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STATUTORY INSTRUMENTS

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**2005 No. 894**

**The Hazardous Waste (England and Wales) Regulations 2005**

**PART 7**

**RECORDS AND RETURNS**

*Producer and transport records*

**Producers', holders' and consignors' records**

**49.**—(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, the duty in paragraph (1) includes a requirement to keep a record of particulars sufficient to identify the carrier.

(3) The producer, holder or consignor, 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 afterwards 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, holder or consignor, as the case may be, for the purpose.

(5) The register required to be kept and retained by a producer, holder or consignor under paragraph (4) of this regulation shall be kept—

(a) in relation to the register required to be kept by the producer or holder

(i) at the premises notified pursuant to regulation 24;

(ii) if he no longer occupies those premises, at his principal place of business (or such other address as agreed with the Agency for that purpose); or

(iii) if no premises were notified in relation to the waste, at his principal place of business (or such other address as agreed with the Agency for that purpose).

(b) the register required to be kept by a consignor other than the producer or holder shall be kept at his principal place of business.

(6) If the producer or holder ceases to occupy the notified premises before the period referred to in paragraph (3) expires, he shall inform the Agency forthwith.

**Carrier's records**

**50.**—(1) An establishment or undertaking which transports 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 in accordance with the following requirements of this regulation.

(2) The establishment or undertaking shall keep the records made pursuant to this regulation for at least twelve months commencing on the date of delivery of the waste to its destination.

(3) The information required to be recorded pursuant to paragraph (1) shall be entered in a register and the register kept at the carrier's principal place of business.

### **Registers and records: common provisions**

**51.**—(1) The following provisions of this regulation apply in relation to registers required to be kept under regulations 47 to 50.

(2) A person who is required to keep a register shall enter in the register each copy received by them of—

- (a) any consignment note (including multiple consignment notes and, where consignments are not accepted, the original note, a copy of any explanation of the reasons for rejection prepared pursuant to regulation 42 and the consignment note prepared pursuant to regulation 43 or 44);
- (b) any consignee's return to the producer, holder or consignor received pursuant to regulation 54; and
- (c) any carrier's schedule given to him pursuant to regulation 37.

(3) A person who is required to keep a register or retain records until his waste permit is surrendered or revoked shall send those records or that register to the Agency when the permit is surrendered or revoked.

(4) Every register kept or record made pursuant to regulation 15 or 16 of the 1996 Regulations, and every record made pursuant to regulation 13 or 14 of the Control of Pollution (Special Waste) Regulation 1980, shall—

- (a) be kept with the register kept pursuant to regulations 47 to 49 by the person required to keep that register for so long as is mentioned in the relevant regulation; and
- (b) be sent by that person together with that register if it is sent to the Agency.

### **Previous holder's right to information**

**52.**—(1) An establishment or undertaking to which hazardous waste is delivered for disposal or recovery, as the case may be, has the duty, owed to any previous holder of the waste, to supply to that previous holder on request documentary evidence that the disposal or recovery operation concerned has been carried out, indicating where applicable, the relevant entry listed in Annex IIA or Annex IIB, as the case may be, to the Waste Directive.

(2) Any request for information under this regulation shall be in writing and shall specify the period (which may not be less than seven days) within which the information is to be supplied.

### **Consignee and self-disposal quarterly returns**

**53.**—(1) Every consignee shall make a return, in these Regulations referred to as a consignee quarterly return, to the Agency of information relating to all consignments of hazardous waste received by him in any quarter in accordance with paragraph (4).

(2) The return shall include—

- (a) rejected consignments;
- (b) hazardous waste delivered by pipeline where regulation 41 applies; and
- (c) in the case of multiple collections, each individual consignment collected.

(3) Where in any quarter hazardous waste is disposed of by depositing it within the curtilage of the premises at which it is produced, the producer shall make a return in respect of that quarter of information relating to the deposit to the Agency (including the consignment code), in accordance with paragraph (4).

(4) A return to be made pursuant to this regulation in respect of a quarter shall be made no later than the time specified in the right hand column of the table below in relation to the quarter specified in the left hand column:

<i>Quarter in which the hazardous waste was received, or deposited, as the case may be</i>	<i>Return to be received by the Agency not later than</i>
Ending on 31 <sup>st</sup> March	30 <sup>st</sup> April in the same year as the quarter falls
Ending on 30 <sup>th</sup> June	31 <sup>st</sup> July in the same year as the quarter falls
Ending on 30 <sup>th</sup> September	31 <sup>st</sup> October in the same year as the quarter falls
Ending on 31 <sup>st</sup> December	31 <sup>st</sup> January in the year next following the year in which the quarter falls

(5) The Agency may prescribe a format for returns to be made under this regulation and, where for the time being a format is prescribed pursuant to this paragraph—

- (a) the Agency shall publish the format on its website and in such other manner as it may consider appropriate for informing persons required to submit such returns of its content; and
- (b) the Agency shall not be obliged to consider a return as properly made for the purposes of these Regulations unless it is made in that format, or in a format substantially to like effect.

(6) If the Agency prescribe a fee payable by a consignee by charging scheme made under section 41 of the Environment Act 1995 as a means of recovering its costs incurred in performing functions in relation to the consignments included on the consignee quarterly returns, a consignee may recover from a consignor any fees paid under these Regulations in relation to consignments sent by that consignor.

#### **Consignee's return to the producer, holder or consignor**

**54.—**(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 to a producer or holder identified in the relevant part of a consignment note—

- (a) a return in a form corresponding to that set out in Schedule 8 or a form substantially to like effect within one month of the end of the quarter in which the waste concerned was accepted; or
- (b) a copy of the consignment note together with a description of the method of disposal or recovery undertaken in relation to the waste, within one month of the end of the quarter in which the waste concerned was accepted.

(2) Where hazardous waste was delivered by pipeline in a case to which regulation 41 applies, paragraph (1) shall apply so that the return required under sub-paragraph (a) or the information required under sub-paragraph (b) shall be supplied within one month of the end of the quarter in which the waste concerned was piped.

(3) Where regulation 42 applies, this regulation does not apply to the consignment or part concerned.

### **Duties to supply information**

**55.**—(1) A person who is required to retain any record pursuant to any of the foregoing provisions of this Part shall, at any time during the period in which the record is required to be retained produce that record to the Agency or emergency services on request.

(2) A producer holder, previous holder, consignor, carrier or consignee of hazardous waste shall supply to the Agency 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, treatment, recovery and disposal of hazardous waste.

(3) An establishment or undertaking to which hazardous waste is delivered for recovery or disposal, as the case may be, has the duty to supply to the Agency on request documentary evidence that the disposal or recovery operation concerned has been carried out, indicating where applicable, the relevant entry listed in Annex IIA or Annex IIB, as the case may be, of the Waste Directive.

(4) A person who is required to supply information to the Agency pursuant to this regulation shall supply that information in such form as the Agency may reasonably request.

(5) The power conferred by paragraph (4) includes power to require the production in a visible and legible documentary form of any information is held in electronic form.

(6) Any request for information under this regulation shall be in writing and shall specify the period within which the information is to be supplied.