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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1806 (W.138)**

**ENVIRONMENTAL PROTECTION, WALES**

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

Made - - - - 5 July 2005

Coming into force in accordance with regulation 1(1)

The National Assembly for Wales, being designated <sup>M1</sup> for the purposes of section 2(2) of the European Communities Act 1972 <sup>M2</sup> in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste, in exercise of the powers conferred on it by section 2(2) of that Act, makes the following Regulations:

**Marginal Citations**

**M1** S.I. 2005/850.

**M2** 1972 c. 68.

**PART 1**

**GENERAL**

**Title, commencement, and application**

- 1.—(1) The title of these Regulations is the Hazardous Waste (Wales) Regulations 2005.
- (2) These Regulations come into force as follows—
  - (i) Parts 1, 2, paragraph 1 of Part 1 of Schedule 12 and, for the purposes of that paragraph only, in Part 5, regulation 59(3) and Schedule 9 and regulation 74 on 6 July 2005; and
  - (ii) the remainder, on 16 July 2005.
- (3) These regulations apply in relation to Wales.

**The Waste Directive and the meaning of Waste**

- [<sup>F12</sup>—(1) For the purposes of these Regulations—
- (a) “the Waste Directive” (“*y Gyfarwydddeb Wastraff*”) means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste;
  - (b) “waste” (“*gwastraff*”) means anything that—

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*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

- (i) is waste within the meaning of Article 3(1) of the Waste Directive; and
- (ii) subject to regulation 15, is not excluded from the scope of that Directive by Article 2(1), (2) or (3).

(2) In these Regulations, a reference to the Waste Directive conditions is a reference to the conditions set out in Article 13 of that Directive, that is to say, to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular—

- (a) without risk to water, air, soil, plants or animals;
- (b) without causing a nuisance through noise or odours; and
- (c) without adversely affecting the countryside or places of special interest.]

#### Textual Amendments

**F1** Reg. 2 substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), [Sch. para. 2](#)

#### [<sup>F2</sup>Annex III to the Waste Directive

3. A reference in these Regulations to—
- (a) Annex III is a reference to Annex III (properties of waste which render it hazardous) to the Waste Directive, as that Annex is set out in Schedule 3;
  - (b) hazardous properties is a reference to the properties in Annex III.]

#### Textual Amendments

**F2** Reg. 3 substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), [Sch. para. 3](#)

#### The List of Wastes

- 4.—(1) In these Regulations—
- “the List of Wastes Decision” (“*Penderfyniad y Rhestr Wastraffoedd*”) means Commission Decision [2000/532/EC](#)<sup>M3</sup> of 3 May 2000 replacing Decision [94/3/EC](#) establishing a list of wastes pursuant to Article 1(a) of Council Directive [75/442/EEC](#) on waste and Council Decision [94/904/EC](#) establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive [91/689/EEC](#) on hazardous waste, as amended by amendments thereto which have effect from time to time in relation to Wales pursuant to the List of Wastes Regulations;
- “the List of Wastes Regulations” (“*Rheoliadau'r Rhestr Wastraffoedd*”) means the List of Wastes (Wales) Regulations 2005<sup>M4</sup>; and
- “the List of Wastes” (“*y Rhestr Wastraffoedd*”) means the list of wastes set out in the List of Wastes Decision as it is from time to time set out in the List of Wastes Regulations<sup>F3</sup>....
- (2) A reference in these Regulations in relation to any waste to—
- (a) being “listed as a waste” and “listed as a hazardous waste” refers to that waste being listed as a waste, or as a hazardous waste, as the case may be, in the List of Wastes, provided, in the case of a waste to which a limit value of concentration applies, it is only to be considered to be listed as a hazardous waste where the relevant limit value of concentration is satisfied;

(b) being “not listed as hazardous” refers to that waste being not listed as a hazardous waste in the List of Wastes, whether or not it is listed as a waste, and whether or not it is otherwise a hazardous waste pursuant to these Regulations;  
and cognate expressions are to be construed accordingly.

#### Textual Amendments

**F3** Words in [reg. 4\(1\)](#) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 4](#)

#### Marginal Citations

**M3** OJ No. L 226, 6.9.2000, p.3.

**M4** [S.I. 2005/1820 \(W.148\)](#).

### General Interpretation

5.—(1) In these Regulations—

“the 1990 Act” (“*Deddf 1990*”) means the Environmental Protection Act 1990 <sup>M5</sup>;

“the 1995 Act” (“*Deddf 1995*”) means the Environment Act 1995 <sup>M6</sup>;

<sup>F4</sup>

“the 1996 Regulations” (“*Rheoliadau 1996*”) means the Special Waste Regulations 1996 <sup>M7</sup>;

[<sup>F5</sup>“the Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2010;]

“the Agency” (“*yr Asiantaeth*”) means the Environment Agency;

“asbestos waste” (“*gwastraff asbestos*”) means waste which contains or is contaminated by asbestos;

“the Assembly” (“*y Cynulliad*”) means the National Assembly for Wales;

“authorised person” (“*person awdurdodedig*”) has the meaning given by section 108(15) of the 1995 Act;

“business day” (“*diwrnod busnes*”) means any day other than any—

(a) Saturday or Sunday;

(b) Good Friday or Christmas Day;

(c) day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 <sup>M8</sup>; or

(d) other public holiday;

“carrier” (“*cludwr*”), in relation to a consignment of hazardous waste, means a person who takes one or more of the following actions, that is to say, collects the consignment from the premises at which it was produced or premises at which it is being held, delivers it to the consignee, or transports it in the course of its transfer from those premises to the consignee;

“consignee” (“*traddodai*”), in relation to a consignment of hazardous waste, means the person to whom the waste is or is to be transferred for recovery or disposal;

“consignment code” (“*cod traddodi*”) is to be construed in accordance with regulation 34(1);

[<sup>F6</sup>“consignment note” (“*nodyn traddodi*”), in relation to a consignment of hazardous waste, means the identification document which is required to accompany the hazardous waste when it is transferred pursuant to Article 19(2) of the Waste Directive.]

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Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)

“consignor” (“*traddodwr*”), in relation to a consignment of hazardous waste, means the person who causes that waste to be removed from the premises at which it was produced or is being held;

[<sup>F7</sup>“domestic waste” (“*gwastraff domestig*”) means waste produced by a household;]

“emergency or grave danger” (“*argyfwng neu berygl difrifol*”) has the meaning given by regulation 61;

“emergency services” (“*gwasanaethau brys*”) means those police, fire and ambulance services who are liable to be required to respond to an emergency;

[<sup>F8</sup>“environmental permit” (“*trwydded amgylcheddol*”) has the meaning given in [<sup>F9</sup>the Environmental Permitting Regulations];]

“harbour area” (“*ardal harbwr*”) has the same meaning as in the Dangerous Substances in Harbour Areas Regulations 1987 <sup>M9</sup>;

“hazardous waste” (“*gwastraff peryglus*”) is to be construed in accordance with regulation 6;

“mixing” (“*cymysgu*”) is to be construed in accordance with regulation 18;

“mobile service” (“*gwasanaeth symudol*”) means a service operated from premises which consists of any one or more of the following activities, that is to say, the construction, maintenance or repair of any other premises, or of any fixtures, fittings or equipment located on those other premises, being a service in the course of which the operator of the service produces hazardous waste at those other premises;

[<sup>F10</sup>“multiple collection” (“*amlgasgliad*”) means a journey made by a single carrier which meets the following conditions—

- (a) the carrier collects more than one consignment of hazardous waste in the course of the journey;
- (b) each consignment is collected from different premises;
- (c) all the premises from which a collection is made are in Wales; and
- (d) all consignments collected are transported by that carrier in the course of a journey to the same consignee;]

[<sup>F11</sup>.....]

“non-hazardous waste” (“*gwastraff nad yw'n beryglus*”) has the meaning given by regulation 7;

[<sup>F12</sup>“premises” (“*mangre*”) includes land and any ship and any other means of transport from which a mobile service is operated;]

“quarter” (“*chwarter*”) means any period of three months ending on 31 March, 30 June, 30 September or 31 December;

[<sup>F13</sup>“radioactive substances activity” has the meaning given in Schedule 23 to the Environmental Permitting Regulations;]

[<sup>F13</sup>“radioactive waste” has the meaning given in Schedule 23 to the Environmental Permitting Regulations;]

[<sup>F14</sup>“registered exemption” (“*esemptiad cofrestredig*”) means an exempt waste operation within the meaning of the Environmental Permitting Regulations;]

“schedule of carriers” (“*atodlen y cludwyr*”) means the form of schedule set out in Schedule 5 and required to be completed where more than one carrier transports, or is to transport, the consignment;

“SEPA” (“*SEPA*”) means the Scottish Environment Protection Agency;

“ship” (“*llong*”) means a vessel of any type whatsoever including submersible craft, floating craft and any structure which is a fixed or floating platform;

“six digit code” (“*cod chwe digid*”) means the six digit code referable to a type of waste in accordance with the List of Wastes, and in relation to hazardous waste, includes the asterisk;

“SIC” (“*SIC*”) means the publication entitled “the UK Standard Industrial Classification of Economic Activities 2003” prepared by the Office of National Statistics and published by Her Majesty’s Stationery Office on 31 December 2002 and implemented on 1 January 2003<sup>M10</sup>;

“United Kingdom ship” (“*llong y Deyrnas Unedig*”) has the meaning given by section 1 of the Merchant Shipping Act 1995<sup>M11</sup>;

F4  
.....

[<sup>F15</sup>“waste permit” (“*trwydded gwastraff*”) means a licence under Part 2 of the Food and Environment Protection Act 1985 or an environmental permit]

[<sup>F16</sup>(2) In these Regulations—

“broker” (“*brocer*”) means an undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;

“collection” (“*casglu*”) means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

“dealer” (“*deliwr*”) means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;

“disposal” (“*gwaredu*”) means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy (Annex I of the Waste Directive sets out a non-exhaustive list of disposal operations)

“holder” (“*deiliad*”) means the producer of the waste or the person who is in possession of it ;

“management” (“*rheoli*”) means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as dealer or broker;

“producer” (“*cynhyrchydd*”) means anyone whose activities produce waste (“original waste producer”) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of the waste;

“recovery” (“*adfer*”) means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy (Annex II of the Waste Directive sets out a non-exhaustive list of recovery operations);

“waste oil” (“*olew gwastraff*”) means any mineral or synthetic lubrication or industrial oil which has become unfit for the use for which it was originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils,

and cognate expressions must be construed accordingly.]

(3) In these Regulations—

(a) any document which is to be provided or given to any person (other than a fixed penalty notice under Part 10) may be provided or given to that person in electronic form if the text is capable of being produced by that person in a visible and legible documentary form;

(b) any requirement to make, keep or retain a record or to maintain a register may be satisfied in electronic form if the text is capable of being produced by that person in a visible and legible documentary form;

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- (c) any requirement for a signature on a notification, consignment note [<sup>F17</sup>or schedule of carriers], may be satisfied by an electronic signature incorporated into the document; and
- (d) “electronic signature” (“*llofnod electronig*”) means data in electronic form which are attached to or logically associated with other electronic data and which serve as a method of authentication.

### Textual Amendments

- F4** Words in reg. 5(1) omitted (6.4.2008) by virtue of [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 1(1)(b), **Sch. 21 para. 46(3)(a)** (with regs. 69-72)
- F5** Words in reg. 5(1) 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. 25(2)(a)** (with reg. 1(2))
- F6** Words in reg. 5(1) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 5(a)(i)**
- F7** Words in reg. 5(1) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 5(a)(ii)**
- F8** Words in reg. 5(1) inserted (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 1(1)(b), **Sch. 21 para. 46(3)(c)** (with regs. 69-72)
- F9** Words in reg. 5(1) 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. 25(2)(b)** (with reg. 1(2))
- F10** Words in reg. 5(1) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 5(a)(iii)**
- F11** Words in reg. 5(1) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 5(a)(iv)**
- F12** Words in reg. 5(1) substituted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), regs. 1(1), **3**
- F13** Words in reg. 5(1) inserted (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. 25(2)(e)** (with reg. 1(2))
- F14** Words in reg. 5(1) 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. 25(2)(c)** (with reg. 1(2))
- F15** Words in reg. 5(1) 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. 25(2)(d)** (with reg. 1(2))
- F16** Reg. 5(2) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 5(b)**
- F17** Words in reg. 5(3)(c) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 5(c)**

### Marginal Citations

- M5** 1990 c. 43.
- M6** 1995 c. 25.
- M7** SI 1996/972 as amended by [S.I. 1996/2019](#), 1997/251, 2001/3148.
- M8** 1971 c. 80.
- M9** [S.I. 1987/37](#), to which there are amendments not relevant to these Regulations.
- M10** ISBN 0116216417.
- M11** 1995 c. 21.

## PART 2

### HAZARDOUS AND NON-HAZARDOUS WASTE

#### Hazardous waste

6. Subject to regulation 9, a waste is a hazardous waste if it is—
- listed as a hazardous waste in the List of Wastes <sup>M12</sup>;
  - listed in regulations made under section 62A(1) of the 1990 Act; or
  - a specific batch of waste which is determined pursuant to regulation 8 to be a hazardous waste,

and the term “hazardous” and cognate expressions are to be construed accordingly.

#### Marginal Citations

**M12** Wastes listed as hazardous in the List of Wastes are considered hazardous pursuant to the first indent of Article 1.4 of the Hazardous Waste Directive.

#### Non-hazardous waste

7. The following are non-hazardous waste—
- a waste which is not a hazardous waste pursuant to regulation 6; or
  - a specific batch of waste which is determined pursuant to regulation 9 to be a non-hazardous waste,

and the expression “non-hazardous” and cognate expressions are to be construed accordingly.

#### Specific waste to be treated as hazardous

8.—(1) The Assembly, having regard to [<sup>F18</sup>Annex III] and the limit values of concentration in the List of Wastes, may determine, in exceptional cases, that a specific batch of waste in Wales which—

- is not listed in the List of Wastes;
- is not listed in regulations made under section 62A(1) of the 1990 Act; or
- though of a type listed as a hazardous waste in the List of Wastes, is treated as non-hazardous pursuant to regulation 9(2),

displays one or more of the hazardous properties, and accordingly that it is to be treated for all purposes as hazardous waste.

(2) A specific batch of waste produced in England, Scotland or Northern Ireland and not listed as hazardous in the List of Wastes and which is for the time being determined by the Secretary of State, the Scottish Executive or the Northern Ireland Department of the Environment, as the case may be, to be hazardous pursuant to Article 3 of the List of Wastes Decision, is to be treated for all purposes as hazardous waste in Wales.

