

SCOTTISH STATUTORY INSTRUMENTS

2014 No. 4

The Environmental Protection (Duty of Care) (Scotland) Regulations 2014

Transfer Notes

3.—(1) The transferor and the transferee must ensure that a document as described in paragraphs (3) and (4) is completed in writing and signed by each of them in respect of the waste being transferred (“a transfer note”).

(2) A transfer note must be prepared at the same time as the written description is transferred in accordance with section 34(1)(c) of the Act.

(3) A transfer note must—

- (a) give the name and address (including the postcode) of the transferor and the transferee;
- (b) give the date and place (including the postcode) of the transfer;
- (c) state whether the transferor is the producer of the waste;
- (d) state whether the transferor is the importer of the waste;
- (e) describe the type, composition and quantity of the waste being transferred (including, where the waste is in a container, the type of container);
- (f) identify the waste being transferred by reference to the appropriate six-digit code in the European Waste Catalogue; and
- (g) identify the activity carried out by the transferor in respect of the waste being transferred by reference to the SIC code for that activity.

(4) A transfer note must where the transferor or transferee is a person described in column 1 of the Table—

- (a) state that the transferor or transferee is such a person; and
- (b) include the additional information where specified in column 2 of the Table.

TABLE

<i>Category of person</i>	<i>Additional information</i>
A waste collection authority.	
A person who holds a— (a) waste management licence under section 35 of the Act ⁽¹⁾ ; or (b) disposal licence under section 5 of the Control of Pollution Act 1974 ⁽²⁾ .	If the waste being transferred is to be kept, treated or disposed of by that person, the relevant licence number and the name of the licensing authority.

⁽¹⁾ As amended by the Environment Act 1995 (c.25), Schedule 2, paragraph 66(2); and S.S.I. 2000/323 and S.S.I. 2011/226.

⁽²⁾ 1974 c.40. Section 5 was amended by Part II of Schedule 34 to the Local Government, Planning and Land Act 1980 (c.65); paragraph 31 of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11); paragraph 1 of Part II of Schedule 16 to the Environment Protection Act 1990 (c.43); paragraph 19 of Schedule 23 and paragraph 1 of Schedule 4 to the Environment Act 1995 (c.25); paragraph 2(1) of Schedule 1 to the Criminal Procedure (Consequential Provisions)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Category of person</i>	<i>Additional information</i>
A person who holds a permit under the Pollution Prevention and Control (Scotland) Regulations 2012 ⁽³⁾ which authorises the carrying out of a specified waste management activity within the meaning of those Regulations.	
A person to whom section 33(1)(a) and (b) of the Act ⁽⁴⁾ does not apply by virtue of regulations under subsection (3) of that section.	
A person registered as a carrier of controlled waste under— (a) section 2 of the Control of Pollution (Amendment) Act 1989 ⁽⁵⁾ ; or (b) paragraph 12 of Part I of Schedule 4 to the Waste Management Licensing (Scotland) Regulations 2011 ⁽⁶⁾ .	The name of the waste regulation authority with whom that person is registered and the registration number.

(5) In this regulation—

“European Waste Catalogue” means the list set out in Commission [Decision 2000/532/EC](#) establishing a list of wastes, as that instrument may be amended from time to time; and

“SIC code” means the code for an activity in the UK Standard Industrial Classification of Economic Activities 2007 (SIC 2007)⁽⁷⁾, as amended from time to time.

(Scotland) Act 1995 (c.40); and paragraph 23 of Schedule 2 to the Planning (Consequential Provisions) (Scotland) Act 1997 (c.11).

(3) S.S.I. 2012/360.

(4) As amended by S.S.I. 2009/247.

(5) 1989 c.14. Section 2 was amended by paragraph 31 of Schedule 15 to the Environmental Protection Act 1990 (c.43) and paragraph 37 of Schedule 22 to the Environment Act 1995 (c.25).

(6) S.S.I. 2011/228.

(7) Published on 14th December 2007 (ISBN 0116216417) and effective from 1st January 2008.