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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1806**

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

**PART 6**

**MOVEMENT OF HAZARDOUS WASTE**

*Rejected consignments*

**Duty of consignee not accepting delivery**

**42.**—(1) This regulation and regulations 43 and 44 apply where the consignee does not accept delivery of a consignment of hazardous waste, whether wholly or in part.

(2) The requirements of regulation 36(4), 38(6)(b) and (c), 39(3) or 40(3) (which relate to the duties of the consignee on acceptance of the consignment) as the case may be, do not apply to the consignee in respect of a consignment, or part thereof, which has been rejected.

(3) If copies of the consignment note relating to a rejected consignment have been given to the consignee he or she must—

- (a) indicate on Part E of each copy that he or she receives that he or she does not accept the consignment, or part of the consignment, as the case may be, and the reasons why he or she does not accept the consignment or part;
- (b) retain one copy;
- (c) give one 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, where known.

(4) If no copy of the consignment note has been given to the consignee he or she must—

- (a) prepare a written explanation of his or her reasons for not accepting delivery, including such details of the consignment, the hazardous waste producer or holder, the consignor and the carrier as are known to him or her;
- (b) give such written explanation to the carrier;
- (c) as soon as reasonably practicable, send one copy to the consignor, and (if different from the consignor) the producer or holder, where known; and
- (d) retain a copy of his or her written explanation.

(5) On being informed that the consignee will not accept delivery of the consignment or part, the carrier must—

- (a) inform the Agency;
- (b) seek instructions from the hazardous waste producer or holder; and
- (c) take all reasonable steps to ensure those instructions are fulfilled (including completing any consignment note on their behalf).

(6) It is the duty of the hazardous waste producer or holder identified in the relevant part of the consignment note, as the case may be, to—

- (a) make arrangements as soon as reasonably practicable for the transfer of the rejected consignment or part to another specified consignee who holds a waste permit or is registered to carry on an exempt activity for the recovery or disposal of the waste; and
- (b) forthwith—
  - (i) give instructions to the carrier accordingly; and
  - (ii) inform the Agency of the arrangements and instructions.

(7) If in any case within paragraph (6)(a) no alternative consignee can be found within 5 business days, the hazardous waste producer or holder identified in the relevant part of the consignment note must make arrangements to return the waste to premises from which it was removed for its storage in accordance with the Waste Directive conditions until a suitable consignee can be found.

### **Further consignment note for rejected consignment**

**43.**—(1) This regulation applies to the removal of any consignment following rejection by the consignee other than in a case to which regulation 44 applies.

(2) Before the consignment or part is moved from the original place for delivery, the hazardous waste producer or holder identified in the relevant part of the original consignment note must ensure that a copy of a new consignment note is prepared in respect of the rejected consignment or part for each of the following:

- (a) the hazardous waste producer;
- (b) where the hazardous waste producer or holder is not the consignor, the consignor;
- (c) the carrier; and
- (d) the new consignee.

(3) The producer or holder must —

- (a) complete Parts A and B on each copy of the note as follows—
  - (i) the information required to complete Part A should be copied from the original consignment note, including the relevant consignment code to which the letter “R” must be added to the end;
  - (ii) the new consignee’s name and address (including the postcode) must be entered in Part A4; and
  - (iii) subject to paragraph (4), the relevant information from the original consignment note must (where part of the load is rejected, in so far as it relates to that part) be copied to Part B; and
- (b) give every copy to the carrier.

(4) Where the consignee who rejected the consignment or part states in his or her written explanation that the description of the waste in the original consignment note is incorrect, the producer or holder must instead include an accurate description of the waste in the new consignment note.

(5) The carrier must complete Part C on each copy.

(6) The producer or holder identified in the relevant part of the original consignment note must—

- (a) complete Part D on each copy;
- (b) where the producer or holder is not the consignor, give one copy to the producer or holder as the case may be; and
- (c) give every remaining copy to the carrier.

- (7) The carrier must ensure that every copy of the new consignment note which he or she has received—
- (a) travels with the rejected consignment or part; and
  - (b) is given to the new consignee on delivery of the consignment or part.
- (8) The new consignee must—
- (a) complete Part E on both copies of the new consignment note; and
  - (b) give one copy to the carrier.
- (9) Where there is to be more than one carrier—
- (a) in paragraphs (3)(b), (5) and (6)(c), references to the carrier are to be treated as references to the first carrier;
  - (b) in paragraphs 2(c) and (7), references to the carrier are to be treated as references to each carrier;
  - (c) in paragraph (7)(b), in relation to a carrier who is not the final carrier, the reference to “the new consignee” is to be treated as a reference to “the subsequent carrier”; and
  - (d) in paragraph (8)(b) the reference to the carrier is to be treated as a reference to the final carrier.

#### **Procedure for rejected multiple collection consignments**

**44.**—(1) Where two or more consignments comprising part of a multiple collection are rejected and are to be delivered to the same consignee, if the carrier elects to apply the multiple collection procedure set out in regulation 38 to such a delivery, the following requirements apply—

- (a) the carrier must—
  - (i) prepare two copies of the multiple consignment collection note, plus one copy for each hazardous waste producer or holder, as the case may be, from whose consignment has been rejected, and one copy for each consignor, in cases where the hazardous waste producer, or holder, as the case may be, is not the consignor; and
  - (ii) complete Parts A and B on each copy;
- (b) before the removal of waste from the original delivery premises—
  - (i) the producer, or holder, must complete the annex to the multiple collection consignment note on each copy prepared by the carrier;
  - (ii) the consignor and carrier must sign their respective declarations to the annex to the multiple consignment note on each copy of the note prepared by the carrier;
  - (iii) the carrier must pass a completed copy to the producer or holder in each case (and where the producer is not the consignor, to the consignor);
- (c) on delivery of the waste to the new consignee—
  - (i) the carrier must complete the particulars for completion by the carrier in section C on every copy of the consignment note;
  - (ii) the carrier must pass to the consignee every copy of the note;
  - (iii) the consignee must complete the particulars for completion by the consignee in Section C and complete the certificate in Part D of the note on every copy of the note; and
  - (iv) the consignee must return one copy of the completed note to the carrier.