WELSH STATUTORY INSTRUMENTS

2011 No. 971 (W.141)

ENVIRONMENTAL PROTECTION, WALES

The Waste (Miscellaneous Provisions) (Wales) Regulations 2011

Made - - - -	*28 March 2011*
Laid before the National Assembly for Wales - -	*28 March 2011*
Coming into force - -	*29 March 2011*

The Welsh Ministers are designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 in relation to the prevention, reduction and management of waste.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. [F2]

Annotations:

F1 S.I. 2010/1552.

F2 1972 c. 68. Where the Welsh Ministers have been designated in relation to a matter or purpose, they may then exercise the powers conferred by section 2(2) in relation to that matter or purpose; *see* section 59(2) of the Government of Wales Act 2006 (c. 32).

Title, commencement and extent

1.—(1) The title of these Regulations is the Waste (Miscellaneous Provisions) (Wales) Regulations 2011.

(2) These Regulations—

(a) come into force on 29 March 2011; and

(b) apply in relation to Wales.

Amendment of the Hazardous Waste (Wales) Regulations 2005

2. The Schedule, which provides for amendment of the Hazardous Waste (Wales) Regulations 2005 [F3], has effect.

Annotations:

F3 S.I. 2005/1806 (W.138) amended by S.I. 2006/937, 2007/3538, 2009/2861 and, 2010/675.

Amendment of the Landfill Allowances Scheme (Wales) Regulations 2004

3. In regulation 2(1) of the Landfill Allowances Scheme (Wales) Regulations 2004 [F4], in the definition of "waste facility" ("*cyfleuster gwastraff*"), for "Article 1(e) and (f) of Council Directive 75/442/EEC on waste", substitute " Article 3(19) and (15) of Directive 2008/98/EC of the European Parliament and of the Council on waste ".

Annotations:
F4 S.I. 2004/1490 (W.155), to which there are amendments not relevant to these Regulations.

Amendment of the List of Wastes (Wales) Regulations) 2005

[F5]**4.** . . . . . .

Annotations:
F5 Reg. 4 revoked (20.7.2015) by The Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015 (S.I. 2015/1417), regs. 1(2), **7(b)**

Amendment of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005

5. In regulation 2(1) of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 [F6], for the definition of "Waste Strategy for Wales" ("*Strategaeth Wastraff Cymru*") substitute— " "Waste Strategy for Wales" ("*Strategaeth Wastraff Cymru*") means the national waste management plan within the meaning of the Waste (England and Wales) Regulations 2011, known by that name and prepared by the Welsh Ministers; ".

Annotations:
F6 S.I. 2005/2839 (W.203).

Amendment of the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009

6. In Schedule 2 to the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 [F7], in paragraph 3(1), for the words from "Directive 2006/12/EC" to the end, substitute " Directive 2008/98/EC of the European Parliament and of the Council on waste ".

Annotations:
F7 S.I. 2009/995 (W. 81).

Revocation of the Environmental Protection (Duty of Care) (Amendment) (Wales) Regulations 2003

7. The Environmental Protection (Duty of Care) (Amendment) (Wales) Regulations 2003 [F8] are revoked.

Annotations:
F8 S.I. 2003/1720 (W.187)

Jane Davidson
Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

SCHEDULE Regulation 2

Amendments to the Hazardous Waste (Wales) Regulations 2005

PART 1

Amendments

1. The Hazardous Waste (Wales) Regulations 2005 [F9] are amended as follows.

Annotations:
F9 S.I. 2005/1806 (W.138) amended by S.I. 2006/937, 2007/3538, 2009/2861 (W.250), 2010/675.

2. For regulation 2, substitute—

"**The Waste Directive and the meaning of waste**

2.—(1) For the purposes of these Regulations—

(a) "the Waste Directive" ("*y Gyfarwyddeb Wastraff*") means Directive 2008/98/EC of the European Parliament and of the Council on waste;

(b) "waste" ("*gwastraff*") means anything that—

(i) is waste within the meaning of Article 3(1) of the Waste Directive; and

(ii) subject to regulation 15, is not excluded from the scope of that Directive by Article 2(1), (2) or (3).

(2) In these Regulations, a reference to the Waste Directive conditions is a reference to the conditions set out in Article 13 of that Directive, that is to say, to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular—

(a) without risk to water, air, soil, plants or animals;

(b) without causing a nuisance through noise or odours; and

(c) without adversely affecting the countryside or places of special interest.".

3. For regulation 3, substitute—

"**Annex III to the Waste Directive**

3. A reference in these Regulations to—

(a) Annex III is a reference to Annex III (properties of waste which render it hazardous) to the Waste Directive, as that Annex is set out in Schedule 3;

(b) hazardous properties is a reference to the properties in Annex III.".

4. In regulation 4(1), in the definition of "the List of Wastes" ("*y Rhestr Wastraffoedd*"), omit from ", being the list" to the end.

5. In regulation 5—

(a) in paragraph (1)—

(i) for the definition of "consignment note" ("*nodyn traddodi*"), substitute— " "consignment note" ("*nodyn traddodi*"), in relation to a consignment of hazardous waste, means the identification document which is required to accompany the

hazardous waste when it is transferred pursuant to Article 19(2) of the Waste Directive. ",

(ii) in the appropriate place, insert— " "domestic waste" ("*gwastraff domestig*") means waste produced by a household; ",

(iii) for the definition of "multiple collection" ("*amlgasgliad*"), substitute—

""multiple collection" ("*amlgasgliad*") means a journey made by a single carrier which meets the following conditions—

(a) the carrier collects more than one consignment of hazardous waste in the course of the journey;

(b) each consignment is collected from different premises;

(c) all the premises from which a collection is made are in Wales; and

(d) all consignments collected are transported by that carrier in the course of a journey to the same consignee;",

(iv) omit the definition of "multiple collection consignment note" ("*nodyn traddodi amlgasgliad*");

(b) for paragraph (2), substitute—

"(2) In these Regulations—

"broker" ("*brocer*") means an undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;

"collection" ("*casglu*") means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

"dealer" ("*deliwr*") means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;

"disposal" ("*gwaredu*") means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy (Annex I of the Waste Directive sets out a non-exhaustive list of disposal operations)

"holder" ("*deiliad*") means the producer of the waste or the person who is in possession of it ;

"management" ("*rheoli*") means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as dealer or broker;

"producer" ("*cynhyrchydd*") means anyone whose activities produce waste ("original waste producer") or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of the waste;

"recovery" ("*adfer*") means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy (Annex II of the Waste Directive sets out a non-exhaustive list of recovery operations);

"waste oil" ("*olew gwastraff*") means any mineral or synthetic lubrication or industrial oil which has become unfit for the use for which it was originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils,