

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⁽¹⁾ (“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;
- (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).

(1) OJNo. L 310, 03.12.1994 p. 70.

Status: This is the original version (as it was originally made).

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.

(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.