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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 300**

**The Hazardous Waste Regulations (Northern Ireland) 2005**

**PART 5**

**MOVEMENT OF HAZARDOUS WASTE**

*Packaging and labelling*

**General duty in relation to packaging and labelling**

**21.**—(1) In the course of its collection, transport and temporary storage, the consignor shall ensure that hazardous waste is properly packaged and labelled in accordance with the relevant international and European Community standards in force.

(2) For the purposes of paragraph (1), the international and Community standards in force are taken to be—

- (a) ADR, that is to say, the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957;
- (b) RID, that is to say, Annex I to Appendix B of the Convention concerning International Carriage by Rail (COTIF);
- (c) IMDG, that is to say, the International Maritime Dangerous Goods Code;
- (d) the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Aviation Authority (ICAO); and
- (e) the ADN, that is to say, the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway.

**Coding of consignments**

**22.**—(1) Subject to paragraph (3), the Department shall assign or supply forthwith to any person, on request, for the purpose of assigning to a consignment of hazardous waste or, where the consignment is one in a carrier's round, to the consignments in that round, a code unique to that consignment or round, as the case may be.

(2) A code assigned or supplied in accordance with paragraph (1) may consist of letters, numbers or symbols, or any combination of letters, numbers and symbols, or a bar code which enables the consignment or carrier's round, as the case may be, to be identified electronically.

(3) The Department need not assign or supply a code for a consignment or round until any fee required in respect of it under regulation 36 has been paid.

**Standard procedure**

**23.**—(1) Except in a case to which regulations 24, 27, 28, 29 or 30 applies, this regulation applies where a consignment of hazardous waste is to be removed from the premises at which it is being

held, and any consignment of waste produced or held at premises in Northern Ireland (including rejected loads to which regulation 31 applies) can only be removed under a consignment note in the form set out in Schedule 4 to these regulations.

- (2) Before the consignment is removed—
- (a) the producer, holder, or other person on his behalf as the case may be, shall prepare six copies of the consignment note, and, on each copy, and shall complete Parts A and B of the consignment note as set out in Schedule 4 to these regulations including reference to:
    - (i) the relevant code;
    - (ii) the six digit code referable to the waste in accordance with the List of Waste Regulations (Northern Ireland) 2005; and
    - (iii) the postcode of the producer of the waste.
  - (b) the consignor shall ensure that one of those copies (on which Parts A and B have been completed and the relevant code entered) is furnished to the Department;
  - (c) the carrier shall complete Part C on each of the five remaining copies; and
  - (d) the consignor—
    - (i) shall complete Part D on each of those copies;
    - (ii) where the hazardous waste producer or holder, as the case may be, is not the consignor, ensure that one of those copies is given to him ;
    - (iii) shall retain one copy (on which Parts A to D have been completed and the relevant code entered); and
    - (iv) shall give the three remaining copies (on which Parts A to D have been completed and the relevant code entered) to the carrier
- (3) The carrier shall ensure that the copies which he has received—
- (a) travel with the consignment; and
  - (b) are given to the consignee on delivery of the consignment.
- (4) Subject to regulation 31, on receiving the consignment the consignee shall—
- (a) complete Part E on the three copies of the consignment note given to him;
  - (b) retain one copy;
  - (c) give one copy to the carrier;
  - (d) forthwith furnish one copy to the Department.
- (5) The carrier shall retain the copy of the consignment note given to him by the consignee.

#### **Cases in which pre-notification is not required**

**24.**—(1) For the purposes of regulation 25, except in a case to which regulation 27 applies, this regulation applies—

- (a) subject to paragraph (2)(a), to the removal, from the premises at which it is being held, of each of the second and any subsequent consignment of hazardous waste in a succession of consignment of hazardous waste,
- (b) subject to paragraph (2)(b), to the removal as a consignment of hazardous waste of a product or material for the purposes of the return by the person to whom the product or material had been supplied to the person who supplied it to him or who manufactured it,
- (c) subject to paragraph (2)(c), to the removal of a consignment of hazardous waste where the consignor and the consignee are bodies corporate belonging to the same group,

- (d) to the removal from a ship in a harbour area of a consignment of hazardous waste to a conveyance for transportation to a place outside that area, and
- (e) to the removal of a consignment of hazardous waste which consists entirely of lead acid batteries.

