

SCHEDULE 1

Regulation 3(2)(a)(i)

ANNEX I TO THE HAZARDOUS WASTE DIRECTIVE

“ANNEX I

CATEGORIES OR GENERIC TYPES OF HAZARDOUS WASTE LISTED
ACCORDING TO THEIR NATURE OF THE ACTIVITY WHICH GENERATED
THEM (*) (WASTE MAY BE LIQUID, SLUDGE OR SOLID IN FORM)

(*) Certain duplications of entries found in Annex II are intentional.

ANNEX I.A.

Wastes displaying any of the properties listed in Annex III and which consist of:

1.	anatomical substances; hospital and other clinical wastes;
2.	pharmaceuticals, medicines and veterinary compounds;
3.	wood preservatives;
4.	biocides and phyto-pharmaceutical substances;
5.	residue from substances employed as solvents;
6.	halogenated organic substances not employed as solvents excluding inert polymerized materials;
7.	tempering salts containing cyanides;
8.	mineral oils and oily substances (e.g. cutting sludges, etc.);
9.	oil/water, hydrocarbon/water mixtures, emulsions;
10.	substances containing PCBs and/or PCTs (e.g. dielectrics etc.);
11.	tarry materials arising from refining, distillation and any pyrolytic treatment (e.g. still bottoms, etc.);
12.	inks, dyes, pigments, paints, lacquers, varnishes;
13.	resins, latex, plasticizers, glues/adhesives;
14.	chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known (e.g. laboratory residues, etc.);

Status: This is the original version (as it was originally made).

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|-----|---|
| 15. | pyrotechnics and other explosive materials; |
| 16. | photographic chemicals and processing materials; |
| 17. | any material contaminated with any congener of polychlorinated dibenzofuran; |
| 18. | any material contaminated with any congener of polychlorinated dibenzo-pdioxin. |
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ANNEX I.B.

Wastes which contain any of the constituents listed in Annex II and having any of the properties listed in Annex III and consisting of:

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|-----|---|
| 19. | animal or vegetable soaps, fats, waxes; |
| 20. | non-halogenated organic substances not employed as solvents; |
| 21. | inorganic substances without metals or metal compounds; |
| 25. | metallic dust, powder; |
| 26. | spent catalyst materials; |
| 27. | liquids or sludges containing metals or metal compounds; |
| 28. | residue from pollution control operations (e.g. baghouse dusts, etc.) except (29), (30) and (33); |
| 29. | scrubber sludges; |
| 30. | sludges from water purification plants; |
| 31. | decarbonization residue; |
| 32. | ion-exchange column residue; |
| 33. | sewage sludges, untreated or unsuitable for use in agriculture; |
| 34. | residue from cleaning of tanks and/or equipment; |
| 35. | contaminated equipment; |
| 36. | contaminated containers (e.g. packaging, gas cylinders, etc.) whose contents included one or more of the constituents listed in Annex II; |
| 37. | batteries and other electrical cells; |
| 38. | vegetable oils; |
| 39. | materials resulting from selective waste collections from households and which exhibit any of the characteristics listed in Annex III; |

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| 40. | any other wastes which contain any of the constituents listed in Annex II and any of the properties listed in Annex III. |
| 22. | ashes and/or cinders; |
| 23. | soil, sand, clay including dredging spoils; |
| 24. | non-cyanidic tempering salts;”. |
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SCHEDULE 2

Regulation 3(2)(a)(ii)

ANNEX II TO THE HAZARDOUS WASTE DIRECTIVE

“ANNEX II

CONSTITUENTS OF THE WASTES IN ANNEX I.B
WHICH RENDER THEM HAZARDOUS WHEN THEY
HAVE THE PROPERTIES DESCRIBED IN ANNEX III (*)

(*) Certain duplications of generic types of hazardous wastes listed in Annex I are intentional.

Wastes having as constituents:

- | | |
|-----|---|
| C1 | beryllium; beryllium compounds; |
| C2 | vanadium compounds; |
| C3 | chromium (VI) compounds; |
| C4 | cobalt compounds; |
| C5 | nickel compounds; |
| C6 | copper compounds; |
| C7 | zinc compounds; |
| C8 | arsenic; arsenic compounds; |
| C9 | selenium; selenium compounds; |
| C10 | silver compounds; |
| C11 | cadmium; cadmium compounds; |
| C12 | tin compounds; |
| C13 | antimony; antimony compounds; |
| C14 | tellurium; tellurium compounds; |
| C15 | barium compounds; excluding barium sulfate; |
| C16 | mercury; mercury compounds; |
| C17 | thallium; thallium compounds; |
| C18 | lead; lead compounds; |

Status: This is the original version (as it was originally made).

