

**2007 No. 2596**

**ENVIRONMENTAL PROTECTION, ENGLAND AND WALES**

**The Pet Cemeteries (England and Wales) Regulations 2007**

<i>Made</i>	- - - -	<i>5th September 2007</i>
<i>Laid before Parliament</i>		<i>7th September 2007</i>
<i>Laid before the National Assembly for Wales</i>		<i>7th September 2007</i>
<i>Coming into force</i>	- -	<i>1st October 2007</i>

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make the following Regulations in exercise of the powers conferred on them by section 74(6) of the Environmental Protection Act 1990(a) and section 2 of the Pollution Prevention and Control Act 1999(b).

They have in accordance with section 2(4) of the Pollution Prevention and Control Act 1999 consulted the Environment Agency, such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate, and such other bodies or persons as they consider appropriate.

**Citation, commencement and extent**

**1.** These Regulations—

- (a) may be cited as the Pet Cemeteries (England and Wales) Regulations 2007;
- (b) come into force on 1st October 2007;
- (c) extend to England and Wales.

**Amendment of the Waste Management Licensing Regulations 1994**

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

- (2) In paragraph (2) of regulation 4 (technical competence) for sub-paragraph (c) substitute—  
“(c) the burial of the remains of dead domestic pets”.

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(a) 1990 c.43. The functions of the Secretary of State under section 74(6), insofar as exercisable in relation to Wales, have been transferred to the Welsh Ministers. These functions were initially transferred to the National Assembly for Wales (“the Assembly”) by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. The functions were transferred from the Assembly to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 c.32.

(b) 1999 c.24. The functions of the Secretary of State under section 2, insofar as exercisable in relation to Wales, have been transferred to the Welsh Ministers. These functions were initially transferred to the National Assembly for Wales (“the Assembly”) by virtue of the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958), article 3. The functions were transferred from the Assembly to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 c.32.

(c) S.I. 1994/1056; relevant amending instruments are S.I. 2003/595 and 2003/780.

### **Amendment of the Pollution Prevention and Control (England and Wales) Regulations 2000**

3.—(1) The Pollution Prevention and Control Regulations 2000(**a**) are amended as follows.

(2) After paragraph (b) of Part A(1) of Section 5.2 in Part 1 of Schedule 1 (disposal of waste by landfill) insert—

*“Interpretation of Part A(1)*

1. Nothing in this Part applies to the disposal of waste in a pet cemetery receiving 10 tonnes of waste or less in any day or with a total capacity of 25,000 tonnes or less.

2. For the purposes of paragraph 1 “pet cemetery” means a landfill for the disposal of material consisting entirely of the remains of dead domestic pets.”.

### **Amendment of the Landfill (England and Wales) Regulations 2002**

4.—(1) The Landfill (England and Wales) Regulations 2002(**b**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) insert at the appropriate place—

““the 1990 Act” means the Environmental Protection Act 1990(**c**);

“pet cemetery” means a landfill for the disposal of material consisting entirely of the remains of dead domestic pets;”;

(b) for the definition of “waste” substitute—

““waste” means controlled waste within the meaning of section 75(4) of the 1990 Act;”  
; and

(c) for the definition of “waste management licence” substitute—

““waste management licence” means a waste management licence within the meaning of Part II of the 1990 Act.”.

(3) In regulation 6 (extension of categories of landfill subject to the 2000 Regulations etc) for paragraph (2) substitute—

“(2) In these Regulations “landfill permit” means—

(a) in relation to a pet cemetery receiving 10 tonnes of waste or less in any day or with a total capacity of 25,000 tonnes or less, a waste management licence; and

(b) in relation to any other landfill, the permit which is required by the 2000 Regulations for the carrying out of the disposal of waste in a landfill.”.

(4) In regulation 8 (conditions to be included in landfill permits) for paragraph (2)(b) substitute—

“(b) ensuring that the financial provision required by section 74(3)(c) of the 1990 Act or by regulation 4(3)(c) of the 2000 Regulations is maintained until the landfill permit is surrendered in accordance with those Regulations or that Act;”.