(2) This regulation does not apply unless—

- (a) in the case mentioned in paragraph (1)(a), in respect of each consignment—
  - (i) the waste is of the same description as the waste in the first of the consignments in the succession;
  - (ii) the consignor is the same person;
  - (iii) the consignee is the same person;
  - (iv) the premises from which the consignment is removed are the same;
  - (v) the place to which the consignment is transported is the same; and
  - (vi) the removal of the consignment takes place within one year of the removal of the first consignment in the succession;
- (b) in the case mentioned in paragraph (1)(b), the person to whom the product or material was supplied is satisfied that, as supplied, the product or material fails to meet any specification which he expected it to meet;
- (c) in the case mentioned in paragraph (1)(c), the removal is for either storage of waste pending any of the operations listed in Annex IIA to Council Directive [75/442/EEC](#)(1), or storage of waste consisting of materials intended for submission to any operation listed in Annex IIB to that Directive, but, in either case, excluding temporary storage, pending collection, on the site where the waste is produced, and the consignee is the holder of a permit which authorises the relevant operation;

(3) In paragraph (1)(c) “group”, in relation to a body corporate, means that body corporate, any other body corporate which is its holding company or subsidiary and any other body corporate which is a subsidiary of that holding company; and for these purposes—

“body corporate” does not include a corporation sole, but includes a company incorporated elsewhere than in Northern Ireland; and

“holding company” and “subsidiary” have the meaning given by Article 4 of the Companies (Northern Ireland) Order 1986(2).

### **Procedure where pre-notification is not required**

25. Paragraph (2), with the exception of sub-paragraph (b), and paragraphs (3) to (5) of regulation 23 shall apply in cases to which regulation 24 applies as if—

- (a) “five” were substituted for “six” in sub-paragraph (a) of paragraph (2) of regulation 23;
- (b) references to the consignor were references—
  - (i) in relation to the case mentioned in regulation 24(1)(b), to the person to whom the product or material was supplied; and
  - (ii) in relation to the case mentioned in regulation 24(1)(d), to the master of the ship; and
- (c) references to the consignee were references, in relation to the case mentioned in regulation 24(1)(b), to the person to whom the product or material is to be returned.

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(1) O.J. No. L194, 25.7.75, p. 39; as amended by Council Directive [91/156/EEC](#) (O.J. No. L78, 26.3.91, p. 32)

(2) [S.I. 1986/1032 \(N.I. 6\)](#) as amended by [S.I. 1990/1504 \(N.I. 10\)](#) Article 62

## Schedule of Carriers

**26.**—(1) This regulation applies in all cases (whether under regulation 23, or any of regulations 27 to 31) where more than one carrier transports, or is to transport, the consignment.

(2) Before the consignment is removed—

(a) the consignor shall ensure that—

(i) a copy of the schedule of carriers in the form set out in Schedule 5 is prepared for the hazardous waste producer or holder (where different from the consignor), the consignor, every carrier and the consignee;

(ii) all copies are given to the first carrier.

(b) the first carrier shall ensure that all copies travel with the consignment.

(c) on delivery of the consignment to each subsequent carrier—

(i) the previous carrier shall give the subsequent carrier all copies of the schedule;

(ii) the subsequent carrier shall complete the relevant certificate on each copy, give one to the previous carrier who shall retain it, and ensure that all remaining copies travel with the consignment.

(d) where the consignment is delivered to a consignee, the carrier shall retain one copy of the carriers schedule and give the remaining copies to the consignee.

(e) on receipt of completion of consignment, the consignee must forward forthwith a copy of the completed schedule of carriers to the Department.

