STATUTORY INSTRUMENTS

2015 No. 1360

ENVIRONMENTAL PROTECTION

The Hazardous Waste (Miscellaneous Amendments) Regulations 2015

Made - - - -	*5th June 2015*
Laid before Parliament	*9th June 2015*
Coming into force - -	*1st July 2015*

The Secretary of State makes these Regulations in exercise of the powers conferred by—

(a) section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 [F1] ("the ECA 1972"); and

(b) section 2 of, and Schedule 1 to, the Pollution Prevention and Control Act 1999 ("the PPCA 1999") [F2].

The Secretary of State has been designated for the purposes of section 2(2) of the ECA 1972 in relation to the environment [F3] and batteries and accumulators [F4].

These Regulations make provision for a purpose mentioned in section 2(2) of the ECA 1972 and it appears to the Secretary of State that it is expedient for the references to the European Union instrument mentioned in regulations 2(b), 3(4), 5(b), 7(3)(a)(i), 8(2) and 9 to be construed as references to that instrument as amended from time to time.
The Secretary of State has in accordance with section 2(4) of the PPCA 1999 consulted—

(a) the Environment Agency;

(b) such bodies or persons appearing to the Secretary of State to be representative of the interests of local government, industry, agriculture and small businesses respectively as the Secretary of State considers appropriate; and

(c) such other bodies or persons as the Secretary of State considers appropriate.

Annotations:

F1 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)

. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and by
S.I. 2007/1388
. Under paragraph 5 of Schedule 3 to the
Government of Wales Act 2006 (c.32)
, despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales. Under section 57 of the
Scotland Act 1998 (c.46)
, despite the transfer to the Scottish Ministers of functions in relation to implementing obligations under EU law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable as regards Scotland.

F2 1999 c.24
;
section 2
was amended by section 62(13) of the
Water Act 2014 (c.21)
and by
S.I. 2013/755
(W.90). Schedule 1 was amended by
S.I. 2005/925
, 2011/1043 and 2012/2788.

F3 S.I. 2008/301
.

F4 S.I. 2007/3471
.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Hazardous Waste (Miscellaneous Amendments) Regulations 2015 and come into force on 1st July 2015.

(2) Regulations 7 to 9 and 11 apply to England only.

Amendment of the Environmental Protection Act 1990

2. In section 62A of the Environmental Protection Act 1990 [F5] (lists of waste displaying hazardous properties)—

(a) in each of subsections (1)(b) and (2)(b), for "Directive
2008/98/EC
"[F6], substitute "Directive
2008/98/EC
";

(b) in subsection (3), for "Commission Decision
2000/532/EC
"[F7], substitute "Commission Decision
2000/532/EC
, as amended from time to time".

Annotations:

F5 1990 c.43

;
section 62A
was inserted by
S.I. 2005/894
and amended by
S.I. 2011/988
.

F6 OJ No L 312, 22.11.2008, p.3, as last amended by Commission Regulation (EU) No 1357/2014 (OJ No L 365, 19.12.2014, p.89). The effect of section 20
A of the Interpretation Act 1978 (c.30)
is that the updated references to Directive 2008/98/EC are to the Directive as last amended by Commission Regulation (EU) No 1357/2014.

F7 OJ No L 226, 6.9.2000, p.3, as last amended by Commission Decision 2014/955/EU (OJ No L 370, 30.12.2014, p.44).

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

3.—(1) The Hazardous Waste (England and Wales) Regulations 2005 [F8] are amended as follows.

(2) For paragraph (1)(a) of regulation 2 [F9] (the Waste Directive and the meaning of waste), substitute—

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

(3) In paragraph (a) of regulation 3 [F10] (Annex III to the Waste Directive), omit ", as that Annex is set out in Schedule 3".

(4) For paragraph (1) of regulation 4 [F11] (the List of Wastes), substitute—

"(1) In these Regulations, "the List of Wastes" means the list of wastes established by Commission Decision
2000/532/EC
replacing Decision
94/3/EC
establishing a list of wastes pursuant to Article 1(a) of Council Directive
75/442/EEC
on waste and Council Decision
94/904/EC
establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive
91/689/EEC
on hazardous waste, as amended from time to time.".