#### Textual Amendments

**F18** Words in [reg. 8\(1\)](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 6](#)

**Specific waste to be treated as non-hazardous**

9.—(1) The Assembly may decide, in exceptional cases, on the basis of documentary evidence provided by the holder, and having regard to [F19 Annex III] and the limit values of concentration in the List of Wastes, that a specific batch of waste in Wales which—

- (a) is listed as hazardous waste in the List of Wastes;
- (b) is listed in regulations made under section 62A(1) of the 1990 Act; or
- (c) through of a type not listed as a hazardous waste in the List of Wastes, is treated as hazardous pursuant to regulation 8(2),

does not display any of the properties listed in Annex III F20...and accordingly that it is to be treated for all purposes as non-hazardous in Wales.

[F21(1A) The power at paragraph (1) to decide that waste be treated as non-hazardous does not apply to waste which has been diluted or mixed with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous.]

(2) A specific batch of waste produced in England, Scotland or Northern Ireland and listed as a hazardous waste in the List of Wastes and which is for the time being determined by the Secretary of State, the Scottish Executive, or the Northern Ireland Department of the Environment, as the case may be, to be non-hazardous pursuant to Article 3 of the List of Wastes Decision, is, subject to any determination made under regulation 8, to be treated for all purposes as non-hazardous in Wales.

**Textual Amendments**

- F19** Words in [reg. 9\(1\)](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 7\(a\)\(i\)](#)
- F20** Words in [reg. 9\(1\)](#) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 7\(a\)\(ii\)](#)
- F21** [Reg. 9\(1A\)](#) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 7\(b\)](#)

**Provisions common to regulations 8 and 9**

10.—(1) The Assembly may revoke a determination made under regulation 8 or 9.

(2) The Assembly must, before making a determination under regulation 8 or 9 or revoking such a determination, except where it considers it inappropriate to do so on account of the nature of any emergency or grave danger, consult—

- (a) the requisite bodies;
- (b) the holder of the specific batch of waste; and
- (c) any other person appearing to it—
  - (i) to have an interest in the specific waste; or
  - (ii) to be otherwise directly affected by the determination.

(3) The Assembly must give notice of any determination made under regulation 8 or 9 or revocation made under regulation 8 or 9 to—

- (a) the requisite bodies;
- (b) the holder of the batch of waste concerned; and
- (c) any person it has consulted pursuant to paragraph (2)(c).

(4) The notice must give reasons for the determination or revocation, as the case may be.



## Requisite bodies

11. For the purposes of this Part, the “requisite bodies” are—
- (a) the Agency;
  - (b) SEPA;
  - (c) The Secretary of State;
  - (d) the Scottish Executive;
  - (e) the Northern Ireland Department of the Environment <sup>M13</sup>;
  - (f) the Health and Safety Executive; and
  - (g) any organisation appearing to the Assembly to be representative of persons likely to be affected by the relevant determination, or revocation of a determination, as the case may be.

### Marginal Citations

**M13** The Northern Ireland Department of the Environment includes its executive agency the Environmental Heritage Service.

## PART 3

### APPLICATION OF PARTS 4 TO 10

#### General application of Parts 4 to 10

12.—(1) Subject to paragraphs (2) to (4), these Regulations apply to hazardous waste.

[<sup>F22</sup>(2) Except as provided in regulations 13 (asbestos waste) and 14 (separated domestic fractions), these Regulations do not apply to domestic waste.]

(3) Nothing in Part 6 of these Regulations (movement of hazardous waste) applies in relation to shipments of waste to which the provisions of Council Regulation 259/93/EEC <sup>M14</sup>, other than Title III of that Regulation, apply.

(4) These Regulations apply to hazardous waste in Wales notwithstanding that the waste—

- (a) was produced on or removed from premises in Scotland, England, Northern Ireland or Gibraltar; or
- (b) is, or is to be, transported from premises in Wales to premises located in one of those places.

(5) For the avoidance of doubt, in their application to—

- (a) ships' waste, these Regulations apply to any ship;
- (b) the internal waters and the territorial sea of the United Kingdom adjacent to Wales, these Regulations apply, without prejudice to paragraph (3), to a consignment of waste transported in any ship,

in each case (whether the ship is a United Kingdom ship or otherwise and, if a United Kingdom ship, whether registered in Wales or otherwise).

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*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

#### Textual Amendments

**F22** Reg. 12(2) substituted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), regs. 1(1), 4

#### Marginal Citations

**M14** OJ No. L 30, 6.2.1993, p.1.

### Asbestos waste

[<sup>F23</sup>**13.**—(1) These Regulations apply to asbestos waste whether or not it is domestic waste.

(2) Nothing in these Regulations imposes obligations on an occupier of domestic premises in relation to asbestos waste produced on those premises.

(3) A contractor who is engaged to carry out any works at domestic premises which produce asbestos waste, or which relate to asbestos waste is to be treated as the producer of the asbestos waste and, where the contractor does not engage another person as consignor, as the consignor of the asbestos waste.]

#### Textual Amendments

**F23** Reg. 13 substituted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), regs. 1(1), 5

### [<sup>F24</sup>Separated domestic fractions

**14.**—(1) This regulation applies to any separated domestic fraction, that is to say, hazardous waste which—

- (a) is domestic waste; and
- (b) has been separated from other domestic waste.

(2) Nothing in these Regulations imposes obligations on an occupier of domestic premises in relation to separated domestic fractions which have been produced at those premises.

(3) Part 4 of these Regulations applies to separated domestic fractions from the time at which the waste is accepted for collection, disposal or recovery—

- (a) from the domestic premises at which the waste was produced; or
- (b) at a site for the reception of domestic waste to which the separated domestic fractions are taken by an occupier of domestic premises.

(4) After separated domestic fractions have been removed from the premises at which the waste was produced and taken to other premises for collection, disposal or recovery, any establishment or undertaking which accepts the separated domestic fractions for collection, disposal or recovery must be treated from the time at which the waste is so accepted as the producer of the waste for the purposes of these Regulations.]

#### Textual Amendments

**F24** Reg. 14 substituted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), regs. 1(1), 6

## [<sup>F25</sup>Hazardous waste produced at shop premises

**14A.**—(1) Hazardous waste produced at shop premises by customers of the occupier shall be treated as being produced by the occupier for the purpose of these Regulations.

(2) For the purposes of this regulation, “shop premises” has the meaning given by section 1(3) of the Offices, Shops and Railway Premises Act 1963.]

### Textual Amendments

**F25** Reg. 14A inserted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), regs. 1(1), 7

## Radioactive waste

**15.**—[<sup>F26</sup>(1) This regulation applies to radioactive waste where—

- (a) a radioactive substances activity in relation to that radioactive waste does not require an environmental permit by virtue of section 15 of the Radioactive Substances Act 1993; and
- (b) that radioactive waste has one or more hazardous properties arising other than from its radioactive nature.]

(2) Notwithstanding regulation 2(1)(b)(ii), radioactive waste to which this regulation applies is treated as waste for the purposes of these Regulations, and accordingly it is treated as hazardous waste and these Regulations apply to that waste.

### Textual Amendments

**F26** Reg. 15(1) 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. 25\(3\)](#) (with reg. 1(2))

## Agricultural waste

**16.**—(1) These Regulations do not apply to agricultural waste before [<sup>F27</sup>15 May 2007], but apply on and after that date to agricultural waste whenever it became waste.

(2) For the purpose of this Regulation, “agricultural waste” means waste from premises used for agriculture within the meaning of the Agriculture Act 1947 <sup>M15</sup>.

### Textual Amendments

**F27** Words in reg. 16 substituted (15.5.2006) by [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), regs. 1(2), [11\(2\)\(a\)](#)

### Marginal Citations

**M15** 1947 c. 48 (see section 109(3)).

## Mines and quarries waste

**17.** These Regulations do not apply to waste from a mine or quarry before [<sup>F28</sup>15 May 2007], but apply on and after that date to such waste whenever it became waste.

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

#### Textual Amendments

**F28** Words in reg. 17 substituted (15.5.2006) by [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), regs. 1(2), **11(3)(a)**

## PART 4

### MIXING HAZARDOUS WASTE

#### Meaning of mixing hazardous waste

**18.**—(1) For the purposes of these Regulations, hazardous waste of any description is considered to have been mixed if it has been [<sup>F29</sup>diluted or has been] mixed with—

- (a) a different category of hazardous waste;
- [<sup>F30</sup>(aa) in the case of hazardous waste comprising waste oil, waste oil of different characteristics;]
- (b) a non-hazardous waste; or
- (c) any other substance or material.

#### Textual Amendments

**F29** Words in reg. 18 inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 8(a)**

**F30** Reg. 18(aa) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 8(b)**

#### Prohibition on mixing hazardous waste without a permit

**19.**—(1) Subject to paragraphs [<sup>F31</sup>(2), (3) and (4)], no establishment or undertaking which carries out the disposal or recovery of hazardous waste, or which produces, collects or transports hazardous waste, may mix any hazardous waste.

(2) Paragraph (1) does not apply so as to prohibit a process by which waste is produced and which results in the production of mixed wastes, being a process other than one which mixes a waste with any other waste, substance or material, resulting in—

- (a) a change in the nature or composition of that waste; or
- (b) the production of another waste.

(3) Paragraph (1) does not apply to the extent that the mixing is part of a disposal or recovery operation and is authorised by, and is conducted in accordance with, the requirements (howsoever expressed) of a waste permit <sup>F32</sup>....

[<sup>F33</sup>(4) Paragraph (1) applies to the mixing of waste oil—

- (a) only to the extent that the prohibition in that paragraph is technically feasible and economically viable; and
- (b) only where such mixing would impede the treatment of the waste oil.]

#### Textual Amendments

- F31** Words in reg. 19(1) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\), reg. 1\(2\), Sch. para. 9\(a\)](#)
- F32** Words in reg. 19(3) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\), reg. 1\(2\), Sch. para. 9\(b\)](#)
- F33** Reg. 19(4) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\), reg. 1\(2\), Sch. para. 9\(c\)](#)

#### Duty to separate mixed wastes

**20.**—(1) This regulation applies to the holder where—

- (a) the hazardous waste has been mixed other than under and in accordance with a waste permit <sup>F34</sup> ..., whether by the holder or a previous holder; and
- (b) separation is both—
- (i) technically and economically feasible; and
- (ii) necessary in order to comply with the Waste Directive conditions.

(2) The holder must make arrangements for separation of the waste to be carried out in accordance with a waste permit or registered exemption as soon as reasonably practicable.

(3) In this Regulation “separation” means separation of a waste from any other waste, substance, or material with which it has been mixed.

#### Textual Amendments

- F34** Words in reg. 20(1)(a) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\), reg. 1\(2\), Sch. para. 10](#)

## PART 5

### NOTIFICATION OF PREMISES

#### Requirement to notify premises

**21.**—(1) Where hazardous waste is produced at, [<sup>F35</sup>collected at,] or removed from, any premises other than exempt premises, the premises must be notified to the Agency in accordance with the requirements of this Part.

(2) Premises duly notified to the Agency in accordance with this Part are notified premises for the purposes of these Regulations for the period of twelve months (“the period of notification”) commencing at the effective time and ending at the end of the last day of that twelve month period.

(3) It is the duty of a hazardous waste producer to notify the relevant premises in accordance with regulations 24 and 26 if they have not otherwise already been notified.

(4) Without prejudice to paragraph (3), a consignor may, in the circumstances described in regulation 25, notify the site premises in accordance with that regulation and regulation 26.

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

#### Textual Amendments

**F35** Words in reg. 21(1) inserted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), regs. 1(1), 8

#### Prohibition on removal of hazardous waste from premises unless notified or exempt

**22.**—(1) Subject to paragraph (2), no person may remove, or cause to be removed, or transport hazardous waste from any premises unless those premises are, at the time of removal of the waste, notified premises or exempt premises.

(2) Paragraph (1) does not apply to the removal or transport of hazardous waste from any premises if the waste was deposited at those premises in contravention of section 33 of the 1990 Act other than in purported compliance with [<sup>F36</sup>an environmental permit] or registered exemption.

#### Textual Amendments

**F36** Words in reg. 22(2) substituted (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 1(1)(b), **Sch. 21 para. 46(4)** (with regs. 69-72)

#### Exemption from the requirement to notify

[<sup>F37</sup>**23.**—(1) Exempt premises need not be notified to the Agency pursuant to this Part.

(2) In these Regulations, premises are exempt premises if they comply with the condition in paragraph (3) and with either of the conditions in paragraph (4) or (5).

(3) The condition in this paragraph is that no hazardous waste is removed from the premises by any person other than—

- (a) a carrier registered under the Control of Pollution (Amendment) Act 1989; or
- (b) a carrier exempt from the requirement to register under that Act.

(4) The condition in this paragraph is that the premises are a ship.

(5) The condition in this paragraph is that the qualifying limitation applies.]

#### Textual Amendments

**F37** [Reg. 23](#) substituted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), regs. 1(1), 9

#### Notification by producer

**24.**—(1) Subject to paragraph (2), a hazardous waste producer must notify to the Agency the site premises or, where he or she operates a mobile service and elects to treat service premises as the relevant premises in relation to any related premises, the service premises—

- (a) before the first occasion on which he or she produces hazardous waste on the site premises, or, in the case of notification of service premises, on any of the related site premises, as the case may require;
- (b) where the relevant premises have previously been notified premises, but the period of notification has expired, before the next occasion on which he or she produces hazardous waste on the site premises or any of the related premises, as the case may require;

- (c) where the premises cease to be exempt premises, before the next occasion on which he or she produces hazardous waste on those premises; or
- (d) where the notified premises cease to be service premises in relation to any related premises on account of the qualifying limitation provided for in regulation 30 being exceeded in relation to those related premises, before those limitations are exceeded.

(2) Where it is not reasonably foreseeable that the producer's activities will produce hazardous waste, paragraph (1) applies as if for “before” on each occasion that it occurs, there were substituted “as soon as reasonably practicable after”.

### **Notification by consignor**

**25.**—(1) A consignor who proposes to remove, or cause to be removed, any hazardous waste from any premises must notify those premises to the Agency if—

- (a) they are the site premises and the producer is not known or cannot be located without unreasonable inconvenience or expense; or
- (b) the waste was not produced at those premises.

### **Common provisions on notifications**

**26.**—(1) This regulation applies whether notification is given by or on behalf of the producer or consignor.

(2) Notification of the relevant premises may be given in writing or by telephone.

(3) Notification may not without the consent of the Agency be given more than one month in advance of the effective time.

(4) The person giving notification must provide to the Agency the following information—

- (a) his or her name and address and details of how he or she can be contacted, and where he or she is giving notification on behalf of another person, the name and address of that person and details of how that person can be contacted;
- (b) the address of the premises being notified;
- (c) the classification of the premises in accordance with the SIC; and
- (d) such other information as the Agency may reasonably require in connection with its functions of monitoring the movement of hazardous waste, or carrying out inspections pursuant to regulation 56 of these Regulations or [<sup>F38</sup>regulation 34(2) of [<sup>F39</sup>the Environmental Permitting Regulations]].