(3) Where—

(a) arrangements for the transport of the consignment have not been made with all carriers intended to be involved before transport commences; or

(b) though such arrangements have been made, there is a change in the arrangements for any reason, paragraphs (1) and (3) apply as if the carrier in possession of the consignment when further arrangements are made, in the case of paragraph (a), or take effect, in the case of paragraph (b), were the hazardous waste producer or holder and the next carrier were the first carrier.

(4) Where this regulation applies, other than in the case of a rejected consignment of hazardous waste under regulation 31, regulation 23 has effect as if—

(a) a reference to the hazardous waste being removed includes reference to its possession being transferred to the next carrier;

(b) in paragraph (2)(c) and (d), the reference to “the carrier” were a reference to “the first carrier”;

(c) for the purposes of paragraph (3)(a) the reference to “the carrier” in paragraph (3) were a reference to “every carrier”;

(d) for the purposes of paragraph (3)(b), the reference to “the carrier” in paragraph (3) were a reference to “the final carrier”;

(e) in paragraph (4)(c) and (5) the reference to “the carrier” were a reference to “the final carrier”.

## Carrier’s rounds

**27.**—(1) This regulation applies to a carrier’s round or to a succession of such rounds by the same carrier starting and ending within a twelve month period in respect of which—

(a) every consignor is a person specified in the consignment note or in the schedule prepared in accordance with paragraph (2)(b)(iii) or whose particulars are notified in writing to the

- Department not less than 72 hours before the removal of the first waste on the carrier's round
- (b) the premises from which the hazardous waste is removed are within Northern Ireland and are specified in the consignment note or in the schedule prepared in accordance with paragraph (2)(b)(iii) or notified in writing to the Department not less than 72 hours before the removal of the first waste on the carrier's round;
  - (c) the hazardous waste is of a description specified in the consignment note; and
  - (d) in the case of a single round other than a round that satisfies the requirements of regulation 36(2)(a), the time between the collection of the first consignment and the final consignment is no more than 24 hours.
- (2) Before the first removal of waste, the carrier shall—
- (a) on any carrier's round which is not in a succession or on the first round in such a succession, ensure that—
    - (i) Parts A and B of the consignment note are completed and that the relevant code is entered;
    - (ii) except where the hazardous waste to be collected on the carrier's round consists entirely of lead acid batteries, one copy of the consignment note is furnished to the Department;
  - (b) on every round—
    - (i) prepare three copies of the consignment note in addition to one copy for each consignor from whom waste is to be collected during the round;
    - (ii) complete on those copies Parts A and B, the carrier's particulars and particulars of transport in Part C, the code assigned or supplied under regulation 4 in respect of the round and, if it is a second or subsequent round, the code in respect of the first round; and
    - (iii) ensure that four copies of a schedule are prepared in the form set out in Schedule 6 in addition to one consignor's copy for each site from which waste is to be collected during that round.
- (3) In a case where waste of more than one description is specified in the consignment note, either—
- (a) the schedule referred to in paragraph (2)(b)(iii) shall contain a separate entry for each description of waste to be collected from each consignor showing the description of waste to which that entry relates; or
  - (b) each entry in the schedule shall show the different descriptions of the waste to be collected and, for each such description, the quantity of the waste to be collected.
- (4) The consignor shall, before the removal of waste from a site, complete on all the copies that part of the schedule indicated on it as for completion by him.
- (5) The carrier shall ensure, before the removal of the waste, that—
- (a) the part of the schedule indicated on it as for completion by him is completed on all the copies and includes a record of the time at which it is completed; and
  - (b) he has all copies of the schedule (on which the part to be completed by the consignor has been completed) except the copy to be retained by the consignor under paragraph (6).
- (6) The consignor shall retain in respect of each site one copy of the consignment note and of that part of the schedule on which the parts to be completed by him and by the carrier have been completed.

(7) Before the removal of the last consignment of waste on the carrier's round, the carrier shall complete Part C on the three copies of the consignment note retained by him.

(8) The carrier shall ensure that the copies of the consignment note and of the schedule which he has received—

- (a) travel with the waste to which they refer;
- (b) are given to the consignee on delivery of the waste.

