12/EC](#) on waste;

“Directive waste” means anything that is waste for the purposes of the Directive and is not excluded from the scope of the Directive by Article 2(1) of the Directive;

“disposal” has the same meaning as in the Directive;

“recovery” has the same meaning as in the Directive;

“waste” means Directive waste;

“waste regulation authority”, “waste disposal authority” and “waste collection authority” have the meaning given in the 1990 Act.”

(3) Omit regulations 1(4) and 2 to 19.

(4) For regulation 20(2), substitute—

“(2) Paragraph (1) does not apply in relation to an arrangement under which an establishment or undertaking will itself carry out the disposal or recovery of the waste and either—

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007, PART 2. (See end of Document for details)

- (a) it is authorised to carry out the disposal or recovery of the waste by an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007, a consent under Chapter II of Part III of the Water Resources Act 1991 or a licence under Part II of the Food and Environment Protection Act 1985; or
 - (b) the recovery of the waste is covered by—
 - (i) an exempt waste operation under the Environmental Permitting (England and Wales) Regulations 2007 or any other operation exempt from the requirements of section 33(1)(a) and (b) of the Environmental Protection Act 1990 under those Regulations; or
 - (ii) article 3 of the Deposits in the Sea (Exemptions) Order 1985.”.
- (5) Omit Schedules 1 to 3.
- (6) Amend Schedule 4 as follows—
- (a) for paragraph 1, substitute—
 - “1. In this Schedule—
 - “licensing authority” has the meaning given by section 24(1) of the Food and Environment Protection Act 1985;
 - “permit” means an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007, a licence under Part II of the Food and Environment Protection Act 1985 or a consent under Chapter II of Part III of the Water Resources Act 1991.”;
 - (b) omit paragraphs 2 to 4, 6 to 11, 13(2) to (5) and 14;
- (7) In paragraph 1 of Schedule 5, at the end of the definition of “relevant offence”, insert— “ or under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007 ”.

Marginal Citations

M4 [S.I. 1994/1056](#) , amended by [S.I. 1995/288](#), 1995/1950, 1996/593, 1996/634, 1996/972, 1996/1279, 1997/2203, 1998/606, 1998/2746, 2000/1973, 2002/674, 2002/1087 (W. 114), 2002/1559, 2002/2980, 2003/595, 2003/780 (W. 91), 2003/2635, 2004/70 (W. 6), 2004/3276, 2005/894, 2005/1728, 2005/1806 (W. 138), 2005/2900, 2006/937, 2006/3315, 2007/1156, 2007/2596.

The Conservation (Natural Habitats, &c.) Regulations 1994

^{F4}**35.**

Textual Amendments

F4 Sch. 21 para. 35 revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), [Sch. 7 Pt. 1](#) (with reg. 125)

The Waste Management Licensing (Amendment etc.) Regulations 1995

^{F5}**36.**

Changes to legislation: There are currently no known outstanding effects for the *The Environmental Permitting (England and Wales) Regulations 2007, PART 2*. (See end of Document for details)

Textual Amendments

F5 Sch. 21 para. 36 omitted (6.4.2012) by virtue of [The Controlled Waste \(England and Wales\) Regulations 2012 \(S.I. 2012/811\)](#), regs. 1(3), 6, **Sch. 2 para. 4**

The Landfill Tax Regulations 1996

37.—(1) The Landfill Tax Regulations 1996 ^{M5} are amended (in relation to England and Wales) as follows.

(2) In regulation 33(4), for sub-paragraphs (h), (i) and (j) substitute—

“(h) an enforcement notice served under regulation 36 of the Environmental Permitting (England and Wales) Regulations 2007;

(i) a suspension notice served under regulation 37 of those Regulations; or

(j) an order under regulation 44 of those Regulations.”.

(3) In regulation 38(5), omit sub-paragraph (ac)(ii).

Marginal Citations

M5 [S.I. 1996/1527](#); relevant amendments are [S.I. 2000/1973](#), 2002/1.