(5) If there are any changes in the information provided pursuant to paragraph (4) during the period of notification, the premises are not to be treated as notified until the Agency have received the updated information such that the requirements of paragraph (4) are met.

(6) The Agency may prescribe a model format for notifications of premises in writing and, where for the time being a format is prescribed pursuant to this paragraph—

- (a) the Agency must publish the model format on its website and in such other manner as it may consider appropriate for informing persons required to notify premises of its content; and
- (b) the Agency is not obliged to consider any notification unless it is made in that model format, or in a format substantially to like effect.

(7) The person giving notification must pay to the Agency the relevant fee payable in respect of the notification of premises at the same time as giving notification (but no fees are payable in relation to information provided pursuant to paragraph (5)).

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

[<sup>F40</sup>(8) The Agency must inform on request, a person who is the holder of hazardous waste or who carries on the business of consigning or collecting hazardous waste, whether any premises from which that person proposes to remove, cause to be removed or transport any hazardous waste are notified premises, and if so, the particulars held by the Agency concerning—

- (a) the address of the premises, including the postcode;
- (b) the premises code;
- (c) the name of the holder of the premises code; and
- (d) the date of expiry of the premises code, being the end of the period of notification.]

#### Textual Amendments

- F38** Words in reg. 26(4)(d) substituted (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 1(1)(b), **Sch. 21 para. 46(5)** (with regs. 69-72)
- F39** Words in reg. 26(4)(d) 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. 25(4)** (with reg. 1(2))
- F40** Reg. 26(8) substituted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), regs. 1(1), **10**

#### Premises code

**27.**—(1) When notification of relevant premises is duly made to and the relevant fee received by the Agency, it must on receipt thereof issue to the person making the notification a registration code, being a code unique to those premises (a “premises code”).

(2) The premises code may consist of letters, numbers or symbols, or any combination of letters, numbers and symbols.

#### Effective time

**28.**—(1) Subject to paragraph (2) of this Regulation and without prejudice to regulation 26(3), the time at which notification takes effect (“the effective time”) is—

- (a) where a previous period of notification remains in force, on the expiration of that period;
- (b) where the person giving notification requests a date for commencement, at the beginning of the date so requested;
- (c) in any other case, at the beginning of the fourth business day following the day on which notification is given.

(2) A notification cannot take effect before the time at which the Agency issues the premises code for the period covered by the notification.

#### Mobile services

**29.**—(1) Where the producer of the hazardous waste operates a mobile service, premises to which paragraph (2) applies (“service premises”) are the relevant premises in relation to any related premises whilst that mobile service is operated within the qualifying limitation and the tenure restriction is observed in relation to each related premises.

(2) The premises to which this paragraph applies are—

- (a) the premises from which the mobile service is operated; or



- (b) where the mobile service is operated from more than one set of premises, the producer's principal place of business.
- (3) Where any premises are both—
  - (a) site premises apart from the mobile service; and
  - (b) service premises in relation to the mobile service,a single notification may be made.

### The qualifying limitation

- [<sup>F41</sup>30.—(1) The qualifying limitation for—
- (a) a mobile service is that the total aggregated quantity of hazardous waste produced at, collected at, or removed from any one set of related premises in the course of that service is less than 500kg in any period of twelve months; and
  - (b) any exempt premises, is that the total aggregated quantity of hazardous waste produced at, collected at, or removed from the premises is less than 500kg in any period of twelve months.
- (2) When calculating the aggregated quantity, any quantity of hazardous waste must not be counted against more than one of the activities in paragraph (1)(a) or (b).]

#### Textual Amendments

**F41** Reg. 30 substituted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009](#) (S.I. 2009/2861), regs. 1(1), 11

### The tenure restriction

**31.** The tenure restriction is that the operator of the mobile service neither owns nor occupies those related premises.

### General interpretation of Part 5

**32.** In this Part—

<sup>F42</sup>

“effective time” (“*amser effeithiol*”) has the meaning given by regulation 28;  
“exempt premises” (“*mangre esempt*”) has the meaning given by regulation 23;  
“notified premises” (“*mangre a hysbyswyd*”) has the meaning given by regulation 21(2);

<sup>F42</sup>

“period of notification” (“*cyfnod hysbysu*”) has the meaning given by regulation 21(2);

[<sup>F43</sup>“premises code” (“*cod mangre*”) has the meaning given by regulation 27(1);]

[<sup>F43</sup>“qualifying limitation” (“*terfynau cymwys*”) has the meaning given by regulation 30;]

<sup>F42</sup>

“related premises” (“*mangre gysylltiedig*”) means the site premises at which a mobile service produces waste for which relevant premises are service premises in accordance with regulation 29;

“relevant premises” (“*mangre berthnasol*”) means the premises which the producer or consignor is required to notify;

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

“relevant fee” (“*ffi berthnasol*”) means the fee payable in accordance with a scheme made pursuant to section 41 of the 1995 Act;

“service premises” (“*mangre gwasanaeth*”) has the meaning given by regulation 29(1);

F42 .....

“site premises” (“*mangre safle*”) means the premises at which hazardous waste is produced; and

F42 .....

**Textual Amendments**

**F42** Words in reg. 32 omitted (18.11.2009) by virtue of [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), regs. 1(1), **12(a)**

**F43** Words in reg. 32 inserted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), regs. 1(1), **12(b)**

**PART 6**

**MOVEMENT OF HAZARDOUS WASTE**

*Consignment codes*

**Coding standard**

**33.**—(1) It is the duty of the Agency from time to time to designate, and at all times to maintain in force a designation of, a standard (in these Regulations referred to as a “coding standard”), making provision for the composition of consignment codes for the purposes of this Part.

(2) The coding standard must enable each consignment of hazardous waste to be given a unique consignment code.

(3) The standard must make provision for different codes for consignment notes completed in relation to hazardous waste removed by pipeline pursuant to regulation 41, where piping is continuous for more than one quarter.

(4) The standard must make provision for consignment codes to consist of letters, numbers or symbols, or any combination of letters, numbers and symbols.

**Consignment codes**

**34.**—(1) It is the duty of—

(a) the producer, in relation to—

(i) a consignment of hazardous waste to be removed from premises at which the waste is produced (other than a ship);

(ii) hazardous waste to be removed by pipeline from premises (other than a ship) situated in a case to which regulation 41 applies; or

(iii) hazardous waste to be deposited within the curtilage of premises at which it was produced;

(b) the master of the ship, in relation to any hazardous waste removed from a ship in a harbour area (including waste accidentally spilled on land adjacent to the ship); and

(c) the consignor, in relation to any other consignment of hazardous waste, to assign to the hazardous waste a unique code in accordance with the coding standard for the time being in force.

(2) The code assigned pursuant to paragraph (1) is to be the consignment code of the hazardous waste concerned for the purposes of these Regulations.

*Documents to be completed for consignments*

**Completion of the consignment note**

35.—(1) Where hazardous waste is removed from any premises—

(a) a consignment note must be completed in accordance with paragraph [F44(2)] of this regulation and the requirements of the relevant regulation if one of the following regulations applies—

- (i) regulation 36 (standard procedure);
- (ii) regulation 39 (removal of ship's waste to reception facilities);
- (iii) regulation 40 (removal of ship's waste other than to reception facilities);
- (iv) regulation 41 (removal of waste by pipeline); or
- (v) where the consignment or any part thereof is rejected by the consignee, in accordance in each case with regulation 42 and 43;

(b) if regulation 37 (Schedule of carriers) applies, a schedule of carriers must be completed in accordance with that regulation and paragraph (3) of this regulation; and

<sup>F45</sup>(c) .....

(2) The form of consignment note set out in Schedule 4, or a form requiring the same information in substantially the same format, is to be used and must be completed so as to contain (in the place indicated in the form) all the information provided for in that Schedule which is applicable to the case.

(3) The form of the schedule of carriers set out in Schedule 5, or a form requiring the same information in substantially the same format, is to be used and must be completed so as to contain (in the place indicated in the form) all the information provided for in that Schedule which is applicable to the case.

<sup>F46</sup>(4) .....

(5) In this Part, a reference to a part of a [F47consignment note or schedule of carriers] by its number or description is a reference to that part as it is required to be so numbered or described as the case may be in the form in [F48Schedule 4 or 5] as the case may require.

[F49(6) Until the end of the period of 6 months beginning with the day on which the Waste (Miscellaneous Provisions) (Wales) Regulations 2011 are made—

(a) a carrier may elect to use the multiple collection procedure which applied immediately before the coming into force of those Regulations; and

(b) the forms set out in these Regulations as originally enacted, or forms requiring the same information in substantially the same format, may be used instead of those substituted by the Waste (Miscellaneous Provisions) (Wales) Regulations 2011.]

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

#### Textual Amendments

- F44** Word in [reg. 35\(1\)\(a\)](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 11\(a\)](#)
- F45** [Reg. 35\(1\)\(c\)](#) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 11\(b\)](#)
- F46** [Reg. 35\(4\)](#) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 11\(b\)](#)
- F47** Words in [reg. 35\(5\)](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 11\(c\)\(i\)](#)
- F48** Words in [reg. 35\(5\)](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 11\(c\)\(ii\)](#)
- F49** [Reg. 35\(6\)](#) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 11\(d\)](#)

#### Standard procedure

**36.—(1)** This regulation applies in all cases where a consignment of hazardous waste is to be removed from premises except in cases to which any of regulations [<sup>F50</sup>39] to 41 apply.

(2) Before the consignment is removed—

(a) the hazardous waste producer, or holder, as the case may be, must—

(i) prepare a copy of the consignment note for each of the following: the hazardous waste producer or holder (where different from the consignor); the consignor; the carrier; and the consignee;

(ii) complete Parts A and B on each copy; and

(iii) give every copy to the carrier;

(b) the carrier must complete Part C on each copy and give every copy to the consignor;

(c) the consignor must—

(i) complete Part D on each copy;

(ii) where the hazardous waste producer or holder, as the case may be, is not the consignor, give one copy to him or her;

(iii) retain one copy; and

(iv) give every remaining copy to the carrier.

(3) The carrier must ensure that every copy which he or she has received—

(a) travels with the consignment; and

(b) is given to the consignee on delivery of the consignment.

(4) Subject to regulation 42, on receiving the consignment the consignee must—

(a) complete Part E on both copies; and

(b) give one copy to the carrier.

#### Textual Amendments

- F50** Word in [reg. 36\(1\)](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 12](#)

## Schedule of carriers

37.—(1) This regulation applies in all cases (whether under regulation 36, or regulation 40) where more than one carrier transports, or is to transport, the consignment.

(2) Before the consignment is removed—

(a) the consignor must—

(i) prepare a copy of the schedule of carriers for the hazardous waste producer or holder (where different from the consignor), the consignor, every carrier and the consignee; and

(ii) give every copy to the first carrier;

(b) the first carrier must ensure that every copy he or she has received travels with the consignment;

(c) on delivery of the consignment to each subsequent carrier—

(i) the previous carrier must give the subsequent carrier every copy of the schedule which he or she has received;

(ii) the subsequent carrier must complete the relevant certificate on each copy, give one to the previous carrier who must retain it, and ensure that every remaining copy which he or she has received travels with the consignment; and

(iii) when the consignment is delivered to a consignee, the carrier must retain one copy of the carrier's schedule and give every remaining copy to the consignee.

(3) Where—

(a) arrangements for the transport of the consignment have not been made with all carriers intended to be involved before transport commences; or

(b) there is a change in any such arrangements after transport commences for any reason,

paragraph (2) applies as if the carrier in possession of the consignment when further arrangements are made, in the case of paragraph (a), or take effect, in the case of paragraph (b), were the consignor and the next carrier were the first carrier.

(4) Where this Regulation applies, other than in the case of a rejected consignment of hazardous waste, regulation 36 has effect as if—

(a) a reference to the hazardous waste being removed includes reference to its possession being transferred to the next carrier;

(b) in paragraph (2)(a)(i), the reference to “the carrier” were a reference to “every carrier”;

(c) in paragraphs (2)(a)(iii), 2(b) and (2)(c)(iv), the reference to “the carrier” were a reference to “the first carrier”;

(d) in paragraph (3)(b), in relation to a carrier who is not the final carrier, the reference to “the consignee” were a reference to “the subsequent carrier”;

(e) in paragraph (4)(b), the reference to “the carrier” were a reference to “the final carrier”.

## Multiple collections

<sup>F51</sup>38. ....

### Textual Amendments

**F51** Reg. 38 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), [Sch. para. 13](#)

**Removal of ships' wastes to reception facilities**

**39.**—(1) This Regulation applies where hazardous waste is removed from a ship (including excesses or spillage from loading or unloading, which have been accidentally spilled on land adjacent to the ship) in a harbour area—

- (a) to reception facilities provided within that harbour area; or
  - (b) by pipeline to any such facilities provided outside a harbour area.
- (2) Before the waste is removed from the ship the master of the ship must—
- (a) prepare two copies of the consignment note;
  - (b) complete Parts A, B and D on each copy;
  - (c) retain one copy; and
  - (d) give one copy to the operator of the facilities.

(3) Subject to regulation 42, on receiving a consignment of hazardous waste the operator of the facilities must complete Part E on the copy which he or she has received.

**Removal of ships' wastes other than to reception facilities**

**40.**—(1) This regulation applies where hazardous waste is removed from a ship in a harbour area other than in a case to which regulation 39 applies.

- (2) Before the consignment is removed—
- (a) the master of the ship must—
    - (i) prepare three copies of the consignment note;
    - (ii) complete Parts A and B on each copy; and
    - (iii) give every copy to the carrier;
  - (b) the carrier must complete Part C on each copy;
  - (c) the master of the ship must—
    - (i) complete Part D on each copy;
    - (ii) retain one copy; and
    - (iii) give every remaining copy to the carrier;
  - (d) the carrier must ensure that every copy which he or she has received—
    - (i) accompanies the consignment; and
    - (ii) is given to the consignee on delivery of the consignment.
- (3) Subject to regulation 42, on receiving the consignment the consignee must—
- (a) complete Part E on both copies; and
  - (b) give one copy to the carrier.

**Removal of wastes by pipeline**

**41.**—(1) This regulation applies where hazardous waste is removed from any premises (other than a ship) on which it is produced or stored by pipeline.

(2) Before the waste is piped, and, where the piping is continuous, at the commencement of each quarter, the producer, or holder, as the case may be, must—

- (a) prepare one copy of the consignment note for each of the following: the producer or holder, as the case may be (where different from the consignor), the consignor and the consignee;

- (b) complete Parts A, B and D on each copy, provided that in Part B3 the average flow rate must be recorded, together with an estimate of the total volume of waste to be piped per week or calendar month.
- (3) The consignee must complete Part E on each copy with the following modifications—
  - (a) in Part E1, the reference to the date on which the waste was received is to be taken to be a reference to the last date on which waste was received by the consignee pursuant to that consignment note; and
  - (b) in Part E2, the particulars of the vehicle registration are not required.
- (4) The consignee must retain one copy and ensure that a copy is given to the consignor, and to the hazardous waste producer or holder (where different from the consignor).