C19	inorganic sulphides;
C20	inorganic fluorine compounds, excluding calcium fluoride;
C21	inorganic cyanides;
C22	the following alkaline or alkaline earth metals: lithium, sodium, potassium, calcium, magnesium in uncombined form;
C23	acidic solutions or acids in solid form;
C24	basic solutions or bases in solid form;
C25	asbestos (dust and fibres);
C26	phosphorus: phosphorus compounds, excluding mineral phosphates;
C27	metal carbonyls;
C28	peroxides;
C29	chlorates;
C30	perchlorates;
C31	azides;
C32	PCBs and/or PCTs;
C33	pharmaceutical or veterinary compounds;
C34	biocides and phyto-pharmaceutical substances (e.g. pesticides, etc.);
C35	infectious substances;
C36	creosotes;
C37	isocyanates; thiocyanates;
C38	organic cyanides (e.g. nitriles, etc.);
C39	phenols; phenol compounds;
C40	halogenated solvents;
C41	organic solvents, excluding halogenated solvents;
C42	organohalogen compounds, excluding inert polymerized materials and other substances referred to in this Annex;
C43	aromatic compounds; polycyclic and heterocyclic organic compounds;
C44	aliphatic amines;
C45	aromatic amines;
C46	ethers;

C47	substances of an explosive character, excluding those listed elsewhere in this Annex;
C48	sulphur organic compounds;
C49	any congener of polychlorinated dibenzo-furan;
C50	any congener of polychlorinated dibenzo-p-dioxin;
C51	hydrocarbons and their oxygen; nitrogen and/or sulphur compounds not otherwise taken into account in this Annex.”.

SCHEDULE 3

Regulation 3(2)(a)(iii)

ANNEX III TO THE HAZARDOUS WASTE DIRECTIVE

“ANNEX III

PROPERTIES OF WASTES WHICH RENDER THEM HAZARDOUS

H1	“Explosive”: substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.
H2	“Oxidizing”: substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.
H3-A	“Highly flammable”: <ul style="list-style-type: none"> — liquid substances and preparations having a flash point below 21C (including extremely flammable liquids), or — substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or — solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or — gaseous substances and preparations which are flammable in air at normal pressure, or — substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.

Status: This is the original version (as it was originally made).

H3-B	“Flammable”: liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.
H4	“Irritant”: non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.
H5	“harmful”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.
H6	“Toxic”: substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.
H7	“Carcinogenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.
H8	“Corrosive”: substances and preparations which may destroy living tissue on contacts.
H9	“Infectious”: substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.
H10	“Teratogenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.
H11	“Mutagenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.
H12	Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.
H13	Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.
H14	“Ecotoxic”: substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.”

Notes

1. Attribution of the hazard properties “toxic” (and “very toxic”), “harmful”, “corrosive” and “irritant” is made on the basis of the criteria laid down by Annex VI, part I A and part II B, of Council Directive [67/548/EEC](#) of 27 June 1967 of the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances(1), in the version as amended by Council Directive [79/831/EEC](#)(2).

2. With regard to attribution of the properties “carcinogenic”, “teratogenic” and “mutagenic”, and reflecting the most recent findings, additional criteria are contained in the Guide to the classification and labelling of dangerous substances and preparations of Annex VI (part II D) to Directive [67/548/EEC](#) in the version as amended by Commission Directive [83/467/EEC](#)(1).

Test methods

The test methods serve to give specific meaning to the definitions given in Annex III.

The methods to be used are those described in Annex V to Directive [67/548/EEC](#), in the version as amended by Commission Directive [84/449/EEC](#)(2), or by subsequent Commission Directives adapting Directive [67/548/EEC](#) to technical progress. These methods are themselves based on the work and recommendations of the competent international bodies, in particular the OECD.

(1) OJ No L 196, 16. 8. 1967, p. 1.

(2) OJ No L 259, 15. 10. 1979, p. 10.

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(2) OJ No L 259, 15. 10. 1979, p. 10.

Status: This is the original version (as it was originally made).

SCHEDULE 4

Regulation 35(2)

HAZARDOUS WASTE (ENGLAND AND WALES) REGULATIONS 2005

Part A NOTIFICATION DETAILS Sheet _____
of _____

1. Consignment Note Code: _____
2. The waste described below is to be removed from (name, address, postcode, telephone, e-mail, facsimile)
3. Premises Code: (where applicable)
4. The waste will be taken to (address & postcode)
5. The waste producer was (if different from 1) (name, address, postcode, telephone, e-mail, facsimile)

Part B DESCRIPTION OF THE WASTE

1. The Process giving rise to the waste(s) was:
2. SIC for the process giving rise to the waste:

WASTE DETAILS (where more than one waste type is collected all of the information given below must be completed for each EWC identified).

3. The waste(s) is:

List of Wastes (EWC) Code (6 digits):	Quantity (kg)	The chemical/biological components of the waste and their concentrations are		Physical Form (gas, liquid, solid, powder, sludge, or mixed):	Hazard code(s)	Container type, no & size
		Component	Concentration (% or mg/kg)			

The information given below is to be completed for each EWC identified)

1. Packing Group(s)
2. UN identification number(s)
3. Proper Shipping Name(s)
4. UN class(es)
5. Special handling requirements

PART C CARRIER'S CERTIFICATE (If more than one carrier is used, please attach Schedule for subsequent carriers.)

