
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 34(1) of the Environmental Protection Act 1990 (“the 1990 Act”) imposes a duty on any person who imports, produces, keeps or manages controlled waste, or who as broker or dealer has control of such waste, to take such measures on the transfer of the waste as are reasonable in the circumstances to secure that there is transferred with the waste such a written description of the waste as will enable other persons to avoid a contravention of any duty under that section or under section 33 of the 1990 Act.

Section 34(5) of the 1990 Act enables the Scottish Ministers to make regulations imposing requirements on a person subject to a duty under section 34(1) of that Act, as respects the making and retention of documents, and the furnishing of documents or copies of documents.

Regulation 3 provides that persons transferring and receiving waste must, at the same time as the written description of waste is transferred, complete and sign a transfer note in respect of the waste.

Regulation 4 provides an exception to the requirement for a transfer note where the waste transferred is special waste.

Regulation 5 provides for persons transferring and receiving waste to keep the written description and the transfer note for at least two years.

Regulation 6 provides for persons who are required under regulation 4 to keep a document to produce the document (or a copy) to SEPA or to a waste collection authority under the 1990 Act on request.

Regulation 7 revokes the Environmental Protection (Duty of Care) Regulations 1991.

Section 34(6) of the 1990 Act provides for it to be an offence to fail to comply with a requirement in these Regulations.

No business and regulatory impact assessment has been prepared for these Regulations as no additional impact upon business, charities or voluntary bodies is foreseen.