

2016 No. 336

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Hazardous Waste (England and Wales) (Amendment) Regulations 2016

<i>Made</i> - - - -	<i>9th March 2016</i>
<i>Laid before Parliament</i>	<i>11th March 2016</i>
<i>Coming into force</i> - -	<i>1st April 2016</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State has been designated for the purposes of that section in relation to the environment(b).

Citation and commencement

1. These Regulations may be cited as the Hazardous Waste (England and Wales) (Amendment) Regulations 2016 and come into force on 1st April 2016.

Amendment of the Hazardous Waste (England and Wales) Regulations 2005

2.—(1) The Hazardous Waste (England and Wales) Regulations 2005(c) are amended as follows.

(2) In regulation 5 (general interpretation)—

(a) in paragraph (1)—

(i) omit the definitions of “mobile service” and “SIC”;

(ii) in the definition of “premises” omit the words from “and any other means” to “operated”; and

(b) in paragraph (3)(c) omit “notification,”.

(3) Omit Part 5 (notification of premises).

(4) In regulation 49 (producers’, holders’ and consignors’ records)—

(a) for paragraph (4) substitute—

(a) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).

(b) S.I. 2008/301.

(c) S.I. 2005/894, amended by S.I. 2007/3476, 3538, 2009/507, 2010/675, 1159 and 2011/988; there are other amending instruments but none is relevant.

“(4) A producer, holder, dealer, broker or consignor required by paragraph (1) to keep records shall keep the records chronologically in a register.”;

(b) in paragraph (5)—

(i) for sub-paragraph (a)(i) substitute—

“(i) at the premises at which the waste is produced or held; or”;

(ii) omit sub-paragraph (a)(iii) and the word “or” immediately preceding it; and

(c) omit paragraph (6).

(5) In regulation 65 (offences), omit paragraph (b).

(6) In regulation 65A (civil sanctions), in the table of civil sanctions in paragraph (1) omit the entry relating to regulation 22.

(7) In regulation 69 (penalties), omit paragraph (1)(a) to (c).

(8) After regulation 78 (transitional provisions) insert—

“Review

79.—(1) The Secretary of State, in relation to England, must from time to time—

(a) carry out a review of the regulatory provision in these Regulations; and

(b) publish a report setting out the conclusions of the review.

(2) In carrying out a review of any regulatory provision which implements an obligation in the Waste Directive or the List of Wastes, the Secretary of State must have regard to how the obligation is implemented in other member States.

(3) The report must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision;

(b) assess the extent to which those objectives are achieved;

(c) assess whether those objectives remain appropriate; and,

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(4) The first report under this regulation must be published before 1st April 2021.

(5) Subsequent reports under this regulation must be published at intervals not exceeding five years.

(6) In this regulation, “regulatory provision” has the meaning given by section 32(4) of the Small Business, Enterprise and Employment Act 2015(a).”.

(9) For Schedule 4 (form of consignment note) substitute the new Schedule 4 contained in Schedule 1 to these Regulations.

(10) For Schedule 5 (schedule of carriers) substitute the new Schedule 5 contained in Schedule 2 to these Regulations.

(11) In Schedule 9 (transitional charges by the agency) omit paragraph 2.

(12) In Part 1 of Schedule 12 (transitional provisions) omit paragraph 1.

Consequential amendment

3. In the table in Part 2 of Schedule 2 to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015(b), omit the entry relating to the Hazardous Waste (England and Wales) Regulations 2005.

(a) 2015 c.26.

(b) S.I. 2015/462, to which there are amendments not relevant to these Regulations.

9th March 2016

Rory Stewart
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulation 2(9)

“SCHEDULE 4

Regulation 35(2)

Form of consignment note

HAZARDOUS WASTE (ENGLAND AND WALES) REGULATIONS 2005

Part A NOTIFICATION DETAILS

1. Consignment Note Code: /
2. The waste described below is to be removed from (name, address, postcode, telephone, e-mail, facsimile):
3. The waste will be taken to (name, address & postcode):
4. The waste producer was (if different from 2.) (name, address, postcode, telephone, e-mail, facsimile):

Part B DESCRIPTION OF THE WASTE

1. The process giving rise to the waste(s) was:
2. SIC* for the process giving rise to the waste:

(*“SIC” means the relevant code in “Indexes to the UK Standard Industrial Classification of Economic Activities 2007” published by the Office for National Statistics in 2009 (ISBN 978-0-230-21014-1).)