If a schedule of carriers is attached, tick here.

I certify that I today collected the consignment and that the details in A2, A4, and B3 are correct and I have been advised of any specific handling requirements.

1. Carrier name
On behalf of (company)(name, address & postcode, telephone e-mail, facsimile)
2. Carrier registration no/reason for exemption
3. Vehicle registration no (or mode of transport if not road)

Signature

Date _____ at _____ hrs.

Status: This is the original version (as it was originally made).

PART D CONSIGNOR'S CERTIFICATE

I certify that the information in A B and C above are correct, that the carrier is registered or exempt and was advised of the appropriate precautionary measures. All of the waste is packaged and labelled correctly and the carrier has been advised of any special handling requirements.

Name

On behalf of (company name, address, postcode, telephone, e-mail, and facsimile;

Signature

Date at hrs

PART E. CONSIGNEE'S CERTIFICATE where more than one waste type is collected all of the information given below must be completed for each EWC.
te). The quantity transferred is

Individual EWC code(s) received	Quantity of each EWC code received (kg)	EWC code accepted/rejected	Waste management operation (R or D code)

1. I received this waste at the address given in A4 on at hrs
2. Vehicle registration no.
3. Where waste is rejected, please provide details below:

I certify that waste management licence/permit/authorised exemption no(s). the management of the waste described in B at the address given in A4. authorises

Name

On behalf of (company name, address, postcode, telephone, e-mail, facsimile)

Signature

Date at hrs

Status: This is the original version (as it was originally made).

SCHEDULE 5

Regulation 35(3)

SCHEDULE OF CARRIERS

SECOND CARRIER'S CERTIFICATE

I certify that [enter details as appropriate] carrier transferred the waste identified in B3 to me today for onward transportation to another carrier/the consignee listed in A4 (delete as appropriate). The quantity transferred is

Name: On behalf of (company)(name, address & postcode, telephone, e-mail, facsimile):

Signature: Date: at hrs.

1. Carrier registration no/reason for exemption:
2. Vehicle registration no (or mode of transport if not road):
3. Original consignment note number

THIRD CARRIER'S CERTIFICATE

I certify that [enter details as appropriate] carrier transferred the waste identified in B3 to me today for onward transportation to another carrier/the consignee listed in A4 (delete as appropriate). The quantity transferred is

Name: On behalf of (company) (name, address & postcode, telephone, e-mail, facsimile):

Signature: Date: at hrs.

1. Carrier registration no/reason for exemption:
2. Vehicle registration no (or mode of transport if not road):
3. Original consignment note number

FOURTH CARRIER'S CERTIFICATE

I certify that [enter details as appropriate] carrier transferred the waste identified in B3 to me today for onward transportation to another carrier/the consignee listed in A4 (delete as appropriate). The quantity transferred is

Name: On behalf of (company) (name, address & postcode, telephone, e-mail, facsimile):

Signature: Date: at hrs.

1. Carrier registration no/reason for exemption:
2. Vehicle registration no (or mode of transport if not road):
3. Original consignment note number

SCHEDULE 6

Regulation 35(4)

FORM OF MULTIPLE COLLECTION CONSIGNMENT NOTE

HAZARDOUS WASTE (ENGLAND AND WALES) REGULATIONS 2005 Sheet _____ of _____

Part A CONSIGNEE DETAILS

The waste will be taken to (address & postcode):

Part B CARRIER DETAILS

Carrier name

On behalf of (company)(name, address & postcode, telephone, e-mail, facsimile)

Carrier registration no/reason for exemption

Vehicle registration no (or mode of transport if not road)

Signature

Date at hrs.

Part C SUMMARY OF MULTIPLE CONSIGNMENTS

Enter every EWC code collected from each collection point and the quantity of each EWC code collected from that collection point. The table below provides 3 EWC codes on each of 6 consignments. This should be amended to appropriately identify the number of EWC codes on each consignment.

TO BE COMPLETED BY THE CARRIER		TO BE COMPLETED BY THE CONSIGNEE		
Consignment note code	Individual EWC code(s) per consignment received	Quantity of each EWC code received (kg)	EWC code accepted/rejected	Waste management operation (R or D code)

Extra rows should be added for more consignments.

THESE CONSIGNMENTS ARE DESCRIBED IN DETAIL IN THE ANNEX.

Status: This is the original version (as it was originally made).

Part D CONSIGNEE'S CERTIFICATE

1. I received all of the consignments described in Part B at the address given in Part A on _____ at _____ hrs

2. Vehicle registration no. _____

3 Where waste is rejected, please provide details below:

I certify that waste permit no(s) _____ authorises the management of the consignments as described in Part B at the address given in Part A.

Name _____

On behalf of (company name, address, postcode, telephone, e-mail, facsimile) _____

Signature _____

Date: _____ at _____ hrs

ANNEX TO MULTIPLE COLLECTION CONSIGNMENT NOTE

HAZARDOUS WASTE (ENGLAND AND WALES) REGULATIONS 2005 **Sheet** _____
of _____

CONSIGNMENT DETAILS:

COLLECTION No (i.e. 1st, 2nd etc)

I. Notification Details

1. Consignment Note Code: _____

2. The waste described below is to be removed from (name, address & postcode, telephone, e-mail, facsimile):

3. Premises Code: (where applicable)

4. The waste producer was (if different from above) (name, address, postcode, telephone, e-mail, facsimile)

II. Description of the waste

1. The Process giving rise to the waste(s) was:

2. SIC for the process giving rise to the waste:

3. WASTE DETAILS (where more than one waste type is collected all of the information given below must be completed for each EWC identified).

The waste(s) is:

List of Wastes (EWC) Code (6 digits):	Quantity (kg)	The chemical/biological components of the waste and their concentrations are		Physical Form (gas, liquid, solid, powder, sludge, or mixed):	Hazard code(s)	Container type, no & size
		Component	Concentration (% or mg/kg)			

Extra rows should be added for more EWC codes collected.

Additional carriage information (the information given below must be completed for each EWC identified)

4. Packing Group(s)
5. UN identification number(s)
6. Proper Shipping Name(s)
7. UN class(es)
8. Special handling requirements

Status: This is the original version (as it was originally made).

<p>CONSIGNOR'S DECLARATION: I certify that the information provided for my consignment is correct, that the carrier is registered or exempt and was advised of the appropriate precautionary measures. All of the waste is packaged and labelled correctly and the carrier has been informed of any specific handling requirements.</p> <p>Name: (Consignor)</p> <p>Signature:</p> <p>Date:</p>	<p>CARRIER'S DECLARATION: I certify that today I collected the quantity of waste given on this part of the form for the address given on this part of the form from the address given here and will take it to the address given in Part A.</p> <p>Name (Carrier)</p> <p>Signature:</p> <p>Date: _____ at _____ hrs</p>
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SCHEDULE 7

Regulation 46

UK CROSS BORDER MOVEMENT OF HAZARDOUS WASTE

Recognition of cross border UK consignment notes

1. Subject to paragraph 4 and paragraph 7, where hazardous waste is removed from premises situated in Scotland, Wales, Northern Ireland or Gibraltar and is transported into England (“a cross border consignment into England”), no requirement for a consignment note to accompany the waste under Part 6 shall apply if—

- (a) a consignment note which is completed in Scotland, Wales, Northern Ireland or Gibraltar accompanies the waste; and
- (b) the note contains the information required by the standard consignment note set out in the Annex to Commission Decision 94/774 of 24 November 1994⁽³⁾ (“a cross border consignment note”).

2. Any requirement in Part 6 to complete a consignment note for a cross border consignment may be satisfied by including the information—

- (a) on the cross border consignment note; or
- (b) where that is not possible, on a separate form prepared for that purpose.

3. Any requirement to keep a copy of a consignment note for a cross border consignment or to give a copy of the note to another person may be satisfied by keeping a copy of the cross border consignment note or giving a copy of the note to that person.

UK Cross Border Consignments into England

4.—(1) If a cross border consignment into England is rejected wholly or in part, the consignee shall—

- (a) indicate on the cross border consignment note (if he has received one) or otherwise provide a written record of his rejection of the consignment (or part of it) and the reasons for such rejection;
- (b) retain a copy of the note or record;

⁽³⁾ OJ No. L 310, 03.12.1994 p. 70.

- (c) give a copy to the carrier; and
 - (d) as soon as reasonably practicable, send a copy to the consignor, and (if different from the consignor) the producer or holder indicated on the cross border consignment note.
- (2) On being informed that the consignee will not accept delivery of a cross border consignment into England or part, the carrier shall—
- (a) inform the Agency; and
 - (b) seek instructions from the hazardous waste producer or holder indicated on the cross border consignment note and take all reasonable steps to ensure they are fulfilled.
- (3) Before a rejected cross border consignment into England is moved from the original delivery destination, the carrier shall ensure that—
- (a) a consignment note is completed in accordance with regulation 43 or 44; and
 - (b) a copy of the note is sent to SEPA (where the waste is transported from Scotland) or the Northern Ireland Department of the Environment (where the waste is transported from Northern Ireland).
5. Where a cross border consignment into England from Scotland or Northern Ireland is accepted, the consignee shall send a copy of the cross border consignment note to SEPA (where the waste is transported from Scotland) or the Northern Ireland Department of the Environment (where the waste is transported from Northern Ireland).

