

# Statutory Instrument 1997 No. 251

## The Special Waste (Amendment) Regulations 1997

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### STATUTORY INSTRUMENTS

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#### 1997 No. 251

#### ENVIRONMENTAL PROTECTION

#### The Special Waste (Amendment) Regulations 1997

<i>Made</i>	<i>6th February 1997</i>
<i>Laid before Parliament</i>	<i>7th February 1997</i>
<i>Coming into force</i>	<i>28th February 1997</i>

The Secretary of State, in exercise of the powers conferred by section 74(6) of the Environmental Protection Act 1990[1] and all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1 . These Regulations may be cited as the Special Waste (Amendment) Regulations 1997 and shall come into force on 28th February 1997.

**Transitional provisions for certificates of technical competence for handling special waste**

2 . In the Special Waste Regulations 1996[2]:

(a) in regulation 20(1)(b)(ii), for "5" there shall be substituted "5(1)";

(b) after regulation 20, the following regulation shall be inserted:

**" Transitional provisions and "grandfather rights"**

**20 A** A person who by virtue of paragraph (2) of regulation 5<sup>[3]</sup> of the 1994 Regulations is treated as being technically competent for the purposes of section 74(3)(b) of the 1990 Act, shall continue to be so treated in accordance with paragraphs (2) and (4) of that regulation as if waste now defined as special waste within the meaning of regulation 20(1)(a) were not special waste."

Signed by authority of the Secretary of State

*Ferrers*

Minister of State, Department of the Environment

6th February 1997

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend regulation 20 of, and insert regulation 20A into, the Special Waste Regulations 1996. Those provisions relate to the qualifications and experience required in order for a person to be treated as technically competent within the meaning of section 74 of the Environmental Protection Act 1990. They make transitional provisions for determining that competence on the coming into force on 1st September 1996 of the new definition of special waste. The amendments allow those whose qualifications as to technical competence are based on their experience under regulation 5(2) of the Waste Management Licensing Regulations 1994 to continue to deal with waste newly defined as special regardless of that new definition. It removes, for those persons only, the requirement to make an application for a certificate of technical competence.

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*Notes:*

[1] 1990 c.43. [back](#)

[2] S.I. 1996/972, to which there are amendments not relevant to these Regulations. [back](#)

[3] Regulation 5(2) was amended by regulation 2(3) of S.I. 1996/634 so as to alter the applicable dates in respect of managers of facilities at which activities were authorised by a resolution under section 11 of the Control of Pollution Act 1974 (1974 c.40). See also the amendment to the definition of "special waste" made by Schedule 3 to S.I. 1996/972. [back](#)

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