STATUTORY INSTRUMENTS

1972 No. 1017

PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND
The Deposit of Poisonous Waste (Notification of Removal or Deposit) Regulations 1972

Made - - -	6*th July* 1972
Laid before Parliament	13*th July* 1972
Coming into Operation	3*rd August* 1972

The Secretary of State for the Environment (in relation to England), the Secretary of State for Wales (in relation to Wales) and the Secretary of State for Scotland (in relation to Scotland), in exercise of the powers conferred on them by section 3(4) of the Deposit of Poisonous Waste Act 1972(**a**) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Deposit of Poisonous Waste (Notification of Removal or Deposit) Regulations 1972, and shall come into operation on 3rd August 1972.

Interpretation

2. The Interpretation Act 1889(**b**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Waste to which section 3 of the Deposit of Poisonous Waste Act 1972 does not apply

3.—(1) For the purposes of subsection (4) of section 3 (Duty to notify responsible authorities before removing or depositing waste) of the Deposit of Poisonous Waste Act 1972, waste which—

(*a*) is of a description set out in the Schedule to these regulations, and

(*b*) does not contain any hazardous quantity or hazardous concentration of a poisonous, noxious or polluting substance,

is hereby specified as being not so poisonous, noxious or polluting that it need be subject to that section.

(2) For the purposes of this regulation a quantity or concentration of any substance contained in any waste is to be regarded as hazardous if that substance is present in that waste in such a quantity or concentration as to subject persons or animals to material risk of death, injury or impairment of health, or as to threaten the pollution or contamination (whether on the surface or under ground) of any water supply.

(a) 1972 c. 21. (b) 1889 c. 63.

Exclusion from requirement to give notices

4.—(1) The requirement imposed by subsection (1) of the said section 3 shall be excluded in the case of any removal or deposit of waste which—

(*a*) is, or is derived from, a substance which was acquired for application to land used or being prepared for use for agriculture (as defined in section 109(3) of the Agriculture Act 1947(**a**) or, in relation to land in Scotland, in section 86(3) of the Agriculture (Scotland) Act 1948(**b**)), or for the treatment of animals kept on such land, or for application to land used or being prepared for use for the growing of trees, and is disposed of in any safe manner, on such land, by or on behalf of the person who acquired it for those purposes; or

(*b*) is radioactive waste and is—

(i) deposited, or caused or permitted to be deposited, on any premises used for the purposes of their undertaking by the United Kingdom Atomic Energy Authority; or

(ii) deposited, or caused or permitted to be deposited, on any premises situated on a site in respect of which a nuclear site licence granted under the Nuclear Installations Act 1965(**c**) is in force; or

(iii) deposited, or caused or permitted to be deposited, on any premises situated on a site in respect of which, after the revocation or surrender of such a nuclear site licence, the period of responsibility of the licensee has not come to an end; or

(iv) removed, or caused or permitted to be removed, from any premises by any person in accordance with an authorisation granted under section 6 or section 7 of the Radioactive Substances Act 1960(**d**); or

(*c*) is deposited in circumstances of emergency as defined in paragraph (2) of this regulation; or

(*d*) is deposited, in accordance with any terms or conditions attaching thereto, pursuant to any consent, licence, approval or authority granted under any enactment (other than the Town and Country Planning Act 1971(**e**), or any enactment replaced by that Act, or the Town and Country Planning (Scotland) Acts 1947 to 1969(**f**)).

(2) In this regulation—

(i) the expressions "radioactive waste" and "premises" shall have the meanings which they respectively bear in sections 18(4) and 19(1) of the Radioactive Substances Act 1960;

(ii) any reference to circumstances of emergency is a reference to a case where a person removing or depositing waste has reasonable cause to believe that circumstances exist which are likely to endanger life or health, or cause damage to property, unless the removal or deposit is carried out without delay.

(**a**) 1947 c. 48.
(**b**) 1948 c. 45.
(**c**) 1965 c. 57.
(**d**) 1960 c. 34.
(**e**) 1971 c. 78.
(**f**) 1947 c. 53; 1954 c. 73; 1959 c. 70; 1969 c. 30.

SCHEDULE

Regulation 3

DESCRIPTIONS OF WASTE WHICH NEED NOT BE SUBJECT TO SECTION 3 OF THE DEPOSIT OF POISONOUS WASTE ACT 1972 IF IT DOES NOT CONTAIN ANY HAZARDOUS QUANTITY OR HAZARDOUS CONCENTRATION OF ANY POISONOUS, NOXIOUS OR POLLUTING SUBSTANCE.