UK Cross Border Consignments out of England

- 6.—(1) Where a cross border consignment out of England is consigned to premises in Scotland or Northern Ireland, the following requirements shall apply in addition to those in Part 6.
- (2) Before the hazardous waste is removed—
- (a) the hazardous waste producer, or holder, as the case may be, or (in the case of a multiple collection of hazardous waste) the carrier, shall ensure that—
 - (i) a copy of the relevant consignment note is prepared for SEPA (where the waste is to be consigned to a consignee in Scotland), or for the Northern Ireland Department of the Environment (where the waste is to be consigned to a consignee in Northern Ireland); and
 - (ii) an additional copy is provided for the consignee.
 - (b) the copies of the relevant consignment note prepared pursuant to paragraph (a) shall be completed in accordance with Part 6; and
 - (c) the consignor (or the producer or holder, as the case may be) or, in the case of a multiple collection of hazardous waste, the carrier, shall send the copy of the note prepared pursuant to paragraph (a)(i) to the relevant authority at least 72 hours before removal of the consignment or if that is not possible, as soon as reasonably practicable thereafter.
- (3) The carrier shall ensure the additional copy of the note prepared for consignee travels with the consignment and is given to the consignee on delivery of the consignment.

Multiple Collections in England and Wales

- 7.—(1) This paragraph applies to a journey made by a carrier which meets the conditions set out in regulation 38(1) except that at least one collection is made in Wales.
- (2) A journey to which this paragraph applies shall be treated as a multiple collection for the purposes of these Regulations but in relation to any collections made in Wales, the carrier shall ensure that the multiple collection consignment note is completed before the waste is delivered to the consignee.

Status: This is the original version (as it was originally made).

(3) Where the consignee for a journey to which this paragraph applies is located in Wales, regulation 39 shall apply to the collection of any consignments collected in England.

SCHEDULE 8

Regulation 54

FORM OF CONSIGNEE’S RETURN TO PRODUCER OR HOLDER

Hazardous waste producer returns form

1. Consignee details

Name of consignee	Postcode	Consignee hazardous waste i.d. code	Date ^(a)

2. Waste return

Consignment note number	Date received	Mode of transport	Frequency of collection ^(b)	EWC code(s) ^(c)	Hazards ^(d)	Physical form ^(e)	Quantity (kg)	Mode of disposal/recovery ^(f)

^(a) Date of submission of the return by the consignee

^(b) Where relevant.

^(c) There may be more than one waste stream for each consignment note. All relevant EWC codes must be recorded.

^(d) **Hazard:** each individual EWC code may have more than one hazard. Each appropriate hazard for a particular EWC code must be entered. Choose all of the appropriate hazards for the particular waste:

- H1 Explosive
- H2 Oxidising
- H3A Highly flammable
- H3B Flammable
- H4 Irritant
- H5 Harmful
- H6 Toxic
- H7 Carcinogenic
- H8 Corrosive
- H9 Infectious
- H10 Toxic for Reproduction
- H11 Mutagenic
- H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid
- H13 Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any characteristics listed above
- H14 Ecotoxic

^(e) **Physical form:** Choose one option from the list as appropriate.

- Gas
- Liquid
- Mixed
- Powder
- Sludge
- Solid

^(f) Mode of disposal/recovery or rejected : use the appropriate Rxx/Dxx code for the operation performed on the waste or insert REJ if the waste has been rejected

Code Disposal operation

D01	Deposit into or onto land
D02	Land Treatment
D03	Deep injection
D04	Surface impoundment
D05	Specially engineered landfill
D06	Release into a water body except seas/oceans
D07	Release into seas/oceans including seabed insertion
D08	Biological treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbered D01 to D12
D09	Physic-chemical treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbered D01 to D12
D10	Incineration on land
D11	Incineration at sea
D12	Permanent storage
D13	Blending or mixing prior to submission to any of the operations numbered D01 to D12
D14	Repackaging prior to submission to any of the operations numbered D01 to D12
D15	Storage pending any of the operations numbered D01 to D14 (excluding temporary storage, pending collection, on the site where it is produced).

Recovery operation

R01	Use principally as a fuel or other means to generate energy
R02	Solvent reclamation/regeneration
R03	Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
R04	Recycling/reclamation of metals and metal compounds
R05	Recycling/reclamation of other inorganic materials
R06	Regeneration of acids or bases
R07	Recovery of components used for pollution abatement
R08	Recovery of components from catalysts
R09	Oil refining or other re-uses of oil
R10	Land treatment resulting in benefit to agriculture or ecological improvement
R11	Use of wastes obtained from any of the operations numbered R01 to R11
R12	Exchange of wastes for submission to any of the operations numbered R01 to R11
R13	Storage of wastes pending any of the operations numbered R01 to R12 (excluding temporary storage, pending collection, on the site where it is produced).

SCHEDULE 9

Regulation 59

TRANSITIONAL CHARGES BY THE AGENCY

1. The following paragraphs have effect in relation to the charges payable to the Agency under these Regulations.
2. The charge to be paid on the notification of premises pursuant to regulation 26 is—
 - (a) £28 for each set of premises notified in writing;
 - (b) £23 for each set of premises notified by telephone; and
 - (c) £18 for each set of premises notified in electronic form.

Status: This is the original version (as it was originally made).

3. The charge to be paid by a consignee in respect of any consignee quarterly return made pursuant to regulation 53 shall be—
 - (a) for any return made in writing, the sum of the following amounts for each consignment accepted by the consignee during the quarter—
 - (i) £10 for each consignment forming part of a multiple collection; and
 - (ii) £19 for any other consignment; and
 - (b) for any return made in electronic form, the sum of the following amounts for each consignment accepted by the consignee during the quarter—
 - (i) £5 for each consignment forming part of a multiple collection; and
 - (ii) £10 for any other consignment.
4. The charge to be paid by a producer in respect of any self disposal return made pursuant to regulation 53 shall be—
 - (a) for any return made in writing, £19; and
 - (b) for any return made in electronic form, £10.
5. The time for payment of the fee required under paragraph 3 or 4 shall be the later of 30 days following—
 - (a) the last day of the quarter to be covered by the return if a return is not submitted in accordance with regulation 53; or
 - (b) submission of the return in accordance with regulation 53.
6. A consignee may recover from a consignor any fees paid under paragraph 3 in relation to consignments sent by that consignor.

SCHEDULE 10

Regulation 70(7)

FORM OF FIXED PENALTY NOTICES

HAZARDOUS WASTE (ENGLAND AND WALES) REGULATIONS
2005, SCHEDULE 9

Notice Number: _____
Name of alleged offender: _____
Address: _____

I, _____ (a) an authorised person acting on behalf of the
Environment Agency, have reason to believe that on or between
_____ (b), you committed the offence of
_____ (c).

This notice offers you the opportunity of discharging any liability to conviction for that offence by
payment of a fixed penalty. The circumstances alleged to constitute the offence are as follows:

No proceedings will be taken for this offence before the expiration of 28 days from the date of this
notice. You will not be liable to conviction for the offence if you pay the fixed penalty during that
period of 28 days.

The amount of the fixed penalty is £300. It may be paid to _____ (d) a
the following address:

_____ (e)
Payment may be made by pre-paying and posting to: _____ (d)
at the address shown above a letter containing the amount of the penalty. Payment may also be made
by cash, or by cheque, postal order or money order made payable to: _____
_____ (d).

(If you are sending cash, you are advised to send it by registered post.) Payment made in this way will
be regarded as having been made at the time at which the letter would be delivered in the ordinary
course of post. Alternatively, payment may be made in person or by any other method.

Signature of authorised person: _____

Date of notice: _____

Notes:

(a) Insert name of authorised person.

(b) Insert date on or dates between which offence is alleged to have taken place.

(c) Insert regulation of the Hazardous Waste (England and Wales) Regulations 2005 which is alleged to have been contravened.

(d) Insert title or name of the person to whom the fixed penalty is to be paid.

(e) Insert address at which payment is to be made.

Status: This is the original version (as it was originally made).

Letter which may be used for payment by post

I enclose with this letter the amount of £300 being the fixed penalty for the offence described in Fixed

Penalty Notice number: _____ (a)

under Schedule 10 of the Hazardous Waste (England and Wales) Regulations 2005.

Signature: _____

Name in capitals: _____

Address: _____

Notes:

(a) Insert Notice number that appears in the fixed penalty notice above.”.

SCHEDULE 11

Regulation 77

CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO PRIMARY LEGISLATION

The Waste and Emissions Trading Act 2003

1. The Waste and Emissions Trading Act 2003(4) is amended as follows.
2. In section 25(2), for “for the purpose of Council Directive 91/689/EEC” substitute “within the meaning of regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”.

PART 2

AMENDMENTS TO SECONDARY LEGISLATION

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

3. The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(5) are amended as follows.
4. At the end of Schedule 1 insert “The Hazardous Waste (England and Wales) Regulations 2005.”.

The Environmental Protection (Duty of Care) Regulations 1991

5. The Environmental Protection (Duty of Care) Regulations 1991(6) are amended as follows.
6. In regulation 2(3), for “special waste” substitute “hazardous waste”, and for “Special Waste Regulations 1996” substitute “Hazardous Waste (England and Wales) Regulations 2005”.

(4) 2003 c. 33.

(5) S.I.1991/1624; Schedule 1 was amended by S.I.1994/1137, 1996/972, 2000/1973.

(6) S.I. 1991/2839; as amended by S.I.2002/1559, 2003/63.

The Environmental Protection (Prescribed Processes and Substances) Regulations 1991

7. The Environmental Protection (Prescribed Processes and Substances) Regulations 1991(7) are amended as follows.

8. In Section 5.1 of Chapter 5 of Schedule 1—

(a) in the definition of “exempt hazardous waste incineration plant”—

(i) in paragraph (ii) for “Annex II to Directive [91/689/EEC](#) on hazardous waste” substitute “Schedule 2 of the Hazardous Waste (England and Wales) Regulations 2005”;

(ii) in paragraph (iii) for “Annex III to Directive [91/689/EEC](#) on hazardous waste” substitute “Schedule 3 of the Hazardous Waste (England and Wales) Regulations 2005”;

(b) in the definition of “hazardous waste”—

(i) in the opening words, for “Article 1(4) of Directive [91/689/EEC](#)” substitute “regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005”; and

(ii) in sub-paragraph (i)(b) and paragraph (v), for “in Annex II to Directive [91/689/EEC](#)” substitute “in Schedule 2 to the Hazardous Waste (England and Wales) Regulations 2005”.

