WELSH STATUTORY INSTRUMENTS

2009 No. 2861 (W.250)

ENVIRONMENTAL PROTECTION, WALES

The Hazardous Waste (Wales) (Amendment) Regulations 2009

Made - - - -	*27 October 2009*
Laid before the National Assembly for Wales - -	*28 October 2009*
Coming into force - -	*18 November 2009*

The Welsh Ministers are designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste. In exercise of the powers conferred by section 2(2) of that Act, the Welsh Ministers make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Hazardous Waste (Wales) (Amendment) Regulations 2009 and they come into force on 18 November 2009.

(2) These Regulations apply in relation to Wales.

Amendment to the Hazardous Waste (Wales) Regulations 2005

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

Amendment of regulation 5 (general interpretation)

3. In regulation 5(1), for the definition of "premises" ("*mangre*"), substitute—

> ""premises" ("*mangre*") includes land and any ship and any other means of transport from which a mobile service is operated;".

Amendment of regulation 12 (general application of Parts 4 to 10)

4. For regulation 12(2), substitute—

(**1**) S.I. 2005/850. By virtue of sections 59(1) and 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32) functions conferred on the National Assembly for Wales by this designation are exercisable by the Welsh Ministers.

(**2**) 1972 c. 68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51).

(**3**) S.I. 2005/1806 (W.138), amended by S.I. 2007/3538; there are other amending instruments but none are relevant.

"(2) Except as provided in regulations 13 (asbestos waste) and 14 (separated domestic fractions), these Regulations do not apply to domestic waste.".

Replacement of regulation 13 (asbestos waste)

5. For regulation 13, substitute—

"**Asbestos waste**

13.—(1) These Regulations apply to asbestos waste whether or not it is domestic waste.

(2) Nothing in these Regulations imposes obligations on an occupier of domestic premises in relation to asbestos waste produced on those premises.

(3) A contractor who is engaged to carry out any works at domestic premises which produce asbestos waste, or which relate to asbestos waste is to be treated as the producer of the asbestos waste and, where the contractor does not engage another person as consignor, as the consignor of the asbestos waste.".

Replacement of regulation 14 (separately collected domestic fractions)

6. For regulation 14, substitute—

"**Separated domestic fractions**

14.—(1) This regulation applies to any separated domestic fraction, that is to say, hazardous waste which—

(a) is domestic waste; and

(b) has been separated from other domestic waste.

(2) Nothing in these Regulations imposes obligations on an occupier of domestic premises in relation to separated domestic fractions which have been produced at those premises.

(3) Part 4 of these Regulations applies to separated domestic fractions from the time at which the waste is accepted for collection, disposal or recovery—

(a) from the domestic premises at which the waste was produced; or

(b) at a site for the reception of domestic waste to which the separated domestic fractions are taken by an occupier of domestic premises.

(4) After separated domestic fractions have been removed from the premises at which the waste was produced and taken to other premises for collection, disposal or recovery, any establishment or undertaking which accepts the separated domestic fractions for collection, disposal or recovery must be treated from the time at which the waste is so accepted as the producer of the waste for the purposes of these Regulations.".

Insertion of regulation 14A (hazardous waste produced at shop premises)

7. After regulation 14 insert—

"**14A.**—(1) Hazardous waste produced at shop premises by customers of the occupier shall be treated as being produced by the occupier for the purpose of these Regulations.

(2) For the purposes of this regulation, "shop premises" has the meaning given by section 1(3) of the Offices, Shops and Railway Premises Act 1963(**4**).".

Amendment of regulation 21 (requirement to notify premises)

8. In regulation 21(1), after "produced at," insert "collected at,".

Replacement of regulation 23 (exemption from the requirement to notify)

9. For regulation 23, substitute—

"**Exemption from the requirement to notify**

23.—(1) Exempt premises need not be notified to the Agency pursuant to this Part.

(2) In these Regulations, premises are exempt premises if they comply with the condition in paragraph (3) and with either of the conditions in paragraph (4) or (5).

(3) The condition in this paragraph is that no hazardous waste is removed from the premises by any person other than—

(a) a carrier registered under the Control of Pollution (Amendment) Act 1989(**5**); or

(b) a carrier exempt from the requirement to register under that Act.

(4) The condition in this paragraph is that the premises are a ship.

(5) The condition in this paragraph is that the qualifying limitation applies.".

Amendment of regulation 26 (common provisions on notifications)

10. For regulation 26(8), substitute—

"(8) The Agency must inform on request, a person who is the holder of hazardous waste or who carries on the business of consigning or collecting hazardous waste, whether any premises from which that person proposes to remove, cause to be removed or transport any hazardous waste are notified premises, and if so, the particulars held by the Agency concerning—

(a) the address of the premises, including the postcode;

(b) the premises code;

(c) the name of the holder of the premises code; and

(d) the date of expiry of the premises code, being the end of the period of notification.".

Replacement of regulation 30 (the qualifying limitation)

11. For regulation 30, substitute—

"**The qualifying limitation**

30.—(1) The qualifying limitation for—

(a) a mobile service is that the total aggregated quantity of hazardous waste produced at, collected at, or removed from any one set of related premises in the course of that service is less than 500kg in any period of twelve months; and

(**4**) 1963 c. 41.
(**5**) 1989 c. 14.