### *Rejected consignments*

#### **Duty of consignee not accepting delivery**

**42.**—(1) This regulation and [<sup>F52</sup>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), <sup>F53</sup>... 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 or she must—

- (a) [<sup>F54</sup>indicate, in the part headed “consignee’s certificate”] of each copy that he or she receives that he or she does not accept the consignment, or part of the consignment, as the case may be, and the reasons why he or she 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 or she must—

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

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

- (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—

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

- [<sup>F55</sup>(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 or carries on an exempt waste operation for the recovery or disposal of 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 must 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.

[<sup>F56</sup>(8) In this regulation, “exempt waste operation” (“*gwaith gwastraff esempt*”) has the meaning given in regulation 5 of [<sup>F57</sup>the Environmental Permitting Regulations].]

#### Textual Amendments

- F52** Words in [reg. 42\(1\)](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 14\(a\)](#)
- F53** Words in [reg. 42\(2\)](#) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 14\(b\)](#)
- F54** Words in [reg. 42\(3\)\(a\)](#) substituted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), [regs. 1\(1\)](#), [13\(a\)](#)
- F55** [Reg. 42\(6\)\(a\)](#) substituted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), [regs. 1\(1\)](#), [13\(b\)](#)
- F56** [Reg. 42\(8\)](#) inserted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), [regs. 1\(1\)](#), [13\(c\)](#)
- F57** 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. 25\(5\)](#) (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 <sup>F58</sup>....

(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 must 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 must —
- (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” must be added to the end;



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

#### Textual Amendments

**F58** Words in [reg. 43\(1\)](#) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 15](#)

#### Procedure for rejected multiple collection consignments

<sup>F59</sup>**44.** .....

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

### Textual Amendments

**F59** Reg. 44 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), [Sch. para. 16](#)

### *Duty to deliver within time limit*

#### **Duty to deliver consignment promptly**

**45.** It is the duty of the carrier to deliver the consignment to the consignee promptly and without undue delay.

### *Cross-border movements*

#### **Cross-border movement of hazardous waste**

**46.** Schedule 7 has effect in connection with the mutual recognition of consignment notes and the cross border movement of hazardous waste between England and Wales, Scotland, Northern Ireland and Gibraltar.

## **PART 7**

### **RECORDS AND RETURNS**

#### *Site records*

#### **Records of tipped (discharged) hazardous waste**

**47.—(1)** Any person who tips (discharges) hazardous waste (whether by way of disposal or storage) in or on any land must record and identify the waste in accordance with the following requirements of this regulation and regulation 51.

- (2) A record must include either—
  - (a) a site plan marked with a grid, or
  - (b) a site plan with overlays on which the deposits of the tipped (discharged) waste are shown in relation to the contours of the site.
- (3) Records made under this regulation are to be kept in a register.
- (4) Deposits must be identified by reference to both—
  - (a) the relevant description and six digit code in the List of Wastes, together with a description of the composition of the waste; and
  - (b) the consignment note relating to such waste, save that where waste is disposed of within the curtilage of the premises at which it is produced the deposits must be described by reference to the quarterly return made to the Agency by the hazardous waste producer under regulation 53.
- (5) A person who is required to compile or retain a register pursuant to this regulation must—
  - (a) update the register as soon as reasonably practicable and in any event within 24 hours of the receipt, or deposit, as the case may be, of the waste;

- (b) keep the register on the site where the tipping takes place; <sup>F60</sup> ...
- (c) [<sup>F61</sup>subject to paragraph (5A),] retain the records—
  - (i) for three years after deposit of the waste; or
  - (ii) if he or she has a waste permit pursuant to which the site is operated, until that permit is surrendered or revoked.

[<sup>F62</sup>(5A) If the person required to make or retain a register has a waste permit pursuant to which the site is operated, the period for retention of a consignment note required to be kept by regulation 51(2) (a) is—

- (a) for 5 years after the deposit of the waste; or
- (b) if the permit authorises disposal of waste in a landfill, until the permit is surrendered or revoked.

(5B) In paragraph (5A), “landfill” has the meaning given in Article 2(g) of Council Directive 1999/31/EC on the landfill of waste, but does not include any operation excluded from the scope of that Directive by Article 3(2).]

(6) In reckoning any period of hours for the purposes of this regulation or regulation 48, only the days or hours of any business day are to be counted.

#### Textual Amendments

- F60** Word in reg. 47(5) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 17(a)**
- F61** Words in reg. 47(5)(c) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 17(b)**
- F62** Reg. 47(5A)(5B) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 17(c)**

#### Records of disposal or recovery by other means

48.—(1) Any person who—

- (a) disposes of hazardous waste in or on land (other than any disposal covered by regulation 47);
- (b) recovers hazardous waste in or on land; or
- (c) receives hazardous waste at a transfer station,

must record and identify any hazardous waste received in accordance with the following requirements of this regulation and regulation 51.

(2) The waste must be identified in the record by reference to the relevant description in the List of Wastes and six digit code, and the entry must include a description of the composition of the waste.

(3) The record must include—

- (a) the quantity, nature and origin of any such waste;
- (b) the relevant hazardous properties;

[<sup>F63</sup>(c) the disposal or recovery method in respect of the waste by reference to the numbering and description applicable in accordance with [<sup>F64</sup>Annex I or II of the Waste Directive (as the case may be)]; and]

(d) an inventory showing the specific location at which the waste is being held.

(4) Records made under this regulation must be kept in a register.

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

(5) The register must be updated as soon as reasonably practicable and in any event no later than 24 hours after—

- (a) a consignment of hazardous waste is received;
- (b) any recovery or disposal operations are carried out or any hazardous waste is placed in storage at the transfer station, as the case may be; or
- (c) any hazardous waste is removed from the premises.

(6) A person who is required to make or retain records pursuant to this regulation must—

- (a) keep the register of the records on the site where the recovery operations take place or the transfer station is operated, as the case may be; <sup>F65</sup>...
- (b) [<sup>F66</sup>subject to paragraph (6A),] retain the records—
  - (i) where the hazardous waste is fully recovered, or remains at a transfer station, as the case may be, until it leaves the site and for three years thereafter; or
  - (ii) if he or she has a waste permit pursuant to which the site is operated, until that permit is surrendered or revoked.

[<sup>F67</sup>(6A) If the person required to make or retain a register has a waste permit pursuant to which the site is operated, the period for retention of a consignment note required to be kept by regulation 51(2) (a) is—

- (a) for 5 years after the disposal or recovery of the waste; or
- (b) if the permit authorises disposal of waste in a landfill (in addition to other treatment), until the permit is surrendered or revoked.

(6B) In paragraph (6A), “landfill” has the meaning given in Article 2(g) of Council Directive 1999/31/EC on the landfill of waste, but does not include any waste excluded from the scope of that Directive by Article 3(2).]

#### Textual Amendments

- F63** Reg. 48(3)(c) substituted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), reg. 1(1), **14**
- F64** Words in reg. 48(3)(c) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 18(a)**
- F65** Word in reg. 48(6)(a) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 18(b)**
- F66** Words in reg. 48(6)(b) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 18(c)**
- F67** Reg. 48(6A)(6B) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 18(d)**

#### *Producer and transport records*

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

**49.—**(1) A producer or holder of hazardous waste, and where different from the producer [<sup>F68</sup>or holder], a [<sup>F69</sup>consignor or broker of, or dealer in, hazardous waste], must 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.

- [<sup>F70</sup>(3) Any person required to keep a record by paragraph (1) must preserve it—
- (a) while the person is a holder of the waste or (if not a holder) has control of the waste; and
  - (b) for 3 years after 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 must be recorded [<sup>F71</sup>chronologically] in a register kept by the producer, holder[<sup>F72</sup>, dealer, broker] or consignor, as the case may be, for the purpose.
- (5) The register required to be kept and retained by a producer, holder[<sup>F73</sup>, dealer, broker] or consignor under paragraph (4) of this regulation must be kept—
- (a) in relation to the register required to be kept by a producer or holder—
    - (i) at the premises notified pursuant to regulation 24;
    - (ii) if he or she no longer occupies those premises, at his or her 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 or her 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 [<sup>F74</sup>dealer, broker or] consignor other than the producer or holder must be kept at his or her 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 or she must inform the Agency forthwith.

#### Textual Amendments

- F68** Words in reg. 49(1) inserted (18.11.2009) by [The Hazardous Waste \(Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/2861\)](#), reg. 1(1), **15**
- F69** Words in reg. 49(1) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 19(a)**
- F70** Reg. 49(3) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 19(b)**
- F71** Words in reg. 49(4) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 19(c)(ii)**
- F72** Words in reg. 49(4) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 19(c)(i)**
- F73** Words in reg. 49(5) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 19(d)(i)**
- F74** Words in reg. 49(5) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 19(d)(ii)**

#### Carrier's records

**50.**—(1) An establishment or undertaking which transports hazardous waste must 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 must keep the records to be 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) must be entered [<sup>F75</sup>chronologically] in a register and the register kept at the carrier's principal place of business.

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

### Textual Amendments

**F75** Word in [reg. 50\(3\)](#) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 20](#)

### 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 must enter in the register each copy received by them of—

- (a) any consignment note (including <sup>F76</sup>..., 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 [<sup>F77</sup>to] regulation 43 <sup>F78</sup>...),
- (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 or her pursuant to regulation 37.

(3) A person who is required to keep a register or retain records until his or her waste permit is surrendered or revoked must 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) Regulations 1980, must—

- (a) be kept with the register kept pursuant to regulation 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.

### Textual Amendments

**F76** Words in [reg. 51\(2\)\(a\)](#) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 21\(a\)](#)

**F77** Word in [reg. 51\(2\)\(a\)](#) inserted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 21\(c\)](#)

**F78** Words in [reg. 51\(2\)\(a\)](#) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 21\(b\)](#)

### 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 [<sup>F79</sup>Annex I or Annex II], as the case may be, to the Waste Directive.

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

**Textual Amendments**

- F79** Words in [reg. 52\(1\)](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 22](#)

**Consignee and self-disposal quarterly returns**

**53.**—(1) Every consignee must 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 or her in any quarter in accordance with paragraph (4).

(2) The return must 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 must make a return in respect of that quarter of information relating to the deposit to the Agency, in accordance with paragraph (4).

(4) A return to be made pursuant to this regulation in respect of a quarter must 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:

Quarter in which the hazardous waste was received, or deposited, as the case may be	Return to be received by the Agency not later than
Ending on 31 March	30 April in the same year as the quarter falls
Ending on 30 June	31 July in the same year as the quarter falls
Ending on 30 September	31 October in the same year as the quarter falls
Ending on 31 December	31 January in the year next following the year in which 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 must 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 is not 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 prescribes 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 must send to a producer or holder identified in the relevant part of a consignment note—

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

- (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) applies so that the return required under sub-paragraph (a) or the information required under sub-paragraph (b) is to 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 must, 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 must supply to the Agency on request such information as the Agency 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 [<sup>F80</sup>Annex I or Annex II], 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 must 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 held in electronic form.

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

#### **Textual Amendments**

**F80** Words in [reg. 55\(3\)](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 22](#)

## **PART 8**

### **THE AGENCY'S FUNCTIONS**

#### *Inspections*

#### **Inspections of hazardous waste producers**

**56.** It is the duty of the Agency to carry out appropriate periodic inspections of hazardous waste producers.



## Inspections of collection and transport operations

<sup>F81</sup>57. ....

### Textual Amendments

**F81** Reg. 57 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), [Sch. para. 23](#)

## Agency to retain registers etc

**58.** The Agency must retain registers and any accompanying records sent to it pursuant to regulation 51(3) for a period of not less than three years commencing with the receipt thereof by the Agency.

## Fees

**59.—**(1) Section 41 of the 1995 Act (power to make schemes imposing charges) is amended as follows.

(2) For subsection (1)(c) substitute—

“(c) as a means of recovering costs incurred by it in performing functions conferred by regulations made for the purpose of implementing Council Directive [91/689/EEC](#) the Agency may require the payment to it of such charges as may from time to time be prescribed;”.

(3) Schedule 9 has effect to make provision in relation to fees to be charged by the Agency in connection with these Regulations until a charging scheme under section 41 of the 1995 Act to recover the costs incurred by the Agency in performing functions under these Regulations takes effect.

## Provision of information to the National Assembly

**60.—**(1) The Agency must inform the Assembly each year of any changes in the following information for every establishment or undertaking which carries out disposal or recovery of hazardous waste principally on behalf of third parties and which is likely to form part of the integrated network referred to in [<sup>F82</sup>Article 16] of the Waste Directive—

- (a) name and address;
- (b) the method used to treat waste; and
- (c) the types and quantities of waste which can be treated.

<sup>F83</sup>(2) .....

### Textual Amendments

**F82** Words in [reg. 60\(1\)](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), [Sch. para. 24\(a\)](#)

**F83** [Reg. 60\(2\)](#) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), [Sch. para. 24\(b\)](#)

## PART 9

### EMERGENCIES AND GRAVE DANGER

#### General

**61.**—(1) This Part has effect for the purpose of making provision for an emergency or grave danger.

(2) For the purposes of these Regulations, an “emergency or grave danger” is a present or threatened situation arising from a substance or object which is, or which there are reasonable grounds to believe is, hazardous waste, and the situation constitutes a threat to the population or the environment in any place.

#### General duties on the holder in the event of an emergency or grave danger

**62.**—(1) In cases of emergency or grave danger, a holder of hazardous waste must—

- (a) take all lawful and reasonable steps to avert the emergency or grave danger; or
- (b) where it is not reasonably practicable to comply with paragraph (a), take all lawful and reasonable steps to mitigate the emergency or grave danger.

(2) For the purposes of paragraph (1), an act or omission may be considered lawful notwithstanding that it would, apart from this regulation, constitute a breach of these Regulations.

(3) Where the holder of hazardous waste knows or has reasonable grounds to believe that an emergency or grave danger has arisen, he or she must notify the Agency as soon as reasonably practicable of the circumstances.

(4) Where the holder takes any step in compliance with paragraph (1), he or she must, save where such step has completely averted the emergency or grave danger without breach of these Regulations, notify the Agency as soon as reasonably practicable.

(5) For the purposes of paragraph (4), an emergency or grave danger is not considered to have been completely averted if any release has taken place of a substance or object which is, or which there are reasonable grounds to believe is, hazardous waste, whether or not the holder believes he or she has completely destroyed, retrieved or rendered harmless the substance or object.

(6) In the event of notification pursuant to paragraph (3) or (4) being made orally, the holder must confirm in writing to the Agency the matters notified within one week of the oral notification.

(7) For the purposes of this regulation a person is not to be released from any requirement imposed by this regulation merely because he or she has ceased to be the holder through the waste having left his or her possession or control due to the release.

