

STATUTORY INSTRUMENTS

**2005 No. 894**

**The Hazardous Waste (England and Wales) Regulations 2005**

**PART 6**

MOVEMENT OF HAZARDOUS WASTE

*Documents to be completed for consignments*

**Completion of consignment notes**

**35.**—(1) Where hazardous waste is removed from any premises—

- (a) a consignment note shall be completed in accordance with paragraph (2) of this regulation and the requirements of the relevant regulation if one of the following regulations applies—
  - (i) regulation 36 (standard procedure);
  - (ii) regulation 39 (removal of ship's waste to reception facilities);
  - (iii) regulation 40 (removal of ship's waste other than to reception facilities);
  - (iv) regulation 41 (removal of waste by pipeline); or
  - (v) where the consignment or any part thereof is rejected by the consignee, in accordance in each case with regulation 42 and 43;
- (b) if regulation 37 (Schedule of carriers) applies, a schedule of carriers shall be completed in accordance with that regulation and paragraph (3) of this regulation; or
- <sup>F1</sup>(c) .....

(2) The form of consignment note set out in Schedule 4, or a form requiring the same information in substantially the same format, shall be used and shall be completed so as to contain (in the place indicated in the form) all the information provided for in that Schedule which is applicable to the case.

(3) The form of the schedule of carriers set out in Schedule 5, or a form requiring the same information in substantially the same format, shall be used and shall be completed so as to contain (in the place indicated in the form) all the information provided for in that Schedule which is applicable to the case.

<sup>F2</sup>(4) .....

(5) In this Part, a reference to a part of a [<sup>F3</sup>consignment note or schedule of carriers] by its number or description is a reference to that part as it is required to be so numbered or described as the case may be in the form in [<sup>F4</sup>Schedule 4 or 5] as the case may require.

[<sup>F5</sup>(6) Until the end of the period of 6 months beginning with the day on which the Waste (England and Wales) Regulations 2011 are made—

- (a) a carrier may elect to use the multiple collection procedure which applied immediately before the coming into force of those Regulations; and

- (b) the forms set out in these Regulations as originally enacted, or forms requiring the same information in substantially the same format, may be used instead of those substituted by the Waste (England and Wales) Regulations 2011.]

#### Textual Amendments

- F1** Reg. 35(1)(c) omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 11\(a\)](#) (with [regs. 2, 47\(2\)](#))
- F2** Reg. 35(4) omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 11\(a\)](#) (with [regs. 2, 47\(2\)](#))
- F3** Words in reg. 35(5) substituted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 11\(b\)\(i\)](#) (with [regs. 2, 47\(2\)](#))
- F4** Words in reg. 35(5) substituted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 11\(b\)\(ii\)](#) (with [regs. 2, 47\(2\)](#))
- F5** Reg. 35(6) inserted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 11\(c\)](#) (with [regs. 2, 47\(2\)](#))

#### Standard procedure

**36.**—(1) This regulation applies in all cases where a consignment of hazardous waste is to be removed from premises except in cases to which any of regulations [<sup>F639</sup> to 41 apply.

(2) Before the consignment is removed—

(a) the hazardous waste producer, or holder, as the case may be, shall—

- (i) prepare a copy of the consignment note for each of the following: the hazardous waste producer or holder, where different from the consignor; the consignor; the carrier; and the consignee;
- (ii) complete Parts A and B on each copy; and
- (iii) give every copy to the carrier;

(b) the carrier shall complete Part C on each copy and give every copy to the consignor;

(c) the consignor shall—

- (i) complete Part D on each copy;
- (ii) where the hazardous waste producer or holder, as the case may be, is not the consignor, give one copy to him;
- (iii) retain one copy; and
- (iv) give every remaining copy to the carrier.

(3) The carrier shall ensure that every copy which he has received—

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

(4) Subject to regulation 42, on receiving the consignment the consignee shall—

- (a) complete Part E on both copies; and
- (b) give one copy to the carrier.

### Textual Amendments

- F6** Word in [reg. 36\(1\)](#) substituted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 12](#) (with [regs. 2, 47\(2\)](#))

### Schedule of carriers

**37.**—(1) This regulation applies in all cases (whether under regulation 36, or regulation 40) where more than one carrier transports, or is to transport, the consignment.

(2) Before the consignment is removed—

(a) the consignor shall-

(i) prepare a copy of the schedule of carriers for the hazardous waste producer or holder (where different from the consignor), the consignor, every carrier and the consignee; and

(ii) give every copy to the first carrier;

(b) the first carrier shall ensure that every copy he has received travels with the consignment;

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

(i) the previous carrier shall give the subsequent carrier every copy of the schedule which he has received;

(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 every remaining copy which he has received travels with the consignment; and

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

(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) there is a change in any such arrangements after transport commences for any reason,

paragraph (2) applies 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 consignor 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, regulation 36 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)(a)(i), the reference to “the carrier” were a reference to “every carrier”;

(c) in paragraphs (2)(a)(iii), (2)(b) and (2)(c)(iv), the reference to “the carrier” were a reference to “the first carrier”;

(d) in paragraph (3)(b), in relation to a carrier who is not the final carrier, the reference to “the consignee” were a reference to “the subsequent carrier”; and

(e) in paragraph (4)(b), the reference to “the carrier” were a reference to “the final carrier”.

### Multiple collections

**F738.** .....

### Textual Amendments

- F7** Reg. 38 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), [Sch. 2 para. 13](#) (with regs. 2, 47(2))

### Removal of ships' wastes to reception facilities

**39.**—(1) This regulation applies where hazardous waste is removed from a ship (including excesses or spillage from loading or unloading, which have been accidentally spilled on land adjacent to the ship) in a harbour area—

- (a) to 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 the master of the ship shall—
- (a) prepare two copies of the consignment note;
  - (b) complete Parts A, B and D on each copy;
  - (c) retain one copy; and
  - (d) give one copy to the operator of the facilities.

(3) Subject to regulation 42, on receiving a consignment of hazardous waste the operator of the facilities shall complete Part E on the copy which he has received.

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

**40.**—(1) This regulation applies where hazardous waste is removed from a ship in a harbour area other than in a case to which regulation 39 applies.

- (2) Before the consignment is removed—
- (a) the master of the ship shall—
    - (i) prepare three copies of the consignment note;
    - (ii) complete Parts A and B on each copy; and
    - (iii) give every copy to the carrier.
  - (b) the carrier shall complete Part C on each copy;
  - (c) the master of the ship shall—
    - (i) complete Part D on each copy;
    - (ii) retain one copy; and
    - (iii) give every remaining copy to the carrier;
  - (d) the carrier shall ensure that every copy which he has received—
    - (i) accompanies the consignment; and
    - (ii) is given to the consignee on delivery of the consignment.
- (3) Subject to regulation 42, on receiving the consignment the consignee shall—
- (a) complete Part E on both copies; and
  - (b) give one copy to the carrier.

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

**41.**—(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.

(2) Before the waste is piped, and, where the piping is continuous, at the commencement of each quarter, the producer, or holder, as the case may be, shall—

- (a) prepare one copy of the consignment note for each of the following: the producer or holder, as the case may be, where different from the consignor, the consignor and the consignee;
- (b) complete Parts A, B and D on each copy, provided that in Part B3 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) The consignee shall complete Part E on each copy with the following modifications—

- (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 E2, the particulars of the vehicle registration are not required.

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

**Changes to legislation:**

There are currently no known outstanding effects for the The Hazardous Waste (England and Wales) Regulations 2005, Cross Heading: Documents to be completed for consignments.