Waste Management Licensing Regulations 1994

9. The 1994 Regulations are amended as follows.

10. In regulation 1(3), for the definition of “special waste”, substitute ““hazardous waste” has the meaning given by regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005”.

11. In regulation 3, at the end add “(q) the Hazardous Waste (England and Wales) Regulations 2005”.

12. In regulation 10(1)(j) for “special waste” substitute “hazardous waste”.

13. In regulation 10(1)(k) at the end insert “or regulation 47(5) or 48(6) of the Hazardous Waste (England and Wales) Regulations 2005”.

14. In regulation 14(1) and 14(2), for “toxic and dangerous” substitute “hazardous waste”, and in regulation 14(3) for the definition of “toxic and dangerous waste” substitute ““hazardous waste” has the meaning given by regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”.

15. In regulation 17(3) and 17(3A) for “special waste” substitute “hazardous waste”.

16. In paragraph 5 of Schedule 1, for subparagraph (d) to the end of paragraph 5, substitute—

“(d) every record made relating to the site pursuant to regulation 14 of the Control of Pollution (Special Waste) Regulations 1980, regulation 16 of the 1996 Regulations, or regulation 0 of the Hazardous Waste (England and Wales) Regulations 2005; and any estimate under paragraph 4 of the total quantities of the different types of waste dealt with at the site, shall, in particular, differentiate between biodegradable waste, non-biodegradable waste and hazardous waste.”.

17. In paragraph 2(1) of Schedule 1A, for the definition of hazardous waste substitute ““hazardous waste” means such waste as defined in Regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”

(7) S.I. [1991/472](#); relevant amendments are contained in S.I. [1998/767](#).

Status: This is the original version (as it was originally made).

18. In schedule 3, in paragraphs 3(a)(ii), 3(c), 18(2)(b), 28, 36(1), 36(2), 38, 39(1), 39(2), 41(2), and in tables 4, 4A and 4B, on each occasion that it appears, for “special waste” substitute “hazardous waste”.
19. In paragraph 9 of Schedule 4, omit subparagraphs (9) and (10).
20. In paragraph 13(1) of Schedule 4 delete “, and producers of special waste,”.
21. In paragraphs 14(1)(b) and 14(1A) of Schedule 4 for “special waste” substitute “hazardous waste”.
22. For paragraph 14(5) of Schedule 4, substitute—
“(2) Paragraph (a) of regulation 66 of the Hazardous Waste (England and Wales) Regulations 2005 (defence in case of emergency) shall apply to a person charged with an offence under paragraph (4) above as it applies to a person charged with an offence under regulation 65 of those Regulations.”.
23. For paragraph 14(8) of Schedule 4, substitute—
“(8) Regulations 67 and 69(2) of the Hazardous Waste (England and Wales) Regulations 2005 shall apply to an offence under this paragraph as they apply to an offence under regulation 65 of those Regulations.”.

Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999

24. The Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999(8) are amended as follows.
25. In paragraph 9 of Schedule 1, for “hazardous waste (that is to say, waste to which Council Directive 91/689/EEC applies).” substitute “hazardous waste as defined in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”

Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances) (England and Wales) Regulations 2000

26. The Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances) (England and Wales) Regulations 2000(9) are amended as follows.
27. For regulation 11(3), substitute the following—
“(3) Subject to paragraphs (5) and (7), the Agency shall keep a register specifying the quantity, origin, nature and PCB content of used PCBs in respect of which—
(a) copies of consignment notes specifying that information are furnished to it under regulations 5(4), 8(7) or 9(3) of the Special Waste Regulations 1996; or
(b) quarterly returns specifying that information are furnished to it under regulation 53 of the Hazardous Waste (England and Wales) Regulations 2005,
and which in either case have been furnished by a person in the course of a business concerned with the disposal of PCBs.”

(8) S.I. 1999/293, to which there are amendments not relevant to these Regulations.

(9) S.I. 2000/1043, to which there are amendments not relevant to these Regulations.

Pollution Prevention and Control (England and Wales) Regulations 2000

28. The Pollution Prevention and Control (England and Wales) Regulations 2000⁽¹⁰⁾ (which extend to England and Wales) are amended as follows.

29. In Chapter 5 of Schedule 1—

(a) in the definition of hazardous waste in the paragraph headed “Interpretation of Section 5.1” of Section 5.1—

(i) in the opening words for “Article 1(4) of Directive 91/689/EEC on hazardous waste” substitute “regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005”; and

(ii) in paragraph (a)(ii) for “Annex II to Directive 91/689/EEC on hazardous waste” substitute “Schedule 2 of the Hazardous Waste (England and Wales) Regulations 2005”;

(b) in paragraph 1 of the paragraph headed “Interpretation of Part A(1)” of Section 5.3 for the definition of “hazardous waste”, substitute ““hazardous waste means any waste as defined for the time being in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”; and

(c) in the paragraph headed “Interpretation of Part A(1)” of Section 5.4 insert the following after paragraph 3—

“4. In this Part, hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”.

