
STATUTORY INSTRUMENTS

1994 No. 1137

The Transfrontier Shipment of Waste Regulations 1994

Power of competent authority of destination to ensure disposal of waste

9.—(1) Where a competent authority of destination is required by Article 26(3) to ensure the disposal or recovery of waste in an environmentally sound manner it may serve a notice on the consignee concerned under paragraph (2) below.

(2) A notice served under this paragraph shall require the consignee to ensure the disposal or recovery of waste in an environmentally sound manner in accordance with the notice and by a date specified in the notice.

(3) The date specified in a notice under paragraph (2) above shall allow the consignee a reasonable time to comply with the notice.

(4) Where a consignee fails to comply with a notice served on him under paragraph (2) above the competent authority may serve a further notice on the consignee stating that the powers set out in paragraph (6) below will be exercised on behalf of the authority so far as is necessary to enable it to effect the disposal or recovery of the waste in order to fulfil its obligations under Article 26(3).

(5) The powers referred to in paragraph (4) above shall be exercised on behalf of the competent authority, in Great Britain, by an inspector appointed under section 68(3) of the Environmental Protection Act 1990⁽¹⁾ and, in Northern Ireland, by a person authorised in writing by the authority to exercise those powers (“authorised person”).

(6) Pursuant to a notice served under paragraph (4) above, an inspector or authorised person may, on production of his authority—

- (a) enter any land which he has reason to believe it is necessary for him to enter and on entering any land take with him—
 - (i) any person duly authorised by the competent authority and, if he has reasonable cause to apprehend any serious obstruction in the execution of the powers conferred by this regulation, a constable; and
 - (ii) any equipment or materials required for any purpose for which the power of entry is being exercised;
- (b) make such examination and investigation as may in any circumstances be necessary;
- (c) remove any waste from the land, or arrange for its removal, for the purpose of its disposal or recovery;
- (d) dispose of or recover waste, or arrange for its disposal or recovery.

(7) An inspector or authorised person may exercise any of the powers set out in paragraph (6) above so far as is necessary to enable him to effect the disposal or recovery of the waste in order to fulfil the obligations of the competent authority under Article 26(3) and the consignee shall provide the inspector or authorised person and the competent authority with such information and assistance as the inspector or authorised person or the authority may reasonably request in writing to enable the competent authority to fulfil those obligations.

(1) [S.I. 1993/2661](#) and [1992/2870](#).

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