#### General duties of the Agency

**63.**—(1) The Agency must exercise its functions (whether under these Regulations or otherwise) so as to take all reasonably practicable steps necessary or expedient to avert or mitigate an emergency or grave danger.

(2) An authorised person must, in exercising functions in relation to an emergency or grave danger, so exercise his or her powers under sections 108 and 109 of the 1995 Act as to take all reasonably practicable steps to avert or mitigate the emergency or grave danger.

## PART 10

### ENFORCEMENT

#### Enforcement

**64.**—(1) Subject to paragraph (2), it is the duty of the Agency to enforce these Regulations.

(2) Paragraph (1) is without prejudice to any right of action which any person may have arising apart from these Regulations, or any other right, power or duty of any person either at law or arising pursuant to any agreement or arrangement (expressly or impliedly) or in consequence of any act or omission.

#### Offences

**65.** It is an offence for a person to fail to comply with any requirement imposed on that person by or under the following provisions of these Regulations—

- (a) Part 4;
- (b) regulations 21, 22, 24, 25 and 26;
- (c) regulations 34 to <sup>[F84]</sup>43];
- (d) regulation 46 and Schedule 7;
- (e) Part 7 (with the exception of regulation 52); and
- (f) regulation 62.

#### Textual Amendments

**F84** Word in reg. 65(c) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), [Sch. para. 25](#)

#### <sup>[F85]</sup>Civil sanctions

**65A.**—(1) The Environment Agency may impose a variable monetary penalty, restoration notice, compliance notice or stop notice, or accept an enforcement undertaking, in relation to an offence under regulation 68 or under regulation 65 for a failure to comply with a provision (other than regulation 68) in the following Table of civil sanctions, as indicated in that Table, as if it were an offence under a provision specified in relation to that sanction in Schedule 5 to the Environmental Civil Sanctions (Wales) Order 2010.

**Table of civil sanctions**

<i>Offence under these Regulations</i>	<i>Variable monetary penalty</i>	<i>Restoration notice</i>	<i>Compliance notice</i>	<i>Stop notice</i>	<i>Enforcement undertaking</i>
regulation 19	Yes	Yes	Yes	Yes	Yes
regulation 20	Yes	Yes	Yes	Yes	Yes
regulation 22	Yes	No	No	No	Yes
regulation 34	Yes	No	Yes	No	Yes
regulation 35	Yes	No	Yes	No	Yes

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

<i>Offence under these Regulations</i>	<i>Variable monetary penalty</i>	<i>Restoration notice</i>	<i>Compliance notice</i>	<i>Stop notice</i>	<i>Enforcement undertaking</i>
regulation 36	Yes	No	Yes	No	Yes
regulation 37	Yes	No	Yes	No	Yes
regulation 38	Yes	No	Yes	No	Yes
regulation 39	Yes	No	Yes	No	Yes
regulation 40	Yes	No	Yes	No	Yes
regulation 41	Yes	No	Yes	No	Yes
regulation 42	Yes	No	Yes	No	Yes
regulation 43	Yes	No	Yes	No	Yes
<b>F86</b>	<b>F86</b>	<b>F86</b>	<b>F86</b>	<b>F86</b>	<b>F86</b>
...	...	...	...	...	...
regulation 46 and Schedule 7	Yes	No	Yes	No	Yes
regulation 47	Yes	No	Yes	No	Yes
regulation 48	Yes	No	Yes	No	Yes
regulation 49	Yes	No	Yes	No	Yes
regulation 50	Yes	No	Yes	No	Yes
regulation 51	Yes	No	Yes	No	Yes
regulation 53	Yes	No	No	No	Yes
regulation 54	Yes	No	No	No	Yes
regulation 55	Yes	No	No	No	No
regulation 62	Yes	Yes	Yes	Yes	No
regulation 68	Yes	No	No	No	No

(2) The terms used in this regulation have the same meaning as in that Order.

(3) The provisions of that Order in relation to those sanctions apply as if they were provisions of these Regulations.]

#### **Textual Amendments**

**F85** Reg. 65A inserted (15.7.2010) by [The Environmental Civil Sanctions \(Miscellaneous Amendments\) \(Wales\) Regulations 2010 \(S.I. 2010/1820\)](#), regs. 1, 4

**F86** Words in reg. 65A(1) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 26**

#### **Defences**

**66.** It is a defence for a person charged with an offence under regulation 65 to prove that—

- (a) he or she was not reasonably able to comply with the provision in question by reason of an emergency or grave danger and that he or she took all steps as were reasonably practicable in the circumstances for—
  - (i) minimising any threat to the public or the environment; and
  - (ii) ensuring that the provision in question was complied with as soon as reasonably practicable after the event; or
- (b) if there is no emergency or grave danger, he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

### Liability of persons other than the principal offender

67.—(1) Where the commission by any person of an offence under this Part is due to the act or default of some other person, that other person may be charged with and convicted of an offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where an offence under this Part which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to, any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person, as well as the body corporate, is liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) applies in relation to the acts or defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.

### False and misleading information

68.—(1) Any person who, in purported compliance with a requirement imposed by or under any of the foregoing provisions of these Regulations to furnish any information, makes a statement which he or she knows to be false or misleading in a material particular, or recklessly makes any statement which is false or misleading in a material particular, commits an offence.

(2) A person who intentionally makes a false entry in any record or register required to be kept by virtue of any of the foregoing provisions of these Regulations commits an offence.

### Penalties

69.—(1) A person who commits an offence under regulation 65 in connection with any of the following regulations—

- (a) regulation 21 (requirement to notify premises);
- (b) regulation 22 (prohibition on removal of waste from premises unless notified or exempt);
- (c) regulations 24 to 26 (notifications);
- (d) regulation 34 (consignment codes);
- (e) regulations 35 to [F8743] (consignment notes);
- (f) regulation 46 and Schedule 7 (cross-border consignments);
- (g) regulation 53 (consignee and self-disposal quarterly returns);
- (h) regulation 54 (consignee's return to the producer, holder or consignor); or
- (i) regulation 55 (duties to supply information),

is liable on summary conviction, to a fine not exceeding level 5 on the standard scale.

(2) A person who commits an offence under regulation 65 or 68 in connection with any other requirement under these Regulations is liable—

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

#### Textual Amendments

**F87** Word in [reg. 69\(1\)\(e\)](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 27](#)

#### Fixed penalties

**70.**—(1) Where an authorised person acting on behalf of the Agency has reason to believe that a person has committed an offence under regulation 65 to which this regulation applies, the authorised person may give that person a notice offering that person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

(2) This regulation applies to an offence consisting of—

- (a) a failure to comply with any requirement of; or
- (b) making a false or misleading statement in purported compliance with,

any of the regulations listed in regulation 69(1)(a) to (i).

(3) Where a person is given a notice under this regulation in respect of an offence—

- (a) no proceedings may be instituted for that offence before the expiration of twenty eight days following the date of the notice; and
- (b) he or she may not be convicted of that offence if he or she pays the fixed penalty before the expiration of that period.

(4) A notice under this regulation must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and must state—

- (a) the period during which, by virtue of paragraph (3), proceedings will not be taken for the offence;
- (b) the amount of the fixed penalty; and
- (c) the name of the person to whom and the address at which the fixed penalty may be paid.

(5) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).

(6) Where a letter is sent in accordance with paragraph (5) payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) A fixed penalty notice issued pursuant to this section must be in the form set out in Schedule 10.

(8) The fixed penalty payable in pursuance of a notice under this regulation is £300; and as respects the sums received by or on behalf of the Agency, those sums must be paid to the Assembly.

(9) In any proceedings a certificate which—

- (a) purports to be signed by or on behalf of the chief finance officer of the Agency;
- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(10) In paragraph (9), “chief finance officer” means the person having responsibility for the financial affairs of the Agency.

## PART 11

### FINAL PROVISIONS

#### Savings for certain privileges

71.—(1) Nothing in these Regulations is to be taken as requiring any person to produce any documents or records if he or she would be entitled to refuse to produce those documents or records in any proceedings in any court on the grounds that they are the subject of legal professional privilege, or as authorising any person to take possession of any documents or records which are in the possession of a person who would be so entitled.

(2) Except as provided in paragraph (3), nothing in these Regulations may be construed as requiring a person to answer any question or give any information if to do so would incriminate that person or that person's spouse.

(3) A person must comply with a request from the Agency to give information pursuant to regulation 55(2), notwithstanding that to do so may incriminate that person or that person's spouse, but information given in response to such a request may not be given in evidence in any criminal proceedings against that person or that person's spouse.

#### Revocations and savings

72.—(1) Subject to the following paragraphs, the 1996 Regulations are revoked.

(2) Where a consignment has been removed from premises before these Regulations come into force, and a consignment note has been raised in relation to that consignment under the 1996 Regulations, then—

- (a) for a period of 72 hours after these Regulations come into force entirely—
  - (i) the 1996 Regulations continue to apply in all other respects to that consignment;
  - (ii) the provisions of these Regulations (other than regulation 62 (general duties on the holder in the event of an emergency or grave danger)) do not apply to that consignment during that period;
- (b) thereafter—
  - (i) these Regulations apply to that consignment except that the requirement to make a consignee quarterly return in relation to that consignment pursuant to regulation 53 does not arise; and
  - (ii) the requirement on the consignee to send a copy of the consignment note sent to the Agency continues to apply in relation to any consignment sent pursuant to the 1996 Regulations.

#### Consequential Amendments

73. Schedule 11 (which makes consequential amendments to legislation) has effect.

#### Transitional Provisions

74. Schedule 12 (which makes provisions transitional upon these Regulations coming into force) has effect.

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**Status:** Point in time view as at 29/03/2011.

**Changes to legislation:** There are currently no known outstanding effects for the  
The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)

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<sup>M16</sup>Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

**Marginal Citations**

**M16** [1998 c. 38](#)



F88 SCHEDULE 1

Regulation 3(2)(a)(i)

**Textual Amendments**

**F88** Sch. 1 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 28**

F89 SCHEDULE 2

Regulation 3(2)(a)(ii)

**Textual Amendments**

**F89** Sch. 2 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 28**

[F90 SCHEDULE 3

Regulation 3

Annex III to the Waste Directive

**Textual Amendments**

**F90** Sch. 3 substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), Sch. para. 29, **Sch. Pt. 2**

**Properties of waste which render it hazardous**

H1	“Explosive”: substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.
H2	“Oxidizing”: substances and preparations which exhibit highly exothermic reactions

**Notes**

- Attribution of the hazardous properties “toxic” (and “very toxic”), “harmful”, “corrosive”, “irritant”, “carcinogenic”, “toxic to reproduction”, “mutagenic” and “ecotoxic” is made on the basis of the criteria laid down by Annex VI, to Council Directive [67/548/EEC](#) of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances.
- Where relevant the limit values listed in Annex II and III to Directive [1999/45/EC](#) of the European Parliament and of the Council of 31 May 1999 concerning the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations shall apply.

**Test methods**

The methods to be used are described in Annex V to Directive [67/548/EEC](#) and in other relevant CEN-notes.]

**Status:** Point in time view as at 29/03/2011.

**Changes to legislation:** There are currently no known outstanding effects for the *The Hazardous Waste (Wales) Regulations 2005*. (See end of Document for details)

	when in contact with other substances, particularly flammable substances.
H3—A	<p>“Highly flammable”</p> <p>— liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or</p> <p>— substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or</p> <p>— solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or be consumed after removal of the source of ignition, or</p> <p>— gaseous substances and preparations which are flammable in air at normal pressure, or</p> <p>— substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.</p>
H3—B	“Flammable”: liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.
H4	“Irritant”: non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.
H5	“Harmful”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.
H6	“Toxic”: substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.

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**Notes**

1. Attribution of the hazardous properties “toxic” (and “very toxic”), “harmful”, “corrosive”, “irritant”, “carcinogenic”, “toxic to reproduction”, “mutagenic” and “ecotoxic” is made on the basis of the criteria laid down by Annex VI, to Council Directive [67/548/EEC](#) of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances.
2. Where relevant the limit values listed in Annex II and III to Directive [1999/45/EC](#) of the European Parliament and of the Council of 31 May 1999 concerning the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations shall apply.

**Test methods**

The methods to be used are described in Annex V to Directive [67/548/EEC](#) and in other relevant CEN-notes.]

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H7	“Carcinogenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.
H8	“Corrosive”: substances and preparations which may destroy living tissue on contact.
H9	“Infectious”: substances and preparations containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.
H10	“Toxic for reproduction”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.
H11	“Mutagenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.
H12	Waste which releases toxic or very toxic gases in contact with water, air or an acid.
H13(*)	“Sensitizing”: substances and preparations which, if they are inhaled or if they penetrate the skin, are capable of eliciting a reaction of hypersensitization such that on further exposure to the substance or preparation, characteristic adverse effects are produced.
(*) As far as testing methods are available.	
H14	“Ecotoxic”: waste which presents or may present immediate or delayed risks for one or more sectors of the environment.
H15	Waste capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics above.

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**Notes**

1. Attribution of the hazardous properties “toxic” (and “very toxic”), “harmful”, “corrosive”, “irritant”, “carcinogenic”, “toxic to reproduction”, “mutagenic” and “ecotoxic” is made on the basis of the criteria laid down by Annex VI, to Council Directive [67/548/EEC](#) of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances.
2. Where relevant the limit values listed in Annex II and III to Directive [1999/45/EC](#) of the European Parliament and of the Council of 31 May 1999 concerning the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations shall apply.

**Test methods**

The methods to be used are described in Annex V to Directive [67/548/EEC](#) and in other relevant CEN-notes.]