(9) Subject to regulation 31, on receiving the waste collected on each round, the consignee shall—

- (a) complete Part E on the three copies of the consignment note given to him;
- (b) retain one copy of the consignment note and one copy of the schedule;
- (c) give to the carrier a copy of the consignment note and a copy of the schedule; and
- (d) forthwith furnish to the Department one copy of the consignment note and one copy of the form in Schedule 6.

(10) The carrier shall retain the copies given to him in accordance with paragraph 9(c).

#### **Removal of ships' waste to reception facilities**

**28.**—(1) This regulation applies where hazardous waste (including excesses or spillage from loading or unloading, which have been accidentally spilled on land adjacent to the ship) is removed from any ship, whether or not a United Kingdom registered ship, in a harbour area to—

- (a) reception facilities provided within that harbour area; or
- (b) by pipeline to any such facilities provided outside a harbour area.

(2) Before the waste is removed from the ship—

- (a) three copies of the consignment note shall be prepared and Parts A and B shall be completed and the relevant code entered on each of those copies;
- (b) the operator of the facilities shall complete Part C on each of those copies; and
- (c) the master of the ship—
  - (i) shall ensure that Part D is completed on each of those copies;
  - (ii) shall retain one copy (on which Parts A to D have been completed); and
  - (iii) shall give the two remaining copies (on which Parts A to D have been completed) to the operator of the facilities.

(3) Subject to regulation 31, on receiving a consignment of hazardous waste the operator of the facilities shall—

- (a) complete Part E on the copies of the consignment note which he has received;
- (b) retain one copy; and
- (c) forthwith furnish the other copy to the Department.

#### **Removal of ships' wastes other than to reception facilities**

**29.**—(1) This regulation applies where hazardous waste is removed from any ship, whether or not a United Kingdom registered ship, in a harbour area other than in a case to which regulation 27 applies.

(2) Before the consignment is removed—

- (a) the master of the ship shall ensure that—
  - (i) four copies of the consignment note are prepared;

- (ii) on each of the copies Parts A and B are completed; and
  - (iii) all copies are given to the carrier.
- (b) the carrier shall complete Part C on each of the copies;
- (c) the master of the ship shall—
  - (i) ensure that Part D is completed on each of the copies;
  - (ii) retain one copy; and
  - (iii) give the remaining copies to the carrier;
- (d) the carrier shall ensure that the copies which he has received—
  - (i) travel with the consignment; and
  - (ii) are given to the consignee on delivery of the consignment.
- (3) Subject to regulation 31, on receiving the consignment the consignee shall—
  - (a) complete Part E on both copies; and
  - (b) give one copy to the carrier;
  - (c) retain a copy;
  - (d) forthwith furnish the other copy to the Department.

#### **Removal of wastes by pipeline**

**30.**—(1) This regulation applies where hazardous waste is removed from any premises (other than a ship) on which it is produced or stored by pipeline other than in a case to which regulation 28 or 29 applies.

(2) Before the waste is first piped, and, where the piping is continuous and exceeds one quarter in duration, at the commencement of each further quarter the producer, or holder, as the case may be, shall ensure that—

- (a) one copy of the consignment note is prepared for each of the following: the producer or holder, as the case may be, where different from the consignor, the consignor, the consignee and the Department;
  - (b) on each of the copies Parts A, B and D are completed, provided that in Part B5 the average flow rate shall be recorded, together with an estimate of the total volume of waste to be piped per week or calendar month.
- (3) Part C shall not be completed.

(4) Subject to regulation 31, the consignee shall complete Part E on each copy of the note, the application of which is modified as follows—

- (a) in Part E1, the reference to the date on which the waste was received shall be taken to be a reference to the last date on which waste was received by the consignee pursuant to that consignment note; and
- (b) in Part E3, the particulars of the vehicle registration are not required.

(5) The consignee shall retain one copy of the consignment note and ensure that a copy is given to the consignor, to the hazardous waste producer or holder, where different from the consignor, and to the Department.

#### **Duty of consignee not accepting delivery of a consignment**

**31.**—(1) This regulation applies where the consignee does not accept delivery of a consignment of hazardous waste in whole or in part.