The Waste Management Licensing (Amendment) Regulations 1998

38. In the Waste Management Licensing (Amendment) Regulations 1998 ^{M6}, omit paragraphs (2) and (3) of regulation 2 (in relation to England and Wales).

Marginal Citations

M6 [S.I. 1998/606](#).

The Groundwater Regulations 1998

39.—(1) The Groundwater Regulations 1998 ^{M7} are amended (in relation to England and Wales) as follows.

(2) In regulation 1(3), in the definition of “authorisation”, for sub-paragraphs (e) and (f) substitute—

“(e) an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007, except to the extent that it authorises the operation of a Part B activity within the meaning of those Regulations;”.

(3) In regulation 3, for “the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “the Environmental Permitting (England and Wales) Regulations 2007”.

Marginal Citations

M7 [S.I. 1998/2746](#), amended by [S.I. 2000/1973](#), 2006/937.

The Water Protection Zone (River Dee Catchment) Designation Order 1999

40.—(1) The Water Protection Zone (River Dee Catchment) Designation Order 1999 ^{M8} is amended as follows.

(2) In article 2—

- (a) in the definition of “catchment control site”, for the words from “a site used for carrying on a prescribed process” to the end, substitute— “ the site of a regulated facility within the meaning of the Environmental Permitting (England and Wales) Regulations 2007 ”;
- (b) in the definition of “controlled substance”, omit sub-paragraph (i).

Marginal Citations

M8 [S.I. 1999/915](#).

The Control of Pollution (Oil Storage) (England) Regulations 2001.

41. In regulation 2(2)(a) of the Control of Pollution (Oil Storage)(England) Regulations 2001 ^{M9}, for “regulation 1(3) of the Waste Management Licensing Regulations 1994”, substitute “ regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2007 ”.

Marginal Citations

M9 [S.I. 2001/2954](#).

The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002

42. In regulation 3(3)(e) of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 ^{M10}, for “the Waste Management Licensing Regulations 1994”, substitute (in relation to England and Wales) “ the Environmental Permitting (England and Wales) Regulations 2007 ”.

Marginal Citations

M10 [S.I. 2002/1689](#); relevant amending instruments are [S.I. 2005/894](#), 2005/1806 (W. 138).

The End-of-Life Vehicles Regulations 2003

43.—(1) The End-of-Life Vehicles Regulations 2003 ^{M11} are amended (in relation to England and Wales) as follows.

(2) In regulation 2, for the definition of “authorised treatment facility”, substitute—

““authorised treatment facility” means any establishment or undertaking carrying out treatment operations which holds an environmental permit authorising those operations granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007.”.

(3) In regulation 3—

- (a) omit paragraph (2);
- (b) for paragraph (4), substitute—
“(4) These Regulations do not apply to three-wheel motor vehicles.”.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007, PART 2. (See end of Document for details)

- (4) Omit Part VII and Schedule 5.

Marginal Citations

M11 S.I. 2003/2635, to which there are amendments not relevant to these Regulations.

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

44.—(1) Schedule 2 to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003^{M12} is amended as follows.

(2) Omit paragraphs 13, 23 and 24.

(3) At the end of the Schedule add—

“**28.** The Environmental Permitting (England and Wales) Regulations 2007.”.

Marginal Citations

M12 S.I. 2003/3242, to which there are amendments not relevant to these Regulations.

The Hazardous Waste (England and Wales) Regulations 2005

45.—(1) The Hazardous Waste (England and Wales) Regulations 2005^{M13} are amended as follows.

(2) In regulation 2(1), for sub-paragraph (a) substitute—

“(a) “the Waste Directive” means Council Directive [2006/12/EC](#) on waste; and”.

(3) In regulation 5(1)—

(a) omit the definitions of “the 1994 Regulations” and “waste management licence”;

(b) after the definition of “the 1996 Regulations”, insert—

““the 2007 Regulations” means the Environmental Permitting (England and Wales) Regulations 2007;”;

(c) after the definition of “emergency services”, insert—

““environmental permit” has the meaning given in regulation 13(1) of the 2007 Regulations;”;

(d) for the definition of “registered exemption”, substitute—

““registered exemption” means an activity set out in Part 1 of Schedule 3 to the 2007 Regulations which is registered with the exemption registration authority in accordance with those Regulations;”;

(e) for the definition of “waste permit”, substitute—

““waste permit” means an environmental permit, a licence under Part II of the Food and Environment Protection Act 1985 or a consent under Chapter II of Part III of the Water Resources Act 1991.”.

(4) In regulation 22(2), for “a waste management licence” substitute “an environmental permit”.

(5) In regulation 26(4)(d), for “paragraph 13 of Schedule 4 to the 1994 Regulations” substitute “regulation 34(2) of the 2007 Regulations”.

(6) In regulation 42(6)(a), for all the words after “waste permit” substitute “ or is entitled to carry on a registered exemption in respect of the recovery or disposal of the waste; and ”.

(7) In Part E of the consignment note in Schedule 4 omit “waste management licence”.

Marginal Citations

M13 S.I. 2005/894, to which there are amendments not relevant to these Regulations.

The Hazardous Waste (Wales) Regulations 2005

46.—(1) The Hazardous Waste (Wales) Regulations 2005^{M14} are amended as follows.

(2) In regulation 2(1), for sub-paragraph (a) substitute—

““the Waste Directive” (“*y Gyfarwydddeb Wastraff*”) means Council Directive 2006/12/EC on waste; and”.

(3) In regulation 5(1)—

(a) omit the definitions of “the 1994 Regulations” and “waste management licence”;

(b) after the definition of “the 1996 Regulations”, insert—

““the 2007 Regulations” (“*Rheoliadau 2007*”) means the Environmental Permitting (England and Wales) Regulations 2007;”;

(c) after the definition of “emergency services”, insert—

““environmental permit” (“*trwydded amgylcheddol*”) has the meaning given in the 2007 Regulations;”;

(d) for the definition of “registered exemption”, substitute—

““registered exemption” (“*esemptiad cofrestredig*”) means an activity set out in Part 1 of Schedule 3 to the 2007 Regulations which is registered with the exemption registration authority in accordance with those Regulations;”;

(e) for the definition of “waste permit”, substitute—

““waste permit” (“*trwydded gwastraff*”) means an environmental permit under the 2007 Regulations, a licence under Part II of the Food and Environment Protection Act 1985 or a consent under Chapter II of Part III of the Water Resources Act 1991.”.

(4) In regulation 22(2), for “a waste management licence” substitute “ an environmental permit ”.

(5) In regulation 26(4)(d), for “paragraph 13 of Schedule 4 to the 1994 Regulations” substitute “ regulation 34(2) of the 2007 Regulations ”.

(6) In regulation 42(6)(a), for all the words after “waste permit” substitute “ or is entitled to carry on a registered exemption in respect of the recovery or disposal of the waste; and ”.

(7) In Part E of the consignment note in Schedule 4 delete “waste management licence”.

Marginal Citations

M14 S.I. 2005/1806 (W. 138), to which there are amendments not relevant to these Regulations.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007, PART 2. (See end of Document for details)

The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005

47. In regulation 3(4) of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005 ^{M15}, in the definition of “SED Activity”, for “Part 1 of Schedule 1 of the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute (in relation to England and Wales) “Part 2 of Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2007”.

Marginal Citations

M15 [S.I. 2005/2773](#).

The Greenhouse Gas Emissions Trading Scheme Regulations 2005

48. In regulation 8(3)(b) of the Greenhouse Gas Emissions Trading Scheme Regulations 2005 ^{M16}, for paragraph (i) substitute (in relation to England and Wales)—

“(i) the Environmental Permitting (England and Wales) Regulations 2007;”.

Marginal Citations

M16 [S.I. 2005/925](#), to which there are amendments not relevant to these Regulations.