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**Status:** Point in time view as at 29/03/2011.  
**Changes to legislation:** There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)

[F91] SCHEDULE 4

Regulation 35(2)]

**Textual Amendments**

**F91** Sch. 4 substituted (29.3.2011) by The Waste (Miscellaneous Provisions) (Wales) Regulations 2011 (S.I. 2011/971), reg. 1(2), Sch. para. 30, Sch. Pt. 3

**HAZARDOUS WASTE (WALES) REGULATIONS 2005**  
**RHEOLIADAU GWASTRAFF PERYGLUS (CYMRU) 2005**

**Part A NOTIFICATION DETAILS**  
**Rhan A MANYLION HYSBYSU**

1. Consignment Note Code:  /   
*Cod Nodyn Traddodi:*
2. The waste described below is to be removed from (name, address, postcode, telephone, e-mail, facsimile):  
*Mae'r gwastraff a ddisgrifir isod i'w glawio o (enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):*
3. Premises Code (where applicable):   
*Cod y Ffauce (os yn'n gymwys):*
4. The waste will be taken to (name, address & postcode):  
*Ciudad y gwastraff i (enw, cyfeiriad a chod post):*
5. The waste producer was (if different from 2.) (name, address, postcode, telephone, e-mail, facsimile):  
*Cyflwynwr y gwastraff oeddi (os yn'n wahanol i 2) (enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):*

**Part B DESCRIPTION OF THE WASTE**  
**Rhan B DISGRIFIAD O'R GWASTRAFF**

1. The process giving rise to the waste(s) was:  
*I'w broses a roes fud i'r gwastraff(ion) oeddi:*
2. SIC for the process giving rise to the waste:  
*SIC am y broses a roes fud i'r gwastraff:*

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

**MANYLION Y GWASTRAFF (os cegllir mwy nag un math o wastraff rhaid cwblhau'r holl wybodaeth a roddir isod ar gyfer pob EWC a ddynodwyd)**

The waste(s) is:  
 Dyma'r gwastraff(ion):

Description of waste <i>Disgrifiad o'r gwastraff</i>	List of Wastes (EWC) code (6 digits) <i>Cod Rhestr y Gwastraff(ion) (EWC) (6 digid)</i>	Quantity (kg) <i>Cyfrif (kg)</i>	The chemical/biological components in the waste and their concentrations are: <i>Dyma gyflwynwddion cemegol/biolegol y gwastraff a'u crynodiadau:</i>		Physical Form (Gas, Liquid, Solid, Powder, Sludge or Mixed): <i>Fform Ffisegol (Nwy, Hylif, Solid, Powdr, Llaec neu Gwmysgla):</i>	Hazard code(s) <i>Cod(au) perygl:</i>	Container type, number & size: <i>Math, rhif a maint y cynhyrtydd</i>
			Component	Concentration (% or mg/kg)			

**The information given below is to be completed for each EWC identified**  
**Mae'r wybodaeth a roddir isod i'w chwblhau ar gyfer pob EWC a ddynodwyd**

EWC Code <i>Cod EWC</i>	UN identification number(s) <i>Rhif(au) ddyddi UN</i>	Proper shipping name(s) <i>Enw(au) perisodol y llysoth</i>	UN Class(es) <i>Dosbarth(au) UN</i>	Packing Group(s) <i>Grŵp neu Grŵpiau Peciynnau</i>	Special handling requirements <i>Gofionion trwmol arbennig</i>

Status: Point in time view as at 29/03/2011.

Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)

**Part C CARRIER'S CERTIFICATE**

**Rhan C TYSTYSGRIF Y CLUDWR**

(If more than one carrier is used, please attach Schedule for subsequent carriers. If schedule of carriers is attached tick here.)   
 (Os defnyddir nwy nag un cludwr, atgyswchwch y Cwchwr ar ôl y cyflwyno. Os atgyswchwr atallennir o gylchwr, sicrhoch fwr hysbysu.)

I certify that I today collected the consignment and that the details in A2, A4 and B3 are correct and I have been advised of any specific handling requirements.  
 Yr wyf yn arlystio fy mod heidiol wedi cael fy llyso a bod y manyliao yn A2, A4 a B3 yn gywir a fy mod wedi cael fy hysbysu o unrhyw ofynion arbennig.

Where this consignment forms part of a multiple collection, the round number and collection number are:  
 Pan fo'r llyso'n rhan o awnganglud, rhif y cylch caelgu a rhif y caelgu yw:

1. Carrier Name:  
 Enw'r Cludwr:  
 On behalf of (name, address, postcode, telephone, e-mail, facsimile):  
 Ar ran (enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):

2. Carrier registration no./ reason for exemption:  
 Rhif cofrestru'r cludwr / rheson dros eiseptiad:  
 3. Vehicle registration no. (or mode of transport, if not road):  
 Rhif cofrestru'r cerbyd (neu'r cyfrwng cludo os nad ar ffordd):

Signature/ Llofnod  
 Date/ Dyddiad at am hrs/ o'r gloch

**Part D CONSIGNOR'S CERTIFICATE**

**Rhan D TYSTYSGRIF Y TRADDODWR**

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.

Yr wyf yn arlystio bod yr wybodaeth yn A, B ac C uchod wedi ei cwblhau ac yn gywir, bod y cludwr wedi ei gofrestru neu'n eisept a'u fod wedi cael ei hysbysu o'r mesurau rhwygolwr priodol. Cafodd yr holl wastraff ei becannu a'i labelu yn gywir a chafodd y cludwr ei hysbysu o unrhyw ofynion arbennig. Yr wyf yn cadarnhau fy mod wedi cyflawni fy nwybodaeth i ddefnyddio'r hierarchaeth wastraff fel y mae'n ofynnol gan reolau 12 o Reolau Gwastraff (Cymru a Lloegr) 2011.

1. Consignor Name:  
 Enw'r Traddodwr:  
 On behalf of (name, address, postcode, telephone, e-mail, facsimile):  
 Ar ran (enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):

Signature/ Llofnod  
 Date/ Dyddiad at am hrs/ o'r gloch

**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)

**Rhan E TYSTYSGRIF Y TRADDODAI** (os ceisir mwy nag un math o wastraff rhaid cwblhau'r holl wybodaeth a roddir isod ar gyfer pob EWC)

Individual EWC code(s) received Cod(au) EWC nau(n)ol a dderbynydd	Quantity of each EWC code received (kg) Cyfrif pob cod EWC a dderbynydd (kg)	EWC Accepted/Rejected Cod EWC a dderbynydd / a verthodwyd	Waste Management operation (R or D code) Gweithrediad Rheoli Gwastraff (cod R neu D)

1. I received this waste at the address given in A4 on (date) at hrs  
 Daeth y gwastraff hwn i law yn y cyfeiriad ar roddir yn A4 ar am o'r gloch  
 2. Vehicle registration no. (or mode of transport, if not road):  
 Rhif cofrestru'r cerbyd (neu'r cyfrwng cludo os nad ar ffordd)  
 3. Where waste is rejected please provide details:  
 Os gwerthodir y gwastraff, rhosoch y manylion isod:

I certify that environmental permit/registered exemption no(s) authorises the management of the waste described in B at the address given in A4.  
 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:

Yr wyf yn arlystio bod y ddiwyddid awgrymiedd/ caniatâd/ eiseptiad cofrestrdedig .....rhif(au) yn awgrymu'r rheoli'r gwastraff a ddiwyddir yn B yn y cyfeiriad a roddir yn A4.  
 Pan fo'r llyso'n rhan o awnganglud, fel a ddywedir yn Rhan C, yr wyf yn arlystio mai cyfanswm y llyso'n y'u ffurfiol yw caelgu yw:

Name/ Enw  
 On behalf of (name, address, postcode, telephone, e-mail, facsimile):  
 Ar ran (enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):  
 Signature/ Llofnod  
 Date/ Dyddiad at am hrs/ o'r gloch

**Status:** Point in time view as at 29/03/2011.  
**Changes to legislation:** There are currently no known outstanding effects for the  
The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)

SCHEDULE 5

Regulation 35(3)

SCHEDULE OF CARRIERS

SCHEDULE OF CARRIERS/ATODLEN Y CLUDWYR

SECOND CARRIER'S CERTIFICATE/ TYSTYSGRIF YR AIL CLUDWR

I certify that the following carrier/ Yr wyf yn ardstio bod y cludwr [enter details as appropriate/howch y manylion priodol]:

transferred the waste identified in B3 to me today for onward transportation to (delete as appropriate below):  
wedi trosgwyddo'r gwastraff a enwir yn B3 i mi heddiw i'w gludo ymlaen i (dileer fel y bo'n briodol isod):

- a) another carrier/ gludwr arall
- b) the consignee listed in A4/ y traddodai a restrir yn A4

The quantity transferred is/Dyma'r cyfaint a drosgwyddwyd:

Name/Enw:

On behalf of (company)(name, address & postcode, telephone, e-mail, facsimile)/Ar ran (cwmni)(enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):

Signature/Llofnod:

Date/Dyddiad: at/am hrs/o'r gloch.

- 1. Carrier registration no/reason for exemption/ Rhif cofrestru'r cludwr/heswm dros yr esemptiad:
- 2. Vehicle registration no (or mode of transport if not road)/ Rhif cofrestru'r cerbyd (neu'r cyfrwng cludo os nad ar ffordd):
- 3. Original consignment note number/ Rhif y nodyn traddodi gwreiddiol:

THIRD CARRIER'S CERTIFICATE/ TYSTYSGRIF Y TRYDYDD CLUDWR

I certify that the following carrier/ Yr wyf yn ardstio bod y cludwr [enter details as appropriate/howch y manylion priodol]:

transferred the waste identified in B3 to me today for onward transportation to (delete as appropriate below):  
wedi trosgwyddo'r gwastraff a enwir yn B3 i mi heddiw i'w gludo ymlaen i (dileer fel y bo'n briodol isod):

- a) another carrier/ gludwr arall
- b) the consignee listed in A4/ y traddodai a restrir yn A4

The quantity transferred is/Dyma'r cyfaint a drosgwyddwyd:

Name/Enw:

On behalf of (company)(name, address & postcode, telephone, e-mail, facsimile)/Ar ran (cwmni)(enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):

Signature/Llofnod:

Date/Dyddiad: at/am hrs/o'r gloch.

- 1. Carrier registration no/reason for exemption/ Rhif cofrestru'r cludwr/heswm dros yr esemptiad:
- 2. Vehicle registration no (or mode of transport if not road)/ Rhif cofrestru'r cerbyd (neu'r cyfrwng cludo os nad ar ffordd):
- 3. Original consignment note number/ Rhif y nodyn traddodi gwreiddiol:

FOURTH CARRIER'S CERTIFICATE/ TYSTYSGRIF Y PEDWERYDD CLUDWR

I certify that the following carrier/ Yr wyf yn ardstio bod y cludwr [enter details as appropriate/howch y manylion priodol]:

transferred the waste identified in B3 to me today for onward transportation to (delete as appropriate below):  
wedi trosgwyddo'r gwastraff a enwir yn B3 i mi heddiw i'w gludo ymlaen i (dileer fel y bo'n briodol isod):

- a) another carrier/ gludwr arall
- b) the consignee listed in A4/ y traddodai a restrir yn A4

The quantity transferred is/Dyma'r cyfaint a drosgwyddwyd:

Name/Enw:

On behalf of (company)(name, address & postcode, telephone, e-mail, facsimile)/Ar ran (cwmni)(enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):

Signature/Llofnod:

Date/Dyddiad: at/am hrs/o'r gloch.

- 1. Carrier registration no/reason for exemption/ Rhif cofrestru'r cludwr/heswm dros yr esemptiad:
- 2. Vehicle registration no (or mode of transport if not road)/ Rhif cofrestru'r cerbyd (neu'r cyfrwng cludo os nad ar ffordd):
- 3. Original consignment note number/ Rhif y nodyn traddodi gwreiddiol:

F92 SCHEDULE 6

Regulation 35(4)

**Textual Amendments**

**F92** Sch. 6 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 28**

SCHEDULE 7

Regulation 46

UK CROSS-BORDER MOVEMENT OF HAZARDOUS WASTE

**Recognition of cross border UK consignment notes**

1. Subject to paragraph 4 and [<sup>F93</sup>paragraph 6], where hazardous waste is removed from premises situated in England, Scotland, Northern Ireland or Gibraltar and is transported into Wales (“a cross-border consignment note into Wales”), no requirement for a consignment note to accompany the waste under Part 6 applies if—

- (a) a consignment note which is completed in England, Scotland, Northern Ireland or Gibraltar accompanies the waste; and
- (b) the note contains the information required by the standard consignment note set out in the Annex to Commission Decision 94/774 of 24 November 1994 <sup>M17</sup> (“a cross-border consignment note”).

**Textual Amendments**

**F93** Words in [Sch. 7 para. 1](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 32**

**Marginal Citations**

**M17** [S.I. 2003/1941](#).

2. Any requirement in Part 6 to complete a consignment note for a cross-border consignment may be satisfied by including the information—

- (a) on the cross-border consignment note; or
- (b) where that is not possible, on a separate form prepared for that purpose.

3. Any requirement to keep a copy of a consignment note for a cross-border consignment or to give a copy of the note to another person may be satisfied by keeping a copy of the cross-border consignment note or giving a copy of the note to that person.

**UK cross-border Consignments into Wales**

4.—(1) If a cross-border consignment into Wales is rejected wholly or in part, the consignee must—

- (a) indicate on the cross-border consignment note (if he or she has received one) or otherwise provide a written record of his or her rejection of the consignment (or part of it) and the reasons for such rejection;
- (b) retain a copy of the note or record;
- (c) give a copy to the carrier; and

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

- (d) as soon as reasonably practicable, send a copy to the consignor, and (if different from the consignor) the producer or holder indicated on the cross-border consignment note.
- (2) On being informed that the consignee will not accept delivery of a cross-border consignment into Wales or part, the carrier must—
  - (a) inform the Agency; and
  - (b) seek instructions from the hazardous waste producer or holder indicated on the cross-border consignment note and take all reasonable steps to ensure they are fulfilled.
- (3) Before a rejected cross-border consignment into Wales is moved from the original delivery destination, the carrier must ensure that—
  - (a) a consignment note is completed in accordance with regulation [<sup>F94</sup>36 or 43]; and
  - (b) a copy of the note is sent to SEPA (where the waste is transported from Scotland) or the Northern Ireland Department of the Environment (where the waste is transported from Northern Ireland).
- (4) Where a cross-border consignment into Wales from Scotland or Northern Ireland is accepted, the consignee must send a copy of the cross-border consignment note to SEPA (where the waste is transported from Scotland) or the Northern Ireland Department of the Environment (where the waste is transported from Northern Ireland).

#### Textual Amendments

**F94** Words in [Sch. 7 para. 4\(3\)\(a\)](#) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), [reg. 1\(2\)](#), [Sch. para. 31](#)

#### UK cross-border Consignments out of Wales

- 5.—**(1) Where a cross-border consignment out of Wales is consigned to premises in Scotland or Northern Ireland, the following requirements apply in addition to those in Part 6.
- (2) Before the hazardous waste is removed—
    - (a) the hazardous waste producer, or holder, as the case may be, or (in the case of a multiple collection of hazardous waste) the carrier, must ensure that—
      - (i) a copy of the relevant consignment note is prepared for SEPA (where the waste is to be consigned to a consignee in Scotland), or for the Northern Ireland Department of the Environment (where the waste is to be consigned to a consignee in Northern Ireland); and
      - (ii) an additional copy is provided for the consignee.
    - (b) the copies of the relevant consignment note prepared pursuant to paragraph (a) must be completed in accordance with Part 6; and
    - (c) the consignor (or the producer or holder, as the case may be) or, in the case of a multiple collection of hazardous waste, the carrier, must send the copy of the note prepared pursuant to paragraph (a)(i) to the relevant authority at least 72 hours before removal of the consignment or if that is not possible, as soon as reasonably practicable thereafter.
  - (3) The carrier must ensure the additional copy of the note prepared for consignee travels with the consignment and is given to the consignee on delivery of the consignment.



