
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 300

The Hazardous Waste Regulations (Northern Ireland) 2005

PART 6

REGISTERS, RECORDS AND RETURNS

Registers of consignments

37.—(1) The following provisions of this regulation apply in relation to registers of consignments and, as appropriate, to other registers required to be kept under regulations 37 to 40.

(2) Records must be made in a register kept for the purposes, and, insofar as is consistent with the provisions of regulations 37 to 40 and paragraph (3) of this regulation, registers may be kept in any form.

(3) Producers, consignors, carriers, and consignees shall keep registers containing the information set out in paragraph (4).

(4) A person who is required to keep a register shall enter in the register each copy of—

- (a) a consignment note (including where consignments are not accepted, the original note and the note prepared pursuant to regulation 32), and, where applicable, written explanation and schedule of carriers) completed to any extent by, or given to him, pursuant these regulations;
- (b) a consignee's return to the producer, holder or consignor received pursuant to regulation 41; and
- (c) a carrier's schedule given to him pursuant to regulation 26;

and, where a regulation requiring records to be kept is silent as to the length of time for which records are to be kept under these regulations, keep the copies on the register for not less than three years from the date on which the hazardous waste was first removed from the premises at which it was produced, or held, as the case may be.

(5) Any register kept or retained under this regulation shall be produced on demand by and given up for inspection to the Department.

(6) An establishment or undertaking to which hazardous waste is delivered for treatment or disposal, as the case may be, shall provide to the previous holder of the waste, or to the Department, on request, documentary evidence that the management operation concerned has been carried out, indicating the relevant operation where applicable in accordance with the numbering and description applicable in accordance with the list in Annex IIA or Annex IIB, as the case may be, of the Waste Directive.

(7) A person who is required to retain any record shall at any time during the period in which the record is required to be retained (and without prejudice to any duty to send the record to the Department at the end of that period), produce that record, in any form reasonably required, to the Department or emergency services on request.

(8) A producer, holder, consignor, carrier or consignee of hazardous waste shall supply to the Department on request such information as it may reasonably require for the purposes of performing its functions in connection with these Regulations and for the purposes of monitoring the production, movement, storage, recovery and disposal of hazardous waste.

Producers', holders' and consignors' records

38.—(1) A producer or holder of hazardous waste, and where different from the producer, a consignor of hazardous waste, shall keep a record of the quantity, nature, origin and, where relevant, the destination, frequency of collection, mode of transport and treatment method of the waste.

(2) Where the waste is transported from the premises where it is produced or held by a person other than the producer or holder the duty in paragraph (1) includes a requirement to keep a record of particulars sufficient to identify that other person.

(3) The producer or holder, as the case may be, shall preserve the records to be made pursuant to this regulation whilst he remains the holder of the waste and for at least three years commencing on the date on which the waste is transferred to another person.

(4) The information to be recorded pursuant to the foregoing provisions of this regulation shall be recorded in a register kept by the producer or holder, as the case may be, for the purpose.

(5) Except where paragraph (6) applies, the register required to be kept and retained by a producer or holder under paragraph (4) of this regulation shall be kept at the premises at which the hazardous waste was produced.

(6) Where the period mentioned in paragraph (3) has not expired, for the remainder of that period the producer or holder shall keep the register at the producer's or holder's principal place of business where and only where:

- (a) he ceases to have access to the premises in paragraph (5);
- (b) his access to the premises in paragraph (5) is not and has never been regular access;

and in either case he shall notify the Department forthwith.

(7) Any register kept and retained under this regulation or shall be produced to and made available for inspection by the Department on request.

Site records

39.—(1) Any person who makes a deposit of hazardous waste whether by way of storage or disposal in or on any land shall record, as soon as is reasonably practicable and in any event within 24 hours, the location and identity of the waste as required by paragraphs (2) to (4) below, and shall keep such records until his permit is surrendered or revoked and shall then send the records to the Department.

(2) Such records shall comprise either—

- (a) a site plan marked with a grid, or
- (b) a site plan with overlays on which deposits of the waste are shown in relation to the contours of the site.

(3) Deposits shall be identified by reference to the register of consignment notes kept under regulation 37, and shall contain a description of the composition of the waste including a reference to the six digit code in the List of Wastes save that where waste is disposed of—

- (a) by pipeline, or
- (b) within the curtilage of the premises at which it is produced,

the deposits shall be described by reference to a record of the composition of the waste and the date of its disposal.

Records of hazardous waste recovered or received by treatment facilities and transfer stations

40.—(1) Any person who—

- (a) recovers hazardous waste in or on land; or
- (b) receives hazardous waste at a transfer station,

or both shall record and identify any hazardous waste received in accordance with the following requirements of this regulation and regulation 37.

(2) The waste shall be identified in the record by reference to the relevant description and six digit code in the List of Wastes, and the entry shall include a description of the composition of the waste.

(3) The record shall include—

- (a) the quantity, nature and origin of any such waste;
- (b) the relevant hazardous properties;
- (c) where applicable, the recovery method in respect of the waste by reference to the numbering and description applicable in accordance with Annex IIB of the Waste Directive; and
- (d) an inventory showing the specific location at which the waste is being held.

(4) The record shall be updated as soon as reasonably practicable and in any event no later than 24 hours after—

- (a) each consignment of hazardous waste is received; and
- (b) any recovery operations are carried out or any hazardous waste is placed in storage at the transfer station, as the case may be;
- (c) any hazardous waste is removed from the premises.

(5) A person who is required to make or retain records pursuant to this regulation shall—

- (a) keep the register on the site where the recovery operations take place or the transfer station is operated, as the case may be; or
- (b) where the register cannot be kept on the site in accordance with paragraph (5)(a) above, at his principal place of business or such other address as agreed with the Department for that purpose; and
- (c) retain the records—
 - (i) where the hazardous waste is fully recovered, or remains at a transfer station, as the case may be, until it leaves the site and for three years thereafter;
 - (ii) in any other case, until his waste permit pursuant to which the site is operated is surrendered or revoked, and shall then send those records to the Department.

Consignee's return to the producer, holder or consignor

41.—(1) Without prejudice to any duty under these Regulations on the part of the consignee to send any document or copy thereof to the producer, holder or consignor, a consignee shall send—

- (a) a producer or holder a return in a form corresponding to the form set out in Schedule 8 or a form substantially to like effect; or
- (b) a copy of the consignment note together with a description of the method of disposal or recovery to the hazardous waste producer or holder identified in Part A of the consignment note, within 30 days of accepting a consignment of hazardous waste, or, where hazardous waste was delivered by pipeline in a case to which regulation 30 applies, of piping having

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ceased, or, where the piping is continuous and exceeds one quarter in duration, on the first day of each successive quarter.

(2) Where regulation 31 (duty of consignee not accepting delivery) applies, this regulation does not apply to the consignment or part concerned.

(3) Where the consignee is required to make a return in accordance with sub-paragraph 1 above, that return may be completed electronically or by other similar means of transmission.