(2) In a case to which this regulation applies the requirements of regulation 23(4), 27(9), 283), 29(3) or 30(4) (which relate to the duties of the consignee on acceptance of the consignment), as the case may be, shall not apply to the consignee in respect of the consignment, or part thereof, which has been rejected.

(3) If, in a case to which this regulation applies, copies of the consignment note have been given to the consignee he shall—

- (a) indicate on Part E of each copy that he does not accept the consignment and the reasons why he does not accept the consignment;
- (b) retain one copy;
- (c) ensure that one copy, accompanied by one copy of any carrier's schedule given to him in accordance with regulation 27, are furnished forthwith to the Department; and
- (d) ensure that the other copy is returned to the carrier forthwith.

(4) If, in a case to which this regulation applies, no copies of the consignment note have been given to the consignee he shall ensure that a written explanation of his reasons for not accepting delivery, including such details of the consignment and of the carrier as are known to him, is furnished forthwith to the Department.

(5) In a case to which this regulation applies—

- (a) on being informed that the consignee will not accept delivery of the consignment, the carrier shall inform the Department and seek instructions from the consignor;
- (b) the consignor shall forthwith inform the carrier and the Department of his intentions as regards the consignment; and
- (c) the carrier shall take all reasonable steps to ensure that the consignor's intentions are fulfilled.

(6) For the purposes of paragraph (5), the consignor may propose one of the following, namely—

- (a) the delivery of the consignment to the premises from which it had been collected;
- (b) the delivery of the consignment to the premises at which it had been produced;
- (c) the delivery of the consignment to other specified premises subject to a permit necessary to authorise the receipt of the waste.

#### **Requirement for a new consignment note**

**32.**—(1) This regulation applies where, in accordance with regulation 31(6)(c), a consignor proposes that a consignment be delivered to other specified premises in respect of which there is held any waste management licence necessary to authorise receipt of the waste.

(2) Before the consignment is delivered to those premises—

- (a) four copies of a new consignment note shall be prepared and—
  - (i) on each copy Parts A and B shall be completed and the relevant code entered, including the previous code;
  - (ii) to each copy shall be attached a copy of any relevant previous carrier's schedule, annotated to show which consignment was not accepted;
- (b) the carrier shall complete Part C on each of those copies;
- (c) the consignor, subject to paragraph (3) below—
  - (i) shall complete Part D on each of those copies
  - (ii) shall retain one copy (on which Parts A to D have been completed and the relevant codes entered); and

(iii) shall give the three remaining copies (on which Parts A to D have been completed and the relevant codes entered) to the carrier.

(3) The carrier may, where he has received written instructions from the consignor to that effect, complete Part D of each of the copies of the consignment note on behalf of the consignor, and where he does so he shall send to the consignor, the consignor's copy (on which Parts A to D have been completed and the relevant codes entered).

(4) The carrier shall ensure that the three copies of the consignment note which he has received (or, if paragraph (3) applies, retained)—

- (a) travel with the consignment; and
- (b) are given to the consignee on delivery of the consignment.

(5) Subject to regulation 9, on receiving the consignment the consignee shall—

- (a) complete Part E on all copies of the consignment note given to him;
- (b) retain one copy;
- (c) give one copy to the carrier; and
- (d) forthwith furnish one copy to the Department for the place to which the consignment has been transported.

(6) The carrier shall retain the copy of the consignment note given to him by the consignee.

#### **Provisions as to furnishing of consignment notes**

**33.**—(1) Subject to paragraphs (2), (3) and (6), a copy of a consignment note required by regulation 23 or 27 to be furnished to the Department must be furnished not more than one month and not less than 72 hours before the removal of the consignment.

(2) Subject to paragraphs (3) and (6), a copy of a consignment note required to be furnished by regulation 27(2)(a)(ii) shall be furnished not less than 72 hours before the removal of the first consignment to which the consignment note relates.