**Status:** Point in time view as at 29/03/2011.

**Changes to legislation:** There are currently no known outstanding effects for the *The Hazardous Waste (Wales) Regulations 2005*. (See end of Document for details)

**Multiple Collections in Wales and England**

6.—(1) This paragraph applies to a journey made by a carrier which meets the conditions set out in [F95 the definition of “multiple collection” (“*amlgasgliad*”) in regulation 5(1)] except that at least one collection is made in England.

(2) A journey to which this paragraph applies is to be treated as a multiple collection for the purposes of these Regulations F96 ....

F97(3) .....

**Textual Amendments**

**F95** Words in Sch. 7 para. 6(1) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 33(a)**

**F96** Words in Sch. 7 para. 6(2) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 33(b)**

**F97** Sch. 7 para. 6(3) omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 33(c)**

SCHEDULE 8

Regulation 54

FORM OF CONSIGNEE'S RETURN TO PRODUCER OR HOLDER

FORM OF CONSIGNEE'S RETURN TO PRODUCER OR HOLDER/ FFURF AR ATEB Y TRADDODAI I'R CYNHYRCHYDD NEU'R DEILIAD

Hazardous waste producer returns form  
Ffurflen atebion cynhyrchydd gwastraff peryglus

1. Consignee details/ Manylion y traddodai

Name of Consignee/ Enw'r traddodai	Postcode/Cod Post	Consignee hazardous waste ID code Cod adnabod gwastraff peryglus y traddodai	Date/Dyddiad (1)

2. Waste returns/ Atebion ynglyn â gwastraff

Consignment Rhif nodyn traddodi	Date Received dyddiad dod i law	Mode of Transport Cylwng cludo	Frequency of collection Amlder casglu (1)	EWC code(s) Cod(au) EWC (3)	Hazards Peryglon (4)	Physical form Ffurff ffisegol (5)	Quantity (kg) Mauw (kg)	Mode of disposal /recovery Dail gwaredu /atfer (6)

Status: Point in time view as at 29/03/2011.
Changes to legislation: There are currently no known outstanding effects for the
The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)

- (1) Date of submission of the return by the consignee/ Dyddiad cyflwyno'r ateb gan y traddodai
(2) Where relevant/ Pan fo'n briodol
(3) There may be more than one waste stream for each consignment note. All relevant EWC Codes must be recorded./ Gall fod mwy nag un ffynonestr wastraff ar gyfer pob nodyn traddodi. Rhaid cofnodi pob cod EWC sy'n berthnasol.
(4) Hazard: each individual EWC code may have more than one hazard. Each appropriate hazard for a particular EWC code must be entered. Choose all of the appropriate hazards for the particular waste.
(5) Physical form: Choose one option from the list as appropriate.

Mode of disposal/recovery or rejected: use the appropriate Rxx/Dxx code for the operation performed on the waste or insert REJ if the waste has been rejected
Dull gwaredu/adfer neu wedi'i wrthod: defnyddier y cod Rxx/Dxx priodol ar gyfer y gweithrediad y parwyd i'r gwastraff fynd drwyddo neu memnosder REJ os yw'r gwastraff wedi'i wrthod

- Code/Cod Disposal operation/ Gweithrediad gwaredu
D01 Deposit into or onto land/ Dyddodi i newn neu ar dir
D02 Land Treatment/ Trin tir
D03 Deep injection/ Cwstrellu'n ddofn
D04 Surface impoundment/ Cwmni ar y wyneb
D05 Specially engineered landfill/ Tirwedi wedi'i beilannu'n unswydd
D06 Release into a water body except seas/oceans/ Rhyddhau i gorff dŵr ac eithrio moroedd/ceffnforoedd
D07 Release into seas/oceans including seabed insertion/ Rhyddhau i foreodd/ceffnforoedd gan gymysgu dodi yng ngwely'r môr
D08 Biological treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbered D01 to D12
D09 Physico-chemical treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbered D01 to D12
D10 Incineration on land/ Hylsegi ar dir
D11 Incineration at sea/ Hylsegi ar y môr
D12 Permanent storage/ Storio'n barhaol
D13 Blending or mixing prior to submission to any of the operations numbered D01 to D12
D14 Repackaging prior to submission to any of the operations numbered D01 to D12/ Allbocynnu cyn peri i'r gwastraff fynd drwy unrhyw un o'r gweithrediadau a rifyd D01 i D12
D15 Storage pending any of the operations numbered D01 to D14 (excluding temporary storage, pending collection, on the site where it is produced)
Recovery operation/ Gweithrediad adfer
R01 Use principally as a fuel or other means to generate energy/
R02 Solvent reclamation/regeneration
R03 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
R04 Recycling/reclamation of metals and metal compounds/
R05 Recycling/reclamation of other inorganic materials/alloys/ychu/adennill deunyddiau anorganig eraill
R06 Regeneration of acids or bases/ugymhychu asidau neu fasau
R07 Recovery of components used for pollution abatement/Adfer cyfansoddion a ddefnyddir ar gyfer atal llygredd
R08 Recovery of components from catalysis/Adfer cyfansoddion a gemyddion
R09 Oil refining or other re-uses of oil/ Paro olew neu ddoliau eraill o aildefnyddio olew
R10 Land treatment resulting in benefit to agriculture or ecological improvement
R11 Use of wastes obtained from any of the operations numbered R01 to R11
R12 Exchange of wastes for submission to any of the operations numbered R01 to R11
R13 Storage of wastes pending any of the operations numbered R01 to R12 (excluding temporary storage, pending collection, on the site where it is produced)

SCHEDULE 9

Regulation 59

TRANSITIONAL CHARGES BY THE AGENCY

- 1. The following paragraphs have effect in relation to the charges payable to the Agency under these Regulations.
2. The charge to be paid on the notification of premises pursuant to regulation 26 is—

- (a) £28 for each set of premises notified in writing;
  - (b) £23 for each set of premises notified by telephone; and
  - (c) £18 for each set of premises notified in electronic form.
- 3.** The charge to be paid by a consignee in respect of any consignee quarterly returns made pursuant to regulation 53 is—
- (a) for any return made in writing, the sum of the following amounts for each consignment accepted by the consignee during the quarter—
    - (i) £10 for each consignment forming part of a multiple collection; and
    - (ii) £19 for any other consignment; and
  - (b) for any return made in electronic form, the sum of the following amounts for each consignment accepted by the consignee during the quarter—
    - (i) £5 for each consignment forming part of a multiple collection; and
    - (ii) £10 for any other consignment.
- 4.** The charge to be paid by a producer in respect of any self disposal return made pursuant to regulation 53 is—
- (a) for any return made in writing, £19; and
  - (b) for any return made in electronic form, £10.
- 5.** The time for payment of the fee required under paragraph 3 and 4 is the later of 30 days following—
- (a) the last day of the quarter to be covered by the return if a return is not submitted in accordance with regulation 53; or
  - (b) submission of the return in accordance with regulation 53.
- 6.** A consignee may recover from a consignor any fees paid under paragraph 3 in relation to consignments sent by that consignor.

**Status:** Point in time view as at 29/03/2011.  
**Changes to legislation:** There are currently no known outstanding effects for the  
**The Hazardous Waste (Wales) Regulations 2005.** (See end of Document for details)

SCHEDULE 10

Regulation 70(7)

FORM OF FIXED PENALTY NOTICES/

FORM OF FIXED PENALTY NOTICES/

FFURF HYSBYSIADAU COSBAU PENODEDIG

HAZARDOUS WASTE (WALES) REGULATIONS 2005, SCHEDULE 10  
RHEOLIADAU GWASTRAFF PERYGLUS (CYMRU) 2005, ATODLEN 10

Notice Number/ Rhif Hysbysiad:

Name of alleged offender/ Enw'r tramgyddwr honedig:

Address/ Cyfeiriad:

I, /Mae genyf fi \_\_\_\_\_ (1)

an authorised person acting on behalf of the Environment Agency, / sy'n berson awdurdodedig sy'n gweithredu ar ran  
Asiantaeth yr Amgylchedd,

have reason to believe that on or between/ le i greu eich bod ar neu rhwng \_\_\_\_\_ (2),

you committed the offence of/ wedi cyflawni tramgydd, sef \_\_\_\_\_ (3).

This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

Mae'r hysbysiad hon yn rhoi cyfle i chi ffordio unrhyw atebotrydd i golffarn am y tramgydd hwnnw drwy dalu cosb benodedig.

The circumstances alleged to constitute the offence are as follows/ Mae'r amgylchiadau yr honnir eu bod yn creu'r tramgydd fel a ganlyn:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No proceedings will be taken for this offence before the expiration of 28 days from the date of this notice. You will not be liable to conviction for the offence if you pay the fixed penalty during that period of 28 days.

Ni ddygir achos am y tramgydd hwnnw cyn pen 28 niwrnod ar ôl dyddiad yr hysbysiad hon. Ni fyddwch yn agored i golffarn am y tramgydd os byddwch yn talu'r gosb benodedig yn ystod y cyfnod hwnnw o 28 niwrnod.

The amount of the fixed penalty is £300. /£300 yw swm y gosb benodedig.

It may be paid to/ Gellir ei dalu i \_\_\_\_\_ (4)

at the following address/ yn y cyfeiriad canlynol: \_\_\_\_\_ (5).

Payment may be made by pre-paying and posting to/ Gellir gwneud y taliad drwy ragdalu ac anfon

at: \_\_\_\_\_ (4)

at the address shown above a letter containing the amount of the penalty/ yn y cyfeiriad a wellir uchod lythyr yn cynnwys swm y gosb.

Payment may also be made by cash, or by cheque, postal order or money order made payable to/ Gellir talu hefyd ag arian parod, neu â sic, archeb bost neu archeb arian yn daladwy i: \_\_\_\_\_ (4).

If you are sending cash, you are advised to send it by registered post. Payment made in this way will be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post. Alternatively, payment may be made in person or by any other method.

Os byddwch yn anfon arian parod, fe'ch cynghorir i'w anfon drwy'r post cofrestredig. Bernir bod taliad a wnaed fel hyn wedi'i wneud ar yr amser y byddid yn traddodi'r llythyr hwnnw yn nhrefn arferol y post. Fel arall, gellir talu'n bersonol neu drwy unrhyw ddull arall.

Signature of authorised person/ Llofnod y person awdurdodedig: \_\_\_\_\_  
Date of notice/ Dyddiad yr hysbysiad: \_\_\_\_\_

Notes/ Nodiadau:

(1) Insert name of authorised person/ Mewnosoder enw'r person awdurdodedig.

(2) Insert date on or dates between which offence is alleged to have taken place. -

Mewnosoder y dyddiad yr honnir bod y tramgydd wedi digwydd neu'r dyddiadau yr honnir ei fod wedi digwydd rhyngddynt.

(3) Insert regulation of the Hazardous Waste (Wales) Regulations 2005 which is alleged to have been contravened

Mewnosoder y rheoliad yn Rheoliadau Gwasttraff Peryglus (Cymru) 2005 yr honnir ei fod wedi'i dorri.

(4) Insert title or name of the person to whom the fixed penalty is to be paid.

Mewnosoder teitl neu enw'r person y mae'r gosb benodedig i'w dalu iddo.

(5) Insert address at which payment is to be made.

Mewnosoder y cyfeiriad lle mae'r taliad i'w wneud.

Letter which may be used for payment by post

Llythyr y gellir ei ddefnyddio i dalu drwy'r post

I enclose with this letter the amount of £300 being the fixed penalty for the offence described in Fixed Penalty Notice number/ Yr nofyn amgáu gyda'r llythyr hon y swm o £300 sef y gosb benodedig am y tramgydd a ddisgrifir yn Hysbysiad Cosb Benodedig rhif: \_\_\_\_\_ (1)  
under Schedule 10 of the Hazardous Waste (Wales) Regulations 2005/ o dan Atodlen 10 i Reoliadau Gwasttraff Peryglus (Cymru) 2005.

Signature/Llofnod: \_\_\_\_\_

Name in capitals/ Enw mewn priflythrennau: \_\_\_\_\_  
Address/ Cyfeiriad: \_\_\_\_\_

Notes/ Nodiadau:

(1) Insert Notice number that appears in the fixed penalty notice above/Mewnosoder rhif yr Hysbysiad sy'n ymddangos yn yr hysbysiad cosb benodedig uchod.

SCHEDULE 11

Regulation 73

CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO PRIMARY LEGISLATION

The Environmental Protection Act 1990

1. The Environmental Protection Act 1990 is amended as follows.
2. In section 75 (as amended by the Hazardous Waste (England and Wales) Regulations 2005 <sup>M18</sup>—
  - (a) in subsection (8A) for paragraph (b) substitute—
    - “(b) in the application of this Part to Wales, means any waste which is a hazardous waste for the purposes of the Hazardous Waste (Wales) Regulations 2005.”;
  - (b) subsection (8B) is omitted.

Marginal Citations

M18 OJ No L 196, 16. 8. 1967, p. 1.

The Waste and Emissions Trading Act 2003

3. The Waste and Emissions Trading Act 2003 <sup>M19</sup> is amended as follows.

Marginal Citations

M19 OJ No L 259, 15. 10. 1979, p. 10.

4. In section 25(2), for “for the purpose of Council Directive 91/689/EEC” substitute “ within the meaning of regulation 6 of the Hazardous Waste (Wales) Regulations 2005 ”.

PART 2

AMENDMENTS TO SECONDARY LEGISLATION

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

- <sup>F98</sup>5. ....

Textual Amendments

F98 Sch. 11 paras. 5-8 omitted (29.3.2011) by virtue of The Waste (Miscellaneous Provisions) (Wales) Regulations 2011 (S.I. 2011/971), reg. 1(2), Sch. para. 34

- <sup>F98</sup>6. ....

Status: Point in time view as at 29/03/2011.

Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)

**Textual Amendments**

**F98** Sch. 11 paras. 5-8 omitted (29.3.2011) by virtue of The Waste (Miscellaneous Provisions) (Wales) Regulations 2011 (S.I. 2011/971), reg. 1(2), **Sch. para. 34**

*The Environmental Protection (Duty of Care) Regulations 1991*

**F987.** . . . . .

**Textual Amendments**

**F98** Sch. 11 paras. 5-8 omitted (29.3.2011) by virtue of The Waste (Miscellaneous Provisions) (Wales) Regulations 2011 (S.I. 2011/971), reg. 1(2), **Sch. para. 34**

**F988.** . . . . .

**Textual Amendments**

**F98** Sch. 11 paras. 5-8 omitted (29.3.2011) by virtue of The Waste (Miscellaneous Provisions) (Wales) Regulations 2011 (S.I. 2011/971), reg. 1(2), **Sch. para. 34**

*The Environmental Protection (Prescribed Processes and Substances) Regulations 1991*

**9.** The Environmental Protection (Prescribed Processes and Substances) Regulations 1991 <sup>M20</sup> are amended as follows.

