

This Statutory Instrument has been made in consequence of defects in S.I. 2005/894 and S.I. 2007/2325 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2007 No. 3476

ENVIRONMENTAL PROTECTION

**The Waste and Air Pollution (Miscellaneous
Amendments) Regulations 2007**

<i>Made</i>	- - - -	<i>6th December 2007</i>
<i>Laid before Parliament</i>		<i>12th December 2007</i>
<i>Coming into force</i>	- -	<i>1st February 2008</i>

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste and in relation to measures relating to the control of air pollution⁽²⁾.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of that Act.

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Waste and Air Pollution (Miscellaneous Amendments) Regulations 2007 and come into force on 1st February 2008.

(2) Regulations 2 and 3 apply in England.

(3) Regulation 4 extends to the United Kingdom.

Amendment of the Waste Management Licensing Regulations 1994

2.—(1) The Waste Management Licensing Regulations 1994⁽³⁾ are amended as follows.

(2) In paragraph 5 of Schedule 1, for sub-paragraph (d) to the end of paragraph 5, substitute—

(1) 1972 c. 68.

(2) S.I. 1992/2870 and S.I. 1988/785. Notwithstanding section 53(1) of the Scotland Act 1998 (1998 c. 46), the power of the Secretary of State to make subordinate legislation as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972 remains exercisable by virtue of section 57(1) of the Scotland Act 1998. Notwithstanding the provisions of the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958), the power of the Secretary of State to make subordinate legislation as regards Wales for the purposes specified in section 2(2) of the European Communities Act 1972 remains exercisable by virtue of section 58(5) of, and paragraph 5 of Schedule 3 to, the Government of Wales Act 2006 (c.32).

(3) S.I. 1994/1056, as amended by S.I. 2005/894. There are further amendments not relevant to this instrument.

“(d) every record made relating to the site pursuant to regulation 14 of the Control of Pollution (Special Waste) Regulations 1980, regulation 16 of the 1996 Regulations, or regulation 47 of the Hazardous Waste (England and Wales) Regulations 2005; and any estimate under paragraph 4 of the total quantities of the different types of waste dealt with at the site shall, in particular, differentiate between biodegradable waste, non-biodegradable waste and hazardous waste”.

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

- 3.—(1) The Hazardous Waste (England and Wales) Regulations 2005(4) are amended as follows.
(2) For regulation 65, substitute—

“Offences

65. It is an offence for a person to fail to comply with any requirement imposed on them by or under any of the following provisions of these Regulations—

- (a) Part 4;
 - (b) regulation 21 or 22;
 - (c) regulations 34 to 44;
 - (d) regulation 46 and Schedule 7;
 - (e) Part 7 (except regulation 52);
 - (f) regulation 62.”.
- (3) In paragraph 7(3) of Schedule 7, for “regulation 39” substitute “regulation 38”.
- (4) Omit paragraph 16 of Schedule 11.

Amendment of the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007

- 4.—(1) The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007(5) are amended as follows.
- (2) In regulations 4(2)(b) and 5(2)(b), for “the National Assembly for Wales”, substitute “the Welsh Ministers”.
- (3) In regulations 4(2)(c) and 5(2)(c), for “Department of the Environment Northern Ireland” substitute “Department of the Environment”.
- (4) At the end of regulation 5(7), add “in the United Kingdom”.

Joan Ruddock
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

6th December 2007

(4) S.I. 2005/894, amended by S.I. 2006/937.
(5) S.I. 2007/2325.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations:

- (a) amend the Hazardous Waste (England and Wales) Regulations 2005 ([S.I. 2005/894](#)) (“the 2005 Regulations”) to remove from the offence provision in those Regulations an incorrect reference to three regulations (regulation 3(2));
- (b) correct two cross-references in the 2005 Regulations, in one case by substitution of the correct reference (regulation 3(3)), and in the other by making a consequential amendment to the Waste Management Licensing Regulations 1994 ([S.I. 1994/1056](#)) and omitting a provision in the 2005 Regulations (regulations 2(2) and 3(4));
- (c) make minor corrections to the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007 ([S.I. 2007/2325](#)).

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.