(5) In paragraph (2) of regulation 8 (specific waste to be treated as hazardous), for "Article 3 of the List of Wastes Decision", substitute " Article 7(2) of the Waste Directive ".

(6) In paragraph (2) of regulation 9 (specific waste to be treated as non-hazardous), for "Article 3 of the List of Wastes Decision", substitute " Article 7(3) of the Waste Directive ".

(7) Omit Schedule 3 [F12] (Annex III to the Waste Directive).

(8) For Schedule 8 (form of consignee's return to producer or holder), substitute the text at Schedule 1 (new Schedule 8).

Annotations:

F8 S.I. 2005/894

, amended by
S.I. 2011/988
; there are other amending instruments but none is relevant.

F9 Regulation 2
was substituted by
S.I. 2011/988
.

F10 Regulation 3
was substituted by
S.I. 2011/988
.

F11 Paragraph (1) of regulation 4 was amended by
S.I. 2011/988
.

F12 Schedule 3
was substituted by
S.I. 2011/988
.

Amendment of the Batteries and Accumulators (Placing on the Market) Regulations 2008

4. For the definition of "appliance" in paragraph (1) of regulation 2 of the Batteries and Accumulators (Placing on the Market) Regulations 2008 [F13] (interpretation), substitute—

> ""appliance" means any electrical or electronic equipment, as defined by Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) [F14], which is fully or partly powered by batteries or accumulators or is capable of being so;".

Annotations:

F13 S.I. 2008/2164
, to which there are amendments not relevant to these Regulations.

F14 OJ No L 197, 24.7.2012, p.38.

Amendment of the Cremation (England and Wales) Regulations 2008

5. In regulation 29 of the Cremation (England and Wales) Regulations 2008 [F15] (incineration of body parts)—

(a) in paragraph (1), for "listed in code 18 01 02 or 18 01 03 of Schedule 1 to the List of Wastes Regulations", substitute " falling within the description of code 18 01 02 or 18 01 03 in the List of Wastes ";

(b) in paragraph (2), for the definition of "List of Wastes Regulations", substitute—

> ""List of Wastes" means the list of wastes established by Commission Decision
> 2000/532/EC
> replacing Decision
> 94/3/EC
> establishing a list of wastes pursuant to Article 1(a) of Council Directive
> 75/442/EEC
> on waste and Council Decision
> 94/904/EC
> establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive

91/689/EEC
on hazardous waste, as amended from time to time;".

Annotations:
F15 S.I. 2008/2841
, to which there are amendments not relevant to these Regulations.

Amendment of the Waste Batteries and Accumulators Regulations 2009

6. For the definition of "appliance" in paragraph (1) of regulation 2 of the Waste Batteries and Accumulators Regulations 2009 [F16] (interpretation), substitute—

""appliance" means any electrical or electronic equipment, as defined by Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE), which is fully or partly powered by batteries or is capable of being so;".

Annotations:
F16 S.I. 2009/890
, to which there are amendments not relevant to these Regulations.

Amendment of the Environmental Permitting (England and Wales) Regulations 2010

7.—(1) The Environmental Permitting (England and Wales) Regulations 2010 [F17] are amended as follows.

(2) In regulation 3 (interpretation: Directives)—

(a) for the definition of "the Waste Framework Directive"[F18], substitute—

""the Waste Framework Directive" means Directive
2008/98/EC
of the European Parliament and of the Council on waste;";

(b) for the definition of "the WEEE Directive", substitute—

""the WEEE Directive" means Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE).".

(3) In Part 1 of Schedule 3 (exempt facilities: descriptions and conditions)—

(a) in paragraph 1 of chapter 1—

(i) in sub-paragraph (1), at the appropriate place insert—

""List of Wastes" means the list of wastes established by Commission Decision
2000/532/EC
replacing Decision
94/3/EC
establishing a list of wastes pursuant to Article 1(a) of Council Directive
75/442/EEC
on waste and Council Decision
94/904/EC
establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive
91/689/EEC
on hazardous waste, as amended from time to time;";

(ii) for sub-paragraph (2), substitute—