WASTE DETAILS (where more than one waste type is collected all of the information given below must be completed for each EWC identified)

3. The waste(s) is:

Description of waste	List of Wastes (EWC) code (6 digits):	Quantity (kg):	The chemical/biological components in the waste and their concentrations are:		Physical Form (Gas, Liquid, Solid, Powder, Sludge or Mixed):	Hazard code(s):	Container type, number & size:
			Component	Concentration (% or mg/kg)			

The information given below is to be completed for each EWC identified

EWC Code	UN identification number(s)	Proper shipping name(s)	UN Class(es)	Packing Group(s)	Special handling requirements

Part C CARRIER'S CERTIFICATE

(If more than one carrier is used, please attach Schedule for subsequent carriers. If schedule of carriers is attached tick here).

I certify that I today collected the consignment and that the details in A2, A3 and B3 are correct and I have been advised of any specific handling requirements.

Where this consignment forms part of a multiple collection, the round number and collection number are:

 /

1. Carrier Name:

On behalf of (name, address, postcode, telephone, e-mail, facsimile):

2. Carrier registration no / reason for exemption:

3. Vehicle registration no. (or mode of transport, if not road):

Signature

Date at hrs

Part D CONSIGNOR'S CERTIFICATE

I certify that the information in A, B and C above has been completed and is correct, that the carrier is registered or exempt and was advised of the appropriate precautionary measures. All of the waste is packaged and labelled correctly and the carrier has been advised of any special handling requirements. I confirm that I have fulfilled my duty to apply the waste hierarchy as required by regulation 12 of the Waste (England and Wales) Regulations 2011.

1. Consignor Name:

On behalf of (name, address, postcode, telephone, e-mail, facsimile):

Signature

Date at hrs

Part E CONSIGNEE'S CERTIFICATE (where more than one waste type is collected all of the information given below must be completed for each EWC)

Individual EWC code(s) received	Quantity of each EWC code received (kg)	EWC Accepted/Rejected	Waste Management operation (R or D code)

1. I received this waste at the address given in A3 on (date) at hrs

2. Vehicle registration no. (or mode of transport, if not road):

3. Where waste is rejected please provide details:

I certify that waste management licence/permit/authorised exemption no(s) authorises the management of the waste described in B at the address given in A3.

Where the consignment forms part of a multiple collection, as identified in Part C, I certify that the total number of consignments forming the collection are:

Name

On behalf of (name, address, postcode, telephone, e-mail, facsimile):

Signature

Date at hrs

”

SCHEDULE 2

Regulation 2(10)

“SCHEDULE 5

Regulation 35(3)

Schedule of carriers

SECOND CARRIER'S CERTIFICATE

I certify that [enter details as appropriate] carrier transferred the waste identified in B3 to me today for onward transportation to another carrier/the consignee listed in A3 (delete as appropriate). The quantity transferred is

Name:

On behalf of (company) (name, address & postcode, telephone, e-mail, facsimile):

Signature: _____ Date: _____ at _____ hrs.

1. Carrier registration no/reason for exemption:
2. Vehicle registration no (or mode of transport if not road):
3. Original consignment note number

THIRD CARRIER'S CERTIFICATE

I certify that [enter details as appropriate] carrier transferred the waste identified in B3 to me today for onward transportation to another carrier/the consignee listed in A3 (delete as appropriate). The quantity transferred is

Name:

On behalf of (company) (name, address & postcode, telephone, e-mail, facsimile):

Signature: _____ Date: _____ at _____ hrs.

1. Carrier registration no/reason for exemption:
2. Vehicle registration no (or mode of transport if not road):
3. Original consignment note number

FOURTH CARRIER'S CERTIFICATE

I certify that [enter details as appropriate] carrier transferred the waste identified in B3 to me today for onward transportation to another carrier/the consignee listed in A3 (delete as appropriate). The quantity transferred is

Name:

On behalf of (company) (name, address & postcode, telephone, e-mail, facsimile):

Signature: _____ Date: _____ at _____ hrs.

1. Carrier registration no/reason for exemption:
 2. Vehicle registration no (or mode of transport if not road):
 3. Original consignment note number
-

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894) (“the 2005 Regulations”).

Regulation 2(4) revokes Part 5 of the 2005 Regulations. Part 5 of the 2005 Regulations requires premises at which hazardous waste is produced or from which hazardous waste is removed to be notified to the Environment Agency. Regulation 2 also makes consequential amendments to the 2005 Regulations connected to the revocation of Part 5.

Regulation 2(5)(a) corrects an error in regulation 49(4) of the 2005 Regulations. Regulation 2(9) inserts a review provision into the 2005 Regulations as required by Part 2 of the Small Business, Enterprise and Employment Act 2015 (c.26). Regulation 3 contains a consequential amendment.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is annexed to the Explanatory Memorandum for these Regulations on www.legislation.gov.uk.

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