(5) In regulation 11 (costs of disposal of waste in landfills) for paragraph (b) substitute—

“(b) the costs of the financial provision required by section 74(3)(c) of the 1990 Act or by regulation 4(3)(c) of the 2000 Regulations;”.

(6) In regulation 15 (closure and after-care procedures for landfills) for paragraph (6) substitute—

“(6) Notwithstanding sections 38 and 39 of the 1990 Act (requirements on revocation or surrender of waste management licences)(**d**) or regulations 19 and 21 of the 2000

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(a) S.I. 2000/1973; relevant amending instrument is S.I. 2002/1559.

(b) S.I. 2002/1559; relevant amending instruments are S.I. 2004/1375, 2005/1640 and 2006/937.

(c) 1990 c.43.

(d) Sections 38 and 39 were amended by the Environment Act 1995 (c.25), Schedule 22, paragraphs 72 and 73 respectively. Section 38 was also amended by S.I. 2005/894.

Regulations (requirements on surrender or revocation of permits), the Environment Agency shall not accept any complete or partial surrender of the landfill permit, or revoke it in whole or in part, for as long as the Environment Agency considers that the landfill (or the relevant part of it) is likely to cause a hazard to the environment.”.

### **Transitional provisions**

5.—(1) A waste management licence authorising the disposal of waste in a pet cemetery receiving 10 tonnes of waste or less in any day or with a total capacity of 25,000 tonnes or less on 1st October 2007 shall cease to authorise such disposal from the determination date, unless on or before that date the licence is modified to authorise disposal in accordance with the Landfill (England and Wales) Regulations 2002.

(2) A permit under the Pollution Prevention and Control (England and Wales) Regulations 2000 authorising the disposal of waste in a pet cemetery receiving 10 tonnes of waste or less in any day or with a total capacity of 25,000 tonnes or less on 1st October shall be treated as a waste management licence for all purposes from 1st October 2007, except that paragraph (1) shall not apply to it.

(3) In this regulation—

“determination date” means 1st March 2008 or where an application for a modification to a waste management licence is made to authorise disposal in accordance with the Landfill (England and Wales) Regulations 2002 before 1st March 2008, the date on which the application is granted or, if the application is (or is deemed to be) rejected, the date on which the period for appealing against that rejection expires without an appeal being made or on which any appeal is withdrawn or finally determined;

“pet cemetery” means a landfill for the disposal of material consisting entirely of the remains of dead domestic pets;

“waste management licence” means a waste management licence within the meaning of Part II of the Environmental Protection Act 1990.

5th September 2007.

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

4th September 2007

*Jane Davidson*  
Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

### **EXPLANATORY NOTE**

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

These Regulations amend various Regulations for the purpose of excluding pet cemeteries from the list of activities, installations and mobile plants to which the Pollution Prevention and Control (England and Wales) Regulations 2000 apply, and so as to allow the Environment Agency to continue to regulate pet cemeteries under Part II of the Environmental Protection Act 1990 and the Waste Management Licensing Regulations 1994.

Regulation 2 makes a consequential amendment to the Waste Management Licensing Regulations 1994.

Regulation 3 amends Section 5.2 of Part 1 of Schedule 1 to the Pollution Prevention and Control (England and Wales) Regulations 2000 by removing pet cemeteries receiving 10 tonnes or less of

waste in any day or with a total capacity of 25,000 tonnes or less from the list of activities to which the Regulations apply.

Regulation 4 makes consequential amendments to the Landfill (England and Wales) Regulations 2002.

Regulation 5 contains transitional provisions for licences and permits for existing pet cemeteries.

A full Regulatory Impact Assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from WM Licensing and Enforcement Unit, Department for Environment, Food and Rural Affairs, Area 6D, Ergon House, Horseferry Road, London SW1P 2AL, and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.