

*This Statutory Instrument has been printed to correct errors in S.I. 2020/489 and is being issued free of charge to all known recipients of that instrument.*

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STATUTORY INSTRUMENTS

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**2023 No. 000**

**ENVIRONMENTAL PROTECTION, ENGLAND AND WALES**

**The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) (Amendment) Regulations 2023**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Laid before Senedd Cymru</i>		***
<i>Coming into force</i>		***

The Secretary of State and the Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(1) to (3) of the Pollution Prevention and Control Act 1999<sup>(a)</sup>.

In accordance with section 2(4) of that Act<sup>(b)</sup>, before making these Regulations, the Secretary of State and the Welsh Ministers have consulted—

- (a) the Environment Agency;
- (b) the Natural Resources Body for Wales;
- (c) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they have considered appropriate; and
- (d) such other bodies or persons as they have considered appropriate.

**Citation, commencement, extent and application**

1.—(1) These Regulations may be cited as the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) (Amendment) Regulations 2023.

(2) These Regulations come into force on [\*\*\*].

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(a) 1999 c. 24. See paragraph 20 of Part 1 of Schedule 1 to that Act which provides that Council Directive 96/59/EC is a “relevant directive” for the purposes of the Secretary of State making provision which corresponds or is similar to provision that might be made by an Act of Parliament in connection with that Directive. Paragraph 20 is amended by S.I. 2018/942 and 2019/458. Functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of article 3(1) of the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958). Functions of the National Assembly for Wales under this section were transferred to the Welsh Ministers by article 36 of the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644).

(b) Section 2(4) was amended by S.I. 2013/755.

- (3) These Regulations—
- (a) extend to England and Wales; and
  - (b) apply in England and Wales.

**Amendment of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000**

2.—(1) The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000(a) are amended as follows.

- (2) In regulation 4 (prohibition on holding irrespective of registration)—
- (a) in paragraph (3A)—
    - (i) for “the fluids contain” substitute “it contains”;
    - (ii) in sub-paragraph (a), after “PCBs”, insert “within the fluids containing PCBs”;
    - (iii) in sub-paragraph (b), for “PCBs” substitute “fluids containing PCBs”;
  - (b) in paragraph (3C)—
    - (i) for “the fluids contain” substitute “it contains”;
    - (ii) in sub-paragraph (a), after “PCBs”, insert “within the fluids containing PCBs”;
    - (iii) in sub-paragraph (b), for “PCBs” substitute “fluids containing PCBs”;
  - (c) in paragraph (4)(a), for “a total volume of”, substitute “to reduce the total volume of fluids containing PCBs to”.
- (3) In regulation 5 (labelling of contaminated equipment), in paragraph (3)—
- (a) omit “the fluids contain”;
  - (b) in sub-paragraph (a), before “0.005%”, insert “within the equipment the fluids contain”;
  - (c) in sub-paragraph (b)—
    - (i) before “a total volume”, insert “the equipment contains”;
    - (ii) before “PCBs”, insert “fluids containing”;
  - (d) for “<0.05dm<sup>3</sup>” substitute “<0.05dm<sup>3</sup>”.

Date \_\_\_\_\_

*Name*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

Date \_\_\_\_\_

*Name*  
Minister for Rural Affairs and North Wales, and Trefnydd, one of the Welsh Ministers

**EXPLANATORY NOTE**

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

These Regulations amend the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000 (S.I. 2000/1043) (“the 2000 Regulations”) to correct errors in certain amendments made to those Regulations by the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) (Amendment) Regulations 2020 (S.I. 2020/489) (“the 2020 Regulations”).

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(a) S.I. 2000/1043, amended by S.I. 2020/489. There are other amending instruments, but none are relevant.

Regulation 2(2) amends regulation 4 of the 2000 Regulations so that the references to PCBs in that regulation are to volumes of fluid containing PCBs and not to the volume of PCBs.

Regulation 2(3) makes a similar amendment to regulation 5(3) of the 2000 Regulations. Regulation 2(3)(d) makes a minor correction at the end of regulation 5(3).

The 2020 Regulations referred to above were accompanied by an impact assessment. That impact assessment may be seen alongside the 2020 Regulations at [legislation.gov.uk](https://legislation.gov.uk) or by writing to the Department for Environment, Food and Rural Affairs, Ground Floor, Seacole Building, 2 Marsham Street, London SW1P 4DF.

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