STATUTORY INSTRUMENTS

2016 No. 336

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Hazardous Waste (England and Wales) (Amendment) Regulations 2016

Made - - - -	*9th March 2016*
Laid before Parliament	*11th March 2016*
Coming into force - -	*1st April 2016*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**).

The Secretary of State has been designated for the purposes of that section in relation to the environment(**2**).

Citation and commencement

1. These Regulations may be cited as the Hazardous Waste (England and Wales) (Amendment) Regulations 2016 and come into force on 1st April 2016.

Amendment of the Hazardous Waste (England and Wales) Regulations 2005

2.—(1) The Hazardous Waste (England and Wales) Regulations 2005(**3**) are amended as follows.

(2) In regulation 5 (general interpretation)—

(a) in paragraph (1)—

(i) omit the definitions of "mobile service" and "SIC";

(ii) in the definition of "premises" omit the words from "and any other means" to "operated"; and

(b) in paragraph (3)(c) omit "notification,".

(3) Omit Part 5 (notification of premises).

(**1**) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).

(**2**) S.I. 2008/301.

(**3**) S.I. 2005/894, amended by S.I. 2007/3476, 3538, 2009/507, 2010/675, 1159 and 2011/988; there are other amending instruments but none is relevant.

(4) In regulation 49 (producers', holders' and consignors' records)—

(a) for paragraph (4) substitute—

"(4) A producer, holder, dealer, broker or consignor required by paragraph (1) to keep records shall keep the records chronologically in a register.";

(b) in paragraph (5)—

(i) for sub-paragraph (a)(i) substitute—

"(i) at the premises at which the waste is produced or held; or";

(ii) omit sub-paragraph (a)(iii) and the word "or" immediately preceding it; and

(c) omit paragraph (6).

(5) In regulation 65 (offences), omit paragraph (b).

(6) In regulation 65A (civil sanctions), in the table of civil sanctions in paragraph (1) omit the entry relating to regulation 22.

(7) In regulation 69 (penalties), omit paragraph (1)(a) to (c).

(8) After regulation 78 (transitional provisions) insert—

"**Review**

79.—(1) The Secretary of State, in relation to England, must from time to time—

(a) carry out a review of the regulatory provision in these Regulations; and

(b) publish a report setting out the conclusions of the review.

(2) In carrying out a review of any regulatory provision which implements an obligation in the Waste Directive or the List of Wastes, the Secretary of State must have regard to how the obligation is implemented in other member States.

(3) The report must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision;

(b) assess the extent to which those objectives are achieved;

(c) assess whether those objectives remain appropriate; and,

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(4) The first report under this regulation must be published before 1st April 2021.

(5) Subsequent reports under this regulation must be published at intervals not exceeding five years.

(6) In this regulation, "regulatory provision" has the meaning given by section 32(4) of the Small Business, Enterprise and Employment Act 2015(**4**).".

(9) For Schedule 4 (form of consignment note) substitute the new Schedule 4 contained in Schedule 1 to these Regulations.

(10) For Schedule 5 (schedule of carriers) substitute the new Schedule 5 contained in Schedule 2 to these Regulations.

(11) In Schedule 9 (transitional charges by the agency) omit paragraph 2.

(12) In Part 1 of Schedule 12 (transitional provisions) omit paragraph 1.

(**4**) 2015 c.26.

Consequential amendment

3. In the table in Part 2 of Schedule 2 to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015(**5**), omit the entry relating to the Hazardous Waste (England and Wales) Regulations 2005.

Rory Stewart
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

9th March 2016

(**5**) S.I. 2015/462, to which there are amendments not relevant to these Regulations.

SCHEDULE 1 Regulation 2(9)

"SCHEDULE 4 Regulation 35(2)

Form of consignment note

HAZARDOUS WASTE (ENGLAND AND WALES) REGULATIONS 2005

Part A NOTIFICATION DETAILS

1. Consignment Note Code:
2. The waste described below is to be removed from (name, address, postcode, telephone, e-mail, facsimile):
3. The waste will be taken to (name, address & postcode):
4. The waste producer was (if different from 2.) (name, address, postcode, telephone, e-mail, facsimile):

Part B DESCRIPTION OF THE WASTE

1. The process giving rise to the waste(s) was:
2. SIC* for the process giving rise to the waste:

(*"SIC" means the relevant code in "Indexes to the UK Standard Industrial Classification of Economic Activities 2007" published by the Office for National Statistics in 2009 (ISBN 978-0-230-21014-1).)

WASTE DETAILS (where more than one waste type is collected all of the information given below must be completed for each EWC identified)

3. The waste(s) is:

Description of waste	List of Wastes (EWC) code (6 digits):	Quantity (kg):	The chemical/biological components in the waste and their concentrations are:		Physical Form (Gas, Liquid, Solid, Powder, Sludge or Mixed):	Hazard code(s):	Container type, number & size:
			Component	Concentration (% or mg/kg)			

The information given below is to be completed for each EWC identified

EWC Code	UN identification number(s)	Proper shipping name(s)	UN Class(es)	Packing Group(s)	Special handling requirements