The Contaminated Land (England) Regulations 2006

49. For regulation 2(4) of the Contaminated Land (England) Regulations 2006 ^{M17}, substitute—

“(4) In paragraph (1)(e), “Part A(1) installation” and “Part A(1) mobile plant” have the same meanings as in the Environmental Permitting (England and Wales) Regulations 2007, and “permit” has the same meaning as “environmental permit” in those Regulations”.

Marginal Citations

M17 [S.I. 2006/1380](#).

The Contaminated Land (Wales) Regulations 2006

50. For regulation 2(4) of the Contaminated Land (Wales) Regulations 2006 ^{M18}, substitute—

“(4) In paragraph (1)(e), “Part A(1) installation” and “Part A(1) mobile plant” have the same meanings as in the Environmental Permitting (England and Wales) Regulations 2007, and “permit” has the same meaning as “environmental permit” in those Regulations”.

Marginal Citations

M18 [S.I. 2006/2989](#) (W. 278).

The Waste Electrical and Electronic Equipment Regulations 2006

51.—(1) In regulation 2(1) of the Waste Electrical and Electronic Equipment Regulations 2006^{M19}, the definition of “relevant authorisation” is amended (in relation to England and Wales) as follows.

(2) In paragraph (a), for the words “a permit granted under regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “a permit granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007”.

(3) Omit paragraphs (b) and (c).

(4) For paragraph (d), substitute—

“(d) an exempt waste operation under the Environmental Permitting (England and Wales) Regulations 2007 or any other operation exempt from the requirements of section 33(1) (a) and (b) of the Environmental Protection Act 1990 under those Regulations;”.

Marginal Citations

M19 [S.I. 2006/3289](#).

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

52.—(1) In regulation 2(1) of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007^{M20}, the definition of “relevant authorisation” is amended (in relation to England and Wales) as follows.

(2) In paragraph (a), for the words “a permit granted under regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “a permit granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007”.

(3) Omit paragraphs (b) and (c).

(4) For paragraph (d), substitute—

“(d) an exempt waste operation under the Environmental Permitting (England and Wales) Regulations 2007 or any other operation exempt from the requirements of section 33(1) (a) and (b) of the Environmental Protection Act 1990 under those Regulations;”.

Marginal Citations

M20 [S.I. 2007/871](#).

The Waste Management (Miscellaneous Provisions) (England and Wales) Regulations 2007

53. In the Waste Management (Miscellaneous Provisions) (England and Wales) Regulations 2007^{M21}, omit regulations 2 to 5.

Marginal Citations

M21 [S.I. 2007/1156](#).

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007, PART 2. (See end of Document for details)

The Transfrontier Shipment of Waste Regulations 2007

54. For regulation 16 of the Transfrontier Shipment of Waste Regulations 2007 ^{M22}, substitute (in relation to England and Wales)—

“Environmental Permitting (England and Wales) Regulations 2007

16. The definition of “waste management plan” in paragraph 1 of Schedule 20 to the Environmental Permitting (England and Wales) Regulations 2007 has effect as if the reference in that paragraph to a plan made under the plan-making provisions included a reference to a waste management plan made under this Part.”.

Marginal Citations

M22 [S.I. 2007/1711](#).

The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007

55.—(1) The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007 ^{M23} are amended (in relation to England and Wales) as follows.

(2) For regulation 3(1)(a), substitute—

“(a) as regards England and Wales, a large combustion plant in respect of which the environmental permit under the Environmental Permitting (England and Wales) Regulations 2007 contains a NERP provision;”.

(3) In paragraph 1 of Schedule 1, in the definition of “cumulative in-year mass emissions”, for sub-paragraph (a), substitute—

“(a) of a participating plant in England or Wales, to the Agency in accordance with the conditions of the environmental permit under the Environmental Permitting (England and Wales) Regulations 2007;”.

Marginal Citations

M23 [S.I. 2007/2325](#).

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007, PART 2.