

SCHEDULE 12

TRANSITIONAL PROVISIONS

PART 2

PERMITTING REGIMES

4.—(1) Subject to the following provisions of this Schedule, a reference in a waste permit to special waste, or to special waste of any description (howsoever framed), is a reference to hazardous waste, or hazardous waste of that description, as the case may be.

5.—(1) This paragraph applies in relation to waste which was not special waste immediately before these Regulations come into force if that waste becomes hazardous waste as a result of these Regulations (“changed status waste”).

(2) Any general prohibition or restriction contained in a waste permit relating to the disposal or recovery of special waste under that permit immediately before these Regulations came into force does not apply to the disposal or recovery of changed status waste insofar as the permit specifically authorises the disposal or recovery of that type of waste.

(3) A waste permit holder who would no longer be authorised to continue to dispose or recover that waste under his or her permit by reason of the change in its status, may continue to dispose or recover that waste in accordance with the permit despite the change in status until the prescribed date.

(4) Regulation 17(3) of the 1994 Regulations does not apply to the carrying on of an exempt activity involving changed status waste at any place by a person who was carrying on that activity at that place immediately before these Regulations come into force (“a changed status waste exempt person”).

(5) A changed status waste exempt person who would no longer be authorised to carry on an exempt activity involving such waste by reason of the change in its status, may continue to carry on that activity at that place in accordance with the 1994 Regulations despite the change in status until the prescribed date.

(6) The prescribed date is—

- (a) where an application for a waste permit or a variation to a permit is duly made in relation to the activity before 16 July 2006, the date on which the application is granted or if the application is (or is deemed to be) rejected, the date on which the period for appealing expires without an appeal being made or any appeal is withdrawn or finally determined; or
- (b) in any other case, 16 July 2006.