(3) The copy of the consignment note mentioned in paragraphs (1) and (2) may be furnished to the Department within 72 hours before the removal where—

- (a) the consignment is to be delivered to other specified premises pursuant to a proposal under regulation 31(6)(c);
- (b) the consignment can not lawfully remain where it is for 72 hours.

(4) The requirements of paragraphs (1) and (2) shall be treated as satisfied if—

- (a) a facsimile of the copy is furnished to the Department by telephonic, electronic or other similar means of transmission in compliance with the time limits set out in those paragraphs, and
- (b) the copy is furnished to the Department before or, in accordance with paragraph (5), forthwith upon removal of the consignment.

(5) A copy of a consignment note or a written explanation of reasons for refusing to accept delivery of any hazardous waste is furnished to the Department in accordance with this paragraph if it, and any document required to be furnished with it, is—

- (a) delivered to the Department, or
- (b) posted to the Department by pre-paid first class post,
- (c) within one day of the receipt, removal or refusal to accept delivery of the hazardous waste in question, as the case may be.

(6) In reckoning any period of hours for the purposes of these Regulations, the hours of any—

- (a) Saturday or Sunday;
  - (b) Good Friday or Christmas Day;
  - (c) day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971<sup>(3)</sup>; or
  - (d) other public holiday,
- shall be disregarded.

#### **Duty to deliver consignment within time limit**

**34.**—(1) It is the duty of a carrier ordinarily to deliver the consignment to the consignee within one week of collection or in the case of a consignment under a carrier's round, in accordance with regulation 27 below, one week from the time of the last collection under the round.

(2) Where it is not reasonably practicable to deliver the consignment to the consignee in accordance with the time limit in paragraph (1) above, the carrier shall inform the Department and it is the duty of the carrier to deliver the consignment to the consignee without due delay.

#### **Mutual recognition of consignment notes**

**35.**—(1) Nothing in regulations 23 to 34 shall apply in relation to shipments of waste to which the provisions of Council Regulation (EEC) No. 259/93<sup>(4)</sup>, other than Title III of that Regulation, apply.

(2) Schedule 7 has effect in connection with the mutual recognition of consignment notes and the cross border movement of hazardous waste between Northern Ireland, England and Wales, Scotland and Gibraltar.

(3) Where hazardous waste is produced in Northern Ireland, its transfer within the United Kingdom must be accompanied by a consignment note, in the form set out in Schedule 4 to these Regulations, and with a code provided by the Department.

#### **Fees**

**36.**—(1) Subject to paragraph (2), in connection with the assignment or supply of a code for a consignment or a carrier's round in accordance with regulation 22(1), the Department shall require payment of a fee of—

- (a) £10 in respect of a code relating to a consignment, or a round, which consists entirely of lead acid batteries;
- (b) £24 in other cases.

(2) The Department shall not require payment of a fee where the code is assigned or supplied in connection with—

- (a) a second or subsequent carrier's round in a succession of such rounds in which a single vehicle is used and in respect of which—
  - (i) the carrier is also the consignee in relation to every consignment in all the rounds;
  - (ii) no more than one consignment is collected from any consignor during the succession;
  - (iii) the total weight of hazardous waste collected in each round does not exceed 400 kg; and

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<sup>(3)</sup> 1971 c. 80

<sup>(4)</sup> O.J. No. L30, 6.2.93, p. 1

- (iv) the time between the collection of the first consignment on the first round in the succession and the delivery of the last consignment to the place to which it is to be transported is no more than one week.
  - (b) the removal of a single consignment of hazardous waste for the purposes set out in regulation 24(1)(b) provided that the person to whom the product or material was supplied is satisfied that it fails to meet any specification which he expected it to meet; or
  - (c) the removal of hazardous waste from a ship in a harbour area—
    - (i) to a conveyance for transportation to a place outside that area;
    - (ii) to reception facilities provided within the same harbour area; or
    - (iii) by pipeline to reception facilities provided outside the harbour area.
- (3) Where the Department assigns or supplies a code under regulation 22(1) without the fee required under this regulation having been paid to it, the person who requested the assignment or supply shall be required to pay the fee to the Department within the period of two months beginning with the date on which the request was made.