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STATUTORY INSTRUMENTS

2023 No. 1243

ENVIRONMENTAL PROTECTION, ENGLAND

**The Controlled Waste (England and Wales)
(Amendment) (England) Regulations 2023**

Made - - - - 21st November 2023
22nd November
Laid before Parliament 2023
Coming into force - - 31st December 2023

The Secretary of State makes these Regulations in exercise of the power conferred by section 75(8) of the Environmental Protection Act 1990(1).

Citation, commencement, extent and application

- 1.—(1) These Regulations may be cited as the Controlled Waste (England and Wales) (Amendment) (England) Regulations 2023.
- (2) These Regulations come into force on 31st December 2023.
- (3) These Regulations extend to England and Wales and apply to England only.

Amendment of the Controlled Waste (England and Wales) Regulations 2012

- 2.—(1) The Controlled Waste (England and Wales) Regulations 2012(2) are amended as follows.
- (2) In Schedule 1, in the table set out in paragraph 3 entitled “Classification by nature of waste or activity producing waste”, for entry 9 substitute—

“9	Waste from construction or demolition works, including preparatory works	Industrial waste	The waste is to be treated as household waste for the purposes of— (a) section 34(2) and (2A) of the Act (disapplication of section 34(1) and duty on the occupier of domestic property to transfer household waste only to an authorised person or for authorised transport purposes); and
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(1) 1990 c. 43. Section 75(8) was amended in England and Wales by S.I. 2006/937.

(2) S.I. 2012/811, amended by S.I. 2012/2320, 2015/1360, 2018/942, 2019/188, 2020/904.

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(b) section 51 of the Act (functions of waste disposal authorities) but only where—

(i) the waste is produced at a domestic property by occupiers of that domestic property carrying out their own construction or demolition works, including preparatory works;

(ii) the waste is not from construction or demolition works, including preparatory works, for which payment has been or is to be made;

(iii) the amount of waste delivered to any waste disposal site in a single visit is either—

(a) less than 100 litres and capable of being fitted into two 50 litre bags, or

(b) a single article of waste no larger than 2000mm x 750mm x 700mm in size; and

(iv) the waste delivered to waste deposit sites does not exceed four single visits per household in any four week period⁷.

21st November 2023

Robbie Moore
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 1 of the Controlled Waste (England and Wales) Regulations 2012 ([S.I. 2012/811](#)) as they apply in England.

Regulation 2(2) replaces old entry 9 of the Table entitled “Classification by nature of waste or activity producing waste” with new entry 9. The amended entry has the effect of adding an additional purpose for when construction waste is treated as household waste, which is for the purpose of section 51 of the Environmental Protection Act 1990 (c. 43) (“the Act”), concerning the functions of waste disposal authorities, but only when the waste meets the description set out in column 4 of the entry. If the waste does not meet that description, the waste remains to be treated as industrial waste for the purpose of section 51 of the Act and waste disposal authorities can charge to dispose of it.