
STATUTORY INSTRUMENTS

2005 No. 894

The Hazardous Waste (England and Wales) Regulations 2005

PART 6

MOVEMENT OF HAZARDOUS WASTE

Rejected consignments

Duty of consignee not accepting delivery

42.—(1) This regulation and [^{F1}regulation 43] 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), ^{F2}... 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 shall—

- (a) [^{F3}indicate, in the part headed “consignee’s certificate”] of each copy that he receives that he does not accept the consignment, or part of the consignment, as the case may be, and the reasons why he 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 shall—

- (a) prepare a written explanation of his 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;
- (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 written explanation.

(5) On being informed that the consignee will not accept delivery of the consignment or part, the carrier shall—

- (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 [^{F4}or [^{F5}carries on an exempt waste operation 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 shall 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.

[^{F6}(8) In this regulation, “exempt waste operation” has the meaning given in regulation 5 of [^{F7}the Environmental Permitting Regulations].]

- | | |
|-----------|--|
| F1 | Words in reg. 42(1) substituted (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988) , reg. 1(2) , Sch. 2 para. 14(a) (with regs. 2, 47(2)) |
| F2 | Words in reg. 42(2) omitted (29.3.2011) by virtue of The Waste (England and Wales) Regulations 2011 (S.I. 2011/988) , reg. 1(2) , Sch. 2 para. 14(b) (with regs. 2, 47(2)) |
| F3 | Words in reg. 42(3)(a) substituted (6.4.2009) by The Hazardous Waste (England and Wales) (Amendment) Regulations 2009 (S.I. 2009/507) , regs. 1(c) , 13(a) |
| F4 | Words in reg. 42(6)(a) substituted (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538) , reg. 1(1)(b) , Sch. 21 para. 45(6) (with regs. 69-72) |
| F5 | Words in reg. 42(6)(a) substituted (6.4.2009) by The Hazardous Waste (England and Wales) (Amendment) Regulations 2009 (S.I. 2009/507) , regs. 1(c) , 13(b) |
| F6 | Reg. 42(8) inserted (6.4.2009) by The Hazardous Waste (England and Wales) (Amendment) Regulations 2009 (S.I. 2009/507) , regs. 1(c) , 13(c) |
| F7 | Words in reg. 42(8) substituted (6.4.2010 immediately after S.I. 2009/3381 comes into force) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675) , reg. 1(1) , Sch. 26 para. 23(5) (with reg. 1(2)) |

Further consignment note for rejected consignment

43.—(1) This regulation applies to the removal of any consignment following rejection by the consignee ^{F8}....

(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 shall 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 shall—
- (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” shall be added to the end;
 - (ii) the new consignee's name and address (including the postcode) shall be entered in Part A4; and
 - (iii) subject to paragraph (4), the relevant information from the original consignment note shall (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 written explanation that the description of the waste in the original consignment note is incorrect, the producer or holder shall instead include an accurate description of the waste in the new consignment note.
- (5) The carrier shall complete Part C on each copy.
- (6) The producer or holder identified in the relevant part of the original consignment note shall—
- (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 shall ensure that every copy of the new consignment note which he 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 shall—
- (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 shall be treated as references to the first carrier;
 - (b) in paragraphs (2)(c) and (7) references to the carrier shall 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” shall be treated as a reference to “the subsequent carrier”; and
 - (d) in paragraph (8)(b) the reference to the carrier shall be treated as a reference to the final carrier.

F8 Words in [reg. 43\(1\)](#) omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 15](#) (with [regs. 2, 47\(2\)](#))

Procedure for rejected multiple collection consignments

F9 **44.**

F9 [Reg. 44](#) omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 16](#) (with [regs. 2, 47\(2\)](#))

Changes to legislation:

There are currently no known outstanding effects for the The Hazardous Waste (England and Wales) Regulations 2005, Cross Heading: Rejected consignments.