

## SCHEDULE 4

### Amendments to other legislation

## PART 1

### Public General Acts

#### **The Control of Pollution (Amendment) Act 1989**

1. After section 9(1A) of the Control of Pollution (Amendment) Act 1989(1), insert—

“(1AA) But, in the case of a waste collection authority that is a regulation authority by virtue of subsection (1A), the powers conferred on that authority under sections 5 to 7 above are not exercisable by that authority in relation to specified persons (within the meaning of Part 8 of the Waste (England and Wales) Regulations 2011).”.

#### **The Town and Country Planning Act 1990**

2. In section 336(1) of the Town and Country Planning Act 1990(2), for the definition of “waste”, substitute—

““waste” includes anything that—

  - (a) is waste within the meaning of Article 3(1) of Directive [2008/98/EC](#) of the European Parliament and of the Council on waste, and
  - (b) is not excluded from the scope of that definition by Article 2(1), (2) or (3);”.

#### **The Environmental Protection Act 1990**

- 3.—(1) The Environmental Protection Act 1990(3) is amended as follows.
  - (2) In section 33(13)(4), for “Annex IIA or IIB of Directive [2006/12/EC](#) of the European Parliament and of the Council on waste”, substitute “Annex I or II of Directive [2008/98/EC](#) of the European Parliament and of the Council on waste”.
  - (3) In section 34(1), for “as a broker”, substitute “as a dealer or broker”.
  - (4) In section 34(3)(c), at the end, insert “or by virtue of regulations under section 2 of the Pollution Prevention and Control Act 1999”.
  - (5) Omit section 44A(5).
  - (6) In section 57(8), for the definition of “waste” substitute—

““waste” means anything that is waste within the meaning of Article 3(1) of Directive [2008/98/EC](#) of the European Parliament and of the Council on waste including anything excluded from the scope of that Directive by Article 2(1)(f) or 2(2)(b) or (c), but not including anything excluded by the remainder of that Article”.
  - (7) In section 62A(6)—

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(1) [1989 c. 14](#). Section 9(1A) was inserted by section 55 of the Anti-social Behaviour Act 2003.

(2) [1990 c. 8](#).

(3) [1990 c. 43](#).

(4) Section 33(13) was inserted by [S.I. 2007/3538](#), regulation 73 and paragraphs 2 and 4(6) of Schedule 21.

(5) Section 44A was inserted by the Environment Act [1995 \(c. 25\)](#) and amended by [S.I. 2007/3538](#), regulation 73 and paragraphs 2 and 12 of Schedule 21.

(6) Section 62A was inserted by [S.I. 2005/894](#), regulation 72(3).

*Status: This is the original version (as it was originally made).*

- (a) in each of subsections (1)(b) and (2)(b), for “Council Directive [91/689/EEC](#)”, substitute “Directive [2008/98/EC](#)”;
- (b) for subsection (3), substitute—
  - “(3) In this section “the Hazardous Waste List” means the list of wastes established by Commission Decision [2000/532/EC](#).”.
- (8) In section 75(7)—
  - (a) for subsection (2), substitute—
    - “(2) “Waste” means anything that is waste within the meaning of Article 3(1) of Directive [2008/98/EC](#) of the European Parliament and of the Council on waste.”;
  - (b) omit subsections (10) to (12).
- (9) Omit Schedules 2A and 2B(8).

### **The Environment Act 1995**

- 4.—(1) The Environment Act 1995(9) is amended as follows.
  - (2) In section 41(1)(c)(10), for “Council Directive [91/689/EEC](#)”, substitute “Directive [2008/98/EC](#) to the extent that it relates to hazardous waste (within the meaning given by Article 3(2) of that Directive)”.
  - (3) In section 56(1), for paragraph (h) of the definition of “environmental licence”, substitute—
    - “(h) registration of a person as a broker of or dealer in controlled waste under any provision which gives effect in England and Wales to Article 26(b) of Directive [2008/98/EC](#) of the European Parliament and of the Council on waste.”.

### **The Greater London Authority Act 1999**

- 5.—(1) The Greater London Authority Act 1999(11) is amended as follows.
  - (2) In section 353 for subsection (4)(a) substitute—
    - “(a) the national waste management plan;”.
  - (3) In section 354, in subsection (2)(b) for the words from “strategy prepared by” to “waste strategy)” substitute “national waste management plan”.
  - (4) In section 360, in subsection (2) after the definition of “municipal waste” insert—
    - ““the national waste management plan” has the same meaning as in the Waste (England and Wales) Regulations 2011;”.

### **The Waste and Emissions Trading Act 2003**

- 6. For section 37(2) of the Waste and Emissions Trading Act 2003(12), substitute—
  - “(2) For the purposes of this section, “the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste.”.

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(7) Section 75(2) was amended by the Environment Act 1995 (c. 25), section 120(1) and paragraph 88 of Schedule 22.  
(8) Schedule 2A was inserted by the Environment Act 1995 (c. 25), section 92 and Schedule 12. Schedule 2B was inserted by section 120 and paragraph 95 of Schedule 22 to that Act.  
(9) 1995 c.25.  
(10) Section 41(1)(c) was amended in relation to England by S.I. 2005/894, regulation 59, and in relation to Wales by S.I. 2005/1806 (W. 138), regulation 59.  
(11) 1999 c. 29.  
(12) 2003 c. 33.

## **The Government of Wales Act 2006**

7.—(1) The Government of Wales Act 2006(13) is amended as follows.

(2) In Field 6 of Part 1 of Schedule 5—

(a) after the heading “*Not included in matters 6.1 and 6.2*”, in paragraph (a), for “Article 2(1)(b)(v)” substitute “Article 2(1)(e)”;

(b) after the heading “*Other interpretation of this field*” for the definition of “Waste Directive” substitute—

““Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste”.

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(13) [2006 c. 32](#). Field 6 of Part 1 of Schedule 5 was inserted by [S.I. 2010/248](#).