Class 1 Any waste normally arising in the use of premises for domestic purposes.

Class 2 Any waste normally arising in the use of premises as an office for any purpose, or as a retail shop (that is to say, a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods or services by retail).

Class 3 Any other waste, however arising, of which the nature and composition are such that

(*a*) if it arose in the use of premises for domestic purposes, it would fall within Class 1;

(*b*) if it arose in the use of premises as an office or retail shop, it would fall within Class 2.

Class 4 Any waste produced in the course of—

(i) the construction, repair, maintenance or demolition of plant or or buildings;

(ii) the laundering or dry cleaning of articles;

(iii) working mines and quarries, or washing mined or quarried material;

(iv) the construction or maintenance of highways, whether or not repairable at the public expense;

(v) the dry cutting, grinding or shaping of metals, or the subjection thereof to other physical or mechanical process;

(vi) the softening, treatment or other processing of water for the purpose of rendering it suitable for (a) human consumption, (b) the preparation of foods or drinks, (c) any manufacturing or cooling process, or (d) boiler feed;

(vii) the treatment of sewage;

(viii) the breeding, rearing or keeping of livestock;

(ix) brewing;

(x) any other fermentation process; or

(xi) the cleansing of intercepting devices designed to prevent the release of oil or grease.

Class 5 Any waste (not being waste in any of the foregoing classes) consisting of one or more of the following items whether mixed with water or not:—

(i) Paper, cellulose, wood (including sawdust and sanderdust), oiled paper, tarred paper, plasterboard;

(ii) Plastics, including thermoplastics in both the finished and raw states, and thermosetting plastics in the finished state;

(iii) Clays, pottery, china, glass, enamels, ceramics, mica, abrasives;

(iv) Iron, steel, aluminium, brass, copper, tin, zinc;

(v) Coal, coke, carbon, graphite, ash, clinker;

(vi) Slags produced in the manufacture of iron, steel, copper or tin or of mixtures of any of those metals;

(vii) Rubber (whether natural or synthetic);

(viii) Electrical fittings, fixtures and appliances;

(ix) Cosmetics;

(x) Sands (including foundry and moulding sands), silica;

(xi) Shot blasting residues, boiler scale, iron oxides, iron hydroxides;

(xii) Cement, concrete, calcium hydroxide, calcium carbonate, calcium sulphate, calcium chloride, magnesium carbonate, magnesium oxide, zinc oxide, aluminium oxide, titanium oxide, copper oxide, sodium chloride;

(xiii) Cork, ebonite, kapok, kieselguhr, diatomaceous earth;

(xiv) Wool, cotton, linen, hemp, sisal, any other natural fibre, hessian, leather, any man-made fibre, string, rope;

(xv) Soap and other stearates;

(xvi) Food, or any waste produced in the course of the preparation, processing or distribution of food;

(xvii) Vegetable matter;

(xviii) Animal carcases, or parts thereof;

(xix) Excavated material in its natural state;

(xx) Any other substance which is a hard solid and is insoluble in water and in any acid.

Peter Walker,
Secretary of State for the Environment.

6th July 1972.

Peter Thomas,
Secretary of State for Wales.

6th July 1972.

Gordon Campbell,
Secretary of State for Scotland.

6th July 1972.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. Section 3 of the Deposit of Poisonous Waste Act 1972 requires notice to be given to local authorities and river authorities (in Scotland, river purification boards) in advance of the removal or deposit of waste to which that section applies. The section provides for two categories of exemption from the requirement to give notice (but not from the general prohibition on depositing poisonous or other dangerous waste contained in section 1 of the Act):—

(*a*) unqualified exemption for waste which is specified as not being so poisonous, noxious or polluting that it need be subject to the section, and

(*b*) qualified exemption for waste which is of a prescribed description and is deposited in a prescribed manner or in prescribed circumstances.

2. The Schedule to these Regulations (to be read with Regulation 3) specifies waste which is to fall within the former category if it does not contain any hazardous quantity or hazardous concentration of any poisonous, noxious or polluting substance. That category includes such items as house and trade refuse, building waste, mining waste, and waste consisting of paper, plastics and various metals and a range of other natural substances.

3. Regulation 4 relates to waste which is to fall within the latter category. It includes farm chemicals, radioactive waste, waste deposited in circumstances of emergency, and waste deposited pursuant to certain types of statutory authority.

SI 1972/1017
ISBN 0-11-021017-4