Chemicals (Hazard Information and Packaging for Supply) Regulations 2002

30. The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002⁽¹¹⁾ are amended as follows.

31. In regulation 3(3)(e), for “Special Waste Regulations 1996” substitute “Hazardous Waste (England and Wales) Regulations 2005”.

Landfill (England and Wales) Regulations 2002

32. The Landfill (England and Wales) Regulations 2002⁽¹²⁾ are amended as follows.

33. In Regulation 7(2) for “Hazardous waste means any waste as defined in Article 1(4) of Directive 91/689/EEC (hazardous waste).” substitute “Hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005.”.

34. For paragraph 2(a) of Schedule 1, substitute “(a) it is a hazardous waste as defined in the Hazardous Waste (England and Wales) Regulations 2005; and”.

35. For paragraph 3(1)(a) of Schedule 1, substitute “(a) it is a hazardous waste as defined in the Hazardous Waste (England and Wales) Regulations 2005; and”

36. For paragraph 3(1)(b) of Schedule 1, substitute “(b) it is a non-hazardous waste as defined in the Hazardous Waste (England and Wales) Regulations 2005.”.

37. For paragraph 5(1)(g) of Schedule 1, substitute—

“(g) in the case of hazardous waste, the relevant properties which render it hazardous as listed in Schedule 3 of the Hazardous Waste (England and Wales) Regulations 2005;”.

⁽¹⁰⁾ S.I. 2000/1973; relevant amendments have been made by S.I.2002/2980.

⁽¹¹⁾ S.I. 2002/1689, to which there are amendments not relevant to these Regulations.

⁽¹²⁾ S.I. 2002/1959; as amended by S.I. 2004/1375.

Packaging (Essential Requirements) Regulations 2003

38. The Packaging (Essential Requirements) Regulations 2003(13) are amended as follows.

39. In regulation 3(2), for the words “or the provisions of Council Directive 91/689/EEC on hazardous waste.”Ç substitute “or the provisions of the Hazardous Waste (England and Wales) Regulations 2005.”

SCHEDULE 12

Regulation 119

TRANSITIONAL PROVISIONS

PART 1

PROVISIONS OF THESE REGULATIONS

1.—(1) This paragraph applies to any notification of premises made for the purposes of these Regulations before 16th July 2005.

(2) Where it is proposed to remove waste from any premises after 16th July 2005, a producer, and, in the circumstances provided for in regulation 25, a consignor, may notify premises to the Agency in advance in accordance with regulation 26.

(3) Notification may be given more than one month in advance of the effective time.

(4) But the effective time for may not be on a date earlier than 16th July 2005 or on a date later than 16th September 2005.

(5) The Agency shall, where notification is duly given pursuant to this paragraph, issue a premises code in accordance with regulation 27.

(6) Expressions used in this paragraph have the same meanings as in Part 5.

2. Where the removal of waste by pipeline from any premises commenced before 16th July 2005 but continues thereafter, regulation 41 shall have effect as if the first day on which the waste was piped was 16th July 2005.

PART 2

PERMITTING REGIMES

3.—(1) Subject to the following provisions of this Schedule, a reference in a waste permit to special waste, or to special waste of any description (howsoever framed), is a reference to hazardous waste, or hazardous waste of that description, as the case may be.

4.—(1) This paragraph applies in relation to waste which was not special waste immediately before these Regulations come into force if that waste becomes hazardous waste as a result of these Regulations (“changed status waste”).

(2) Any general prohibition or restriction contained in a waste permit relating to the disposal or recovery of special waste under that permit immediately before these Regulations came into force

(13) S.I. 2003/1941.

shall not apply to the disposal or recovery of changed status waste insofar as the permit specifically authorises the disposal or recovery of that type of waste.

(3) A waste permit holder who would no longer be authorised to continue to dispose or recover that waste under his permit by reason of the change in its status, may continue to dispose or recover that waste in accordance with the permit despite the change in status until the prescribed date.

(4) Regulation 17(3) of the 1994 Regulations shall not apply to the carrying on of an exempt activity involving changed status waste at any place by a person who was carrying on that activity at that place immediately before these Regulations come into force (“a changed status waste exempt person”).

(5) A changed status waste exempt person who would no longer be authorised to carry on an exempt activity involving such waste by reason of the change in its status, may continue to carry on that activity at that place in accordance with the 1994 Regulations despite the change in status until the prescribed date.

(6) The prescribed date is—

- (a) where an application for a waste permit or a variation to a permit is duly made in relation to the activity before 16th July 2006, 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 expires without an appeal being made or any appeal is withdrawn or finally determined; or
- (b) in any other case, 16th July 2006.