**Marginal Citations**

**M20** OJ No. L310, 03.12.1994 p.70.

**10.** In Section 5.1 of Chapter 5 of Schedule 1—

- (a) in the definition of “exempt hazardous waste incineration plant”—
  - (i) in paragraph (ii) for “Annex II to Directive 91/689/EEC on hazardous waste” substitute “Schedule 2 of the Hazardous Waste (Wales) Regulations 2005 ”;
  - (ii) in paragraph (iii) for “Annex III to Directive 91/689/EEC on hazardous waste” substitute “Schedule 3 of the Hazardous Waste (Wales) Regulations 2005 ”;
- (b) in the definition of “hazardous waste”—
  - (i) in the opening words, for “Article 1(4) of Directive 91/689/EEC” substitute “regulation 6 of the Hazardous Waste (Wales) Regulations 2005 ”; and
  - (ii) in sub-paragraph (i)(b) and paragraph (v), for “in Annex II to Directive 91/689/EEC” substitute “ in Schedule 2 to the Hazardous Waste (Wales) Regulations 2005 ”.

*Waste Management Licensing Regulations 1994*

**F9911.** . . . . .

**Status:** Point in time view as at 29/03/2011.

**Changes to legislation:** There are currently no known outstanding effects for the *The Hazardous Waste (Wales) Regulations 2005*. (See end of Document for details)

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** **12.** . . . . .

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** **13.** . . . . .

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** **14.** . . . . .

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** **15.** . . . . .

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** **16.** . . . . .

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** **17.** . . . . .

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** **18.** . . . . .

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

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**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** 19. ....

.....

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** 20. ....

.....

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** 21. ....

.....

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** 22. ....

.....

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** 23. ....

.....

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** 24. ....

.....

**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), reg. 1(2), **Sch. para. 34**

**F99** 25. ....



**Textual Amendments**

**F99** Sch. 11 paras. 11-25 omitted (29.3.2011) by virtue of [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011](#) (S.I. 2011/971), reg. 1(2), **Sch. para. 34**

*Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999*

**26.** The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 <sup>M21</sup> are amended as follows.

**Marginal Citations**

**M21** [S.I. 2005/894](#)

**27.** In paragraph 9 of Schedule 1, for “hazardous waste (that is to say, waste to which Council Directive [91/689/EEC](#) applies).” substitute “ hazardous waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005. ”.

*Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances)(England and Wales) Regulations 2000*

**28.** The Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances) (England and Wales) Regulations 2000 <sup>M22</sup> are amended as follows.

**Marginal Citations**

**M22** [2003 c. 33](#).

**29.** For regulation 11(3), substitute the following—

“(3) Subject to paragraphs (5) and (7), the Agency shall keep a register specifying the quantity, origin, nature and PCB content of used PCBs in respect of which—

- (a) copies of consignment notes specifying that information are furnished to it under regulations 5(4), 8(7) or 9(3) of the Special Waste Regulations 1996; or
- (b) quarterly returns specifying that information are furnished to it under regulation 53 of the Hazardous Waste (Wales) Regulations 2005,

and which in either case have been furnished by a person in the course of a business concerned with the disposal of PCBs.”

*Pollution Prevention and Control (England and Wales) Regulations 2000*

**30.** The Pollution Prevention and Control (England and Wales) Regulations 2000 <sup>M23</sup> (which extend to England and Wales) are amended as follows.

**Marginal Citations**

**M23** [S.I. 1991/1624](#); [Schedule 1](#) was amended by [S.I. 1994/1137](#), 1996/972, 2000/1973.

**31.** In Chapter 5 of Schedule 1—

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

- (a) in the definition of “hazardous waste” in the paragraph headed “Interpretation of Section 5.1” of Section 5.1—
  - (i) in the opening words for “Article 1(4) of Directive [91/689/EEC](#) on hazardous waste” substitute “regulation 6 of the Hazardous Waste (Wales) Regulations 2005”; and
  - (ii) in paragraph (a)(ii) for “Annex II to Directive [91/689/EEC](#) on hazardous waste” substitute “Schedule 2 of the Hazardous Waste (Wales) Regulations 2005”;
- (b) in paragraph 1 of the paragraph headed “Interpretation of Part A(1)” of Section 5.3 for the definition of “hazardous waste”, substitute ““hazardous waste” means any waste as defined for the time being in regulation 6 of the Hazardous Waste (Wales) Regulations 2005.”; and
- (c) in the paragraph headed “Interpretation of Part A(1)” of Section 5.4 insert the following after paragraph 3—
 

“4. In this Part, hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005.”.

*Chemicals (Hazard Information and Packaging for Supply) Regulations 2002*

**32.** The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 <sup>M24</sup> are amended as follows.

**Marginal Citations**

**M24** [S.I. 1991/2839](#); as amended by [S.I.2002/1559](#), 2003/63.

**33.** In regulation 3(3)(e), for “Special Waste Regulations 1996” substitute “Hazardous Waste (Wales) Regulations 2005”.

*Landfill (England and Wales) Regulations 2002*

**34.** The Landfill (England and Wales) Regulations 2002 <sup>M25</sup> are amended as follows.

**Marginal Citations**

**M25** [S.I. 1991/472](#); relevant amendments are contained in [S.I.1998/767](#).

**35.** In Regulation 7(2) for “Hazardous waste means any waste as defined in Article 1(4) of Directive [91/689/EEC](#) (hazardous waste).” substitute “Hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005.”.

**36.** For paragraph 2(a) of Schedule 1, substitute “(a) it is a hazardous waste as defined in the Hazardous Waste (Wales) Regulations 2005; and”.

**37.** For paragraph 3(1)(a) of Schedule 1, substitute “(a) it is a hazardous waste as defined in the Hazardous Waste (Wales) Regulations 2005; and”.

**38.** For paragraph 3(1)(b) of Schedule 1, substitute “(b) it is a non-hazardous waste as defined in the Hazardous Waste (Wales) Regulations 2005.”.

**39.** For paragraph 5(1)(g) of Schedule 1, substitute—

“(g) in the case of hazardous waste, the relevant properties which render it hazardous as listed in Schedule 3 of the Hazardous Waste (Wales) Regulations 2005;”.

*Packaging (Essential Requirements) Regulations 2003*

40. The Packaging (Essential Requirements) Regulations 2003 <sup>M26</sup> are amended as follows.

**Marginal Citations**

**M26** S.I. 1999/293, to which there are amendments not relevant to these Regulations.

41. In regulation 3(2), for the words “or the provisions of Council Directive 91/689/EEC on hazardous waste.” substitute “or the provisions of the Hazardous Waste (Wales) Regulations 2005.”

SCHEDULE 12

Regulation 74

TRANSITIONAL PROVISIONS

**PART 1**

PROVISIONS OF THESE REGULATIONS

1.—(1) This paragraph applies to any notification of premises made for the purposes of these Regulations from the day after the day on which they are made and before 16 July 2005.

(2) Where it is proposed to remove waste from any premises after 16 July 2005, a producer, and, in the circumstances provided for in regulation 25, a consignor, may notify premises to the Agency in advance in accordance with regulation 26.

(3) The effective time may not be on a date earlier than 16 July 2005 or on a date later than 16 September 2005.

(4) The Agency must, where notification is duly given pursuant to this paragraph, issue a premises code in accordance with regulation 27.

(5) Expressions used in this paragraph have the same meanings as in Part 5.

2.—(1) This paragraph applies to any action taken by a producer or consignor before this paragraph comes into force but which would, if taken after it comes into force, have been a notification which complied with regulation 26, (“a pre-notification”).

(2) A pre-notification is to be regarded as notification given upon the coming into force of this paragraph.

(3) Regulation 28(1) does not apply to a notification arising out of a pre-notification and that notification takes effect, instead:

- (a) where the person who gave the pre-notification requested a date for commencement, at the beginning of the date so requested;
- (b) where no such request was made, at the beginning of the fourth day following the day on which the pre-notification took place;
- (c) when payment of the relevant fee is received by the Agency;
- (d) upon the coming into force of this paragraph;

whichever is the later.

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

(4) Where the Agency issues a premises code in respect of premises which are the subject of a pre-notification given pursuant to this paragraph, that code is to be regarded as having been issued on the coming into force of this paragraph.

(5) Where the relevant fee is paid to the Agency in respect of a pre-notification, that fee is to be regarded as having been paid for the purposes of regulation 26(7) on the coming into force of this paragraph.

3. Where the removal of waste by pipeline from any premises commenced before 16 July 2005 but continues thereafter, regulation 41 has effect as if the first day on which the waste was piped was 16 July 2005.

## PART 2

### PERMITTING REGIMES

4.—(1) Subject to the following provisions of this Schedule, a reference in a waste permit to special waste, or to special waste of any description (howsoever framed), is a reference to hazardous waste, or hazardous waste of that description, as the case may be.

5.—(1) This paragraph applies in relation to waste which was not special waste immediately before these Regulations come into force if that waste becomes hazardous waste as a result of these Regulations (“changed status waste”).

(2) Any general prohibition or restriction contained in a waste permit relating to the disposal or recovery of special waste under that permit immediately before these Regulations came into force does not apply to the disposal or recovery of changed status waste insofar as the permit specifically authorises the disposal or recovery of that type of waste.

(3) A waste permit holder who would no longer be authorised to continue to dispose or recover that waste under his or her permit by reason of the change in its status, may continue to dispose or recover that waste in accordance with the permit despite the change in status until the prescribed date.

(4) Regulation 17(3) of the 1994 Regulations does not apply to the carrying on of an exempt activity involving changed status waste at any place by a person who was carrying on that activity at that place immediately before these Regulations come into force (“a changed status waste exempt person”).

(5) A changed status waste exempt person who would no longer be authorised to carry on an exempt activity involving such waste by reason of the change in its status, may continue to carry on that activity at that place in accordance with the 1994 Regulations despite the change in status until the prescribed date.

(6) The prescribed date is—

- (a) where an application for a waste permit or a variation to a permit is duly made in relation to the activity before 16 July 2006, the date on which the application is granted or if the application is (or is deemed to be) rejected, the date on which the period for appealing expires without an appeal being made or any appeal is withdrawn or finally determined; or
- (b) in any other case, 16 July 2006.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations set out the regime for the control and tracking of the movement of hazardous waste for the purpose of implementing the Hazardous Waste Directive (Directive [91/689/EC](#)). The Regulations apply in relation to Wales.

### **Hazardous Waste**

The Waste Framework Directive (Directive [75/442/EEC](#)) regulates, subject to certain exclusions, the management of all types of waste (“Directive waste”). The Hazardous Waste Directive supplements the Waste Framework Directive by imposing additional requirements in relation to Directive waste which displays certain hazardous properties. These requirements have previously been transposed by the Special Waste Regulations 1996, through controls on “special waste”. These Regulations repeal the Special Waste Regulations 1996 and replace the term “special waste” with “hazardous waste”. Parts 1 to 3 of the Regulations define hazardous waste and set out how the Regulations apply to that waste. The definition of hazardous waste in regulation 6 refers to the list of hazardous wastes set out in the List of Wastes (Wales) Regulations 2005 (S.I.2005/1820 (W.148)) which are made on the same date as these Regulations.

There is an exclusion from these controls for domestic waste which displays hazardous properties but not if it comprises asbestos waste or is collected separately. In both cases, the regulations do not impose obligations directly on householders.

### **Mixing Ban**

Part 4 bans the mixing of hazardous waste unless it is permitted as part of a disposal or recovery operation in accordance with the Waste Framework Directive. It also imposes a duty to separate different categories of Hazardous Waste where technically feasible.

### **Notification**

Part 5 makes it an offence to remove hazardous waste from premises which have not been notified to the Environment Agency, unless they are exempt premises or the waste has been flytipped. All premises at which hazardous waste is produced or removed must be notified by the producer of the waste or the consignor (the person who arranges for the removal of the waste). Notification lasts 12 months after which the premises must be notified again. A fee is payable to the Environment Agency on notification of premises.

### **Movement of Hazardous Waste**

Part 6 requires documents to be completed whenever hazardous waste is removed from premises (which includes removal from ships and removal by pipeline). The various types of form are set out in Schedules 4 to 6. This is to ensure that an accurate description of consignments of waste accompanies them whenever they move. This is in addition to any requirements to ensure hazardous waste is properly packaged and labelled (see in particular the Packaging (Essential Requirements) Regulations 2003 (S.I. 2003/1941)).

Producers, holders, carriers, consignors and consignees are all required to complete various parts of the forms. If the consignee rejects the waste, suitable alternative arrangements must be made.

Schedule 7 deals with cross border transfers within the United Kingdom and Gibraltar.

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005. (See end of Document for details)*

## **Records and Returns**

Part 7 requires producers, holders, carriers, consignors and consignees to keep records. These must be kept for a minimum of 3 years except in the case of carriers where the period is 12 months. Consignees are required to provide the Environment Agency with a quarterly return setting out the consignments they have received during that period. Consignees may be required to pay a fee to the Environment Agency but are given a right to recover from consignors who sent the waste to them. They are also required to send a return to producers or holders who sent waste to them. Schedule 9 sets out a transitional scheme for fees.

## **The Agency's functions**

Part 8 sets out the Agency's functions. In particular, the Agency is required to inspect producers of hazardous waste periodically and to keep any records sent to it pursuant to Part 7 for a minimum of 3 years.

## **Emergencies and Grave Danger**

Part 9 imposes duties on holders of hazardous waste and the Environment Agency in the event of an emergency or grave danger which arises from hazardous waste.

## **Enforcement**

Part 10 makes it an offence for failure to comply with the requirements of these Regulations. The maximum penalty for failure to comply with a requirement imposed by or under the regulations set out in regulation 69(1) is level 5 on the standard scale (currently £5000). The Agency may issue fixed penalty notices of £300 instead of seeking conviction in relation to such offences. Other offences under the Regulations (including the provision of false information) are subject to a maximum fine of level 5 if tried summarily and higher fines and also imprisonment if tried on indictment.

## **Amendments to other legislation**

Schedule 11 makes consequential amendments to legislation so that references to special waste are omitted and references to hazardous waste are updated so that they are consistent with these Regulations.

## **Transitional provision**

Schedule 12 makes transitional provision. It provides for notification in advance of the regulations fully coming into force. It also makes transitional provision for those cases where the change to hazardous waste from special waste would mean that a person would no longer be authorised to dispose or recover waste.

A regulatory appraisal has been prepared. Copies can be obtained from the Environment — Protection and Quality Division, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ. The volume entitled “Indexes to the United Kingdom Standard Industrial Classification of Economic Activities 2003”, referred to in the definition of “SIC”, is available from the Stationery Office Limited on 0870 600 552.

**Status:**

Point in time view as at 29/03/2011.

**Changes to legislation:**

There are currently no known outstanding effects for the The Hazardous Waste (Wales) Regulations 2005.