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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**

*Consignment codes*

**Coding standard**

**33.**—(1) It is the duty of the Agency from time to time to designate, and at all times to maintain in force a designation of, a standard (in these Regulations referred to as a “coding standard”), making provision for the composition of consignment codes for the purposes of this Part.

(2) The coding standard must enable each consignment of hazardous waste to be given a unique consignment code.

(3) The standard must make provision for different codes for consignment notes completed in relation to hazardous waste removed by pipeline pursuant to regulation 41, where piping is continuous for more than one quarter.

(4) The standard must make provision for consignment codes to consist of letters, numbers or symbols, or any combination of letters, numbers and symbols.

**Consignment codes**

**34.**—(1) It is the duty of—

(a) the producer, in relation to—

(i) a consignment of hazardous waste to be removed from premises at which the waste is produced (other than a ship);

(ii) hazardous waste to be removed by pipeline from premises (other than a ship) situated in a case to which regulation 41 applies; or

(iii) hazardous waste to be deposited within the curtilage of premises at which it was produced;

(b) the master of the ship, in relation to any hazardous waste removed from a ship in a harbour area (including waste accidentally spilled on land adjacent to the ship); and

(c) the consignor, in relation to any other consignment of hazardous waste,

to assign to the hazardous waste a unique code in accordance with the coding standard for the time being in force.

(2) The code assigned pursuant to paragraph (1) is to be the consignment code of the hazardous waste concerned for the purposes of these Regulations.

*Documents to be completed for consignments*

**Completion of the consignment note**

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

- (a) a consignment note must be completed in accordance with paragraph (3) 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 must be completed in accordance with that regulation and paragraph (3) of this regulation; and
- (c) if regulation 38 (multiple collection) or regulation 44 (multiple collection procedure for rejected consignments) applies, a multiple collection consignment note must be completed in accordance with the applicable regulation and paragraph (4) of this regulation.

(2) The form of consignment note set out in Schedule 4, or a form requiring the same information in substantially the same format, is to be used and must 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, is to be used and must 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.

(4) The form of multiple collection consignment note set out in Schedule 6, or a form requiring the same information in substantially the same format, is to be used and must 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.

(5) In this Part, a reference to a part of a consignment note, schedule of carriers or multiple collection consignment note 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 Schedule 4, 5 or 6 as the case may require.

**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 38 to 41 apply.

(2) Before the consignment is removed—

- (a) the hazardous waste producer, or holder, as the case may be, must—
  - (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 must complete Part C on each copy and give every copy to the consignor;
- (c) the consignor must—
  - (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 or her;
  - (iii) retain one copy; and
  - (iv) give every remaining copy to the carrier.
- (3) The carrier must ensure that every copy which he or she 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 must—
  - (a) complete Part E on both copies; and
  - (b) give one copy to the carrier.

### **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 must—
    - (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 must ensure that every copy he or she has received travels with the consignment;
  - (c) on delivery of the consignment to each subsequent carrier—
    - (i) the previous carrier must give the subsequent carrier every copy of the schedule which he or she has received;
    - (ii) the subsequent carrier must complete the relevant certificate on each copy, give one to the previous carrier who must retain it, and ensure that every remaining copy which he or she has received travels with the consignment; and
    - (iii) when the consignment is delivered to a consignee, the carrier must retain one copy of the carrier's 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”;
- (e) in paragraph (4)(b), the reference to “the carrier” were a reference to “the final carrier”.

### **Multiple collections**

**38.**—(1) This regulation applies to a journey made by a single carrier which meets the following conditions—

- (a) the carrier collects more than one consignment of hazardous waste in the course of the journey;
- (b) each consignment is collected from different premises (none of which is a ship);
- (c) all the premises from which a collection is made are in Wales; and
- (d) all consignments collected are transported by that carrier in the course of the journey to the same consignee,

and a journey which meets these conditions is referred to in these Regulations as a “multiple collection”.

(2) Where the carrier elects to apply the multiple collection procedure set out in this regulation to a multiple collection, the requirements of this regulation apply to the carrier, and to the producers, holders and consignors of the consignments collected in the course of the round.

(3) Before the first collection, the carrier must—

- (a) 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 whom waste is to be collected during the round, 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
- (b) complete Parts A and B on each copy.

(4) Before the removal of waste from each set of premises from which a collection is made—

- (a) the producer, or holder, must complete the annex to the multiple collection consignment note on each copy;
- (b) the consignor and carrier must sign their respective declarations to the annex to the multiple collection consignment note on each copy of the note; and
- (c) the carrier must pass a completed copy to the producer or holder in each case (and where the producer or holder is not the consignor, the consignor).

(5) After collection of the last consignment but before delivery to the consignee, the carrier must complete the particulars for completion by the carrier in section C on both remaining copies of the consignment note.

(6) Subject to regulation 42, on delivery of the waste—

- (a) the carrier must pass to the consignee both remaining copies of the note;
- (b) 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 both copies; and
- (c) the consignee must return one copy of the completed note to the carrier.

### **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 must—
- (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 must complete Part E on the copy which he or she 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 must—
    - (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 must complete Part C on each copy;
  - (c) the master of the ship must—
    - (i) complete Part D on each copy;
    - (ii) retain one copy; and
    - (iii) give every remaining copy to the carrier;
  - (d) the carrier must ensure that every copy which he or she 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 must—
- (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, must—

- (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 must be recorded, together with an estimate of the total volume of waste to be piped per week or calendar month.
- (3) The consignee must 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 is to 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 must 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).

### *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.

*Duty to deliver within time limit*

**Duty to deliver consignment promptly**

**45.** It is the duty of the carrier to deliver the consignment to the consignee promptly and without undue delay.

*Cross-border movements*

**Cross-border movement of hazardous waste**

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